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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Doc. No. AMS–SC–23–0074]

Tart Cherries Grown in the States of Michigan, et al.; Free and Restricted Percentages for the 2023–24 Crop Year

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

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the Cherry Industry Administrative Board (Board) to establish free and restricted percentages for the 2023–24 crop year under the Federal marketing order for tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. This action establishes the proportion of tart cherries from the 2023–24 crop that may be handled in commercial outlets. Adjusting supply to meet market demand should stabilize marketing conditions and help improve grower returns.

DATES: Effective September 11, 2024.

FOR FURTHER INFORMATION CONTACT: Steven W. Kauffman, Marketing Specialist, or Christian D. Nissen, Chief, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, or Email: *Steven.Kauffman@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, 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. 930, as amended (7 CFR part 930), regulating the handling of tart cherries produced in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Part 930 (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 Board locally administers the Order and is comprised of growers and handlers of tart cherries operating within the production area, and a public member.

The Agricultural Marketing Service (AMS) is issuing this rule in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, 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. Under the Order provisions now in effect, free and restricted percentages may be established for tart cherries for the 2023–24 crop year. This rule establishes free and restricted percentages for the 2023–24 crop year, beginning July 1, 2023, through June 30, 2024.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 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 marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order is not in accordance with law and requesting a modification of the marketing 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 no later than 20 days after the date of the entry of the ruling.

This rule establishes the proportion of tart cherries from the 2023–24 crop which may be handled at 94 percent free and 6 percent restricted. The Secretary of Agriculture (Secretary) has determined that designating free and restricted percentages of tart cherries for the 2023–24 crop year would effectuate the declared policy of the Act to stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns. These recommendations were made by the Board at a meeting on September 14, 2023, and reaffirmed at a meeting on December 14, 2023.

Section 930.51(a) provides the Secretary authority to regulate volume by designating free and restricted percentages for any tart cherries acquired by handlers in a given crop year. Section 930.50 prescribes procedures for computing an optimum supply based on sales history and for calculating these free and restricted percentages. Free percentage volume may be shipped to any market, while restricted percentage volume must be held by handlers in a primary or secondary reserve, or be diverted, or used for exempt purposes as prescribed in §§ 930.159 and 930.162. Exempt

purposes include, in part, the development of new products, sales into new markets, the development of export markets, and charitable contributions. Sections 930.55 through 930.57 prescribe procedures for inventory reserve. For cherries held in inventory reserve, handlers are responsible for storage and retain title of the tart cherries.

Under § 930.52, only districts in which the average annual production of cherries over the prior three years has exceeded six million pounds are subject to volume regulation, and any district producing a crop that is less than 50 percent of its annual average processed production in the previous five years would be exempt from any volume regulation. The regulated districts for the 2023–24 crop year are: District 1—Northern Michigan; District 2—Central Michigan; District 3—Southern Michigan; District 4—New York; District 7—Utah; District 8—Washington; and District 9—Wisconsin. Districts 5 and 6 (Oregon and Pennsylvania, respectively) will not be regulated for the 2023–24 season.

Demand for tart cherries and tart cherry products tends to be relatively stable despite the variance in production volume that industry may experience from year to year. Additionally, once processed, tart cherries can be stored and carried over from crop year to crop year, further impacting supply. The Board is aware of this economic relationship and focuses on using the volume control provisions in the marketing order to balance supply and demand to stabilize industry returns.

Pursuant to § 930.50, the Board meets on or about July 1 to review sales data, inventory data, current crop forecasts, and market conditions for the upcoming season and, if necessary, to recommend preliminary free and restricted percentages if anticipated supply exceeds demand. After harvest is complete, but no later than September 15, the Board meets again to update its calculations using actual production data, consider any necessary adjustments to the preliminary percentages, and determine if final free and restricted percentages should be recommended to the Secretary.

The Board uses sales history, inventory, and production data to determine whether a surplus exists and how much volume should be restricted to maintain optimum supply. The optimum supply represents the desirable volume of tart cherries that should be available for sale in the coming crop year. Optimum supply is defined as the average free sales of the prior three years plus desirable carry-out inventory. Desirable carry-out is the amount of fruit needed by the industry to be carried into the succeeding crop year to meet market demand until the new crop is available. Desirable carry-out is recommended by the Board after considering market circumstances and needs. Section 930.151(b) specifies that desirable carry-out can range from zero to a maximum of 100 million pounds.

In addition, § 930.50(g) specifies that in years when restricted percentages are established, the Board shall make available tonnage equivalent to an additional 10 percent of the average sales of the prior three years for market expansion. This requirement is in USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (*https://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders*), which specify that 110 percent of recent years' sales should be made available to primary markets each season before recommendations for volume regulation are approved.

After the Board determines the optimum supply, desirable carry-out, and market growth factor, it must examine the current year's available volume to determine whether an oversupply might occur. Available volume includes carry-in inventory (any inventory available at the beginning of the season) along with that season's production. If production plus the carry-in inventory is greater than the optimum supply (3-year sales average plus the targeted carry-out), then the difference is considered surplus. The ten percent market expansion factor and any economic adjustments recommended by the Board are then subtracted from this surplus number to arrive at an adjusted surplus. This adjusted surplus tonnage is divided by the sum of production in the regulated districts to reach a restricted percentage. This percentage must be held in reserve or used for approved diversion activities, such as exports, new products, or new market activities.

The Board met on June 22, 2023, and computed an optimum supply of 279.2 million pounds for the 2023–24 crop year using the average of free sales for the three previous seasons plus the desirable carry-out. To determine the carry-out figure, the Board discussed a range of alternatives. One member recommended a carry-out value of 85 million pounds, noting he did not think 100 million pounds was necessary to keep the markets supplied. Another member suggested a 70-million-pound carry-out and stated the industry does not need all those cherries in inventory and there will be fewer growers in the future if the market is oversupplied. Other members were concerned that 70 million pounds was too low to satisfy the demand prior to the new crop being available. Discussion also included that the carryover should be enough to supply the needs of the industry in case of a disaster and that the carryover should also reflect the increased number of tart cherry products now supplied to the market. Other members noted that more supply is also needed due to new food safety requirements being implemented. After considering the alternatives, the Board determined a carry-out of 85 million pounds will be enough to supply the industry's needs at the beginning of the next season.

The Board subtracted the carry-in inventory available on June 1 of 137.2 million pounds from the optimum supply to calculate the production quantity needed from the 2023–24 crop to meet optimum supply. This number, 142 million pounds, was subtracted from the Board's estimated 2023–24 total production of 175.2 million pounds (from regulated and unregulated districts) to calculate a surplus of 33.2 million pounds of tart cherries. The Board also complied with the market expansion factor requirement by removing 19.4 million pounds (average sales for prior three years of 194.2 million times 10 percent) from the surplus. The adjusted surplus of 13.8 million pounds was then divided by the expected production in the regulated districts (173.5 million pounds) to reach a preliminary restricted percentage of 8 percent for the 2023–24 crop year.

The Board then discussed whether this calculation would supply enough cherries to grow sales and fulfill orders that have not yet shipped. Some members stated that the Board should account for some large late season demand purchases by the USDA, which should account for approximately 26 million pounds raw product equivalent. After discussing multiple motions for an economic adjustment ranging from 0 to 26 million pounds, the Board did not recommend a preliminary economic adjustment at the June meeting. Without an economic adjustment, the preliminary restricted percentage remained at 8 percent. With this relatively small restriction, the Board did not anticipate significant orchard diversion.

The Board met again on September 14, 2023, to consider final volume regulation percentages for the 2023–24 season. The final percentages are based on the Board's reported production figures and the supply and demand information available in September.

The total production for the 2023–24 season reported at the September meeting was 202.7 million pounds. This exceeded the Board's June production estimate by 27.5 million pounds. In addition, growers diverted 6.86 million pounds in the orchard, lowering the available production for market. As a result, 195.8 million pounds of production will be available to the market, 193.4 million pounds of which are in the districts subject to volume regulation. The Board accounted for the recommended desirable carry-out and economic adjustment, as well as the market growth factor, and recalculated the restricted percentage using the actual production numbers.

The Board subtracted the carry-in figure used in June of 137.2 million pounds, from the optimum supply of 279.2 million pounds to determine 142 million pounds of 2023–24 production would be necessary to reach optimum supply. The Board subtracted the 142 million pounds from the actual production of 202.7 million pounds, resulting in a surplus of 60.7 million pounds of tart cherries.

At its June meeting, the Board did not recommend making an economic adjustment of the optimum supply calculation to address unexpected factors that could have a bearing on the marketing of tart cherries. However, in September, following another discussion of a late seasonal purchase made by USDA, and the possible impact on the available supply, the Board recommended an economic adjustment of 30 million pounds to ensure sufficient inventory was available to meet demand.

The Board also discussed the impact of imported tart cherries on the domestic market. Imports have been an important topic of discussion for the Board when considering preliminary and final volume recommendations since the demand for tart cherries is inelastic. In June, the Board received a presentation indicating tart cherry imports were only approximately 1/7 of the volume previously reported. At the September meeting, AMS verified the industry report and confirmed that tart cherry imports were considerably less than previously reported. As a result, the Board did not recommend making an additional economic adjustment based on imports.

The calculated surplus was reduced by subtracting the economic adjustment of 30 million pounds from the September meeting and the market growth factor of 19.4 million pounds, resulting in an adjusted surplus of 11.25 million pounds. The Board then divided the adjusted surplus by the available production of 193.4 million pounds (202.66 million pounds minus 6.86 million pounds of in-orchard diversion minus 2.44 million pounds from unregulated districts) in the regulated districts to calculate a restricted percentage of 5.8 percent. The Board rounded this number up, and recommended a 6 percent restriction (11.6 million pounds) with a corresponding free percentage of 94 percent (181.8 million pounds) in the regulated districts for the 2023–24 crop year, as outlined in the following table from the September meeting:

	Millions of pounds
September Calculations:	
(1) Average sales of the prior three years	194.2
(2) Desirable carry-out	85
(3) Optimum supply calculated by the Board (item 1 plus item 2)	279.2
(4) Carry-in as of July 1, 2023	137.2
(5) Adjusted optimum supply (item 3 minus item 4)	142
(6) Board reported production	202.7
(7) Surplus (item 6 minus item 5)	60.7
(8) Total economic adjustments	30
(9) Market growth factor	19.4
(10) Adjusted Surplus (item 7 minus items 8 and 9)	11.25
(11) Production in regulated districts	200.2
(12) In-Orchard Diversion	6.86
(13) Production minus in-orchard diversion	193.4
Final Percentages:	Percent
Restricted (item 10 divided by item 13 × 100)	6
Free (100 minus restricted percentage)	94

The final restriction of 6 percent is lower than the preliminary restriction percentage of 8 percent. The change is due to the increase in production of 27.5 million pounds more in total production above the June estimate, and the 30-million-pound economic adjustment the Board made in September. The desired carry-out remained the same at 85 million pounds.

After the September meeting, industry reported an additional 3.24 million pounds of production that was not accounted for at the September meeting. The Board met again on December 14, 2023, and reviewed the impact of this additional production on the free and restricted percentages recommended at the September meeting. The inclusion of the additional 3.24 million pounds would increase the surplus from approximately 60.7 to 63.9 million pounds. Given no further changes to the other numbers incorporated in the September calculation, this surplus change would increase the restricted percentage to 7.4 percent.

The Board discussed maintaining the final restriction at 6 percent as recommended in September. Members recognized that this would relieve the industry from the burden of having to meet an increased reserve requirement of 1.4 percent more (7.4% − 6% = 1.4%). Since the industry makes business decisions based on the June estimates and the final recommendation from September, a late season increase to the reserve requirement could have a negative impact on some industry members. After discussing the possible

impact of the increased production, the Board unanimously recommended increasing the economic adjustment by the 3.24 million pounds of additional production to offset its impact on available supply and to leave the percentages recommended in September in place with 94 percent free and 6 percent restricted for the 2023–24 season.

With these changes, the total production increased from 202.7 million pounds to 205.9 million pounds and the surplus rose to 63.9 million pounds. The economic adjustment shifted from 30 million pounds to 33.24 million pounds, balancing out the additional surplus. Using the new production number and the revised economic adjustment to recalculate the restricted percentage, and rounding up, results in a 6 percent restriction percentage as recommended at the September meeting, as outlined in the following table from the December meeting:

	Millions of pounds
Final Calculations:	
(1) Average sales of the prior three years	194.2
(2) Desirable carry-out	85
(3) Optimum supply calculated by the Board (item 1 plus item 2)	279.2
(4) Carry-in as of July 1, 2023	137.2
(5) Adjusted optimum supply (item 3 minus item 4)	142
(6) Board reported production	205.9
(7) Surplus (item 6 minus item 5)	63.9
(8) Total economic adjustments	33.24
(9) Market growth factor	19.4
(10) Adjusted Surplus (item 7 minus items 8 and 9)	11.25
(11) Production in regulated districts	203.46
(12) In-Orchard Diversion	6.86
(13) Production minus in-orchard diversion	196.6
Final Percentages:	Percent
Restricted (item 10 divided by item 13 × 100)	6
Free (100 minus restricted percentage)	94

Establishing free and restricted percentages is an attempt to bring supply and demand into balance. If the primary market is oversupplied with cherries, grower prices decline substantially. Restricted percentages have benefited grower returns and helped stabilize the market as compared to those seasons prior to the implementation of the Order. The Board, based on its discussion of this issue and the results of the above calculations, believes the available information indicates a restricted percentage should be established for the 2023–24 crop year to avoid oversupplying the market with tart cherries.

Consequently, the Board recommended final percentages of 94 percent free and 6 percent restricted by a vote of 12 in favor, and 4 opposed on September 14, 2023, but later unanimously recommended the same percentages at the meeting on December 14, 2023. The Board could meet during the crop year, and if conditions so warranted, recommend the release of additional volume. The Secretary finds, from the recommendation and supporting information supplied by the Board, that designating final percentages of 94 percent free and 6 percent restricted tends to effectuate the declared policy of the Act, and so designates these percentages.

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 approximately 400 growers of tart cherries in the regulated area and approximately 30 handlers of tart cherries who are subject to regulation under the Order. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural growers of tart cherries as those having annual receipts equal to or less than $3.5 million (NAICS code—111339, Other Noncitrus Fruit Farming), and small agricultural service firms, including handlers, were defined as those whose annual receipts are equal to or less than $34 million (NAICS code 11514, Postharvest Crop Activities) (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the 2022–2023 season average grower price for tart cherries utilized for processing was approximately $0.218 per pound. With total utilization for processing at 241.6 million pounds for the 2022–23 season, the total 2022–23 value of the crop utilized for processing is estimated at $52.7 million. Dividing the crop value by the estimated number of growers (400) yields an estimated average annual receipts per grower of approximately $132,000. This is well below the $3.5 million SBA threshold for small growers.

An estimate of the season average price per pound received by handlers for processed tart cherries was derived from USDA's purchases of dried tart cherries for feeding programs in 2023, which had an average price of $4.72 per pound. The dried cherry price was converted to a raw product equivalent price of $0.94 per pound at an industry recognized ratio of five to one. Based on utilization, this price represents a good estimate of the price for processed cherries. Multiplying this price by total

processed utilization of 241.5 million pounds results in an estimated handler-level tart cherry value of $227 million. Dividing this figure by the number of handlers ($227 million divided by 30 handlers) yields estimated average annual receipts per handler of approximately $7.6 million, which is well below the SBA threshold of $34 million for small agricultural service firms. Assuming a normal distribution, the majority of growers and handlers of tart cherries may be classified as small entities.

The tart cherry industry in the United States is characterized by wide annual fluctuations in production. According to NASS, the pounds of tart cherry production utilized for processing for the years 2019 through 2022 were 234 million, 138 million, 171 million, and 241 million, respectively. Because of these fluctuations, supply and demand for tart cherries are rarely in balance.

Demand for tart cherries is inelastic, meaning changes in price have a minimal effect on total sales volume. However, prices are very sensitive to changes in supply, and grower prices vary widely in response to the large swings in annual supply. Grower prices per pound for processed utilization have ranged from a low of $0.07 in 1987 to a high of $0.59 per pound in 2012 when a weather event substantially reduced supply. Grower prices per pound for processed utilization over the most recent three years for which data is available (2020 through 2022) were $0.38, $0.50, and $0.22, respectively.

Because of this relationship between supply and price, oversupplying the market with tart cherries would have a sharp negative effect on prices, driving down grower returns. Aware of this economic relationship, the Board focuses on using the volume control authority in the Order to align supply with demand and stabilize industry returns. This authority allows the industry to set free and restricted percentages to bring supply and demand into balance. Free percentage cherries can be marketed by handlers to any outlet, while restricted percentage volume must be held by handlers in reserve, diverted, or used for exempted purposes.

This rule establishes 2023–24 crop year percentages of 94 percent free and 6 percent restricted. These percentages should stabilize marketing conditions by adjusting supply to meet market demand and help improve grower returns. The rule regulates tart cherries handled in Michigan, Utah, Washington, Wisconsin, and New York. The authority for this action is provided in §§ 930.50, 930.51(a), and 930.52. The Board recommended this action at meetings on September 14, 2023, and December 14, 2023.

This action will result in some fruit being diverted from the primary domestic markets as authorized in the Order's marketing policy in § 930.50. However, as mentioned earlier, the USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (*https://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders*) specify that 110 percent of recent years' sales should be made available to primary markets each crop year per § 930.50(g), before recommendations for volume regulation are approved. Under this action, the available quantity of 324.4 million pounds (Free production of 184.8 million plus a carry-in of 137.2 million plus 2.4 million pounds unregulated) is 167 percent of the average sales for the last three years (194.2 million pounds).

In addition, there are secondary uses available for restricted fruit, including the development of new products, sales into new markets, the development of export markets, and being placed in reserve. While these alternatives may provide different levels of return than the sales to primary markets, they play an important role for the industry. The areas of new products, new markets, and the development of export markets utilize restricted fruit to develop and expand the markets for tart cherries.

Placing tart cherries into reserves is also a key part of balancing supply and demand. Although handlers bear the handling and storage costs for fruit in reserve, reserves stored in large crop years can be used to supplement supplies in short crop years. The reserves help the industry to mitigate the impact of oversupply in large crop years, while allowing the industry to supply markets in years when production falls below demand. During the 2020–21 season, the Board voted to release all fruit in the reserve into the primary market to increase supply.

In considering the establishment of free and restricted percentages, the Board recommended a carry-out of 85 million pounds to help ensure sufficient product to meet demand until availability of the following year's crop and to allow for inventory to span the lead-time on processing new products. The Board also recommended a demand adjustment of 33.24 million pounds. These numbers, along with carry-in, production in the unregulated districts, and free tonnage from the regulated districts, will make 324.4 million pounds of fruit available for the domestic market. This amount exceeds the 317.4 million pounds available in the previous season when the industry did not regulate the volume on the market. Even with the recommended restriction, the domestic market will have an ample supply of tart cherries. Further, should marketing conditions change, and market demand exceed the existing supplies, the Board could meet and recommend the release of additional reserves up to 11.8 million pounds of tart cherries. Consequently, it is not anticipated that this action will unduly burden growers or handlers.

While this action may result in some additional costs to the industry, these costs are outweighed by the benefits. The purpose of setting restricted percentages is to attempt to bring supply and demand into balance. If the primary market (domestic) is oversupplied with cherries, grower prices decline substantially. Without volume control, the primary market would likely be oversupplied, resulting in lower grower prices.

An AMS econometric model used to assess the impact volume control has on the price growers receive for their product estimated that volume control should have a positive impact on grower returns for this crop year. With volume control, grower prices are estimated to be about nine tenths of a cent higher than without restrictions. In addition, absent volume control, the industry could start to build large amounts of unwanted inventories, which in turn, could have a depressing effect on grower prices.

Retail demand is assumed to be inelastic, which indicates changes in price do not result in significant changes in the quantity demanded. Consumer prices largely do not reflect fluctuations in cherry supplies. Therefore, this action should have little or no effect on consumer prices and should not result in a reduction in retail sales.

The free and restricted percentages established by this final rule will provide the market with optimum supply and apply uniformly to all regulated handlers in the industry, regardless of size. As the restriction represents a percentage of a handler's volume, the costs, when applicable, are proportionate and should not place an extra burden on small entities as compared to large entities.

The stabilizing effects of this rule will benefit all handlers by helping them maintain and expand markets, despite seasonal supply fluctuations. Likewise, price stability positively impacts all growers and handlers by allowing them to better anticipate the revenues their tart cherries will generate. Growers and

handlers, regardless of size, will benefit from the stabilizing effects of the volume restriction.

As noted earlier, the Board discussed several carry-out inventory alternatives, ranging from 70 million pounds to 100 million pounds. The Board noted if the carry-out number was too large, it could have a negative impact on grower returns, and if it was too small, it could negatively impact the supply processors need before the harvest next season. After consideration of the alternatives, the Board recommended a carry-out of 85 million pounds.

The Board also weighed alternatives when discussing the economic adjustment. At its June meeting, the Board did not recommend making an economic adjustment after considering alternatives that included making no economic adjustment or an economic adjustment of 26 million pounds. However, in September, the Board revisited the issue and after discussion, and considering the impact of purchases by the USDA on available supply, recommended an economic adjustment of 30 million pounds. Additionally, the Board met again on December 14, 2023, and unanimously recommended adding another 3.24 million pounds to the economic adjustment to reflect the additional production volume.

Given the concerns with regulation expressed by Board members and industry members in attendance, the Board also considered recommending no volume regulation. However, after considering the larger than expected harvest and the carry-in inventory adding to the available supply, the industry recommended a six percent restriction to the 2023–24 crop. Thus, the alternatives were rejected.

The Board's meetings were widely publicized throughout the tart cherry industry and all interested persons were invited to attend the meetings and participate in Board deliberations on all issues. Like all Board meetings, the June, September, and December meetings were public meetings 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 and informational 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. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes are necessary in those requirements as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large tart cherry 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 19, 2024 (89 FR 28682). Copies of the proposed rule were sent via email to all Board members and tart cherry handlers. The proposed rule was also made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending May 20, 2024, was provided to allow interested persons to respond to the proposal. No comments were received during the comment period. Accordingly, 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 Board and other available information, USDA has determined that this rule is consistent with and will effectuate the policy of the Act.

List of Subjects in 7 CFR Part 930

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agriculture Marketing Service amends 7 CFR part 930 as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ 1. The authority citation for part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 930.256 to read as follows:

§ 930.256 Free and restricted percentages for the 2023–24 crop year.

The percentages for tart cherries handled by handlers during the crop year beginning on July 1, 2023, which shall be free and restricted, respectively, are designated as follows: Free percentage, 94 percent and restricted percentage, 6 percent.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–17902 Filed 8–9–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2014–BT–STD–0005]

RIN 1904–AF57

Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Direct final rule; confirmation of effective and compliance dates.

SUMMARY: The U.S. Department of Energy (''DOE'') published a direct final rule to establish new and amended energy conservation standards for consumer conventional cooking products in the **Federal Register** on February 14, 2024. DOE has determined that the comments received in response to the direct final rule do not provide a reasonable basis for withdrawing the direct final rule. Therefore, DOE provides this document confirming the effective and compliance dates of those standards.

DATES: The effective date of June 13, 2024, for the direct final rule published on February 14, 2024 (89 FR 11434) is confirmed. Compliance with the standards established in the direct final rule will be required on January 31, 2028.

ADDRESSES: The docket for this rulemaking, which includes **Federal Register** notices, public meeting

attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at *www.regulations.gov/docket/EERE–2014–BT–STD–0005.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:

Dr. Carl Shapiro, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–5649. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4798. Email: Peter.*Cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Authority

The Energy Policy and Conservation Act, Public Law 94–163, as amended (''EPCA''),[1] authorizes DOE to issue a direct final rule establishing an energy conservation standard for a product on receipt of a statement submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary of Energy (''Secretary''), that contains recommendations with respect to an energy or water conservation standard that are in accordance with the provisions of 42 U.S.C. 6295(o) or 42 U.S.C. 6313(a)(6)(B), as applicable. (42 U.S.C. 6295(p)(4))

The direct final rule must be published simultaneously with a notice of proposed rulemaking (''NOPR'') that proposes an energy or water conservation standard that is identical to the standard established in the direct final rule, and DOE must provide a public comment period of at least 110 days on this proposal. (42 U.S.C. 6295(p)(4)(A)–(B)) Not later than 120 days after issuance of the direct final rule, DOE shall withdraw the direct final rule if: (1) DOE receives one or more adverse public comments relating to the direct final rule or any alternative joint recommendation; and (2) based on the rulemaking record relating to the direct final rule, DOE determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule. (42 U.S.C. 6295(p)(4)(C)) If DOE makes such a determination, DOE must proceed with the NOPR published simultaneously with the direct final rule and publish in the **Federal Register** the reasons why the direct final rule was withdrawn. (*Id.*)

After review of comments received, DOE has determined that it did receive adverse comments on the direct final rule. However, based on the rulemaking record, the comments did not provide a reasonable basis for withdrawing the direct final rule under the provisions in 42 U.S.C. 6295(p)(4)(C). As such, DOE did not withdraw this direct final rule and the DFR remains effective. Although not required under EPCA, where DOE does not withdraw a direct final rule, DOE typically publishes a summary of the comments received during the 110-day comment period and its responses to those comments. This document contains such a summary, as well as DOE's responses to the comments.

II. Consumer Conventional Cooking Products Direct Final Rule

A. Background

The National Appliance Energy Conservation Act of 1987 (''NAECA''), Public Law 100–12, amended EPCA to establish prescriptive standards for gas cooking products, requiring gas ranges and ovens with an electrical supply cord that are manufactured on or after January 1, 1990, not to be equipped with a constant burning pilot light. (42 U.S.C. 6295(h)(1)) NAECA also directed DOE to conduct two cycles of rulemakings to determine if more stringent or additional standards were justified for kitchen ranges and ovens. (42 U.S.C. 6295(h)(2))

DOE undertook the first cycle of these rulemakings and published a final rule on September 8, 1998 (''September 1998 Final Rule''), which found that no standards were justified for conventional electric cooking products at that time. 63 FR 48038. In addition, partially due to the difficulty of conclusively demonstrating at that time that elimination of standing pilot lights for gas cooking products without an electrical supply cord was economically justified, DOE did not include amended standards for conventional gas cooking products in the September 1998 Final Rule. 63 FR 48038, 48039–48040.

For the second cycle of rulemakings, DOE published a final rule on April 8, 2009 (''April 2009 Final Rule'') amending the energy conservation standards for consumer conventional cooking products to prohibit constant burning pilot lights for all gas cooking products (*i.e.,* gas cooking products with or without an electrical supply cord) manufactured on or after April 9, 2012. 74 FR 16040, 16085. The prescriptive standards established by the April 2009 Final Rule remain applicable currently.

On August 22, 2022, DOE published a final rule establishing a test procedure for conventional cooking tops, at 10 CFR part 430, subpart B, appendix I1, ''Uniform Test Method for the Measuring the Energy Consumption of Conventional Cooking Products.'' On February 1, 2023, DOE published a supplementary NOPR (''February 2023 SNOPR'') proposing to establish new and amended standards for consumer conventional cooking products, consisting of design requirements for conventional ovens and a maximum integrated annual energy consumer (''IAEC'') levels for electric and gas cooking tops, as measured according to the newly established appendix I1 test procedure and expressed in kilowatt-hours (''kWh'') per year for electric cooking tops and kilo-British thermal

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

units (''kBtu'') per year for gas cooking tops. 88 FR 6818. On February 28, 2023, DOE published a notification of data availability (''NODA'') providing additional information to clarify the February 2023 SNOPR analysis for gas cooking tops. 88 FR 12603. On August 2, 2023, DOE published a second NODA updating its analysis for conventional gas cooking tops based on the stakeholder data it received in response to the February 2023 SNOPR. 88 FR 50810.

On September 25, 2023, DOE received a joint statement (''Joint Agreement'') recommending standards for consumer conventional cooking products that was submitted by groups representing manufacturers, energy and environmental advocates, consumer groups, and a utility.[2] In addition to the recommended standards for consumer conventional cooking products, the Joint Agreement also included separate recommendations for several other covered products.[3] The Joint Agreement recommended amended standard levels for consumer conventional cooking products are presented in Table II.1. Details of the Joint Agreement recommendations for other products are provided in the Joint Agreement posted in the docket for this rulemaking.[4]

TABLE II.1—RECOMMENDED NEW AND AMENDED ENERGY CONSERVATION STANDARDS FOR CONSUMER CONVENTIONAL COOKING PRODUCTS

Product class	Standard level	Compliance date
Electric Coil	No standard	January 31, 2028.
Propose new class: Electric smooth Cooktop *	207 *kWh/year*	
Propose new Class: Electric smooth range *	207 *kWh/year*	
Propose new class: Gas cooktop *	1,770 *kBtu/year*	
Propose new class: Gas range *	1,770 *kBtu/year*	
Ovens (Electric and Gas) *	Electric: Baseline + SMPS	
	Gas: Baseline + SMPS	

* Excludes portable cooking products.

After carefully considering the recommended energy conservation standards for consumer conventional cooking products in the Joint Agreement, DOE determined that these recommendations were in accordance with the statutory requirements of 42 U.S.C. 6295(p)(4) for the issuance of a direct final rule and published a direct final rule on February 14, 2024 (''February 2024 Direct Final Rule''). 89 FR 11434. DOE evaluated whether the Joint Agreement satisfies 42 U.S.C. 6295(o), as applicable, and found that the recommended standard levels would result in significant energy savings and are technologically feasible and economically justified. *Id.* at 89 FR 11534–11540. Accordingly, DOE adopted the consensus-recommended efficiency levels for consumer conventional cooking products as the new and amended standard levels in the February 2024 Direct Final Rule. *Id.*

The standards adopted in the February 2024 Direct Final Rule apply to product classes listed in Table II.2 and Table II.3 and that are manufactured in, or imported into, the United States starting on January 31, 2028. The February 2024 Direct Final Rule provides a detailed discussion of DOE's analysis of the benefits and burdens of the new and amended standards pursuant to the criteria set forth in EPCA. *Id.* at 89 FR 11535–11540.

TABLE II.2—NEW AND AMENDED ENERGY CONSERVATION STANDARDS FOR CONVENTIONAL COOKING TOPS

[Compliance Starting January 31, 2028]

Product class	Maximum integrated annual energy consumption (IAEC)
Electric Open (Coil) Element Cooking Tops	No Standard
Electric Smooth Element Standalone Cooking Tops	207 *kWh/year*
Electric Smooth Element Cooking Top Component of a Combined Cooking Product	207 *kWh/year*
Gas Standalone Cooking Tops	1,770 *kBtu/year*
Gas Cooking Top Component of a Combined Cooking Product	1,770 *kBtu/year*

[2] The signatories to the Joint Agreement include the Association of Home Appliance Manufacturers (''AHAM''), American Council for an Energy-Efficient Economy, Alliance for Water Efficiency, Appliance Standards Awareness Project, Consumer Federation of America, Consumer Reports, Earthjustice, National Consumer Law Center, Natural Resources Defense Council, Northwest Energy Efficiency Alliance, and Pacific Gas and Electric Company. Members of AHAM's Major Appliance Division that make the affected products include: Alliance Laundry Systems, LLC; Asko Appliances AB; Beko US Inc.; Brown Stove Works, Inc.; BSH Home Appliances Corporation; Danby Products, Ltd.; Electrolux Home Products, Inc.; Elicamex S.A. de C.V.; Faber; Fotile America; GE Appliances, a Haier Company; L'Atelier Paris Haute Design LLG; LG Electronics; Liebherr USA, Co.; Midea America Corp.; Miele, Inc.; Panasonic Appliances Refrigeration Systems (PAPRSA) Corporation of America; Perlick Corporation; Samsung Electronics America, Inc.; Sharp Electronics Corporation; Smeg S.p.A; Sub-Zero Group, Inc.; The Middleby Corporation; U-Line Corporation; Viking Range, LLC; and Whirlpool Corporation.

[3] The Joint Agreement contained recommendations for six covered products: refrigerators, refrigerator-freezers, and freezers; clothes washers; clothes dryers; dishwashers; cooking products; and miscellaneous refrigeration products.

[4] The Joint Agreement is available in the docket at *www.regulations.gov/comment/EERE-2014-BT-STD-0005-12811.*

TABLE II.3—NEW AND AMENDED PRESCRIPTIVE ENERGY CONSERVATION STANDARDS FOR CONVENTIONAL OVENS

[Compliance Starting January 31, 2028]

Product class	Maximum integrated annual energy consumption (IAEC)
Electric Ovens	Shall not be equipped with a control system that uses a linear power supply.[5]
Gas Ovens	The control system for gas ovens shall: (1) Not be equipped with a constant burning pilot light; and (2) Not be equipped with a linear power supply.

As required by EPCA, DOE also simultaneously published a NOPR proposing the identical standard levels contained in the February 2024 Direct Final Rule. 89 FR 11548. DOE considered whether any adverse comment received during the 110-day comment period following the publication of the February 2024 Direct Final Rule provided a reasonable basis for withdrawal of the direct final rule under the provisions in 42 U.S.C. 6295(p)(4)(C).

III. Comments on the Direct Final Rule

As discussed in section I of this document, not later than 120 days after publication of a direct final rule, DOE shall withdraw the direct final rule if: (1) DOE receives one or more adverse public comments relating to the direct final rule or any alternative joint recommendation; and (2) based on the rulemaking record relating to the direct final rule, DOE determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule. (42 U.S.C. 6295(p)(4)(C)(i))

DOE received comments in response to the February 2024 Direct Final Rule from the interested parties listed in Table III.1.

TABLE III.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE FEBRUARY 2024 DIRECT FINAL RULE

Commenter(s)	Abbreviation	Comment No. in the docket *	Commenter type
The Attorneys General of the States of Nebraska, Florida, Tennessee, Alabama, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, New Hampshire, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Virginia, and West Virginia.	AGs of NE *et al.*	12838	State Government Officials.
The Attorneys General of the States of Utah and Montana	AGs of UT and MT	12841	State Government Officials.
Association of Home Appliance Manufacturers	AHAM	12845	Trade Association.
Antonin Scalia Law School Administrative Law Clinic	ALC	12834	Law School.
American Public Gas Association	APGA	[6] 12839, 12840	Trade Association.
WhoPoo App [7]	App	12823	Individual.
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, Consumer Federation of America, Consumer Reports, Earthjustice, National Consumer Law Center, Natural Resources Defense Council, Northwest Energy Efficiency Alliance, and Pacific Gas and Electric Company.	ASAP *et al.*	12842	Advocacy Organizations.
Arub Butt	Butt	12837	Individual.
Competitive Enterprise Institute	CEI	12844	Advocacy Organization.
Consumer Federation of America, Consumer Reports, Green Energy Consumers Alliance, Green & Healthy Homes Initiative, National Consumer Law Center, Philadelphia Solar Energy Association, and U.S. PIRG.	CFA *et al.*	12843	Advocacy Organizations.
National Propane Gas Association	NPGA	[8] 12835, 12836	Trade Association.
Michael Ravnitzky	Ravnitzky	12826	Individual.
Representative Stephanie Bice	Rep. Bice	12831	Federal Government Official.
Rea Shimada	Shimada	12829	Individual.

* DOE also received four comments from individuals wishing to remain anonymous (No. 12827, 12828, 12830, and 12833).

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[9] The following sections discuss the substantive comments DOE received on the February 2024 Direct

[5] A linear power supply produces unregulated as well as regulated power. The unregulated portion of a linear power supply typically consists of a transformer that steps alternating current (''AC'') line voltage down, a voltage rectifier circuit for AC to direct current conversion, and a capacitor to produce unregulated, direct current output.

[6] APGA comments No. 12839 and 12840 are identical. Therefore, DOE only cites No. 12839 in this document.

[7] App commented opposing a ban on gas stoves and did not comment on the standard levels enacted in the February 2024 Direct Final Rule. (App, No. 12823 at p. 1) The standards adopted by the February 2024 Direct Final Rule do not ban the production or use of gas cooking products, including gas cooking tops or stoves (*i.e.,* gas ranges).

[8] NPGA comments No. 12835 and 12836 are identical. Therefore, DOE only cites No. 12835 in this document.

[9] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop energy conservation standards for consumer conventional cooking products. (Docket No. EERE–2014–BT–STD–0005, which is maintained at: *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number at page of that document).

Final Rule as well as DOE's determination that the comments do not provide a reasonable basis for withdrawal of the direct final rule.

A. General Comments

DOE received comments from individual commenters who expressed support for the standards promulgated in the February 2024 Direct Final Rule. (Ravnitzky, No. 12826 at p. 1; Anonymous, No. 12827 at p. 1; Anonymous, No. 12828 at p. 1; Shimada, No. 12829 at p. 1; Anonymous, No. 12830 at p. 1; Anonymous, No. 12833 at p. 1)

Butt commented that the new and amended standards represent a critical step forward in advancing energy efficiency and environmental sustainability. (Butt, No. 12837 at p. 10)

AHAM supported the February 2024 Direct Final Rule for consumer conventional cooking products because it establishes standards that are consistent with recommendations submitted in the Joint Agreement. (AHAM, No. 12845 at pp. 1–2) ASAP *et al.* strongly supported the standards in the February 2024 Direct Final Rule, as they reflect the recommendation in the Joint Agreement submitted to DOE in September 2023 in conjunction with AHAM. (ASAP *et al.,* No. 12842 at pp. 1–2)

NPGA also commented in support of the Joint Agreement that led to the February 2024 Direct Final Rule and commended the parties for their efforts to achieve it. (NPGA, No. 12835 at p. 2) APGA commented that it is pleased the rulemaking ensures that consumers can continue to have access to the vast majority of gas-fired cooking products currently available on the market today. APGA also urged DOE to not use this rulemaking as precedent for future energy conservation standards rulemakings, as APGA had a few concerns regarding the underlying analysis. (APGA, No. 12839 at p. 2)

CFA *et al.* strongly supported the February 2024 Direct Final Rule, which it noted is one of many completed and pending efficiency standards that will together significantly reduce consumer costs and climate pollution, as well as reduce emissions of methane and nitrogen oxides, which cause health issues. (CFA *et al.,* No. 12843 at pp. 1–2)

Rep. Bice submitted a comment in opposition to the standards as recommended by the Joint Agreement and adopted in the February 2024 Direct Final Rule. (Rep. Bice, No. 12831 at p. 1)

ALC opposed the new and amended standards on the basis that the standards represent an aggressive Federal effort to micromanage the lives of Americans and that DOE lacks the constitutional and statutory authority to do so. (ALC, No. 12834 at pp. 1–2)

The AGs of NE *et al.* asserted that the February 2024 Direct Final Rule over-regulates American kitchens and requested that DOE reconsider it. (AGs of NE *et al.,* No. 12838 at p. 1) The AGs of UT and MT expressed agreement with the AGs of NE *et al.'s* comments. (AGs of UT and MT, No. 12841 at p. 1)

CEI opposed the February 2024 Direct Final Rule and stated that it should be withdrawn. (CEI, No. 12844 at p. 1)

Butt listed several alternative approaches to energy conservation that might ease the burden on manufacturers and consumers while fulfilling DOE's emission reduction goals. (Butt, No. 12837 at pp. 3, 5–6, 9–10)

As required by Executive Order (''E.O.'') 12866, as amended by E.O. 14094, DOE conducted a regulatory impact analysis (''RIA'') to identify major alternatives to standards that represent feasible policy options to reduce energy consumption of consumer conventional cooking products. 89 FR 11502. Notwithstanding the requirements of E.O. 12866, as discussed, DOE is required by EPCA to establish or amend standards for consumer conventional cooking products that are designed to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A))

B. Anti-Backsliding

EPCA, as codified, contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1))

The AGs of UT and MT commented that the fact the Joint Agreement is contingent upon other parts being implemented conflicts with the anti-backsliding provision of EPCA.

DOE addressed this issue in the February 2024 Direct Final Rule. As discussed there, the Joint Agreement was contingent upon DOE initiating rulemaking processes to adopt all of the recommended standards. In other words, DOE could not pick and choose which recommendations in the Joint Agreement to implement. *See* 89 FR 11434, 11444. As described, DOE's adoption of the recommended standards conforms with the anti-backsliding provision in 42 U.S.C. 6295(o)(1). The AGs of UT and MT stated that DOE must consider energy efficiency over the entire product lifecycle. The AGs of UT and MT agreed with DOE's statement that conscientious energy use is more complicated than increasing efficiency alone, and they attached documents with quotes from DOE officials testifying to this sentiment. The AGs of UT and MT commented that DOE's use of a single lifespan in its analysis for this rulemaking was in error, and given its statements about the energy consumed in raw materials, manufacturing, etc., its efficiency standards may violate anti-backsliding prohibitions in EPCA when shorter lifespans are considered, especially if the full fuel cycle (''FFC'') costs of short lifespans are accounted for. (AGs of UT and MT, No. 12841 at pp. 2–3)

As discussed previously, DOE may not prescribe an amended standard that increases the maximum allowable energy use or decreases the energy efficiency of a covered product. Further, EPCA defines the term ''energy use'' to mean the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under 42 U.S.C. 6293. (42 U.S.C. 6291(4)) EPCA similarly defines ''energy efficiency'' to mean the ratio of the useful output of services from a consumer product to the energy use [as that term is defined] of such product, determined in accordance with test procedures under 42 U.S.C. 6293. (42 U.S.C. 6291(5)) Neither the energy use nor the energy efficiency of a product, as those terms are defined in EPCA, is dependent upon the lifespan of the product. As a result, product lifespan has no effect on whether an amended standard violates the anti-backsliding provision in 42 U.S.C. 6295(o)(1).

As product lifespan does not affect energy use or energy efficiency as defined in EPCA, DOE has determined that the comment provided by the AGs of UT and MT does not provide a reasonable basis for withdrawal of the February 2024 Direct Final Rule.

C. Economic Justification

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products, including consumer conventional cooking products. Any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) In deciding whether a

proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after receiving comments on the proposed standard, and by considering, to the greatest extent practicable, the following seven statutory factors:

(1) The economic impact of the standard on manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the covered products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE received several comments on its determination of economic justification under the statutory criteria.

Butt commented with a list of various manufacturer and consumer impacts that the commenter asserted were not accounted for in the February 2024 Direct Final Rule, including: price increases and potential demand decreases, necessity and increased cost of technological innovation, reduction in greenhouse gas emissions, potential need for production and product offering adjustments, changes in market competition, higher up-front costs for energy-efficient consumer cooking products with the tradeoff of energy savings along with food and cooking quality difference between gas and electric. (Butt, No. 12837 at pp. 8–9)

Contrary to the commenter's assertion, DOE affirms that the February 2024 Direct Final Rule accounted for the commenter's listed impacts in its consideration of the seven statutory criteria as required by EPCA. *See* section V.C of the February 2024 Direct Final Rule for a full discussion of the benefits and burdens of the adopted standards. 89 FR 11434, 11535–11540.

Rep. Bice asserted that increased standards will lead to increased production costs for manufacturers, which will subsequently lead to increased costs to consumers. Rep. Bice added that the adopted standards will limit consumer choice, drive up prices, and impose onerous regulations on American manufacturers, many of whom are small businesses. (Rep. Bice, No. 12831 at p. 1)

The AGs of NE *et al.* commented that while they acknowledge that DOE has reduced the stringency as compared to the previously proposed standards, the February 2024 Direct Final Rule does not weigh heavily enough the appliance cost increase that the rule will cause and that will be borne by American consumers. (AGs of NE *et al.,* No. 12838 at p. 1)

Butt commented that DOE's regulatory efforts may inadvertently lead to sectoral overregulation, wherein certain industries face disproportionate regulatory burdens. By focusing on specific sectors, DOE runs the risk of imposing excessive regulatory requirements that could stifle innovation, hinder economic growth, and impede market competitiveness. (Butt, No. 12837 at p. 2)

In addition, Butt commented that the fraction of consumers encountering a net life-cycle cost (''LCC'') is minimal, underscoring the equitable distribution of economic benefits. However, Butt also questioned the fairness of the rule given what the commenter characterized as a disparate impact on low-income households and households of color. (Id. at pp. 6–8)

DOE disagrees with the commenters' assessment of the impact of the adopted standard in the February 2024 Direct Final Rule. DOE considered the impacts to manufacturers, including cumulative regulatory burden and the potential increase in manufacturing costs, in the manufacturing impact analysis in the February 2024 Direct Final Rule. 89 FR 11434, 11489–11492, 11514–11522. At the adopted standard, DOE projects that 77 percent of electric smooth element cooking tops, 97 percent of gas cooking tops, 95 percent of electric ovens, and 96 percent of gas ovens will already meet or exceed the standards by the first year of compliance and, hence, will not lead to significantly increased production costs for manufacturers. *Id.* at 89 FR 11538. In the February 2024 Direct Final Rule, the LCC analysis calculated the distribution of impacts across a nationally representative sample of US households. As demonstrated by the LCC analysis, at the adopted standard, the LCC savings for all consumer conventional cooking product consumers is positive. The fraction of consumers experiencing a net LCC cost is 0 percent for electric smooth element cooking top product classes, 1 percent for gas cooking top product classes, 0 percent for electric ovens, and 0 percent for gas ovens. *Id.*

AHAM stated given the finalized standards levels and the fact that compliance timelines for cooking standards are no longer on the same timeline as several other products AHAM members make, cumulative regulatory burden is significantly reduced. AHAM further stated that cost burdens to manufacturers, and ultimately consumers, have been mitigated. (AHAM, No. 12845 at pp. 1–2)

AHAM commented that the recommended standards are economically justified as required by 42 U.S.C. 6295(o)(2)(B)(i)(I) and will not result in lessening of utility, reliability, performance or availability of the cooking products considered under 42 U.S.C. 6295(o)(2)(B)(i)(IV). AHAM commented that under the standards adopted in the February 2024 Direct Final Rule, less than 1 percent of consumers will experience a net cost overall, and the percentage of consumers experiencing a net cost due to standards for gas products decreased compared to the previously proposed standards. In addition, AHAM noted that manufacturer costs to comply with the final standard are less under the February 2024 Direct Final Rule than under the previously proposed standards. (*Id.* at p. 6–8)

CFA *et al.* commented that the standards adopted in the February 2024 Direct Final Rule will ensure that all new electric smooth element cooking top models use at least 17 percent less energy annually than the lowest-performing models sold today, and that 0 percent of low-income consumers will incur a net cost with the standards for electric smooth element cooking tops. CFA *et al.* further commented that the cost to manufacturers to improve the efficiency of electric and gas cooking tops and ovens to meet the new standards will be less than $3 for each of the product types. (CFA *et al.,* No. 12843 at p. 1)

The February 2024 Direct Final Rule did consider the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard (42 U.S.C. 4296(o)(2)(B)(i)(I)), and DOE has determined that the comments provided by Butt, the AGs of NE *et al.,* and Rep. Bice do not provide a reasonable basis for withdrawal of the February 2024 Direct Final Rule.

The AGs of UT and MT stated that DOE's reliance on 2022 data for energy

prices and *AEO2023* for pricing trends is faulty due to Federal rulemakings being issued that will force existing generating capacity offline, spike electricity demand, and decrease fossil fuel supply, as illustrated with several documents attached to the comment. (AGs of UT and MT, No. 12841 at p. 4)

DOE contends that *AEO2023* remains the best available source for projections of future energy price trends based on adopted energy policies. DOE also performed sensitivity analyses using alternate *AEO2023* growth scenarios with low and high energy prices relative to the reference scenario in the February 2024 Direct Final Rule to assess the impact of alternative energy price projections. 89 FR 11434, 11477. The results of these scenarios are available in appendix 8E of the February 2024 Direct Final Rule TSD and show that consumers of consumer conventional cooking products would still experience positive LCC savings even when considering lower and higher energy prices.

Therefore, the February 2024 Direct Final Rule did take into account energy price variability in its analysis, and DOE has determined that the comment provided by the AGs of UT and MT does not provide a reasonable basis for withdrawal of the February 2024 Direct Final Rule.

The AGs of UT and MT stated that DOE acknowledges but disregards consumer preference and assumes consumers are ignorant. The AGs of UT and MT stated that DOE ignores the cost of transitioning to a different energy source. The AGs of UT and MT attached studies demonstrating consumer preference for product lifetime over energy consumption, and the AGs of UT and MT commented that these longer-life appliances may use less energy over the entire life cycle and be a lower cost to the consumer, yet DOE did not address those issues. (AGs of UT and MT, No. 12841 at p. 2)

DOE did not disregard consumer preference but rather noted in the February 2024 Direct Final Rule that the economics literature provides a wide-ranging discussion of how consumers trade off up-front costs and energy savings in the absence of government intervention. 89 FR 11434, 11534. Much of this literature attempts to explain why consumers appear to undervalue energy efficiency improvements, as the AGs of UT and MT alleged in their comment. There is evidence that consumers undervalue future energy savings as a result of (1) a lack of information; (2) a lack of sufficient salience of the long-term or aggregate benefits; (3) a lack of sufficient savings to warrant delaying or altering purchases; (4) excessive focus on the short term, in the form of inconsistent weighting of future energy cost savings relative to available returns on other investments; (5) computational or other difficulties associated with the evaluation of relevant trade-offs; and (6) a divergence in incentives (for example, between renters and owners, or builders and purchasers). *Id.* Having less-than-perfect foresight and a high degree of uncertainty about the future, consumers may trade off these types of investments at a higher-than-expected rate between current consumption and uncertain future energy cost savings. *Id.*

Potential changes in the benefits and costs associated with a standard due to changes in consumer purchase decisions were included in the analysis for the February 2024 Direct Final Rule in two ways. *Id.* First, if consumers forgo the purchase of a product in the standards case, as estimated based on price elasticity related to empirical data on appliances, this decreases sales for product manufacturers, and the impact on manufacturers attributed to lost revenue is included in the manufacturer impact analysis. *Id.* Second, DOE accounts for energy savings attributable only to products actually used by consumers in the standards case; if a standard decreases the number of products purchased by consumers, this decreases the potential energy savings from an energy conservation standard.

Further, the AGs of UT and MT stated that the reliability of products affected by the rulemaking will decrease due to complexity increases, which the commenters asserted is supported by engineering facts illustrated in a document attached to their comment, yet DOE does not address this issue. The AGs of UT and MT also commented that complexity increases will lead to less economic viability of repair, which is not reflected in DOE's assumption that the rulemaking will have no impact on lifespan. The AGs of UT and MT commented that DOE disregards the fact that reliability can be increased by lightening the electrical, mechanical, thermal, and other conditions of operation of the components, which tends to decrease energy efficiency but results in less repair downtime and longer times before replacement and, therefore, decreased costs, as illustrated in attached documents. (AGs of UT and MT, No. 12841 at pp. 3–4)

AHAM commented that the February 2024 Direct Final Rule addresses AHAM's key concerns with the February 2023 SNOPR. AHAM stated that the finalized energy conservation standards levels do not favor electric over gas cooktops and the essential consumer utilities for gas (and electric) cooktops are preserved. (AHAM, No. 12845 at pp. 1–2) AHAM added that the technology options DOE identified for meeting the standard levels in the February 2024 Direct Final Rule are established technologies used in the market today and do not negatively impact product reliability. (*Id.* at p. 7) ASAP *et al.* commented that they did not expect the standards in the February 2024 Direct Final Rule to have any impact on product reliability because the amended standards can be met with simple design changes that have already been incorporated in many models on the market today. (ASAP *et al.,* No. 12842 at p. 2)

In contrast to the comment from the AGs of UT and MT and as noted in the February 2024 Direct Final Rule, DOE did take into consideration the cost of repair and included higher repair costs for more efficient products when supported by available data. *See* 89 FR 11434, 11477. For example, DOE included a higher repair cost for induction cooking tops based on available data from Consumer Reports. *Id.* A review of cooking product reliability information of most major brands provides no indication that higher-efficiency products are less reliable at the adopted standard levels relative to baseline products. Hence, notwithstanding theoretical conjecture that higher-efficiency products may have poor reliability based on simplified textbook models, no real-world evidence or data related to the technologies used at the adopted standard levels can be found clearly supporting such a correlation. The AGs of UT and MT did not specify how the attached documents on network node analysis and reliability theory correspond to the technologies used at the adopted standard levels for cooking products. In the absence of data specific to the technologies used in cooking products, DOE has no practical basis to model the theoretical concern from the AGs of UT and MT at the adopted standard levels. The assertion made by the AGs of UT and MT also runs counter to comments from AHAM and ASAP that support the February 2024 Direct Final Rule repair cost methodology.

DOE further notes that the lifetime distribution used in the February 2024 Direct Final Rule is based on feedback from manufacturers. 89 FR 11434, 11477. DOE is unaware of data that suggests a different lifetime associated with the technology options considered in the February 2024 Direct Final Rule, and no such data was provided by stakeholders. In response to the

February 2024 Direct Final Rule, AHAM commented that the adopted standard will not impact the reliability of products, and hence lifetime of the product, at the adopted level, and it further stated that the standard levels are achievable by technology readily available on the market. (AHAM, No. 12845 at pp. 7–8) As there is no data to suggest different lifetime distributions for products at the adopted standards level, the comment from the AGs of UT and MT does not provide a reasonable basis for withdrawal of the February 2024 Direct Final Rule.

As discussed in in the February 2024 Direct Final Rule, DOE did take into account product reliability, lifetimes, and cost of repair when considering the LCC of more efficient products when supported by available data. *See* 89 FR 11434, 11477. Therefore, the February 2024 Direct Final Rule did take into account consumer purchase decisions in its analysis, and DOE has determined that the comment provided by the AGs of UT and MT does not provide a reasonable basis for withdrawal of the February 2024 Direct Final Rule.

The AGs of UT and MT stated their belief that GHG emissions and climate change impacts should not be part of EPCA rulemakings, but given their inclusion, DOE must consider them throughout the entire life cycle of the product, including manufacturing and potential reductions in lifespan due to increased complexity. The AGs of UT and MT commented that the February 2024 Direct Final Rule failed to adequately address these full life cycle impacts. (AGs of UT and MT, No. 12841 at p. 4)

As previously stated in section III.B of this document, the comment from the AGs of UT and MT points to a statement made to the U.S. Senate Subcommittee on Energy to indicate that 40 to 60 percent of the carbon footprint for many consumer products can be attributed to the supply chain.[10] However, the McKinsey report, which is the primary source for the statement made to the U.S. Subcommittee on Energy, is only referring to the manufacturing company's energy and carbon footprint that can reside upstream in its supply chain and does not include the energy and emissions associated with the usage phase of the appliance life cycle, which represents more than 90 percent of the total for large appliances.[11] As such, the energy and carbon footprint associated with supply chain likely accounts for approximately 4 to 6 percent of the overall carbon footprint of a product. Furthermore, there is no data suggesting that the supply chain carbon footprint would be different between baseline units and units that meet the adopted standard. In the February 2024 Direct Final Rule, DOE accounted for the environmental and public health benefits associated with the more efficient use of energy, including those connected to global climate change, as they are important to take into account when considering the need for national energy conservation under EPCA. (*See* 42 U.S.C. 6295(o)(2)(B)(i)(IV)) 89 FR 11434, 11531–11534. This analysis focused on the estimated reduced emissions expected to result during the lifetime of consumer conventional cooking products shipped during the projection period. *Id.*

The AGs of UT and MT stated that the Interagency Working Group's (''IWG's'') SC–GHG based on global impacts is inconsistent with EPCA's requirements for standards to consider economic implications to U.S. consumers. The AGs of UT and MT claimed that DOE erroneously appears to assume that all the benefits accrue to U.S. citizens, despite using global values. The AGs of UT and MT cited the case of *Louisiana* v. *Biden* to demonstrate questions related to the accuracy of the IWG's SC–GHG estimates. (AGs of UT and MT, No. 12841 at p. 4)

DOE reiterates its view that the environmental and public health benefits associated with more efficient use of energy, including those connected to global climate change, are important to take into account when considering the need for national energy conservation. (*See* 42 U.S.C. 6295(o)(2)(B)(i)(IV)) In addition, Executive Order 13563, which was reaffirmed on January 21, 2021, stated that each agency must, among other things, ''select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity).'' Regarding the use of global SC–GHG values, many climate impacts that affect the welfare of U.S. citizens and residents are better reflected by global measures of SC–GHG. In addition, assessing the benefits of U.S. GHG mitigation activities requires consideration of how those actions may affect mitigation activities by other countries, as those international mitigation actions will provide a benefit to U.S. citizens and residents by mitigating climate impacts that affect U.S. citizens and residents.

The AGs of UT and MT stated the monetized GHG benefits largely accrue centuries in the future, well beyond the rulemaking analysis period. Furthermore, the AGs of UT and MT stated that DOE improperly mixed discount rates in its cost-benefit analysis. (AGs of UT and MT, No. 12841 at p. 4)

ALC stated similar concerns that IWG estimates for the SC–GHG are based on ''flawed policy choices,'' relying on discount rates that have a large influence on the present value of future damages far beyond the rulemaking analysis period. (ALC, No. 12834 at p. 6)

DOE's February 2024 Direct Final Rule analysis considers the costs and benefits associated with 30 years of shipments of a covered product. Because a portion of products shipped within this 30-year period continue to operate beyond 30 years, DOE accounts for energy cost savings and reductions in emissions until all products shipped within the 30-year period are retired. 89 FR 11434, 11499. In the case of carbon dioxide emissions, which remain in the atmosphere and contribute to climate change for many decades, the benefits of reductions in emissions likewise occur over a lengthy period; to not include such benefits would be inappropriate. *Id.*

With regards to discount rates used, the IWG found that the use of the social rate of return on capital (7 percent under current Office of Management and Budget Circular A–4 guidance) to discount the future benefits of reducing GHG emissions inappropriately underestimates the impacts of climate change for the purposes of estimating the SC–GHG. Consistent with the findings of the National Academies and the economic literature, the IWG continued to conclude that the consumption rate of interest is the theoretically appropriate discount rate in an intergenerational context and recommended that discount rate uncertainty and relevant aspects of intergenerational ethical considerations be accounted for in selecting future discount rates. With regards to mixing discount rates, DOE consulted the National Academies' 2017 recommendations on how SC–GHG estimates can ''be combined in RIAs with other cost and benefits estimates that may use different discount rates.'' The National Academies reviewed several options, including ''presenting

[10] See *www.energy.senate.gov/services/files/3D26FA56-F102-9E9F-BEA4-52BB0085B19A.*

[11] Gonzalez, A., A. Chase, and N. Horowitz. 2012. ''What We Know and Don't Know about Embodied Energy and Greenhouse Gases for Electronics, Appliances, and Light Bulbs.'' Energy Solutions and Natural Resources Defense Council. ACEEE Summer Study on Energy Efficiency in Buildings.

all discount rate combinations of other costs and benefits with [SC–GHG] estimates.'' 89 FR 11434, 11497.[12]

ALC commented that because DOE cannot conclude that the new standards are economically justified under the statutory factors, DOE instead relies on the non-statutory and discredited SC–GHG estimates and thereby skews the economic analysis it is required to perform under EPCA. ALC claimed that DOE's reliance on SC–GHG estimates based on global damages conflicts with EPCA's statutory mandate to consider the need for national energy conservation under 42 U.S.C. 6925 (o)(2)(B)(i)(II). ALC stated that according to the Trump Administration, the actual social cost of carbon is seven times less than the SC–GHG estimates. ALC commented that DOE should not be permitted to use the IWG estimates in formulating new standards. (ALC, No. 12834 at pp. 2, 5–6)

ALC commented that DOE cannot avoid judicial review by declaring that it would reach the same conclusion presented in the rulemaking in the absence of the SC–GHG; ALC further commented that this rulemaking represents another attempt by the Biden Administration to avoid judicial review by claiming that the estimates are not outcome determinative. (*Id.* at pp. 7–8)

In response and as stated in the February 2024 Direct Final Rule, DOE notes that it would have reached the same conclusion that the adopted standard levels were economically justified without considering the SC–GHG because the average LCC savings for all product classes is positive, a shipment-weighted 0 percent of consumers would experience a net cost, and the NPV for consumer benefits is positive using both the 3-percent and the 7-percent discount rate. 89 FR 11434, 11498, 11538.

[12] Following the issuance of this DFR, DOE issued a rulemaking document in an unrelated matter in which it preliminarily determined that new, updated SC–GHG estimates promulgated in 2023 by EPA (2023 SC–GHG estimates) represent a significant improvement in estimating SC–GHG. *See 89 FR 59692, 59700–59701.* DOE preliminarily determined that the updated 2023 SC–GHG estimates reflect the best available scientific and analytical evidence and methodologies, are accordingly the most appropriate for DOE analyses, and best facilitate sound decision-making by substantially improving the transparency of the estimates and representations of uncertainty inherent in such estimates. *Id.* DOE welcomed comment on that preliminary determination. *Id.*

Because it issued this DFR prior to making that preliminary determination, DOE estimated the climate benefits of the standards adopted in this rule using the IWG's SC–GHG estimates. As noted in the text, DOE's decision to adopt the DFR's standards did not depend on the cost of greenhouse gasses; nor would the decision change based on a revised estimate of the cost of greenhouse gasses.

D. Significant Conservation of Energy

Pursuant to EPCA, any new or amended standard must result in significant conservation of energy. (42 U.S.C. 6295(o)(3)(B))

APGA urged DOE not to use this rulemaking as a precedent for future energy conservation standards. APGA expressed concern with the cost-saving justification for the final standards, commenting that DOE's estimated savings are not sufficient to justify the rulemaking under EPCA. APGA commented that, using DOE's calculations and the average 14.5-year lifetime of a gas-fired consumer conventional cooking product, the average savings for customers would only be $3.09 over the life of the appliance. APGA commented that such an insignificant amount of savings over this timeframe does not seem to warrant a new standard under EPCA, and APGA is concerned that DOE is using what APGA asserted is miniscule savings to demonstrate a sufficient cost savings justification for a new standard. (APGA, No. 12839 at pp. 2–3)

CEI commented that by addressing stakeholders' concerns about reducing performance and choice, DOE has reduced the proposed rule's already-modest energy savings. CEI commented that EPCA expressly forbids promulgating efficiency standards that fail to result in significant conservation of energy and, as a result, the proper course of action would be for DOE to withdraw both the cooking products February 2024 Direct Final Rule and proposed rule. (CEI, No. 12844 at p. 3)

CEI commented that EPCA does not prioritize efficiency above all else in the standards-setting process; rather, any rule is prohibited if the Secretary determines said rule ''will not result in significant conservation of energy.'' CEI added that the February 2024 Direct Final Rule saves so little energy that it can be considered arbitrary and capricious. CEI commented that, as a result of the less-stringent standards in the February 2024 Direct Final Rule (compared to the proposed rule), the savings are now estimated by DOE to be $3.09 over the 14.5-year average lifespan of a gas cooktop, or 21 cents per year. (*Id.* at pp. 3–5)

CEI commented that the February 2024 Direct Final Rule demonstrates that the only way to avoid an energy efficiency standard that compromises gas stove performance and features is to set one so weak that the consumer savings become insignificant. CEI commented that EPCA fully contemplates—and indeed requires—that some appliances would not be subject to energy use limits, and this should include consumer conventional cooking products. CEI commented that because energy savings are trivial and regulatory overreach threatens to harm the interests of consumers, the February 2024 Direct Final Rule should be withdrawn. (*Id.* at p. 5)

Despite supporting the Joint Agreement, NPGA reiterated a previous comment that this rulemaking does not satisfy the threshold for significant energy savings at either the proposed or finalized standards. (NPGA, No. 12835 at pp. 1–2)

Butt commented that the February 2024 Direct Final Rule is projected to yield substantial energy savings. Butt subsequently stated that the February 2024 Direct Final Rule amounts to a 2% reduction in energy consumption relative to conventional product usage. Butt noted that this minimal rate would not implicitly justify the need for a reduction in energy consumption. Butt recommended that DOE consider shifting regulation focus to other sectors that have higher relative emissions such as refrigeration or heating, ventilation, and air conditioning (''HVAC''). (Butt, No. 12837 at pp. 4–7)

AHAM commented that it finds DOE has satisfied all EPCA criteria for issuing a February 2024 Direct Final Rule because the recommended energy conservation standards were designed by the Joint Stakeholders (including manufacturers of various sizes as well as consumer, environmental, and efficiency advocacy groups; a utility; and some States) to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified in accordance with the provisions of 42 U.S.C. 6295(o), and because DOE issued a February 2024 Direct Final Rule together with a proposed rule identical to the standard established in the February 2024 Direct Final Rule and allowed 110 days for public comment, which is consistent with EPCA requirements. (AHAM, No. 12845 at pp. 8–10)

As discussed, pursuant to EPCA, any new or amended energy conservation standard must, among other criteria, be designed to achieve the maximum improvement in energy efficiency that DOE determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Furthermore, the new or amended standard must result in significant conservation of energy. (42 U.S.C. 6295(o)(3)(B)). As noted in *Herrington,* determining whether energy savings are significant should be informed by the underlying policies of the Appliance Standards Program. (*See*

NRDC v. *Herrington,* 768 F.2d 1355, 1376 (D.C. Cir. 1985)). DOE's Appliance Standards Program was created in the 1970s in response to an energy supply crisis. *See* EPCA (noting in the Act's description the law's intention ''[t]o increase domestic energy supplies and availability; to restrain energy demand; to prepare for energy emergencies; and for other purposes.'') Congress expanded further on the intended policies underlying the Appliance Standards Program in subsequent amendments to EPCA. For example, the Energy Policy Act of 2005, Public Law 109–58 (Aug. 8, 2005), which, among other things, amended EPCA to establish energy conservations standards for additional consumer products, was enacted to ''ensure jobs for our future with secure, affordable, and reliable energy.'' The Energy Independence and Security Act of 2007, Public Law 110–140 (Dec. 19, 2007), which similarly amended EPCA to establish new energy conservation standards for consumer products and commercial equipment, was enacted to ''move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.'' Thus, DOE is guided by the underlying policy objectives of EPCA, as amended, governing the Appliance Standards Program when determining whether potential energy savings are significant.

As discussed in the February 2024 Direct Final Rule, DOE's analyses indicate that the adopted energy conservation standards for consumer conventional cooking products would save a significant amount of energy. 89 FR 11434, 11437–11441. Enhanced energy efficiency, where economically justified, improves the Nation's energy security, strengthens the economy, and reduces the environmental impacts (costs) of energy production. Reduced electricity demand due to energy conservation standards is also likely to reduce the cost of maintaining the reliability of the electricity system, particularly during peak-load periods.

Relative to the case without new and amended standards, the lifetime, FFC energy savings for consumer conventional cooking products purchased in the 30-year period that begins in the anticipated year of compliance with the new and amended standards (2028–2057), amount to 0.22 quadrillion British thermal units (''Btu''), or quads. This is equivalent to the primary annual energy use of 1.4 million homes. Further, during the same analysis period, the adopted standards for consumer conventional cooking products are projected to reduce emissions by 3.99 million metric tons [13] of carbon dioxide, 1.15 thousand tons of sulfur dioxide, 7.61 thousand tons of nitrogen oxides, 34.70 thousand tons of methane, 0.04 thousand tons of nitrous oxide, and 0.01 tons of mercury. The estimated cumulative reduction in carbon dioxide emissions through 2030 amounts to 0.06 Mt, which is equivalent to the emissions resulting from the annual electricity use of more than 11 thousand homes. *Id.*

DOE also estimates the cumulative monetary value of the climate benefits from a reduction in greenhouse gases and the money value of the health benefits from the reduction of sulfur dioxide and nitrogen oxides emissions. The climate benefits associated with the average SC–GHG at a 3-percent discount rate are estimated to be $0.22 billion. DOE estimated the present value of the health benefits would be $0.16 billion using a 7-percent discount rate, and $0.42 billion using a 3-percent discount rate. *Id.* at 89 FR 11437–11438.

Based on the amount of FFC savings, the corresponding reduction in emissions, and the need to confront the global climate crisis, DOE determined in the February 2024 Direct Final Rule that the energy savings from the adopted standard levels are ''significant'' within the meaning of 42 U.S.C. 6295(o)(3)(B). *Id.* at 89 FR 11447.

APGA expressed concern that the rulemaking does not appear to save any more energy than a previous iteration of the rule for which DOE deemed similarly minimal energy savings insufficient to dictate a new ruling. APGA asserted that with the last iteration of this rule in 2009, DOE decided not to set a new standard, citing a lack of significant conservation of energy for gas cooktops. APGA commented it is therefore concerned that DOE is planning to set a new standard based on the same minimal energy conservation that previously did not warrant a new standard in 2009. (APGA, No. 12839 at p. 3)

DOE re-iterates that the significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking. Accordingly, DOE evaluates the significance of energy savings on a case-by-case basis. 89 FR 11434, 11441. Contrary to APGA's assertions, DOE did in fact amend the energy conservation standards in the April 2009 Final Rule by prohibiting the use of constant burning pilot lights for all gas cooking products manufactured on or after April 9, 2012. 74 FR 16040. DOE further stated in the April 2009 Final Rule that the estimated energy savings at each of the standard levels considered for cooking products indicate that the energy savings each would achieve are nontrivial, and therefore, DOE considered these savings ''significant'' within the meaning of section 325 of EPCA. *Id.* at 74 FR 16052. The prescriptive standards prohibiting constant burning pilot lights for gas cooking products adopted in the April 2009 Final Rule were projected to save 0.14 quads of energy. *Id.* at 74 FR 16084.

E. Unavailability of Performance Characteristics

EPCA specifies the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

The AGs of NE *et al.* also stated that the February 2024 Direct Final Rule does not account for the consumer preference that AHAM identified through consumer research of safety, value, performance, and cost at purchase over energy efficiency and cost to use over time. (AGs of NE *et al.,* No. 12838 at p. 3)

Rep. Bice asserted that the adopted standards will limit consumer choice. (Rep. Bice, No. 12831 at p. 1)

ALC commented that, as noted by CEI, the new and amended standards would unlawfully eliminate desired features that are on the market and that DOE did not adequately respond to the core of CEI's argument regarding desired features such as the maximum heat output of an HIR burner. ALC commented that among the more troublesome aspects of the rulemaking is the fact that DOE does not dispute that the new rule will likely regulate gas stoves with multiple HIR burners out of existence, and DOE does not attempt to show that any efficacious substitutes exist on the market; ALC commented that DOE therefore does not fulfill its statutory burden to carefully assess any

[13] A metric ton is equivalent to 1.1 short tons. Results for emissions other than carbon dioxide are presented in short tons.

impact to decreased consumer utility or to avoid establishing a new standard if it will result in the unlawful elimination of key features from the market. (ALC, No. 12834 at pp. 3–4)

DOE determined that the February 2024 Direct Final Rule would not result in the unavailability of products that are substantially the same as those currently available in the United States. 89 FR 11434, 11524–11530. AHAM noted that the energy conservation standards adopted in the February 2024 Direct Final Rule maintain important consumer features and utilities. (AHAM, No. 12845 at pp. 6–8)

As discussed, DOE specifically addressed the ability of consumer conventional cooking products to maintain certain features and functionalities. DOE stated in the February 2024 Direct Final Rule that the adopted standards would not preclude multiple HIR burners and continuous cast-iron grates or any combination of features mentioned by manufacturers, as demonstrated by products from multiple manufacturers in DOE's test sample. 89 FR 11434, 11524, 11526. AHAM noted that the energy conservation standards adopted in the February 2024 Direct Final Rule maintain important consumer features and utilities. AHAM commented that DOE expanded the number of models with the consumer utilities AHAM identified in its testing, including 55 models of gas cooking tops with continuous cast-iron grates, which demonstrates a greater care for the features that consumers value. AHAM added that DOE's analysis shows that 35 gas units with at least two HIR cooking zones, or where the input rate is greater than or equal to 14,000 Btu/h, meet the finalized standard, thus preserving that key consumer utility. (AHAM, No. 12845 at pp. 6–7)

In response to ALC's claim that the standards in the February 2024 Direct Final Rule would reduce an HIR burner's maximum heat considerably, DOE reiterates that the highest input rate burners in its test sample (up to 25,000 Btu/h) meet the efficiency threshold corresponding to the finalized standard. 89 FR 11434, 11464.

The February 2024 Direct Final Rule evaluated whether the new and amended standards would result in the unavailability of products that are substantially the same as those currently available in the United States, and DOE has determined that the comments provided by the AGs of NE *et al.,* Rep. Bice, and ALC do not provide a reasonable basis for withdrawal of the February 2024 Direct Final Rule.

F. Stakeholder Representation

Under 42 U.S.C. 6295(p)(4), interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by DOE, may submit a joint recommendation to DOE for new or amended energy conservation standards.

The AGs of NE *et al.* questioned the expertise and relevancy of several advocacy groups who contributed to the Joint Agreement (*i.e.,* the Alliance for Water Efficiency, Earthjustice, the Northwest Energy Efficiency Alliance, the Natural Resources Defense Council, and the National Consumer Law Center). The AGs of NE *et al.* asserted that none of the advocacy groups has expertise in setting energy efficiency standards for kitchen appliances, and none of the advocacy groups raised concerns related to consumer pricing, appliance functionality, or economic implications. (AGs of NE *et al.,* No. 12838 at p. 4)

The AGs of NE *et al.* commented that there were several other groups that commented on the February 2023 SNOPR but did not appear in the joint statement. The AGs of NE *et al.* stated that the joint agreement did not include the National Apartment Association (''NAA'') and the National Multifamily Housing Council (''NMHC''). NAA and NMHC previously raised concerns about the effects of the rulemaking on mass-appliance purchases, which will disproportionately affect low-income individuals. The American Gas Association (''AGA''), APGA, and NPGA also authored a comment opposing the February 2023 SNOPR and were not part of the joint statement. (*Id.* at p. 5)

The AGs of NE *et al.* commented that while Massachusetts, New York, and California support DOE's proposed rulemaking, 23 States caution DOE about the February 2024 Direct Final Rule's effects on consumer welfare; the AGs of NE *et al.* asserted that EPCA requires DOE to receive the concurrence of States across the ideological spectrum in order to proceed with a direct final rule rather than acknowledge only the few opinions in favor without receiving the support of a majority of States. The AGs of NE *et al.* commented that many States also previously raised legal concerns with DOE's proposed rule, which they stated were not resolved in the February 2024 Direct Final Rule. The AGs of NE *et al.* commented that States have a direct interest in protecting consumers and are also directly affected by the rule because so many State entities purchase conventional kitchen appliances. (*Id.* at p. 6)

The AGs of UT and MT agreed with the AGs of NE *et al.'s* concerns over the participants in the Joint Agreement underlying the February 2024 Direct Final Rule, along with their concerns that the group does not comply with EPCA. (AGs of UT and MT, No. 12841 at p. 1)

The AGs of NE *et al.* stated their concern that DOE engaged in ''administrative arm-twisting'' and indicated that AHAM's change of approach from opposing to supporting the energy efficiency standards in question reflects a subtle example of the effect of DOE's arm-twisting on AHAM. (AGs of NE *et al.,* No. 12838 at p. 5)

In response to the comments regarding whether the Joint Agreement was submitted by persons fairly representative of relevant points of view, DOE reiterates that 42 U.S.C. 6295(p)(4) states that if the criteria in 42 U.S.C. 6295(o) are met, the Secretary may issue a final rule that establishes an energy conservation standard ''[o]n receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary.'' (42 U.S.C. 6295(p))

As stated in the February 2024 Direct Final Rule, DOE determined that this requirement was met. 89 FR 11434, 11446. The Joint Agreement included a trade association, AHAM, which represents 19 manufacturers of the subject covered products—consumer conventional cooking products. *Id.* The Joint Agreement also included environmental and energy-efficiency advocacy organizations, consumer advocacy organizations, and a gas and electric utility company. *Id.* Additionally, DOE received a letter in support of the Joint Agreement from the States of New York, California, and Massachusetts (*see* comment No. 12812). *Id.* DOE also received a letter in support of the Joint Agreement from the gas and electric utility, San Diego Gas and Electric, and the electric utility, Southern California Edison (*see* comment No. 12813). *Id.* Representatives from each of the relevant points of view described in 42 U.S.C. 6295(p)(4) supported the Joint Agreement.

DOE has ample authority to accept a joint statement in these circumstances. EPCA does not require that the Joint Agreement be representative of *every* point of view. Nor does it require that a statement be submitted by *all*

interested persons. Rather, it requires a statement from a sufficient number and diversity of ''interested persons'' such that the statement is ''fairly representative of relevant points of view.'' The Joint Agreement presented here is such a statement, as the Secretary determined.

Contrary to the commenters' suggestion, EPCA does not include any requirement that ''relevant points of view'' must include politically opposite points of view. Rather, EPCA ensures a diversity of opinions and interests by requiring that parties that provide a joint agreement must be fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary. (42 U.S.C. 6295(p)(4)(A))

Moreover, regardless of whether amended energy conservation standards are recommended as part of a joint agreement or proposed by DOE, the standards have to satisfy the same criteria in 42 U.S.C. 6295(o). Thus, once DOE has determined that a joint agreement was submitted by interested persons that are fairly representative of relevant points of view, DOE then determines whether the joint agreement satisfies the relevant statutory criteria. As a result, in evaluating whether comments provide a reasonable basis for withdrawing a direct final rule, it is the substance of the comments, not the number of stakeholders that submit statements in favor of, or opposed to, the joint agreement, that determines whether a rule should be withdrawn.

DOE also finds meritless the contention that the Joint Agreement parties are not competent to present a statement for the purposes of section 6295(p). Contrary to the characterizations by the AGs of NE *et al.,* the parties to the Joint Agreement have an established historical record of participation in DOE rulemakings and have submitted detailed comments in the past that demonstrate a thorough understanding of the technical, legal, and economic aspects of appliance standards rulemakings, including factors affecting specific groups such as low-income households.

In a follow-up letter from the parties to the Joint Agreement, each organization provided a brief description of its background. American Council for an Energy-Efficient Economy is a nonprofit research organization and its independent analysis advances investments, programs, and behaviors that use energy more effectively and help build an equitable clean energy future. Alliance for Water Efficiency is a nonprofit dedicated to efficiency and sustainable use of water that provides a forum for collaboration around policy, information sharing, research, education, and stakeholder engagement. ASAP organizes and leads a broad-based coalition effort that works to advance new appliance, equipment, and lighting standards that cut emissions that contribute to climate change and other environmental and public health harms, save water, and reduce economic and environmental burdens for low- and moderate-income households. AHAM represents more than 150 member companies that manufacture 90 percent of the major portable and floor care appliances shipped for sale in the United States. CFA is an association of more than 250 non-profit consumer and cooperative groups that advances the consumer interest through research, advocacy, and education. Consumer Reports is a mission-driven, independent, nonprofit member organization that empowers and informs consumers, incentivizes corporations to act responsibly, and helps policymakers prioritize the rights and interests of consumers in order to shape a truly consumer-driven marketplace. Earthjustice is a nonprofit public interest environmental law organization advocating to advance clean energy and combat climate change. National Consumer Law Center supports consumer justice and economic security for low-income and other disadvantaged people in the United States through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. National Resources Defense Council is an international nonprofit environmental organization with expertise from lawyers, scientists, and other environmental specialists. Northwest Energy Efficiency Alliance is a collaboration of 140 utilities and efficiency organizations working together to advance energy efficiency in the Northwest on behalf of more than 13 million consumers. Pacific Gas and Electric Company represents one of the largest combined gas and electric utilities in the Western United States, serving over 16 million customers across northern and central California.[14]

Finally, DOE notes that it had no role in requesting that the parties to the Joint Agreement submit the Joint Agreement or in negotiating the terms of the Joint Agreement. As noted in the Joint Agreement itself, the parties accepted the agreement based on the totality of the agreement. DOE's participation was limited to evaluating the joint submission under the criteria set forth in 42 U.S.C. 6295(p).

Therefore, DOE reaffirms its determination that the Joint Agreement was submitted by interested persons that are fairly representative of relevant points of view.

G. Responses to Previous Stakeholder Comments

The AGs of NE *et al.* commented that there were many comments made by AHAM, Whirlpool, and Sub-Zero Group Inc. in previous rounds of the rulemaking that the AGs of NE *et al.* found were not adequately addressed in the February 2024 Direct Final Rule. For example, the AGs of NE *et al.* stated that the February 2024 Direct Final Rule does not address Whirlpool's concern that DOE did not conduct a North American integrated supply-chain analysis. The AGs of NE *et al.* commented that the February 2024 Direct Final Rule neglects to address AHAM's previous concern cooking products will not be able to maintain certain features and functionalities and households at or near the poverty line would be negatively affected by having to purchase new cooking appliances. The AGs of NE *et al.* commented that although AHAM later authored a joint agreement in favor of the February 2024 Direct Final Rule, DOE did not adequately address the concerns listed in AHAM's earlier comment and therefore does not assuage concerns that the new energy efficiency standards will raise prices for conventional stoves and ovens with disproportionate harm to low-income households. (AGs of NE *et al.,* No. 12838 at pp. 2–4)

In response to the comments from the AGs of NE *et al.* that DOE did not respond in the February 2024 Direct Final Rule to the comments submitted by signatories to the Joint Agreement and other stakeholders in response to the February 2023 SNOPR, DOE notes that the commenters misunderstand DOE's direct final rule authority under EPCA. As discussed in the February 2024 Direct Final Rule, DOE was already conducting a rulemaking to consider amending the standards for consumer conventional cooking products when the Joint Agreement was submitted. 89 FR 11434, 11444. After receiving the Joint Agreement, DOE initiated a separate rulemaking action and subsequently issued the February 2024 Direct Final Rule after determining that the recommendations contained in the Joint Agreement were compliant with 42 U.S.C. 6295(o). *Id.* The February

[14] This document is available in the docket at: *www.regulations.gov/comment/EERE-2014-BT-STD-0005-12814.*

2024 Direct Final Rule is a separate rulemaking, conducted under a different statutory authority from DOE's prior rulemaking in the February 2023 SNOPR, and DOE has no obligation to consider comments submitted in response to that prior rulemaking in a different rulemaking. Further, both the efficiency levels and compliance periods proposed in the February 2023 SNOPR are different from those adopted in the February 2024 Direct Final Rule.

Even though DOE was not required to consider comments from the February 2023 SNOPR, DOE did in fact consider relevant comments, data, and information obtained through the February 2023 SNOPR. This included the issues that the AGs of NE *et al.* asserted DOE ignored in the February 2024 Direct Final Rule.

In response to concerns about manufacturer supply chain, DOE noted in the February 2024 Direct Final Rule that 77 percent of electric smooth element cooking tops, 97 percent of gas cooking tops, 95 percent of electric ovens, and 96 percent of gas ovens will already meet or exceed the standards by the first year of compliance. 89 FR 11434, 11516. Given that a significant portion of the market already meets or exceeds the adopted standard, it is very unlikely that the adopted standard will impact the cooking product supply chain.

Additionally, in the February 2024 Direct Final Rule, DOE specifically addressed the ability of consumer conventional cooking products to maintain certain features and functionalities. 89 FR 11434, 11524. For example, DOE determined that the adopted standards would not preclude any combination of features mentioned by manufacturers, can be achieved by both standalone cooking tops and the cooking top portion of combined cooking products (*e.g.,* ranges), do not preclude the use of extra-high input rate burners or multiple high-input rate (''HIR'') burners [15] on a cooking top and would therefore not impact cooking times, do not preclude the use of low-input rate burners, and can be achieved by gas cooking tops with continuous cast iron grates. *Id.* at 89 FR 11526, 11529–11530. Furthermore, DOE emphasizes that the adopted standard will not impact the utility or performance of consumer conventional cooking products and consumers are not likely to switch fuel types as a result of the adopted standard. AHAM commented that the energy conservation standards adopted in the February 2024 Direct Final Rule fully addressed those concerns and maintain important consumer features and utilities. AHAM commented that DOE's expanded test sample shows that both electric and gas ranges can meet the adopted standards while preserving important consumer features. (AHAM, No. 12845 at pp. 6–7)

In the February 2024 Direct Final Rule, DOE considered the impact on low-income households by performing a LCC subgroup analysis for low-income households. 89 FR 11434, 11488–11489. Notably, consistent with Joint Agreement, in the February 2024 Direct Final Rule DOE adopted a lower standard level for gas cooking tops than the level proposed in the February 2023 SNOPR. DOE estimated that the lower standard level would result in 1 percent of low-income households experiencing a net cost due to the standard, compared with 18 percent at the proposed level in the February 2023 SNOPR. The adopted standard level for gas cooking tops in the February 2024 Direct Final Rule also reduced the estimated incremental increase in purchase price to $2.24, compared with $18.27 at the proposed standard level in the February 2023 SNOPR. Furthermore, in response to concerns that the adopted standard will impact housing costs, DOE notes that the estimated installed cost increase associated with the adopted standards is less than one percent relative to the cost of a baseline unit for all product classes and is unlikely to impact housing production or affordability.

H. Formal Rulemaking

The AGs of NE *et al.* recommended that before enacting these stringent new standards for consumer conventional cooking products, DOE return to formal rulemaking or, at a minimum, to proceed with informal notice-and-comment rulemaking to allow States and other relevant parties to participate in rulemaking processes that affect nearly every household appliance and also ensure a minimal level of political accountability by giving visibility to internal agency deliberations. The AGs of NE *et al.* further commented that the lack of a formal process does not allow people the opportunity to comment on rules that touch the lives of nearly all Americans. (AGs of NE *et al.,* No. 12838 at pp. 1–2, 7–8, 9–10) The AGs of UT and MT similarly recommended DOE halt the rulemaking. (AGs of UT and MT, No. 12841 at p. 5)

ALC recommended that the rulemaking be reviewed in accordance with the Administrative Procedure Act (''APA'')'s requirements; ALC added that the Administration's attempt to shield its regulations from review seeks to undermine that principle. ALC recommended that DOE reconsider the use of the standards and present rationale for its standards that satisfies the APA and respects the important role of judicial review. (ALC, No. 12834 at pp. 7–8) Similarly, the AGs of UT and MT expressed concerns about pretext and circumvention of the APA, and regarding DOE's conduct in this rulemaking and in recent litigation. (AGs of UT and MT, No. 12841 at pp. 1–2)

Butt commented that DOE's limited engagement with stakeholders raises concerns about transparency, accountability, and inclusivity in the regulatory process. (Butt, No. 12837 at p. 2)

AHAM stated that interested parties have had ample opportunity to comment through the proposed and supplemental proposed rules, two notifications of data availability, and the February 2024 Direct Final Rule. AHAM noted that, in fact, the February 2024 Direct Final Rule process provided an extra 110 days for interested parties to review DOE's final rule and submit comments—which met EPCA requirements. (AHAM, No. 12845 at p. 5)

In response, DOE notes that Congress granted DOE the authority to issue energy conservation standards as direct final rules subject to certain conditions and procedural requirements. As discussed in the February 2024 Direct Final Rule, DOE determined that the Joint Agreement was submitted jointly by interested persons that are fairly representative of relevant points of view and the adopted energy conservation standards as recommended in the Joint Agreement would result in significant energy savings and are technologically feasible and economically justified as required under 42 U.S.C. 6295(o) and provided supporting analysis. 89 FR 11434, 11446. DOE did not contribute to the development of the Joint Agreement. Rather, as provided in EPCA, DOE's role was to evaluate what was submitted and determine if meets the criteria for issuing a DFR. DOE strongly disagrees with the assertions that its actions here violate the APA or are otherwise improper.

Additionally, DOE notes it followed the procedures in 42 U.S.C. 6295(p)(4) to publish a direct final rule in the **Federal Register** simultaneously with a NOPR proposing identical standards and allowed 110 days for public comment. *See* 89 FR 11434 and 89 FR 11548. Regarding the comment about formal rulemaking, DOE has met all of its statutory requirements under its

[15] In the February 2024 Direct Final Rule, DOE defined an HIR burner as a burner rated at or above 14,000 Btu per hour.

direct rule authority, which does not require formal rulemaking.[16] Finally, regarding the comments about the APA, EPCA mandates the substance and process by which DOE establishes energy conservation standards and develops direct final rules. While the APA provides DOE direction in areas in which EPCA is silent, EPCA is a comprehensive statutory mechanism for the development, implementation, and enforcement of energy conservation standards.

I. Other Legal Concerns

ALC commented that Congress may only regulate intrastate activity under the Commerce Clause when the activity substantially affects interstate commerce. ALC commented that in order to properly regulate the intrastate market for covered products, DOE must demonstrate that the intrastate activity substantially affects the interstate market for the covered appliances, which ALC asserted DOE has not done. Further, ALC disputes DOE's response to the Commerce Clause concerns in the February 2024 Direct Final Rule. ALC states that Department's understanding of the Commerce Clause deviates from the Clause's original meaning and does so without addressing more recent Supreme Court decisions questioning such an expansive interpretation of the Commerce Clause. ALC argues that DOE overreads Raich and places it in serious tension with precedents such as *Lopez, United States* v. *Morrison, Solid Waste Agency of Northern Cook County* v. *Army Corps of Engineers, Sackett v. EPA,* and *West Virginia* v. *EPA.* ALC states as an example in *West Virginia,* the Court held that Congress did not grant the Environmental Protection Agency ''authority to devise carbon emissions caps'' via the Clean Power Plan because courts must ''greet assertions of 'extravagant statutory power over the national economy' with 'skepticism.''' See *West Virginia* v. *EPA,* 597 U.S. 697, 724 (2022) (citing *Util. Air Regul. Grp.* v. *EPA,* 573 U.S. 302, 324 (2014)). (ALC, No. 12834 at pp. 8–9)

As noted by ALC, DOE addressed Commerce Clause concerns in the February 2024 Direct Final Rule. Intrastate commerce involving a fungible commodity for which there is an established national market, such as consumer conventional cooking products, substantially affects interstate commerce. And, as the Supreme Court noted in *Gonzales* v. *Raich,* 545 U.S. 1 (2005), the Commerce Clause case law ''firmly establishes Congress' power to regulate purely local activities that are part of an economic 'class of activities' that have a substantial effect on interstate commerce.'' *Id.* at 17. The Court concluded that to leave intrastate goods unregulated where there is an established interstate market for the commodity would have a substantial impact on the market and could undermine the very purpose of the regulatory scheme. *See Id.* at 18–19. There is an established interstate market for conventional cooking products as the majority of these products are sold through large, national retailers. DOE therefore affirms its view that Congress' intent in EPCA was to provide it with authority to regulate all consumer conventional cooking products distributed in commerce.

ALC commented that the February 2024 Direct Final Rule raises questions under the major questions doctrines. ALC asserted that the February 2024 Direct Final Rule imposes comprehensive design requirements that drastically affect consumer use and enjoyment and without a clear statement of authority the Department cannot exercise such control over ''a significant portion of the American economy.'' *West Virginia,* 597 U.S. at 722 (citing *Util. Air Regul. Grp.,* 573 U.S. at 324). (ALC, No. 12834 at p. 9)

DOE reiterates that it determined the February 2024 Direct Final Rule would not result in the unavailability of products that are substantially the same as those currently available in the United States. As discussed, DOE specifically addressed the ability of consumer conventional cooking products to maintain certain features and functionalities. DOE stated in the February 2024 Direct Final Rule that the adopted standards would not preclude multiple HIR burners and continuous cast-iron grates or any combination of features mentioned by manufacturers, as demonstrated by products from multiple manufacturers in DOE's test sample. 89 FR 11434, 11524, 11526. Further, contrary to ALC's assertion, DOE has very clear authority under EPCA to establish energy conservation standards for consumer conventional cooking products. *See* 42 U.S.C. 6292(a)(10). Under EPCA, as amended, DOE has been directed by Congress to establish or implement energy conservation standards for consumer products for over 40 years.

ALC commented that the February 2024 Direct Final Rule raises questions under the nondelegation doctrine because DOE employs the social cost of greenhouse gases (''SC–GHG'') to justify the final rule yet cites no clear congressional statement of authority to rely on such a factor. Further the rule is legislative in nature because it formulates generally applicable rules of private conduct—an inherently legislative function. (ALC, No. 12834 at pp. 9–10)

First, as stated in the February 2024 Direct Final Rule, DOE determined that the rule was economically justified without accounting for the social cost of greenhouse gases. 89 FR 11434, 11498. DOE, however, continues to believe that the environmental and public health benefits associated with more efficient use of energy, including those connected to global climate change, are important factors to evaluate when considering the need for national energy conservation. *Id.* As for ALC's comment about the nondelegation doctrine, ''a delegation is constitutional so long as Congress sets out an intelligible principle to guide the delegee's exercise of authority.'' *Gundy* v. *United States,* 588 U.S. 128, 130 (2019). Further, ''the standards for that principle are not demanding.'' *Id.* In EPCA, Congress lists criteria that must be met before DOE can issue a new or amended standard. *See* 42 U.S.C. 6295(o) (''[c]riteria for prescribing new or amended standards''). Congress, among other things, directs DOE to establish energy conservation standards that represent the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Congress further specifies the factors DOE has to consider when determining whether an energy conservation standard is economically justified. (42 U.S.C. 6295(o)(2)(B)(i)(I)-(VII)) Congress also specifies that a new or amended standard has to result in significant conservation of energy (42 U.S.C. 6295(o)(3)(B)) and cannot result in the unavailability of performance characteristics, features, sizes, capacities, and volumes that are substantially the same as those generally available in the market (42 U.S.C. 6295(o)(4)). In EPCA, Congress has clearly indicated a general policy for DOE to follow in prescribing energy conservation standards and the boundaries of that authority. *See American Power & Light,* 329 U.S. 90, 105 (1946).

ALC commented that the February 2024 Direct Final Rule raises serious Federalism questions because it forecloses States from exercising their own judgment in an area traditionally reserved to their discretion, which upsets the balance between Federal and State powers. ALC commented that

[16] DOE notes that outside of its direct rulemaking authority, DOE utilizes informal or legislative rulemaking (*i.e.,* notice and comment rulemaking under the Administrative Procedure Act, 5 U.S.C. 553) when it promulgates rules under EPCA, not formal rulemaking.

because of the rule's significance and the constitutional questions it raises, the standards must be authorized by clear authority. (ALC, No. 12834 at p. 10)

As discussed in section II.A of the February 2024 Direct Final Rule, DOE has clear authority to establish energy conservation standards for cooking products. 89 FR 11434, 11441–11443. Further, the preemptive effect of Federal energy conservation standards on State laws is clearly described in EPCA. *See* 42 U.S.C. 6297.

IV. Impact of Any Lessening of Competition

EPCA directs DOE to consider any lessening of competition that is likely to result from new or amended standards. (42 U.S.C. 629(p)(4)(A)(i) and (C)(i)(II); 42 U.S.C. 6295(o)(2)(B)(i)(V)) It also directs the Attorney General of the United States (''Attorney General'') to determine the impact, if any, of any lessening of competition likely to result from a proposed standard and to transmit such determination to the Secretary within 60 days of the publication of a proposed rule, together with an analysis of the nature and extent of the impact. (42 U.S.C. 6295(o)(2)(B)(i)(V) and (B)(ii)) To assist the Attorney General in making this determination, DOE provided the Department of Justice (''DOJ'') with copies of the February 2024 Direct Final Rule, the corresponding NOPR, and the February 2024 Direct Final Rule TSD for review. DOE has published DOJ's comments at the end of this document.

In its letter responding to DOE, DOJ concluded that, based on its review, the direct final rule standards for consumer conventional cooking products are unlikely to have a significant adverse impact on competition.

V. Conclusion

In summary, based on the previous discussion, DOE has determined that the comments received in response to the direct final rule for new and amended energy conservation standards for consumer conventional cooking products do not provide a reasonable basis for withdrawal of the direct final rule. As a result, the energy conservation standards set forth in the direct final rule became effective on June 13, 2024. Compliance with these standards is required on and after January 31, 2028.

Signing Authority

This document of the Department of Energy was signed on August 2, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 2, 2024.

Treena V. Garrett,

Federal Register Liaison Officer,U.S. Department of Energy.

[FR Doc. 2024–17474 Filed 8–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 259, 260, and 399

[Docket No. DOT–OST–2022–0089]

RIN 2105–AF04

Refunds and Other Consumer Protections (2024 FAA Reauthorization)

AGENCY: Office of the Secretary (OST), Department of Transportation.

ACTION: Final rule.

SUMMARY: The U.S. Department of Transportation (Department or DOT) published a final rule on April 26, 2024, to establish requirements for refunds and other protections for consumers of air travel. Subsequent to publication of that final rule, the FAA Reauthorization Act of 2024 (Act) was signed into law on May 16, 2024. This final rule amends the Department's regulations, as updated by the April 26, 2024, final rule, consistent with the requirements of the Act.

DATES: This rule is effective August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Clereece Kroha or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342 (phone), *clereece.kroha@dot.gov* or *blane.workie@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Purpose of the Regulatory Action

The purpose of this final rule is to amend the Department's regulations for consistency with the Act, Public Law 118–63.

II. Background

The Act was signed into law on May 16, 2024, after publication in the **Federal Register** of the Department's final rule titled ''Refunds and Other Consumer Protection.'' Section 503 of the Act, which is codified at 49 U.S.C. 42305, addresses refunds for cancelled or significantly delayed or changed flights. The requirements in Section 503 concern several topics addressed in the Department's final rule.

Subsection (a) of section 42305 requires that, for passengers [1] that hold a nonrefundable ticket on a scheduled flight to, from, or within the United States, an air carrier or foreign air carrier provide a full refund of the fare (including any taxes and ancillary fees) the carrier collected for any cancelled or significantly delayed or changed flight if the passenger chooses not to fly on the significantly delayed or changed flight or accept rebooking on an alternative flight or accept any voucher, credit, or other form of compensation offered by the air carrier or foreign air carrier pursuant to subsection (c) of section 42305. The obligation for carriers to provide a refund is upon request as specified in subsection (f) of section 42305.

Subsection (f) specifies that an air carrier or foreign air carrier must consider a passenger to have requested a refund if one of the following criteria are met: (1) a flight is cancelled and the air carrier or foreign air carrier does not offer a passenger an alternative flight or any voucher, credit, or other form of compensation pursuant to subsection (c) of section 42305; (2) a passenger rejects the significantly delayed or changed flight, rebooking on an alternative flight, or any voucher, credit, or other form of compensation offered pursuant to subsection (c) of section 42305; or (3) a passenger does not respond to an offer of either of the following: (A) a significantly delayed or changed flight or an alternative flight and the flight departs without the passenger; or (B) a voucher, credit, or other form of compensation by the date on which the cancelled flight was scheduled to depart

[1] Note that the regulatory text uses the term ''consumer'' rather than ''passenger'' for consistency with use of this term throughout the Department's consumer protection regulations. No change in meaning is effectuated through use of the term ''consumer''.

or the date that the significantly delayed or changed flight departs.[2]

Subsection (c) specifies the manner in which an air carrier or foreign air carrier could offer a voucher, credit, or other compensation as an explicit alternative to a refund. An air carrier or foreign air carrier can make such an offer only if the offer includes clear and conspicuous notice of the offer's terms and the passenger's right to a full refund. The alternative compensation must remain valid and redeemable for at least five years from the date of issuance and the recipient is notified of the expiration date. In addition, upon request of an individual who self-identifies as having a disability, the notice of the expiration date must be provided in an electronic format accessible to the recipient.

The Act also defined a ''significantly changed or delayed flight'' in subsection (d) of section 42305 as a flight to include, at a minimum, a flight where the passenger arrives at the passenger's destination airport 3 or more hours after the original scheduled arrival time for a domestic flight and 6 or more hours after the original scheduled arrival time for an international flight.

In subsection (b) of section 42305, the Act established requirements for the timing of the refunds required under subsection (a). Air carriers and foreign air carriers must issue refunds not later than 7 business days after the earliest date of the refund request, as specified in subsection (f), for tickets purchased with a credit card, and 20 days for tickets purchased with cash or another form of payment.

Subsection (e) of section 42305 requires that the Department issue a rule to apply refund requirements to ticket agents for cancelled or significantly delayed or changed flights within 1 year of the date of enactment of the Act. Subsection (e) further requires the Department to issue regulations requiring air carriers and foreign air carriers to promptly transfer funds to a ticket agent if the Secretary determines that the ticket agent is responsible for providing the refund and the ticket agent does not possess the passenger's funds. Refunds provided by ticket agents pursuant to the Department's regulations must comply with the timelines specified in subsection (b)—7 business days for credit card purchases and 20 days for cash purchases and purchases made using other forms of payment—and the requirements for alternatives to a refund specified in subsection (c)—clear and conspicuous notice of the terms of the offer and the right to a refund, an expiration date of no less than 5 years, and notification of the expiration date, including for passengers that self-identify as having a disability.

Subsection (g) of section 42305 requires air carriers and foreign air carriers to update their passenger notification systems to ensure passengers owed a refund are notified of that right.

In this final rule, the Department amends its regulations in 14 CFR parts 259, 260, and 399, as originally added or amended by the final rule published on April 26, 2024, for consistency with the provisions of the Act as described in the preceding paragraphs. The Department also satisfies the rulemaking requirements of subsection (e) of 49 U.S.C. 42305. The Department's April 2024 final rule meets the requirement of 42305(e)(1) for the Department to issue a final rule within 1 year of enactment applying refund requirements to ticket agents, and also includes the Department's determination of when a ticket agent is responsible for providing refunds.[3] In this final rule, the Department also meets the requirement of 42305(e)(2) to issue regulations requiring air carriers and foreign air carriers to promptly transfer funds to a ticket agent if the Secretary determines that the ticket agent is responsible for providing the refund and the ticket agent does not possess the passenger's funds (see new § 260.6(e)).

Compliance

Under the Act, the compliance and effective date for certain requirements relating to ticket refunds due to airline cancellations or significant change is May 16, 2024. Because those provisions are self-effectuating, the Department's expectation is that airlines comply with the provisions contained in the Act. Beyond those requirements that went into effect under the Act on May 16, 2024, this final rule does not change the compliance date of October 28, 2024, set forth in the Department's April 26 final rule for the requirements regarding ticket refunds due to airline cancellation or significant change, refunds of baggage fees for significantly delayed bags, and refunds of ancillary service fees when services are not provided. It also does not change the compliance date of April 25, 2025, set forth in the Department's April 26 final rule for the requirements regarding issuing travel credits or vouchers to passengers who are affected by a serious communicable disease.

Statutory Authority

The Department is issuing this rulemaking pursuant to authority granted in the Act, Public Law 118–63. Because the Department is codifying the requirements of the Act in this final rule, and exercising no discretion in so doing, the Department has determined that prior notice and comment are unnecessary, and there is good cause to find that this rule is not subject to the notice and comment requirements pursuant to 5 U.S.C. 553(b)(B). For these same reasons, the Department also finds good cause to waive the 30-day delay in effective date under 5 U.S.C. 553(d) and make this regulation effective on August 12, 2024.

Regulatory Analyses and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures and Executive Order 13653 (Improving Regulation and Regulatory Review)

The final rule was determined not to be a significant regulatory action as defined in Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' as amended by E.O. 14094, ''Modernizing Regulatory Review.'' The rule was therefore not reviewed by the Office of Management and Budget pursuant to E.O. 12866.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601, *et seq.*) requires Federal agencies to review and assess the impact on small entities of any regulation required by 5 U.S.C. 553 or any other law to be published as a proposed rule for public comment prior to issuance of a final rule. Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act, 5 U.S.C. 553, or any other law, the analytical provisions of the RFA do not apply.

C. Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This rule, in which the Department codifies requirements imposed by statute, does not include any provision that: (1) has substantial direct effects on the States, the relationship between the national

[2] In a letter dated July 3, 2024, Airlines for America (A4A) urges the Department to not interpret the Act as requiring airlines to treat a passenger's failure to respond to an offer of alternative transportation as a passenger's election to not fly on that flight. See, *https://www.regulations.gov/document/DOT-OST-2022-0089-5346*. Because the language in the Act would not allow the interpretation suggested by A4A, the Department does not adopt the requested interpretation.

[3] The Department specified in the April 2024 final rule that the merchant of record is the entity responsible for issuing the refund when due, which constitutes the Secretarial determination required under 49 U.S.C. 42305(e)(2).

government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on State and local governments; or (3) preempts State law. States are already preempted from regulating in this area by the Airline Deregulation Act, 49 U.S.C. 41713. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because none of the provisions finalized in this rule would significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Paperwork Reduction Act

This final rule does not impose any new collection of information that would require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 49 U.S.C. 3501 *et seq.*).

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA) requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. The Department has determined that this final rule, in which the Department codifies requirements of the Act will not have an effect on the private sector that exceeds this threshold. As a result, the analytical requirements of the UMRA do not apply to this final rule.

G. National Environmental Policy Act

The Department has analyzed the environmental impacts of this action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, October 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.4. Paragraph 4.c.6.i of DOT Order 5610.1C categorically excludes ''[a]ctions relating to consumer protection, including regulations.'' This final rule relates to consumer protection and codifies requirements set forth in the Act. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

H. Compliance With Pay-As-You-Go Act of 2023 (Fiscal Responsibility Act of 2023, Pub. L. 118–5, Div. B, Title III)

In accordance with Compliance with Pay-As-You-Go Act of 2023 (Fiscal Responsibility Act of 2023, Pub. L. 118–5, div. B, title III) and OMB Memorandum (M–23–21) dated September 1, 2023, the Department has determined that this final rule is not subject to the Pay-As-You-Go Act of 2023 because it will not increase direct spending beyond specified thresholds.

I. Congressional Review Act

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

Signed in Washington, DC.

Subash Iyer,

Acting General Counsel, U.S. Department of Transportation.

List of Subjects

14 CFR Part 259

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

14 CFR Part 260

Air carriers, Consumer protection.

14 CFR Part 399

Administrative practice and procedure, Air carriers, Air rates and fares, Air taxis, Consumer protection, Small businesses.

For the reasons set forth in the preamble, the Department amends title 14 CFR chapter II as follows:

PART 259—ENHANCED PROTECTIONS FOR AIRLINE PASSENGERS

■ 1. The authority citation for part 259 is revised to read as follows:

Authority: 49 U.S.C. 40101(a)(4), 40101(a)(9), 40113(a), 41702, 41708, 41712, 42301, and 42305.

■ 2. Amend § 259.3 by removing the definition of ''Prompt refunds'' and adding a definition for ''Prompt refund'' in its place to read as follows:

§ 259.3 Definitions.

* * * * *

Prompt refund means refunds made within 7 business days after the earliest date the refund was requested as set forth in 14 CFR 260.6(a)(2) as required by 14 CFR 374.3 for credit card purchases, and within 20 calendar days after the earliest date the refund was requested as set forth in 14 CFR 260.6(a)(2) for cash, check, debit card, or other forms of purchases.

* * * * *

PART 260—REFUNDS FOR AIRLINE FARE AND ANCILLARY SERVICE FEES

■ 3. The authority citation for part 260 is revised to read as follows:

Authority: 49 U.S.C. 40101(a), 41702, 41712, and 42305.

■ 4. Revise § 260.1 to read as follows:

§ 260.1 Purpose.

The purpose of this part is to ensure that carriers promptly refund consumers for:

(a) Fees for ancillary services related to air travel that consumers paid for but were not provided;

(b) Fees to transport checked bags that are lost or significantly delayed; and

(c) Airfare including nonrefundable airfare for a flight that is cancelled or significantly changed where the consumer does not accept the significantly changed flight or rebooking on an alternative flight, or accept any voucher, credit, or other compensation offered by the carrier.

■ 5. Amend § 260.2 by removing the definitions of ''Prompt refunds'' and ''Significant change of flight itinerary or significantly changed flight'' and adding in their place definitions for ''Prompt refund'' and ''Significantly delayed or changed flight'' to read as follows:

§ 260.2 Definitions.

* * * * *

Prompt refund means refunds made within 7 business days after the earliest date the refund was requested as set forth in § 260.6(a)(2) as required by 14 CFR 374.3 for credit card purchases and within 20 calendar days after the earliest date the refund was requested as set forth in § 260.6(a)(2) for cash, check, debit card, or other forms of purchases.

Significantly delayed or changed flight means a covered flight itinerary with a delay or change made by a

covered carrier where, as the result of the delay or change:

(1) The consumer is scheduled to depart from the origination airport three hours or more for domestic itineraries and six hours or more for international itineraries earlier than the original scheduled departure time;

(2) The consumer is scheduled to arrive at the destination airport three or more hours for domestic itineraries or six or more hours for international itineraries after the original scheduled arrival time;

(3) The consumer is scheduled to depart from a different origination airport or arrive at a different destination airport;

(4) The consumer is scheduled to travel on an itinerary with more connection points than that of the original itinerary;

(5) The consumer is downgraded to a lower class of service;

(6) The consumer who is an individual with a disability is scheduled to travel through one or more connecting airports different from the original itinerary; or

(7) The consumer who is an individual with a disability is scheduled to travel on substitute aircraft on which one or more accessibility features needed by the customer are unavailable.

* * * * *

■ 6. Revise § 260.6 to read as follows:

§ 260.6 Refunding fare for flights cancelled or significantly delayed or changed by carriers.

(a) *Carriers' obligation to provide refunds*—(1) *Carriers' obligation.* A covered carrier that is the merchant of record must provide a full and prompt refund of the airfare, including any taxes and ancillary fees, as set forth in paragraph (a)(2) of this section to a consumer that holds a nonrefundable ticket on a scheduled flight to, from, or within the United States for any cancelled flight or significantly delayed or changed flight where the consumer chooses not to:

(i) Fly on the significantly delayed or changed flight or accept rebooking on an alternative flight; or

(ii) Accept any voucher, credit, or other form of compensation offered by the air carrier or foreign air carrier pursuant to paragraph (c) of this section.

(2) *Automatic refunds.* A full refund of the airfare, including any taxes and ancillary fees, is due to a consumer as described in paragraphs (a)(2)(i) through (iii) of this section:

(i) A flight is canceled and a consumer is not offered an alternative flight or any voucher, credit, or other form of compensation by the air carrier or foreign air carrier pursuant to paragraph (c) of this section;

(ii) A consumer rejects the significantly delayed or changed flight, rebooking on an alternative flight, or any voucher, credit, or other form of compensation offered by the covered carrier pursuant to paragraph (c) of this section; or

(iii) A consumer does not respond to an offer of:

(A) A significantly delayed or changed flight or an alternative flight and the flight departs without the consumer; or

(B) A voucher, credit, or other form of compensation by the date on which the cancelled flight was scheduled to depart or the date that the significantly delayed or changed flight departs.

(b) *Individuals with a disability.* A carrier that is the merchant of record must provide a full and prompt refund to an individual with a disability upon notification by the individual with a disability that he/she does not want to continue travel because of the significant changes described in paragraphs (b)(1) through (3) of this section. The covered carrier must also provide a full and prompt refund to any individuals in the same reservation as the individual with a disability who do not want to continue travel without the individual with a disability in situations described in paragraphs (b)(1) through (3).

(1) The individual with a disability is downgraded to a lower class of service that results in one or more accessibility features needed by the individual becoming unavailable.

(2) The individual with a disability is scheduled to travel through one or more connecting airports that are different from the original itinerary.

(3) The individual with a disability is scheduled to travel on a substitute aircraft on which one or more accessibility features available on the original aircraft needed by the individual are unavailable.

(c) *Alternative to refund.* A covered carrier may offer a voucher, credit, or other form of compensation as an explicit alternative to providing a refund required by paragraph (a) of this section if:

(1) The offer includes a clear and conspicuous notice of—

(i) The terms of the offer as specified in § 260.8; and

(ii) The consumer's right to a full refund under this section.

(2) The voucher, credit, or other form of compensation offered explicitly as an alternative to providing a refund required by paragraph (a) of this section remains valid and redeemable by the consumer for a period of at least five years from the date on which such voucher, credit, or other form of compensation is issued;

(3) Upon the issuance of such voucher, credit, or other form of compensation, a covered carrier notifies the recipient of the expiration date of the voucher, credit, or other form of compensation; and

(4) Upon request by an individual who self identifies as an individual with a disability a covered carrier provides a notification under paragraph (c)(3) of this section in an electronic format accessible to the recipient.

(d) *Carriers' obligation to notify ticket agents.* In situations where a ticket agent is the merchant of record for the transaction, after receiving a refund request by a consumer through the ticket agent, the carrier that canceled or significantly delayed or changed the flight must inform the ticket agent without delay whether the consumer is eligible for a refund under this section (*i.e.,* whether the consumer has accepted the significantly changed flight, the alternative flight, or other compensation offered in lieu of refunds).

(e) *Carriers' obligation to transfer funds to ticket agents.* In situations where a ticket agent is responsible for providing the refund to the consumer pursuant to 14 CFR 399.80(l) and the ticket agent does not possess the funds of the consumer, that carrier that has the funds must promptly transfer the funds to the ticket agent.

■ 7. Revise § 260.7 to read as follows:

§ 260.7 Affirmative acceptance of an offer of alternative compensation.

A covered carrier must not deem a consumer to have accepted an offer for travel credits, vouchers, or other compensation in lieu of a refund under § 260.6(c) unless the consumer affirmatively agrees to the alternative form of compensation.

■ 8. Revise § 260.8 to read as follows:

§ 260.8 Disclosing material restrictions, conditions, or limitations.

In carrying out the requirements of § 260.6(c), a covered carrier must clearly and conspicuously disclose, no later than at the time of voucher or credit offer, any material restrictions, limitations, or conditions on travel credits, vouchers, or other compensation, including but not limited to validity period, advance purchase requirement, capacity restrictions, and blackout dates, regardless of whether consumers are entitled to a refund.

§§ 260.9 and 260.10 Redesignated as §§ 260.10 and 260.11]

■ 9. Redesignate §§ 260.9 and 260.10 as §§ 260.10 and 260.11, respectively, and add new § 260.9 to as follows:

§ 260.9 Notification to consumers.

(a) Upon the occurrence of a flight cancellation or a significant delay or change, a covered carrier must timely notify affected consumers about the cancellation or significant delay or change, and the information relating to any alternative to refund as provided in § 260.6(c).

(b) Covered air carriers must ensure that their passenger notification systems notify passengers owed a refund pursuant to § 260.6(a) and (b) of their right to receive a refund. Covered carriers that provide notification subscription services to passengers must ensure notifications under this paragraph be provided through media that the carriers offer and the subscribers choose, including emails, text messages, and push notices from mobile apps.

PART 399—STATEMENTS OF GENERAL POLICY

■ 10. The authority citation for part 399 is revised to read as follows:

Authority: 49 U.S.C. 40113(a), 41712, 46106, 46107, and 42305.

■ 11. Amend § 399.80 by revising paragraph (l) to read as follows:

§ 399.80 Unfair and deceptive practices of ticket agents.

* * * * *

(l) Failing to make a prompt refund of airfare (including any taxes and ancillary fees) to a consumer, upon request, for a cancelled flight or a significantly delayed or changed flight if the consumer chooses not to travel or accept compensation in lieu of a refund in situations described in 14 CFR 260.6(a) and (b) when the ticket agent is the merchant of record. Failing to provide a prompt refund of airfare (including any taxes and ancillary fees), upon request, for a significantly delayed or changed flight itinerary to consumers on the same reservation as an individual with a disability who does not want to continue travel because of a significant change described in paragraph (l)(1)(vii)(E) of this section related to downgrades or paragraph (l)(1)(vii)(G) of this section related to aircraft substitution which result in one or more accessibility features needed by the individual with a disability becoming unavailable or because of the significant change described in paragraph (l)(1)(vii)(F) of this section related to change in connecting airports. A prompt refund is one that is made within 7 business days of the ticket agent receiving information from a carrier as specified in 14 CFR 260.6(d), as required by 12 CFR part 1026 for credit card purchases, and within 20 calendar days of refund becoming due for cash, check, debit card, or other forms of purchases. Ticket agents must provide the refunds in the original form of payment (*i.e.,* money is returned to individual using whatever payment method the individual used to make the original payment, such as a check, a credit card, a debit card, cash, or airline miles), unless the consumer agrees to receive the refund in another form of payment that is cash equivalent. A ticket agent may retain a service fee charged when issuing the original ticket to the extent that service is for more than processing payment for a flight that the consumer found. That fee must be on a per-passenger basis and its existence, amount, and the non-refundable nature if that is the case must be clearly and prominently disclosed to consumers at the time they purchase the airfare. Ticket agents may offer alternative transportation, travel credits, vouchers, or other compensation that remains valid and redeemable by the consumer for a period of at least 5 years from the date on which such voucher, credit, or other form of compensation in lieu of refunds but must first inform consumers that they are entitled to a refund if that is the case. Ticket agents must clearly disclose any material restrictions, conditions, and limitations on travel credits, vouchers, or other compensation they offer, including the expiration date of the travel credits, vouchers, or other compensation, which must be provided, upon request, to an individual who self identifies as an individual with a disability in an electronic format accessible to the recipient.

(1) For purposes of this paragraph (l), the following definitions apply:

(i) *Business days* means Monday through Friday, excluding Federal holidays in the United States.

(ii) *Cancelled flight* or *cancellation means* a flight with a specific flight number scheduled to be operated between a specific origin-destination city pair that was published in a carrier's Computer Reservation System at the time of the ticket sale but was not operated by the carrier.

(iii) *Cash equivalent* means a form of payment that can be used like cash, including but not limited to a check, a prepaid card, funds transferred to the passenger's bank account, funds provided through digital payment methods (*e.g.,* PayPal, Venmo), or a gift card that is widely accepted in commerce. It is not cash equivalent if consumers bear the burden for maintenance or usage fees related to the payment.

(iv) *Class of service* means seating in the same cabin class such as First, Business, Premium Economy, or Economy class, which is defined based on seat location in the aircraft and seat characteristics such as width, seat recline angles, or pitch (including the amount of legroom).

(v) *Covered flight* means a scheduled flight to, from, or within the United States.

(vi) *Merchant of record* means the entity responsible for processing payments by consumers for airfare, as shown in the consumer's financial charge statements such as debit or credit card charge statements.

(vii) *Significant delayed or changed flight* means a covered flight itinerary with a delay or change made by a U.S. or foreign carrier where as the result of the delay or change:

(A) The consumer is scheduled to depart from the origination airport three hours or more for domestic itineraries and six hours or more for international itineraries earlier than the original scheduled departure time;

(B) The consumer is scheduled to arrive at the destination airport three hours or more for domestic itineraries or six hours or more for international itineraries later than the original scheduled arrival time;

(C) The consumer is scheduled to depart from a different origination airport or arrive at a different destination airport;

(D) The consumer is scheduled to travel on an itinerary with more connection points than that of the original itinerary;

(E) The consumer is downgraded to a lower class of service;

(F) The consumer with a disability is scheduled to travel through one or more connecting airports that are different from the original itinerary; or

(G) The consumer with a disability is scheduled to travel on substitute aircraft on which one or more accessibility features needed by the passenger are unavailable.

* * * * *

[FR Doc. 2024–17602 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 24–13]

RIN 1515–AE90

Extension of Import Restrictions Imposed on Certain Archaeological Material of Algeria

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

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to extend import restrictions on certain archaeological material from the People's Democratic Republic of Algeria. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determinations for extending the import restrictions, which were originally imposed by CBP Decision 19–09. Accordingly, these import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension through August 15, 2029.

DATES: Effective August 15, 2024.

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

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (the Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological material. Under the CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in § 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On August 15, 2019, the United States entered into a bilateral agreement with the People's Democratic Republic of Algeria (Algeria) to impose import restrictions on certain archaeological material representing Algeria's cultural heritage that is at least 250 years old, dating from the Paleolithic (approximately 2.4 million years ago), Neolithic, Classical, Byzantine, and Islamic periods and into the Ottoman period to A.D. 1750 (2019 MOU). On August 16, 2019, CBP published a final rule (CBP Dec. 19–09) in the **Federal Register** (84 FR 41909), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions, including a list designating the types of archaeological material covered by the restrictions.

On December 13, 2023, the United States Department of State proposed in the **Federal Register** (88 FR 86437) to extend the 2019 MOU. On April 23, 2024, after considering the views and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the necessary determinations to extend the import restrictions for an additional five years. Following an exchange of diplomatic notes, the United States and the Government of the People's Democratic Republic of Algeria have agreed to extend the restrictions for an additional five-year period, through August 15, 2029.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of these import restrictions. The restrictions on the importation of archaeological material from Algeria will continue in effect through August 15, 2029. Importation of such material from Algeria continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: *https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/current-import-restrictions* by selecting the material for ''Algeria.''

Inapplicability of Notice and Delayed Effective Date

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

Executive Orders 12866 and 13563

Executive Orders 12866 (Regulatory Planning and Review), as amended by Executive Order 14094 (Modernizing Regulatory Review), and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Orders 12866 and 13563 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866 and, by extension, Executive Order 13563.

Regulatory Flexibility Act

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

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of the Secretary's delegate) to approve

regulations related to customs revenue functions.

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

List of Subjects in 19 CFR Part 12

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

Amendment to the CBP Regulations

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

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

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

* * * * *

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

* * * * *

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

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

(a) * * *

State party	Cultural property	Decision No.
*	*	*
Algeria	Archaeological material representing Algeria's cultural heritage that is at least 250 years old, dating from the Paleolithic (approximately 2.4 million years ago), Neolithic, Classical, Byzantine, and Islamic periods and into the Ottoman period to A.D. 1750.	CBP Dec. 19–09, extended by CBP Dec. 24–13.
*	*	*

* * * * *

Robert F. Altneu,

Director, Regulations and Disclosure Law Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection.

Approved.

Aviva R. Aron-Dine,

Acting Assistant Secretary of the Treasury for Tax Policy.

[FR Doc. 2024–17892 Filed 8–9–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0466]

RIN 1625–AA00

Safety Zone; West Passage, Narragansett Bay, Jamestown, RI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within the West Passage of Narragansett Bay on September 4, 2024. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the air show. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Southeastern New England.

DATES: This rule is effective from 6 p.m. on September 04, 2024, through 7:30 p.m. on September 05, 2024. The rule will only be subject to enforcement from 6 p.m. to 7:30 p.m. on September 04, 2024, unless the event time is changed because of weather conditions in which case it may be subject to enforcement those same hours on September 05, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0466 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MST2 Christopher Matthews, Waterways Management Division, Sector Southeastern New England, U.S. Coast Guard; telephone 571–610–4969, email *SENEWWM@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Southeastern New England
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On June 4, 2024, the Heritage Flight Foundation notified the Coast Guard that they would be conducting an air show from 6 p.m. through 7:30 p.m. on September 04, 2024. The air show will take place in the vicinity of the West Passage in Narragansett Bay, RI, near Fort Getty, Jamestown, RI.

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be doing so would be impracticable and contrary to the public interest. We must establish the temporary safety zone by September 04, 2024, to ensure the safety of spectators and the general public from hazards associated with the air show.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because prompt action is necessary to ensure the safety of spectators and the general public from hazards associated with the air show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Southeastern New England (COTP) has determined that potential hazards associated with the air show occurring on September 04, 2024, will be a safety concern for anyone within the vicinity of the West Passage in Narragansett Bay, RI, near Fort Getty, Jamestown, RI. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the air show.

IV. Discussion of the Rule

This rule establishes a safety zone from 6 p.m. until 7:30 p.m. on September 04, 2024. The safety zone will cover all navigable waters within the following latitude and longitude points, 41°29.755′ N, 071°24.658′ W; 41°29.807′ N, 071°24.225′ W; 41°28.831′ N, 071°24.019′ W; 41°28.780′ N, 071°24.452′ W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the air show. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. This rule involves a safety zone lasting approximately 1.5 hours and impacting a limited area of the West Passage of Narragansett Bay during an air show. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zone and the rule would allow vessels to seek permission to enter the area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 1.5 hours that will prohibit entry into a portion of the West Passage of Narragansett Bay. The safety zone will cover all navigable waters within the following latitude and longitude points, 41°29.755′ N, 071°24.658′ W; 41°29.807′ N, 071°24.225′ W; 41°28.831′ N, 071°24.019′ W; 41°28.780′ N, 071°24.452′ W. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions

on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0466 to read as follows:

§ 165.T01–0466 Safety Zone; Narragansett Bay, Jamestown, RI.

(a) *Location.* The following area is a safety zone, all waters of the West Passage of Narragansett Bay, from surface to bottom, encompasses all navigable waters located within the following latitude and longitude points:

Latitude	Longitude
41°29.755′ N.	071°24.658′ W: thence to.
41°29.807′ N.	071°24.225′ W: thence to.
41°28.831′ N.	071°24.019′ W: thence to.
41°28.780′ N.	071°24.452′ W: and thence to the point of beginning.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Southeastern New England (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at 866–819–9128. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 6 p.m. to 7:30 p.m. on September 04, 2024, or September 05, 2024.

Y. Moon,

Captain, U.S. Coast Guard, Captain of the Port Sector Southeastern New England.

[FR Doc. 2024–17915 Filed 8–9–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0399; FRL–12005–01–OCSPP]

Kasugamycin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of kasugamycin in or on tea, dried. UPL Delaware, Inc. (UPL) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This rule is effective August 12, 2024. Objections and requests for hearings must be received on or before October 11, 2024 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0399, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the **Federal Register** Office's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2023–0399 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before October 11, 2024. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be

disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2023–0399, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of November 21, 2023 (88 FR 81021) (FRL–10579–10–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E9058) by UPL Delaware, Inc. (UPL), 630 Freedom Business Center Suite 402, King of Prussia, PA 19406. The petition requested that 40 CFR 180.614 be amended by establishing tolerances for residues of the fungicide kasugamycin, in or on tea, dried at 3 ppm parts per million (ppm). That document referenced a summary of the petition prepared by UPL Delaware, Inc., the registrant, which is available in the docket, *https://www.regulations.gov.* There was one comment received in response to the notice of filing. The comment was not germane to the petition for kasugamycin tolerances.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for kasugamycin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with kasugamycin follows. In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections of the rule that repeat what has been previously published in tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a tolerance rulemaking for kasugamycin in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to kasugamycin and established tolerances for residues of that chemical. EPA is incorporating previously published sections from that rulemaking as described further in this rule, as they remain unchanged.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Specific information on the studies received and the nature of the adverse effects caused by kasugamycin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in the final rule published in the **Federal Register** of March 6, 2018 (83 FR 9442) (FRL–9972–96).

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for kasugamycin used for human risk assessment can be found on pages 10–12 of the document ''Kasugamycin. Human Health Risk Assessment for a Section 3 Tolerance without U.S. Registration on Tea.'', hereinafter ''Kasugamycin Human Health Risk Assessment,'' in Docket ID number EPA–HQ–OPP–2023–0399 at *https://www.regulations.gov.*

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to kasugamycin, EPA considered exposure under the petitioned-for tolerances as well as all existing kasugamycin tolerances in 40 CFR 180.614. EPA assessed dietary exposures from kasugamycin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are conducted for a food-use pesticide if a toxicological study has indicated the

possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for kasugamycin; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the Dietary Exposure Evaluation Model software using the Food Commodity Intake Database (DEEM–FCID) Version 4.02, which uses the 2005–2010 food consumption data from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The chronic analysis incorporated tolerance-level residues for all commodities and recommended tolerance levels in or on tea. The assessment assumed 100 percent crop treated (PCT) for all commodities. The analysis incorporated default processing factors for all processed commodities. For apple juice, empirical processing factors of 1.5X were used.

iii. *Cancer.* Based on the data summarized in the Kasugamycin Human Health Risk Assessment, EPA has concluded that kasugamycin does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

2. *Dietary exposure from drinking water.* The proposed tolerance does not result in an increase in the estimated residue levels in drinking water, so the estimated drinking water concentrations used in the March 6, 2018, rulemaking are the same as those used in this assessment.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Kasugamycin is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found kasugamycin to share a common mechanism of toxicity with any other substances, and kasugamycin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that kasugamycin does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the March 6, 2018, rulemaking for a discussion of the Agency's rationale for that determination.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term aggregate risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, kasugamycin is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to kasugamycin from food and water will utilize 4.3% of the cPAD for all infants (less than 1 year old), the population group receiving the greatest exposure. There are no residential uses for kasugamycin.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there are no residential uses, kasugamycin is not expected to pose a short-term risk.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there are no residential uses, kasugamycin is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, kasugamycin is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to kasugamycin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

A practical analytical method for detecting and measuring levels of kasugamycin has been developed and validated in all appropriate agricultural commodities. For the tea residue studies, residues were quantified with a liquid chromatograph-tandem mass spectrometer (LC–MS/MS).

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established MRLs for kasugamycin in or on any commodities. Japan has an established MRL on tea at 3 ppm. EPA is proposing to harmonize with the Japanese MRL.

V. Conclusion

Therefore, tolerances are established for residues of kasugamycin, (3-O-[2-

amino-4-[(carboxyimino-methyl)amino]-2,3,4,6-tetradeoxy-α-D-arabino-hexopyranosyl]-D-chiro-inositol), in or on tea, dried at 3 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA 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 prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 5, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.614, in paragraph (a), add a heading to the table and an entry in alphabetical order for ''Tea, dried'' to read as follows:

§ 180.614 Kasugamycin; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Tea, dried[2]	3
* * * * *	

[2] There is no U.S. registration as of August 12, 2024.

* * * * *

[FR Doc. 2024–17805 Filed 8–9–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0323; FRL–10389–01–OCSPP]

Bacillus Paralicheniformis Strain CH0273; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Bacillus paralicheniformis* strain CH0273 in or on all food commodities when used in accordance with label directions and good agricultural practices. Chr. Hansen, Inc., submitted a petition to the EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus paralicheniformis* strain CH0273 under FFDCA when used in accordance with this exemption.

DATES: This regulation is effective August 12, 2024. Objections and requests for hearings must be received on or before October 11, 2024 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2022–0323, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Madison H. Le, Biopesticides and Pollution Prevention Division (7511M), Office of Pesticide Programs, Environmental Protection Agency, 1200

Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by the EPA, you must identify docket ID number EPA–HQ–OPP–2022–0323, in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before October 11, 2024.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Revised Order Urging Electronic Filing and Service,'' dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by the EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2022–0323, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Background

In the **Federal Register** of April 28, 2022 (87 FR 25178) (FRL–9410–12), the EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance exemption petition (PP 1F8943) by Chr. Hansen, Inc., 9015 W Maple St., Milwaukee, WI 53214. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of fungicide and nematicide *Bacillus paralicheniformis* strain CH0273. That notice referenced a summary of the petition prepared by the petitioner Chr. Hansen, Inc., and available in the docket via *https://www.regulations.gov.* The EPA received a comment on the notice of filing. The EPA's response to this comment is discussed in Unit III.C.

III. Final Rule

A. The EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows the EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if the EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, the EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require the EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that the EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

The EPA evaluated the available toxicological and exposure data on *Bacillus paralicheniformis* strain CH0273 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which the EPA relied and its risk assessment based on those data can be found within the document entitled ''Human Health Risk Assessment of *Bacillus paralicheniformis* strain CH0273 and *Bacillus subtilis* strain CH4000, two New Active Ingredients, in the Manufacturing-use Products (MUPs) CH0273 (2375–U) and CH4000 (2375–A), and End-use Products (EPs) Kansas 3 SC (2375–L) and Kansas 3 WP (2375–T) Proposed for Registration and two Associated Petitions Requesting Tolerance Exemptions.'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

The available data demonstrated that, with regard to humans, *Bacillus paralicheniformis* strain CH0273, is not toxic, pathogenic, irritating, or infective. According to the toxicity/infectivity and acute studies, *Bacillus paralicheniformis* strain CH0273 has a low toxicity profile, and no toxicological endpoints were identified. This active ingredient is a biological fungicide and nematicide and the proposed mode of action is mediated by the mechanisms of antagonism of pest and pathogens, promotion of host nutrition and growth, and stimulation of plant host defenses. Application of products containing *Bacillus paralicheniformis* strain CH0273 will briefly result in adding to the bacterial population already present in the environment. However, population levels for this active ingredient are expected to decrease to environmental background levels relatively rapidly following application. This active ingredient present in the environment and humans are naturally exposed to it. Dietary and drinking water exposure is expected to be negligible since significant residues are not expected because the EPs containing this active ingredient are meant for indirect application to food crops through seed and soil treatment. The EPA does not expect dietary (food and drinking water) or other non-occupational risks from use of *Bacillus paralicheniformis* strain CH40273 as a microbial active ingredient in the proposed pesticide products.

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' No risk of cumulative toxicity/effects from *Bacillus paralicheniformis* strain CH0273 has been identified as no toxicity has been shown for *Bacillus paralicheniformis* strain CH0273 in the submitted studies. Therefore, the EPA has not assumed that *Bacillus paralicheniformis* strain CH0273 has a common mechanism of toxicity with other substances.

Additionally, although FFDCA section 408(b)(2)(C) provides for an additional tenfold margin of safety for infants and children in the case of threshold effects, the EPA has determined that there are no such effects due to the lack of toxicity of *Bacillus paralicheniformis* strain CH0273. Because there are no threshold levels of concern with the toxicity, pathogenicity, or infectivity of *Bacillus paralicheniformis* strain CH0273, the EPA determined that no additional margin of safety is necessary to protect infants and children as part of the qualitative assessment conducted.

Based upon its evaluation in the human health risk assessment of *Bacillus paralicheniformis* strain CH0273, and *Bacillus subtilis* strain CH4000, which concludes that there are no risks of concern from aggregate exposure to *Bacillus paralicheniformis* strain CH0273, the EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Bacillus paralicheniformis* strain CH0273.

B. Analytical Enforcement Methodology

An analytical method is not required for *Bacillus paralicheniformis* strain CH0273 because the EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. Response to Comments

One comment was received in response to the notice of filing. The EPA reviewed the comment and determined that it was irrelevant to the tolerance exemption in this action.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to the EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the EPA has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the EPA has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require the EPA's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the EPA 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 prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 6, 2024.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, the EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1410, to subpart D to read as follows:

§ 180.1410 Bacillus paralicheniformis strain CH0273; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Bacillus paralicheniformis* strain CH0273 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2024–17860 Filed 8–9–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0318; FRL–10390–01–OCSPP]

Bacillus Subtilis Strain CH4000; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Bacillus subtilis* strain CH4000 in or on all food commodities when used in accordance with label directions and good agricultural practices. Chr. Hansen Inc., submitted a petition to the EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus subtilis* strain CH4000 under FFDCA when used in accordance with this exemption.

DATES: This regulation is effective August 12, 2024. Objections and requests for hearings must be received on or before October 11, 2024 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2022–0318, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Madison H. Le., Biopesticides and Pollution Prevention Division (7511M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFR Notices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by the EPA, you must identify docket ID number EPA–HQ–OPP–2022–0318 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before October 11, 2024.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Revised Order Urging Electronic Filing and Service,'' dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22-%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by the EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2022–0318, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Background

In the **Federal Register** of April 28, 2022 (87 FR 25178) (FRL–9410–12), the EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance exemption petition (PP 1F8944) by Chr. Hansen, Inc., 9015 W Maple Street, Milwaukee, WI 53214, USA. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the fungicide and nematicide *Bacillus subtilis* strain CH4000 in or on all food commodities. That notice referenced a summary of the petition prepared by the petitioner Chr. Hansen, Inc., and available in the docket via *https://www.regulations.gov.* The EPA received a comment on the notice of filing. The EPA's response to this comment is discussed in Unit III.C.

III. Final Rule

A. The EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows the EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if the EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, the EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require the EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that the EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

The EPA evaluated the available toxicological and exposure data on *Bacillus subtilis* strain CH4000 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which the EPA relied and its risk assessment based on those data can be found within the document entitled ''Human Health Risk Assessment of *Bacillus paralicheniformis* strain CH0273 and *Bacillus subtilis* strain CH4000, two New Active Ingredients, in the Manufacturing-use Products (MUPs) CH0273 (2375–U) and CH4000 (2375–A), and End-use Products (EPs) Kansas 3 SC (2375–L) and Kansas 3 WP (2375–T) Proposed for Registration and two Associated Petitions Requesting Tolerance Exemptions.'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

The available data demonstrated that, with regard to humans, *Bacillus subtilis* strain CH4000, is not toxic, pathogenic, irritating, or infective. According to the toxicity/infectivity and acute studies, *Bacillus subtilis* strain CH4000 has a low toxicity profile, and no toxicological endpoints were identified. This active ingredient is a biological fungicide and nematicide and the proposed mode of action is mediated by the mechanisms of antagonism of pest and pathogens, promotion of host nutrition and growth, and stimulation of plant host defenses. Application of products containing *Bacillus subtilis* will briefly result in adding to the bacterial population already present in the environment. However, population levels for this active ingredient are expected to decrease to environmental background levels relatively rapidly following application. This active ingredient is present in the environment and humans are naturally exposed to it. Dietary and drinking water exposure is expected to be negligible since significant residues are not expected because the EPs containing this active ingredient are meant for indirect application to food crops through seed and soil treatment. The EPA does not expect dietary (food and drinking water) or other non-occupational risks from use of *Bacillus subtilis* strain CH4000 as a microbial active ingredient in the proposed pesticide products.

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' No risk of cumulative toxicity/effects from *Bacillus subtilis* strain CH4000 has been identified as no toxicity has been shown for *Bacillus subtilis* strain CH4000 in the submitted studies. Therefore, the EPA has not assumed that *Bacillus subtilis* strain CH4000 has a common mechanism of toxicity with other substances.

Additionally, although FFDCA section 408(b)(2)(C) provides for an additional tenfold margin of safety for infants and children in the case of threshold effects, the EPA has determined that there are no such effects due to the lack of toxicity of *Bacillus subtilis* strain CH4000. Because there are no threshold levels of concern with the toxicity, pathogenicity, or infectivity of *Bacillus subtilis* strain CH4000, the EPA determined that no additional margin of safety is necessary to protect infants and children as part of the qualitative assessment conducted.

Based upon its evaluation in the human health risk assessment of *Bacillus paralicheniformis* strain CH0273 and *Bacillus subtilis* strain CH4000, which concludes that there are no risks of concern from aggregate exposure to *Bacillus subtilis* strain CH4000, the EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Bacillus subtilis* strain CH4000.

B. Analytical Enforcement Methodology

An analytical method is not required for *Bacillus subtilis* strain CH4000 because the EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. Response to Comments

One comment was received in response to the notice of filing. The EPA reviewed the comment and determined that it was irrelevant to the tolerance exemption in this action.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to the EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under

Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the EPA has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the EPA has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require the EPA's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the EPA 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 prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 6, 2024.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1411 to subpart D to read as follows:

§ 180.1411 Bacillus subtilis strain CH4000; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Bacillus subtilis* strain CH4000 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2024–17861 Filed 8–9–24; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1607

Governing Bodies

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation's (LSC) FY 2024 appropriation enacted on March 9, 2024, included language that lowered the proportion of attorneys required to serve on the governing bodies of LSC grant recipients from 60% to 33%, and eliminated the requirement that bar associations appoint the majority of attorneys. This final rule revises LSC's regulation pertaining to recipient governing bodies to be consistent with this directive from Congress.

DATES: This final rule is effective on January 1, 2025.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Deputy General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007; (202) 295–1563 (phone), (202) 337–6519 (fax), or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The LSC Act of 1974 requires grant recipients to have governing bodies composed of at least 60% attorneys. 42 U.S.C. 2996f(c). LSC adopted Part 1607 and the 60% requirement in 1976. 41 FR 25899, June 23, 1976. Subsequently, LSC's fiscal year (FY) 1983 appropriation included a requirement that a majority of each recipient's governing body be composed of attorneys appointed by state or local bar associations, also known as the ''McCollum Amendment.'' Public Law 97–276, 96 Stat. 1186. LSC revised Part 1607 in 1983 to implement the McCollum Amendment. 48 FR 1971, Jan. 17, 1983. The McCollum Amendment currently appears in § 502(2)(b)(ii) of LSC's FY 1996 appropriation, which is incorporated through § 502 of LSC's FY 1998 appropriation, as referenced in all LSC appropriations from 1998 through 2024. *See, e.g.,* Public Law 104–134, 110 Stat. 1321; Public Law 105–119, 111 Stat. 2440; Public Law 118–42.

LSC's FY 2024 appropriation changed the minimum attorney percentage to 33% and eliminated the McCollum Amendment requirement. The Administrative Provision of this appropriation reiterates the incorporation of prior appropriations' restrictions by reference. It also includes language stating that for purposes of applying the board composition requirements described in LSC's FY 1998 appropriation, the requirements would be satisfied if at least 33% of a grant recipient's board were composed of attorneys licensed in the state in which legal assistance is to be provided. Finally, it includes language stating that the McCollum Amendment does not apply. Public Law 118–42, Div. C, Title IV, 141 (2024) .

LSC proposed to make the following changes to incorporate the statutory changes and to reorganize § 1607.3 for ease of reference. First, LSC proposed to delete § 1607.3(b)(1) in its entirety and replace it with a new paragraph (b)(1) stating that a recipient's governing body must be composed of at least 33% attorneys. LSC proposed removing the language implementing the McCollum Amendment. LSC also proposed to redesignate existing paragraphs (b)(2) and (b)(3) as (b)(1)(i) and (b)(1)(ii), respectively.

Second, LSC proposed reorganizing the section by relocating the categories of governing body members currently located in paragraphs (c) and (d) to paragraphs (b)(2) and (b)(3), respectively, and placing the processes for appointments into subparagraphs under each category. LSC believes that restructuring § 1607.3 in this way will make it easier for readers to understand the categories of membership on LSC recipients' governing bodies and the considerations recipients use to recruit and select members.

Third, LSC proposed to redesignate paragraphs (f), (g), and (h) as (c), (d), and (e).

Finally, LSC proposed revising paragraph (e) to reflect the statutory change and allow recipient staff to recommend candidates to their governing bodies. LSC believes this change would empower recipient staff to identify and propose clients, attorneys, or other community members with relevant expertise for appointment to their respective governing bodies.

On April 2, 2024, the LSC Operations and Regulations Committee voted to recommend that the Board authorize LSC to open rulemaking on part 1607 and authorize publication of this NPRM in the **Federal Register** for notice and comment. On April 8, 2024, the Board accepted the Committee's recommendation and voted to approve publication of this NPRM. After consideration of the comments received during the comment period, on July 24, 2024, the Committee voted to recommend that the LSC Board adopt this final rule and approve its publication in the **Federal Register**. On July 24, 2024, the Board voted to adopt and publish this final rule.

Materials regarding this rulemaking are available in the open rulemaking section of LSC's website at *http://www.lsc.gov/about-lsc/laws-regulations-guidance/rulemaking.* After the effective date of the rule, those materials will appear in the closed rulemaking section at *http://www.lsc.gov/about-lsc/laws-regulations-guidance/rulemaking/closed-rulemaking.*

II. Comments

LSC received two comments during the public comment period. Comments were received from the National Legal Aid and Defender Association (NLADA) and Neighborhood Legal Services of Los Angeles County (NLSLA), an LSC grantee. Both comments supported LSC's proposed changes. NLSLA fully supported LSC's changes to § 1607.3(b)(1) due to the ''increased capacity to identify candidates that have useful experiences'' that are beneficial and effective to the boards of grant recipients. NLSLA also agreed with LSC's removal of the McCollum Amendment to allow ''programs to use their discretion to select potential attorney members or designate other organizations to propose candidates.''

NLADA stated that it believed the proposed rule change allows for ''talented individuals to join governing bodies, contributing new and important experience, skills, and perspectives.'' NLADA further supported the rule change because it will ''improve the quality of the attorneys that serve on the governing bodies of LSC grantees.''

LSC is making two technical changes that do not affect the substance of the final rule. First, at its April 2, 2024, meeting, a member of the Committee recommended reorganizing paragraph (b)(3) for consistency with paragraphs (b)(1) and (b)(2). LSC has made this technical change to the rule text. Additionally, in paragraphs (b)(1)(i) and (e)(1), LSC is replacing the term ''the poor'' with ''low-income populations'' based on the recommendation of a member of LSC's Board of Directors. The term ''low-income populations'' is also more consistent with LSC's use of the Income Eligibility Guidelines. LSC is otherwise adopting this rule as proposed.

List of Subjects in 45 CFR Part 1607

Grant program—law, Legal services.

For the reasons discussed in the preamble, the Legal Services Corporation amends 45 CFR part 1607 as follows:

PART 1607—GOVERNING BODIES

■ 1. The authority citation for part 1607 is revised to read as follows:

Authority: 42 U.S.C. 2996g(e).

■ 2. Amend § 1607.3 by revising paragraphs (b) through (e) to read as follows.

§ 1607.3 Composition.

* * * * *

(b) A recipient's governing body must be composed of:

(1) At least 33% attorneys;

(i) Attorney members may be selected by the recipient's governing body or may be selected by other organizations designated by the recipient which have an interest in the delivery of legal services to low-income populations.

(ii) Selections shall be made to ensure that the attorney members reasonably reflect the diversity of the legal community and the population of the areas served by the recipient, including race, ethnicity, gender, and other similar factors.

(2) At least one-third eligible client members who are eligible client members when initially selected by the recipient.

(i) Recipients must solicit recommendations for eligible client members from a variety of appropriate groups designated by the recipient that may include, but are not limited to, client and neighborhood associations and community-based organizations that advocate for or deliver services or resources to the client community served by the recipient.

(ii) Recipients should solicit recommendations from groups in a manner that reflects, to the extent possible, the variety of interests within the client community, and eligible client members should be selected so that they reasonably reflect the diversity of the eligible client population served by the recipient, including race, gender, ethnicity, and other similar factors.

(3) Other members selected by the recipients' governing body or in another manner described in the recipient's bylaws or policies.

(i) Recipients must appoint or select members so that the governing body as a whole reasonably reflects the diversity of the areas served by the recipient, including race, ethnicity, gender, and other similar factors.

(ii) Recipients should consider recruiting and selecting members possessing fiscal or nonprofit governance expertise or other skills necessary to effectively govern the recipient's operations.

(iii) Members of a governing body shall not be dominated by persons serving as the representatives of a single association, group or organization, except that eligible client members may be selected from client organizations that are composed of coalitions of numerous smaller or regionally based client groups.

(c) Members of a governing body may be selected by appointment, election, or other means consistent with this part and with the recipient's bylaws and applicable State law.

(d) Recipients shall make reasonable and good faith efforts to ensure that governing body vacancies are filled as promptly as possible.

(e) Recipient staff may recommend candidates for governing body membership to its governing body and other appointing groups and should consult with the appointing organizations to ensure that:

(1) Appointees meet the criteria for board membership set out in this part, including financial eligibility for persons appointed as eligible clients, bar admittance requirements for

attorney board members, and the general requirements that all members be supportive of the purposes of the Act and have an interest in and knowledge of the delivery of legal services to low-income populations;

(2) The particular categories of board membership and the board as a whole meet the diversity requirement described in paragraphs (b)(1)(ii), (b)(2)(ii), and (b)(3)(ii) of this section;

(3) Appointees do not have actual and significant individual or institutional conflicts of interest with the recipient or the recipient's client community that could reasonably be expected to influence their ability to exercise independent judgement as members of the recipient's governing body.

* * * * *

Dated: August 6, 2024.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2024–17729 Filed 8–9–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2023–0219; FXES1111090FEDR–245–FF09E21000]

RIN 1018–BH93

Endangered and Threatened Wildlife and Plants; List of Endangered and Threatened Wildlife: Updating Entries for Five Coral Species and Adding Three Nonessential Experimental Populations of Chinook Salmon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS), in accordance with the Endangered Species Act of 1973 (Act), as amended, are amending the List of Endangered and Threatened Wildlife (List) by updating the entries for five species of threatened Caribbean corals (*Orbicella annularis, O. faveolata, O. franksi, Dendrogyra cylindrus,* and *Mycetophyllia ferox*) to reflect the designation of critical habitat for these species. We are also amending the List by adding three nonessential experimental populations of Chinook salmon (*Oncorhynchus tshawytscha*): Upper Yuba River Central Valley spring-run, McCloud and Upper Sacramento Rivers Sacramento River winter-run, and Central Valley spring-run. These amendments are based on previously published determinations by the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for these species.

DATES: This rule is effective August 12, 2024.

Applicability dates: The NMFS rulemaking actions were effective as follows:

- The Caribbean corals critical habitat designations were effective September 8, 2023.
- The designation of the Upper Yuba River Central Valley spring-run Chinook salmon nonessential experimental population was effective January 27, 2023.
- The designation of the McCloud and Upper Sacramento Rivers Sacramento River winter-run and Central Valley spring-run Chinook salmon nonessential experimental populations were effective September 27, 2023.

FOR FURTHER INFORMATION CONTACT: Caitlin Snyder, Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, MS–ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; 703–358–2171. 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.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Act (16 U.S.C. 1531 *et seq.*) and Reorganization Plan No. 4 of 1970 (35 FR 15627; October 6, 1970), NMFS has jurisdiction over the marine and anadromous taxa specified in this rule. Under section 4(a)(1) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. Under section 4(a)(3)(A) of the Act, NMFS must designate critical habitat for listed species under its jurisdiction to the maximum extent prudent and determinable. Section 10(j) of the Act allows the Secretary of Commerce to authorize the release of any population of a listed species outside its current range if the release ''will further the conservation'' of that species. An experimental population is a population that is geographically separate from nonexperimental populations of the same species. Before authorizing the release of an experimental population, section 10(j)(2)(B) of the Act requires that the Secretary must by regulation identify the population and determine, on the basis of the best available information, whether or not the population is essential to the continued existence of the listed species. NMFS makes these determinations via its rulemaking process; then FWS is responsible for publishing final rules to amend the List in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11(h).

Caribbean Corals—Critical Habitat Designations

We are updating the entries on the List for *Orbicella annularis, O. faveolata, O. franksi, Dendrogyra cylindrus,* and *Mycetophyllia ferox* to reflect the designation of critical habitat for these five species of Caribbean corals. On November 27, 2020, NMFS published a proposed rule (85 FR 76302) to designate critical habitat for these five coral species and solicited public comments on the proposed rule during a 60-day comment period, ending on January 26, 2021. NMFS addressed all public comments received in response to the proposed rule, and on August 9, 2023, published a final rule (88 FR 54026) designating critical habitat for these five coral species. These critical habitat designations were effective September 8, 2023. By publishing this final rule, we are simply taking the necessary administrative step to codify these changes in the List at 50 CFR 17.11(h).

Chinook Salmon—Nonessential Experimental Populations

We are also adding entries on the List for the Upper Yuba River Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) nonessential experimental population (NEP), the McCloud and Upper Sacramento Rivers Sacramento River winter-run Chinook salmon (*O. tshawytscha*) NEP, and the Central Valley spring-run Chinook salmon (*O. tshawytscha*) NEP (also referred to as Central Valley spring-run ESU–XN Yuba, Sacramento River winter-run ESU–XN Shasta, and Central Valley spring-run ESU–XN Shasta, respectively). On December 11, 2020, NMFS published a proposed rule (85 FR 79980) for the designation of an NEP of Central Valley spring-run Chinook salmon in the Upper Yuba River. NMFS solicited public comments on the proposed rule during a 30-day comment period ending January 11, 2021. The comment period was extended for an additional 60 days ending on March 12, 2021 (86 FR 2372; January 12, 2021). NMFS addressed all public comments received in response to the proposed rule, and on December 28, 2022,

published a final rule (87 FR 79808) designating the population as an NEP. The designation was effective January 27, 2023.

On May 12, 2023, NMFS published a proposed rule (88 FR 30690) to designate the McCloud and Upper Sacramento Rivers Sacramento River winter-run and Central Valley spring-run Chinook salmon populations as NEPs. NMFS solicited public comments on the proposed rule during a 30-day comment period ending June 12, 2023. NMFS addressed all public comments received in response to the proposed rule and on August 28, 2023, published a final rule (88 FR 58511) designating the population as an NEP. The designation was effective September 27, 2023.

By publishing this final rule, we are simply taking the necessary administrative step to codify these changes in the List at 50 CFR 17.11(h).

Administrative Procedure Act

Because NMFS provided public comment periods on the proposed rules for these taxa, and because this action of FWS is to amend the List in accordance with the determination by NMFS under section (4)(a)(2) of the Act, FWS finds good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately. The NMFS rules extended protection under the Act to these species and amended 50 CFR parts 223 and 226 to designate nonessential experimental populations and establish special rules for these populations, and to designate critical habitat for the five coral species. This rule is an administrative action to update the List at 50 CFR 17.11(h). The public would not be served by delaying the effective date of this rulemaking action.

Required Determinations

National Environmental Policy Act

We have determined that an environmental assessment (EA), as defined under the authority of the National Environmental Policy Act of 1969 (NEPA), need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We outlined our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

In compliance with all provisions of NEPA, NMFS analyzed the impact on the human environment and considered a reasonable range of alternatives for the final rules to designate these three nonessential experimental populations of Chinook salmon. Draft EAs were made available for comments with the publication of the proposed rules, and NMFS responded to those comments in their final rules (87 FR 79808, December 28, 2022; and 88 FR 58511, August 28, 2023). Additionally, NMFS prepared a final EA and finding of no significant impact on each NEP designation of Chinook salmon and made these documents available for public inspection.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the CFR, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

■ 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by:

■ a. Under FISHES, adding in alphabetical order entries for ''Salmon, Chinook [Central Valley spring-run ESU–XN Shasta]'', ''Salmon, Chinook [Central Valley spring-run ESU–XN Yuba]'', and ''Salmon, Chinook [Sacramento River winter-run ESU–XN Shasta]''.

■ b. Under CORALS, revising the entries for ''Coral, boulder star'', ''Coral, lobed star'', ''Coral, mountainous star'', ''Coral, pillar'', and ''Coral, rough cactus''.

The additions and revisions read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* * *	* *	* *	*	*
Fishes				
* * *	* *	* *	*	*
Salmon, Chinook [Central Valley spring-run ESU–XN Shasta].	*Oncorhynchus tshawytscha* ...	Central Valley spring-run ESU–XN Shasta—see 50 CFR 223.102.	XN	88 FR 58511, 8/28/2023; [N] 89 FR [Insert Federal Register page where the document begins], 8/12/2024; 50 CFR 223.301.[10j]
Salmon, Chinook [Central Valley spring-run ESU–XN Yuba].	*Oncorhynchus tshawytscha* ...	Central Valley spring-run ESU–XN Yuba—see 50 CFR 223.102.	XN	87 FR 79808, 12/28/2022; [N] 89 FR [insert Federal Register page where the document begins], 8/12/2024; 50 CFR 223.301.[10j]
* * *	* *	* *	*	*
Salmon, Chinook [Sacramento River winter-run ESU–XN Shasta].	*Oncorhynchus tshawytscha* ...	Sacramento winter-run ESU–XN Shasta—see 50 CFR 223.102.	XN	88 FR 58511, 8/28/2023; [N] 89 FR [insert Federal Register page where the document begins], 8/12/2024; 50 CFR 223.301.[10j]

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* *	*	* *	*	*
	Corals			
* *	*	* *	*	*
Coral, boulder star	*Orbicella franksi*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
* *	*	* *	*	*
Coral, lobed star	*Orbicella annularis*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, mountainous star	*Orbicella faveolata*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, pillar	*Dendrogyra cylindrus*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, rough cactus	*Mycetophyllia ferox*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
* *	*	* *	*	*

* * * * *

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024–17435 Filed 8–9–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 240315–0081; RTID 0648–XE089]

Fisheries of the Northeastern United States; Blueline Tilefish Fishery; In-season Adjustment to the Blueline Tilefish Commercial Possession Limit

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

ACTION: Temporary rule; in-season adjustment.

SUMMARY: NMFS announces that the commercial per-trip possession limit for the blueline tilefish fishery has been reduced for the remainder of the 2024 fishing year. This announcement informs the public of the reduced blueline tilefish possession limit. This action is intended to prevent over-harvest of blueline tilefish for the fishing year.

DATES: Effective August 12, 2024, through December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, *douglas.potts@noaa.gov,* (978) 281–9341.

SUPPLEMENTARY INFORMATION: Regulations for the blueline tilefish fishery are at 50 CFR part 648. The regulations at § 648.295(b)(2)(i) state that when NMFS projects that blueline tilefish commercial catch will reach 70 percent of the total allowable landings (TAL), the Regional Administrator may reduce the possession limit for the commercial blueline tilefish fishery for the remainder of the fishing year or until 100 percent of the TAL is landed. When this occurs, the blueline tilefish possession limit is reduced from 500 pounds (lb) (226.7 kilograms (kg)) to 300 lb (136.1 kg) per trip in the Tilefish Management Unit. Fish must have head and fins attached, but may be gutted. NMFS monitors the blueline tilefish fishery catch based on dealer reports, state data, and other available information.

The Regional Administrator has determined, based on dealer reports and other available information, that the blueline tilefish commercial fishery will land 70 percent of the TAL by August 12, 2024. Upon filing this action in the **Federal Register**, vessels may not possess on board or land more than 300 lb (136.1 kg) per trip of blueline tilefish in or from the Tilefish Management Unit through December 31, 2024.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act. This action implements provisions of § 648.295, which were issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) and (d)(3) to waive prior notice and the opportunity for public comment and the delayed effectiveness period because it would be contrary to the public interest and impracticable. Data and other information indicating the blueline tilefish commercial fishery will have landed 70 percent of the TAL have only recently become available. Landings data are updated by dealer reports on a weekly basis, and NMFS monitors data as catch increases toward the limit. This action is routine and formulaic. The regulations at § 648.295(b)(2)(i) provide for such action to slow down catch as the fishery approaches its TAL, reducing the likelihood that the fishery will need to be shut down before the

end of the fishing year, and to help to ensure that blueline tilefish commercial vessels do not exceed the 2024 TAL. If implementation of this action is delayed, the TAL for the 2024 fishing year may be exceeded, thereby undermining the conservation objectives of the Tilefish Fishery Management Plan. In addition, the public had prior notice and full opportunity to comment on this process when the provisions regarding in-season adjustments and the 2024 quota levels were put in place (89 FR 19760, March 20, 2024).

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

Dated: August 7, 2024.

Claudia Stephanie Womble,

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

[FR Doc. 2024–17901 Filed 8–7–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 89, No. 155
Monday, August 12, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 354

RIN 3064–AF88

Parent Companies of Industrial Banks and Industrial Loan Companies

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is seeking comments on proposed amendments to its regulation governing parent companies of industrial banks and industrial loan companies. This regulation, which was adopted in December 2020, requires certain conditions and written commitments in situations that would result in an industrial bank or industrial loan company becoming a subsidiary of a company that is not subject to consolidated supervision by the Federal Reserve Board. The proposed amendments would revise the definition of ''Covered Company'' to include conversions involving a proposed industrial bank or industrial loan company under section 5 of the Home Owners' Loan Act, or other transactions as determined by the FDIC; ensure that a parent company of an industrial bank subject to a change of control, or a parent company of an industrial bank subject to a merger in which it is the resultant entity, would be subject to the FDIC's regulation; and provide the FDIC the regulatory authority to apply the regulation to other situations where an industrial bank would become a subsidiary of a company that is not subject to Federal consolidated supervision. Additionally, the proposed amendments would clarify the relationship between written commitments and the FDIC's evaluation of the relevant statutory factors. The proposed amendments also would set forth additional criteria that the FDIC would consider when assessing the risks presented to an industrial bank or industrial loan company by its parent company and any affiliates and evaluating the institution's ability to function independently of the parent company and any affiliates.

DATES: Comments will be accepted until October 11, 2024.

ADDRESSES: Interested parties are invited to submit written comments, identified by RIN 3064–AF88, by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.* Follow the instructions for submitting comments on the agency website.
- *Email: comments@fdic.gov.* Include RIN 3064–AF88 in the subject line of the message.
- *Mail:* James P. Sheesley, Assistant Executive Secretary, Attention: Comments—RIN 3064–AF88, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.
- *Public Inspection:* Comments received, including any personal information provided, may be posted without change to *https://www.fdic.gov/resources/regulations/federal-register-publications/.* Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of the proposed rule will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Catherine Topping, Counsel, (202) 898–3975, *ctopping@fdic.gov;* Gregory Feder, Counsel, (202) 898–8724, *gfeder@fdic.gov;* Amy Ledig, Senior Attorney, (571) 213–3644, *aledig@fdic.gov,* Legal Division; Scott Leifer, Senior Review Examiner, (703) 632–9153, *sleifer@fdic.gov,* Division of Risk Management Supervision; Dawnelle Guyette, Senior Policy Analyst, (816) 234–8130, *dguyette@fdic.gov,* Division of Depositor and Consumer Protection; Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The Federal Deposit Insurance Corporation (FDIC) monitors, evaluates, and takes necessary action to ensure the safety and soundness of State nonmember banks,[1] including industrial banks and industrial loan companies (together, industrial banks).[2] Through 12 CFR part 354 of the FDIC Rules and Regulations (part 354),[3] the FDIC formalized its framework to supervise industrial banks and mitigate risk to the Deposit Insurance Fund (DIF) that may otherwise be presented in the absence of Federal consolidated supervision[4] of an industrial bank and its parent company.

Industrial banks are exempted from the definition of ''bank'' for purposes of the Bank Holding Company Act (BHCA). As a result, both financial and commercial companies can control an industrial bank without being subject to

[1] *See, e.g.,* 12 U.S.C. 1811, 1818, 1821, 1831*o*–1, 1831*p*–1.

[2] Herein, the term ''industrial bank'' means any insured State-chartered bank that is an industrial bank, industrial loan company, or other similar institution that is excluded from the definition of ''bank'' in the Bank Holding Company Act pursuant to 12 U.S.C. 1841(c)(2)(H). State laws refer to both industrial loan companies and industrial banks. For purposes of this proposed rule, the FDIC is treating the two types of institutions as the same. The amended rule would not apply to limited purpose trust companies and credit card banks that also are exempt from the definition of ''bank'' pursuant to section 1841(c)(2).

[3] 12 CFR part 354. *See* 86 FR 10703 (Feb. 23, 2021).

[4] In the context of this proposed rule, ''Federal consolidated supervision'' refers to the supervision of a parent company and its subsidiaries by the Federal Reserve Board (FRB). Consolidated supervision of a bank holding company (BHC) by the FRB encompasses the parent company and its subsidiaries, and allows the FRB to understand ''the organization's structure, activities, resources, and risks, as well as to address financial, managerial, operational, or other deficiencies before they pose a danger to the BHC's subsidiary depository institutions.'' *See* SR Letter 08–9, ''Consolidated Supervision of Bank Holding Companies and the Combined U.S. Operations of Foreign Banking Organizations'' (Oct. 16, 2008).

the BHCA's activities restrictions or Federal Reserve Board (FRB) supervision and regulation. Some of the companies recently pursuing an industrial bank charter engage in commercial activities or have diversified business operations and activities that would not otherwise be permissible for bank holding companies (BHCs) under the BHCA and applicable regulations. There has been continuing interest in the establishment of industrial banks, particularly with regard to proposed institutions that plan to implement specialty or limited purpose business models, including those where the operations of the proposed industrial bank would be interconnected with, or reliant on, the operations of the parent company or its affiliates. The FDIC is concerned about increased risk to the DIF in situations where there is a significant degree of dependence on the parent company or affiliates, particularly with respect to the primary business functions of the proposed institution. The FDIC is also focused on ensuring that such business models would appropriately serve the convenience and needs of the community.

Dependent relationships raise supervisory concerns because the industrial bank's operations and condition may be vulnerable to any financial distress or operational disruptions at the parent organization. In such circumstances, there may be undue pressures or influences from the parent organization that impair the industrial bank's ability to maintain independent oversight and decision-making at the bank level. Further, where financial distress is experienced across the organization, concerns may develop that negatively impact capital and liquidity levels, earnings prospects, and the capacity of affiliates to fulfill their service commitments or other obligations to the industrial bank.

In addition, significant resolution concerns may be presented if the industrial bank's parent company fails or otherwise faces significant financial difficulty that impairs its ability to perform under the agreements required by part 354. An industrial bank could have its business operations disrupted if critical support services provided by a parent company or its affiliates are lost. Additionally, overreliance on parent company support for daily operations could leave the industrial bank with little independent franchise value in the event of a failure. In such a case, the FDIC as receiver potentially would be faced with limited and more costly resolution options, such as establishing a bridge bank or employing a deposit payout.

In light of these concerns, the FDIC has identified a number of changes to part 354 that are warranted to clarify and enhance the supervisory framework with respect to industrial banks. The proposed rule addresses the FDIC's concerns regarding the potential risk presented to an industrial bank subsidiary from its parent organization, including the relevant interdependencies, operational risks, and other circumstances or events that could create safety and soundness concerns and attendant risk to the DIF. The proposed amendments would incorporate criteria that the FDIC will consider in assessing the overall impact of a parent company and its affiliates on its industrial bank subsidiary and would provide notice and transparency to those companies that would seek to establish or acquire an industrial bank.

The FDIC has received a limited number of filings where the parent company would control an industrial bank as a result of a conversion pursuant to section 5(i)(5) of the Home Owners' Loan Act (HOLA).[5] Such proposed conversions from a Federal savings association to an industrial bank, although infrequent, raise similar issues to those raised by the filings currently triggering the applicability of part 354, namely that such conversions also would result in an industrial bank becoming a subsidiary of a company that is not subject to Federal consolidated supervision.[6] Consequently, the FDIC is proposing to amend the definition of ''Covered Company'' to include filings made pursuant to section 5(i)(5) of the HOLA.

The FDIC is also proposing to amend the definition of ''Covered Company'' in order to ensure that if a parent company of an industrial bank organized before April 1, 2021, is subject to a change of control, or such parent company is subject to a merger in which it is the resultant entity, it would be subject to part 354. Finally, the FDIC is proposing an amendment that would provide the FDIC the regulatory authority to apply part 354 to other situations where an industrial bank would become a subsidiary of a company that is not subject to Federal consolidated supervision.

[5] 12 U.S.C. 1464(i)(5).

[6] The FDIC considers the statutory factors applicable to each filing it receives. However, as a general matter, when the purpose for a filing is to avoid the application of requirements imposed by another Federal banking agency, such a purpose will be viewed negatively within the context of the FDIC's consideration of the relevant factors.

II. Background

A. 2020–2021 Rulemaking—Part 354

On February 23, 2021, the FDIC published a final rule governing the parent companies of industrial banks, codified at part 354.[7] Part 354 took effect on April 1, 2021. The rule requires certain conditions and written commitments for each deposit insurance application approval, non-objection to a change in control notice, and merger application approval that would result in an industrial bank becoming a subsidiary of a company that is not subject to Federal consolidated supervision by the FRB. The rule also requires that, before any industrial bank may become a subsidiary of a company that is not subject to Federal consolidated supervision, such industrial bank and company must enter into one or more written agreements with the FDIC. The rule additionally requires the FDIC's prior written approval for certain actions proposed by the industrial bank, such as making a material change in its business plan. The rule applies to any industrial bank that becomes a subsidiary of a company not subject to Federal consolidated supervision as a result of a change in bank control or merger, or that is granted deposit insurance, on or after April 1, 2021.

B. The Industrial Bank Charter

Under the Federal Deposit Insurance Act (FDI Act), industrial banks are ''State banks'' [8] and all of the existing FDIC-insured industrial banks are ''State nonmember banks.'' [9] As a result, the FDIC is the appropriate Federal banking agency for industrial banks.[10] Each industrial bank is also regulated by its respective State chartering authority. The FDIC exercises the same supervisory and regulatory authority over industrial banks as it does over other State nonmember banks and State savings associations.

The Competitive Equality Banking Act of 1987 exempted industrial banks from the definition of ''bank'' in the BHCA.[11] As a result, parent companies that control industrial banks are not BHCs under the BHCA and are not subject to the BHCA's activities restrictions or FRB supervision and regulation. Industrial banks today are owned by both financial firms and commercial firms.

[7] 86 FR 10703 (Feb. 23, 2021).

[8] 12 U.S.C. 1813(a)(2).

[9] 12 U.S.C. 1813(e)(2).

[10] 12 U.S.C. 1813(q)(2).

[11] Public Law 100–86, 101 Stat. 552 (Aug. 10, 1987).

C. Industry Profile

As of June 27, 2024, there were 23 industrial banks [12] with $232 billion in aggregate total assets. Six industrial banks reported total assets of $10 billion or more; seven industrial banks reported total assets of $1 billion or more but less than $10 billion. The industrial bank sector today includes a diverse group of insured financial institutions operating a variety of business models. A significant number of the existing industrial banks support the commercial or specialty finance operations of their parent company and are funded through sources other than core deposits.

Since 2008, there have been two newly established industrial banks: Nelnet Bank, Draper, Utah, and Square Financial Services, Inc., Salt Lake City, Utah, which became FDIC-insured in November 2020 and March 2021, respectively. The applications for Nelnet Bank and Square Financial Services, Inc. were approved in March 2020.[13] As part of the approvals, the FDIC required each industrial bank and their parent companies to enter into written agreements with the FDIC that contained provisions consistent with the requirements of part 354.

When part 354 was finalized on February 23, 2021, there were six pending industrial bank deposit insurance applications. Since that time, the FDIC received three additional industrial bank deposit insurance applications. Of the nine applications received since March 2020, one was approved, six have been withdrawn,[14] one was returned as substantially incomplete, and one remains pending. The FDIC anticipates potential continued interest in the establishment of industrial banks, particularly with regard to proposed institutions that plan to pursue a specialty or limited purpose business model.

D. Supervision Framework

Because industrial banks are insured State nonmember banks, they are subject to the FDIC Rules and Regulations, as well as other provisions of law, including restrictions under the Federal Reserve Act governing transactions with affiliates,[15] anti-tying provisions of the BHCA,[16] and insider lending regulations.[17] Industrial banks are also subject to regular examination, including examinations focused on safety and soundness; anti-money laundering and countering the financing of terrorism compliance; consumer protection, including fair lending; Community Reinvestment Act; information technology; and trust services, as appropriate. Pursuant to section 10(b)(4) of the FDI Act, the FDIC has the authority to examine the affairs of any industrial bank affiliate, including the parent company, as may be necessary to determine the relationship between the institution and the affiliate, and the effect of such relationship on the depository institution.[18]

In addition, under section 38A of the FDI Act,[19] the FDIC is required to impose a requirement on companies that directly or indirectly own or control an industrial bank to serve as a source of financial strength for that institution.[20] Subsection (d) of section 38A provides explicit statutory authority for the appropriate Federal banking agency to require reports from a controlling company to assess the ability of the company to comply with the source of strength requirement, and to enforce compliance by such company.[21]

Part 354 conforms to the FDIC's historical practice of requiring capital and liquidity maintenance agreements (CALMAs) and other written agreements between the FDIC and controlling parties of industrial banks as well as the imposition of prudential conditions when approving or non-objecting to certain filings involving an industrial bank.

III. Rulemaking Authority

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the FDI Act [22] and under specific authority granted by the FDI Act and other statutes.[23] These include section 5 of the FDI Act, which authorizes the FDIC to grant deposit insurance, based on the factors in section 6 of the FDI Act; these factors generally focus on the safety and soundness of the proposed institution, any risk it may pose to the DIF, and the convenience and needs of the community.[24] The FDIC is also authorized to permit or deny various transactions by State nonmember banks, including merger and change in bank control transactions.[25] Conversions from a Federal savings association to an industrial bank, pursuant to section 5(i)(5) of the HOLA,[26] are also subject to review and approval by the FDIC, as the resulting institution would be an industrial bank that is not subject to Federal consolidated supervision. While the statutory factors differ by filing type, safety and soundness considerations and other risk attributes are commonly addressed. In addition, section 39 of the FDI Act charges the FDIC with ensuring that the institutions it supervises operate in a safe and sound manner by prescribing standards through regulations or guidelines.[27] Finally, section 38A of the FDI Act empowers the FDIC to ensure that a company that controls an industrial bank serves as a source of financial strength for that institution.

IV. Description of the Proposed Amendments to Part 354

A. Revisions to the Scope of Part 354's Application

1. Amending the Definition of ''Covered Company'' To Expressly Include Filings Made Pursuant to Section 5(i)(5) of the HOLA

Part 354 applies to Covered Companies and industrial banks controlled by a Covered Company. ''Covered Company'' is defined in part 354 to mean, in each case on or after April 1, 2021, any company that is not subject to Federal consolidated supervision by the FRB and that controls an industrial bank (1) as a result of a change in bank control pursuant to section 7(j) of the FDI Act; (2) as a result of a merger transaction pursuant to section 18(c) of the FDI Act; or (3) that is granted deposit insurance by the FDIC pursuant to section 6 of the FDI Act.[28] The effect of this definition,

[12] Of the 23 industrial banks existing as of June 27, 2024, 15 were chartered in Utah, three in Nevada, three in California, one in Hawaii, and one in Minnesota.

[13] The FDIC Board approved an industrial bank deposit insurance application for Thrivent Bank, subject to conditions and written agreements, on June 20, 2024. The bank has not yet commenced operations.

[14] Decisions to withdraw an application are made at the discretion of the organizers and can be attributed to a variety of reasons. In some cases, an application is withdrawn and then refiled after changes are incorporated into the proposal. In such cases, the new application is reviewed by the FDIC without prejudice. In other cases, the applicant may, for strategic reasons, determine that pursuing an insured industrial bank charter is not in the organizers' best interests.

[15] *See* 12 U.S.C. 1828(j)(1)(A); 12 CFR part 223.

[16] For purposes of section 106 of the BHCA, an industrial bank is treated as a ''bank'' and is subject to the anti-tying restrictions therein. *See* 12 U.S.C. 1843(h)(1).

[17] *See* 12 CFR 337.3.

[18] 12 U.S.C. 1820(b)(4).

[19] Public Law 111–203, 124 Stat. 1376 (July 21, 2010).

[20] 12 U.S.C. 1831*o*–1(b).

[21] 12 U.S.C. 1831*o*–1(d).

[22] 12 U.S.C. 1819.

[23] *See, e.g.*, 12 U.S.C. 1811, 1815, 1816, 1817, 1818, 1819(a) (Seventh) and (Tenth), 1820(g), 1831o–1, 3108, 3207.

[24] 12 U.S.C. 1816.

[25] *See* 12 U.S.C. 1817(j) and 1828(c).

[26] 12 U.S.C. 1464(i)(5).

[27] FDI Act section 39, 12 U.S.C. 1831p–1.

[28] 12 CFR 354.2.

together with the scope provisions of § 354.1, is that industrial banks organized on or after April 1, 2021, are subject to part 354, while those organized prior to April 1, 2021 (legacy institutions), are not subject to part 354 unless a Covered Company comes to control such an industrial bank through one of the three enumerated routes. As a result, a company that controls an industrial bank that has converted from a Federal savings association charter would not be a Covered Company.

Section 354.6 currently [29] makes it clear that the adoption of part 354 does not impair the FDIC's authority to address supervisory concerns. Accordingly, even if part 354 does not apply to a legacy institution or to an industrial bank or its parent company that does not satisfy one of the three prongs of the Covered Company definition, the FDIC may impose some or all of the requirements of part 354 on a given institution as warranted. Such an approach makes sense because the requirements of part 354 reflect the supervisory practices of the FDIC with respect to industrial banks and their parent companies, codified to provide notice and transparency to those companies that would seek to establish or acquire an industrial bank.

As noted above, the FDIC has received a limited number of filings where the parent company would control an industrial bank as a result of a conversion pursuant to section 5(i)(5) of the HOLA.[30] Section 5(i)(5) allows a Federal savings association to convert to a State bank with the approval of the appropriate State bank supervisor and the appropriate Federal banking agency if the resulting State bank will meet all financial, management, and capital requirements applicable to the resulting national or State bank.[31] Such proposed conversions from a Federal savings association to an industrial bank, although infrequent, raise similar issues to those raised by the filings currently triggering application of part 354, namely that such conversions also would result in an industrial bank becoming a subsidiary of a company that is not subject to Federal consolidated supervision. As a result, the FDIC has determined that such conversions, if approved, should be subject to the provisions of part 354, as if part 354 applied.

Consequently, the FDIC is proposing to amend the definition of ''Covered Company'' to expressly include filings made pursuant to section 5(i)(5) of the HOLA. While § 354.6 preserves the FDIC's authority to impose such conditions as it may deem necessary in connection with a conversion under section 5(i)(5) of the HOLA to an industrial bank, the FDIC believes specific regulatory language is appropriate.

2. Change in Control or Merger Involving the Parent Company of an Industrial Bank

The FDIC is proposing a second amendment to the definition of ''Covered Company'' to include companies that control an industrial bank if, on or after the effective date of the amendment to the definition of ''Covered Company,'' there is a change in control at the parent company or there is a merger transaction in which the parent company is the resultant entity. The proposed amendment would fill an unintended gap that results from the construction of the current definition of ''Covered Company.'' Currently, industrial banks and their parent companies would not be subject to part 354 unless the parent company controls the industrial bank as a result of one of three triggering events enumerated in the ''Covered Company'' definition, in each case after the effective date of part 354. This approach divides industrial banks into (1) legacy institutions to which part 354 does not apply, on the one hand and (2) legacy institutions that become subject to part 354 as a result of one of the three triggers, or new institutions, on the other, and (3) de novo industrial banks.

The gap results where there is a change in control or merger that occurs at or above the level of the parent company that results in a change in the person that controls the parent company but does not result in a change in the relationship between the industrial bank and its parent company. Similarly, if the parent company were a party to a merger in which it is the resultant entity, then new management with a new plan for the industrial bank could be installed. The parent company would continue to control the industrial bank, but not as a result of one of the trigger events, thus failing to make the parent company a Covered Company subject to part 354.

The FDIC has an interest in being able to review changes that impact the parent's control of the industrial bank. This interest is recognized specifically in the Change in Bank Control Act, which requires the prior FDIC approval of the acquisition of direct or indirect control of a State nonmember bank.[32] The proposed amendment would ensure that a parent company subject to such a change of control, or a parent company subject to a merger in which it is the resultant entity, would be subject to part 354.

3. Applying Part 354 to Situations in Which an Industrial Bank Would Become a Subsidiary of a Company That Is Not Subject to Federal Consolidated Supervision

Finally, the FDIC is proposing an amendment that would provide the FDIC the regulatory authority to apply part 354 to any other situation where an industrial bank would become a subsidiary of a company that is not subject to Federal consolidated supervision. The FDIC recognizes that such an amendment could potentially lead to the application of this part to a legacy institution, despite the April 2021 effective date of part 354. Accordingly, the FDIC proposes to allow a filer of an application or notice, or participant in a transaction, an opportunity to present its views in writing if the company does not agree with the FDIC's determination to apply part 354 to a particular filing. The proposed amendments to part 354 would make clear that such a written filing should be submitted in accordance with part 303 of the FDIC Rules and Regulations.[33]

This type of provision, with the opportunity for a filer to express its views regarding the FDIC's determination, is not without precedent in the FDIC Rules and Regulations.[34] The FDIC believes the proposed amendment properly balances the FDIC's need for the flexibility to be able to respond to situations that it cannot foresee with a filer's need for an avenue to react and respond to the FDIC's determinations.

Question 1: What situations—other than those that require a notice subject to section 7(j) of the FDI Act or an application subject to sections 5 or 18(c) of the FDI Act or section 5(i)(5) of the HOLA—present similar risks such that they should also subject the industrial bank and its parent company to part 354?

[29] As proposed, § 354.6 would be renumbered to § 354.7.

[30] 12 U.S.C. 1464(i)(5).

[31] 12 U.S.C. 1464(i)(5)(A), (B).

[32] 12 U.S.C. 1817(j)(1).

[33] *See* 12 CFR part 303.1 to 303.19.

[34] *See* 12 CFR 324.5 and 329.2 (allowing notice and opportunity to respond to FDIC determination that additional capital or liquidity is required). The Office of the Comptroller of the Currency (OCC) and FRB have similar provisions. *See* 12 CFR 3.404 and 50.2 (OCC); 12 CFR 249.2 and 263.202 (FRB).

B. Clarifying the Relationship Between Written Commitments and the FDIC's Evaluation of Statutory Factors

The FDIC has the responsibility to consider filings based on statutory criteria. For example, when reviewing an application for deposit insurance, the FDIC must consider the factors enumerated in section 6 of the FDI Act.[35] These factors generally focus on the safety and soundness of the proposed institution, any risk it may pose to the DIF, and the convenience and needs of the community. The FDIC is also authorized to permit or deny other types of transactions by State nonmember banks, including those proposed in merger applications and change in bank control notices, as well as in HOLA conversion applications, based on an evaluation of the applicable statutory factors relevant to the underlying filing.[36] While the specific statutory factors differ by filing type, safety and soundness considerations and the convenience and needs of the community are commonly addressed.

Generally, if all statutory factors are favorably resolved, FDIC staff will recommend approval of or non-objection to the filing, subject to prudential conditions and written commitments for filings involving an industrial bank. If FDIC staff finds unfavorably on one or more statutory factors based on the filing review, staff generally will recommend denial of or objection to the filing. Upon taking action on a filing, or if a proponent withdraws their filing during the review process, the FDIC Board of Directors may release a statement addressing the Board's views regarding the transaction if such a statement is considered to be in the public interest for purposes of creating transparency for the public and future applicants.[37]

Per § 354.3, the FDIC requires written agreements among a Covered Company and the FDIC and the subsidiary industrial bank. These agreements include commitments by the Covered Company to comply with each of paragraphs (a)(1) through (8) in § 354.4, and such other written agreements, commitments, or restrictions the FDIC deems appropriate, when approving or non-objecting to certain filings involving an industrial bank. Section 354.4 requires each party to a written agreement to comply with paragraphs (a)(1) through (8). These required commitments are intended to provide the safeguards and protections that the FDIC believes are prudent to impose in order to maintain the safety and soundness of industrial banks that are controlled by Covered Companies. The FDIC included these required commitments in part 354 to provide transparency to current and potential industrial banks, the companies that control them, and the general public.

Moreover, under its general supervision, examination, and enforcement authorities (as reserved by § 354.6), the FDIC may require additional unique commitments from a Covered Company or a controlling shareholder of a Covered Company when the FDIC determines it is necessary to address specific elements of a filing or circumstances related to the filer. Additional commitments may be derived, for instance, from elements of the business model presented, including the nature and scope of activities conducted, the risk characteristics of the activities, or the complexity of operations. The proposed relationships and transactions with the parent organization that may impact the industrial bank could also be taken into consideration in determining commitments.

In considering recent industrial bank filings, the FDIC has become concerned that applicants may be misinterpreting part 354 and the effects of the written commitments required under the rule as they relate to the FDIC's assessment of the applicable statutory factors. While part 354 permits the FDIC to condition the approval of an application or non-objection to a notice on the Covered Company and industrial bank entering into written agreements and making required commitments, and the written agreements will be taken into account as part of the FDIC's consideration of the underlying filing, they do not replace any statutory factor applicable to the filing and will not necessarily lead to the favorable resolution of any statutory factor where the facts and circumstances are otherwise unfavorable. This is a longstanding tenet of FDIC's applications processing policy and procedures.[38]

CALMAs and parent company agreements are intended to protect the industrial bank and mitigate potential risks to the DIF, as well as to provide a means for the FDIC to pursue a formal enforcement action under sections 8 and 50 of the FDI Act if a party fails to comply with the agreements. Such agreements also capture in writing the Covered Company's obligation to serve as a source of financial strength to the industrial bank. However, such agreements do not in and of themselves resolve any given statutory factor. If a filing presents material concerns and fundamental weaknesses with respect to any statutory factor, the written agreements will not compensate for such weaknesses for purposes of resolving the statutory factor. For example, a written agreement would not be appropriate if the situation involves weak or questionable earnings projections, an unacceptable or opaque control structure, insufficient capital levels, weak or marginal management or director candidates, apparent violations of a statute or regulation, a higher-risk business model, or a failure to meet the convenience and needs of the community.

Consequently, the FDIC proposes to amend § 354.4 to clarify the FDIC's implementation of part 354 to expressly address and make clear, consistent with long-standing applications processing policy, that written agreements will be taken into account as part of the FDIC's consideration of the underlying filing, but do not replace any statutory factor applicable to the filing and will not necessarily lead to the favorable resolution of any statutory factor where the facts and circumstances are otherwise unfavorable. This applies to the required commitments and provisions within any written agreements, the industrial bank subsidiary restrictions that are also included within part 354, and any other conditions that may be imposed as part of the FDIC's approval of, or non-objection to, a filing.

Question 2: What other clarifications, if any, to part 354 and its relationship to the FDIC's evaluation of the applicable statutory factors should the FDIC consider?

[35] Such factors are the financial history and condition of the depository institution, the adequacy of the depository institution's capital structure, the future earnings prospects of the depository institution, the general character and fitness of the management of the depository institution, the risk presented by such depository institution to the DIF, the convenience and needs of the community to be served by such depository institution, and whether the depository institution's corporate powers are consistent with the purposes of the FDI Act. *See* 12 U.S.C. 1816.

[36] *See* 12 U.S.C. 1817(j), 1828(c), and 1464(i)(5).

[37] Such a statement would be in addition to any statements individual Board members might choose to make addressing their personal views regarding the transaction.

[38] Applications Procedures Manual (hereinafter APM), Applications Overview, 1.1, *https://www.fdic.gov/regulations/applications/resources/apps-proc-manual/index.html;* APM, Standard and Non-Standard Conditions, 1.11; and Deposit Insurance Applications Procedures Manual Supplement—Applications from Non-Bank and Non-Community Bank Applicants, *https://www.fdic.gov/regulations/applications/depositinsurance/procmanual-supplement.pdf.*

C. Shell and Captive Industrial Bank Business Models

1. Supervisory Concerns

Shell and captive bank business models create potentially significant supervisory concerns for industrial banks. The level of concern with these business models is inherently heightened due to the substantial reliance on the parent company or its affiliates, particularly with respect to the primary business operations of the industrial bank. This may include total or nearly exclusive reliance on the parent organization for sourcing business, conducting key operational elements (*e.g.,* underwriting, administering, or servicing customer accounts or relationships), and obtaining a wide range of critical business support services.

In shell or captive structures, the industrial bank's operations and condition may be vulnerable to any financial distress or operational disruptions at the parent company or any affiliates that provide key services to the industrial bank. The heavily integrated relationship between the industrial bank and the parent organization results in significant concentration risks that are typically not present in traditional community bank operating structures. Further, the industrial bank generally has limited or no ability to operate independently from the parent organization and, as discussed below, lacks franchise value on a standalone basis.

The FDIC expects an industrial bank to have a sufficiently independent board of directors and management team, a sustainable financial structure with appropriate capital and liquidity maintained at the bank level, and a business model that is viable on a standalone basis (as defined in the proposed § 354.6(b)). Some industrial bank proposals involving shell or captive structures have lacked one or more of these elements, causing managerial concerns (due to the lack of independent oversight and decision-making or fully dedicated officers/staff at the industrial bank), as well as financial concerns (due to inadequate capital and liquidity levels, and earnings prospects that depend on maintaining internal organizational relationships).

The existing part 354 addresses some of the aforementioned concerns by requiring any Covered Company to enter into written agreements including specific provisions and commitments intended to ensure that the Covered Company supports the industrial bank and its ability to operate in a safe and sound manner. Among other items, the written agreements address board independence, capital and liquidity maintenance and support, and if required by the FDIC, contingency planning.[39] In the absence of Federal consolidated supervision, written agreements provide the FDIC information and ongoing access to information needed to assess and monitor the impact the parent organization may have on an industrial bank. The FDIC uses written agreements to mitigate risk to the industrial bank and to the DIF. However, as noted above in section IV.B of this **SUPPLEMENTARY INFORMATION**, the required commitments, written agreement provisions, and industrial bank subsidiary restrictions of part 354 will be taken into account as part of the FDIC's consideration of the underlying filing, but do not replace any statutory factor applicable to the filing and will not necessarily lead to the favorable resolution of any statutory factor where the facts and circumstances are otherwise unfavorable. In addition, where the primary business purpose and operations of the industrial bank are highly dependent upon the parent company, such agreements may have limited value if the parent company experiences operational or financial difficulties. Similarly, the managerial restrictions of part 354 intended to ensure the independence of the industrial bank's management may not be effective where the business purpose of the industrial bank is to support the parent company's operations because there may be direct or indirect organizational influences on business decisions from outside the industrial bank that would impact consideration of the relevant statutory factors.

The FDIC's experience during the 2008–2009 Financial Crisis showed that business models involving an insured depository institution (IDI) inextricably tied to and reliant on the parent and/or its affiliates creates significant challenges and risks to the DIF, especially in circumstances where the parent organization experiences financial stress and/or declares bankruptcy.[40] Where an industrial bank is significantly reliant on and interconnected with its parent organization to generate business on both sides of the balance sheet (*e.g.,* for funding and for lending), as well as operational systems and support, financial difficulties at the parent organization could be transmitted to the dependent industrial bank. Such a captive model creates material concerns about the viability of the industrial bank's proposed business model on a standalone basis and the industrial bank's franchise value in the event the parent organization experiences financial difficulty or failure. These concerns are so significant that the FDIC is proposing a rebuttable presumption that certain characteristics, if present, will cause an industrial bank to be a shell or captive institution and a presumption that the shell or captive nature of an industrial bank will weigh heavily against favorably resolving one or more of the applicable statutory factors.

The proposed revisions to part 354 would renumber the existing § 354.6 to § 354.7 and at § 354.6 would incorporate additional considerations that the FDIC would undertake to determine the degree of risk presented to the industrial bank from the parent company and its affiliates when considering the relevant statutory factors. These considerations address the business purpose for establishing or acquiring control of the industrial bank, intercompany relationships, the regulatory and consumer compliance history and supervisory record of each relevant entity, the novelty of the parent company's primary businesses (including any new or innovative processes), accessibility of information, and any plans or processes that mitigate risks presented by the parent company.[41] Expanding part 354 to include these considerations provides increased transparency regarding how the FDIC evaluates potential risks and concerns presented in an industrial bank filing.

In addition, the proposed revisions to part 354 include considerations aimed at identifying shell or captive structures and presumptions the FDIC would apply as a consequence of such identification. The FDIC would review each filing covered by the rule on a case-by-case basis, on the facts and circumstances presented within the context of the applicable statutory factors to determine the degree to which the industrial bank would have an independent board and management team, a business model that is viable on a standalone basis, and franchise value that is independent of the parent company and its affiliates.[42] The proposed revisions to part 354 include factors that would focus this inquiry on identifying organizational structures in which the industrial bank is overly dependent on the parent. The results of

[39] *See* 12 CFR 354.4.

[40] *See, e.g.,* n.57 and n.59, *infra* (discussion of NextBank and Advanta).

[41] *See* proposed § 354.6(a).

[42] *See* proposed § 354.6(b).

this inquiry would give rise to the presumptions the FDIC would apply as a consequence of such identification.

The proposed revisions would provide in § 354.6(c)(1) that an industrial bank would be presumed to be a shell or captive institution if it (a) could not function independently of the parent company, or (b) would be significantly or materially reliant on the parent company or its affiliates, or (c) would serve only as a funding channel for an existing parent company or affiliate business line. The FDIC would presume that the shell or captive nature of an industrial bank would weigh heavily against favorably resolving one or more of the applicable statutory factors.[43]

The proposed amendment to the scope of the definition of ''Covered Company'' would allow any company subject to a determination that a transaction would result in the application of part 354 to contest the determination in writing. Additionally, proposed § 354.6(c)(2) would afford any company seeking to rebut a presumption described in paragraph (c)(1) an opportunity to present its views in writing. Section 354.6(c)(3) also would establish that a company's decision to provide written views regarding the applicability of part 354 or a presumption would place all related filings and transactions on hold so that the threshold applicability determinations can be resolved before further proceedings. Such a suspension would prevent the consummation of a transaction or transactions that may be difficult or costly to unwind.

2. Convenience and Needs Concerns

As noted above, under the FDI Act, the FDIC must consider the convenience and needs of the community to be served when evaluating a deposit insurance or merger application. For some industrial bank proposals involving shell or captive structures, the primary deposit and credit products are both highly dependent upon the parent company and would target the customers of the parent company. Where a proposal for an industrial bank is presumed to be a shell or captive institution under the presumptions in proposed § 354.6(c)(1), if the target market is such that the institution's products are only available to customers of an affiliated company or a narrow segment of the community, this would weigh heavily against favorably resolving the convenience and needs statutory factor.

The public purpose of a bank charter with deposit insurance is that the bank will serve the convenience and needs of the community broadly. Business models that are not generally available to the members of the community absent purchasing a product by an affiliated entity raise serious questions as to whether the general community is sufficiently served to merit the grant of deposit insurance. Similar to the other presumption in proposed § 354.6(c)(1), the FDIC would review each filing on a case-by-case basis and filers may present facts to demonstrate that the community is effectively served notwithstanding the fact that the product offerings would be limited to customers of the affiliated entity or to a narrow segment only.

The evaluation of the convenience and needs of the community is a broad inquiry and would not be limited to strategies or plans under the Community Reinvestment Act. In assessing whether the convenience and needs of the community are met in industrial bank proposals, the FDIC would consider the customer base that the applicant intends to serve with its deposit and credit products and the market need filled through those products. The FDIC would also consider the convenience and benefits to the community that would not otherwise occur absent the creation of the industrial bank with deposit insurance. For instance, if there is a demonstrated lack of credit availability or competition (*e.g.,* existing firms have not met the market demand), this may support a favorable finding on convenience and needs. On the other hand, if there are existing non-bank captive finance firms serving the proposed community, the FDIC would evaluate the additional benefits of an industrial bank in meeting the convenience and needs of the community, and if the benefits of the insured bank (such as lower cost funds) accrue primarily the parent rather than to the community, this may weigh against favorably resolving the convenience and needs statutory factor. The FDIC also would consider whether there would be any negative consequences to the community resulting from the ownership of the industrial bank by the parent company.

In considering the convenience and needs of the community, the FDIC may require commitments or conditions from a Covered Company when the FDIC determines it is necessary to address specific elements of a filing, which may be derived from the business model.

Given the unique nature of industrial banks and the facts and circumstances of a particular transaction, the FDIC may also consider whether public hearings would be an appropriate means to obtain further public input on whether a specific application meets the convenience and needs of the community.

3. Existing Industrial Banks—Structure and Supervision

As noted previously, the universe of industrial banks is relatively small, with only 23 existing institutions. Several of the institutions primarily or entirely provide banking products and services to customers of affiliated entities within the parent organization (in general, these industrial banks do not broadly serve the general public, customers of unaffiliated businesses, or geographic markets that differ from those of the parent company or its affiliates). These include, but are not limited to, industrial banks established or acquired by commercial companies to support the sale or lease of manufactured products (*e.g.,* postage meters, automobiles or motorcycles), by retailers to issue general-purpose credit cards, and by financial companies in order to enable brokerage customer funds to be swept into insured deposits at the industrial bank.

Some of the existing industrial banks rely to a significant extent on their parent companies or affiliates for business generation, operational aspects, and/or a variety of corporate support services. While many of the industrial banks are closely integrated with their parent organizations, they typically maintain adequate capital, have sufficient liquidity, and reflect satisfactory overall risk profiles. For the most part, the existing industrial banks are seasoned in nature (all but two were established between 1984 and 2006), and fared similarly to other types of financial institutions during previous banking crises.[44] Additionally, because part 354 was based on the FDIC's supervisory practice, written agreements are in place for five industrial banks: two are subject to capital maintenance agreements, one is subject to a CALMA, and two are subject to both CALMAs and parent company agreements.[45]

[43] *See* proposed § 354.6(c)(2).

[44] During the 2008–09 Financial Crisis, several parent companies pursued conversions of an industrial bank to a commercial bank, which required approval of the parent company to become a BHC subject to regulation and supervision by the FRB. The conversions allowed the respective companies to access programs such as the FDIC's Temporary Liquidity Guarantee Program and the Troubled Asset Relief Program administered by the Department of the Treasury.

[45] Previously 10 other industrial banks (that have since merged, converted, or voluntarily liquidated) were also subject to CALMAs and/or parent company agreements. The FDIC began imposing

Importantly, industrial banks are subject to all of the same restrictions and requirements, regulatory oversight, and safety-and-soundness and consumer compliance examinations—including compliance with fair lending laws and regulations, and the Community Reinvestment Act—as any other kind of insured state nonmember bank. This includes examining the industrial bank for compliance with laws and regulations, including affiliate transaction limits and capital maintenance requirements. The FDIC also has the authority and capacity to regulate industrial banks and their parent companies.[46] This framework of supervision, coupled with part 354 in its amended form as proposed,[47] is expected to continue to protect industrial banks and the DIF from potential risks related to parent company and affiliate relationships.

4. Resolution Considerations

In addition to the supervisory concerns described above, an FDIC-insured industrial bank with a shell or captive business model presents the risk of costly and delayed resolution in the event of the industrial bank's failure.[48] The proposed amendments to part 354 address the risks that captive or shell business models may present to the DIF. Addressing these risks will facilitate the FDIC's accomplishment of its statutory mandates, including as the receiver for a failed IDI.

As with any failed IDI, an FDIC-insured industrial bank must be resolved under the FDI Act.[49] When the FDIC is appointed as the receiver for a failed IDI (FDIC–R), it succeeds, by operation of law, to all of the IDI's rights, titles, powers, and privileges, including the rights of stockholders, depositors, officers, and directors with respect to the failed IDI and its assets.[50] The FDIC–R has the power to wind up a failed IDI's operations and transfer its assets and liabilities to third parties.[51] Once appointed, FDIC–R's objectives are to (1) ensure that depositors receive access to their insured deposits as quickly as possible; (2) marshal and sell the IDI's assets; (3) determine claims; and (4) distribute net recoveries from asset liquidations by issuing dividends to the FDIC as subrogee to insured depositors, uninsured depositors, and creditors in accordance with the priority scheme set out in the FDI Act.[52]

The most common method of resolution is a purchase and assumption transaction where a significant portion of a failed IDI's assets is sold to a healthy financial institution in exchange for its assumption of part or all of the failed IDI's deposit liabilities. Other resolution methods include direct payouts to depositors, the creation of a bridge bank that will perform certain functions of the failed bank and operate as an interim IDI, or the organization of a deposit insurance national bank. The FDIC–R's resolution options may be limited by the statutory requirement to use whichever option will be the least costly to the DIF.[53] The FDIC's experience in resolving failed IDIs, including during the 2008–2009 Financial Crisis,[54] shows that the franchise value of an IDI has implications for the resolution options that may be available to the FDIC, as discussed below.

In some industrial bank proposals that the FDIC has received, the viability and operations of the bank are dependent on ongoing support from the parent organization. In such cases, financial or operational stress at the parent company or any of its affiliates reduces the franchise value of the industrial bank in the event of failure and complicates its resolution. The underlying value of such an industrial bank lies in its connection with the parent organization, which may provide benefits including, but not limited to, name recognition, clients or referrals, personnel and back-office support, and/or specific product offerings that complement the parent company's or affiliates' lines of business. If such connections were to be severed, the FDIC likely would find it more difficult to facilitate a resolution with a healthy bank, and it likely would be forced to employ less efficient resolution methods that are more lengthy, cumbersome, and costly, such as depositor payouts and piecemeal loan (or other asset) sales.[55]

Similarly, the loss of critical support services previously provided to the industrial bank by its parent organization or affiliates would pose a potentially significant challenge in a resolution scenario, as the parent or affiliated entities may no longer be able to fulfill their obligations under existing service agreements. If the parent company or its affiliates remain open and operating, the FDIC–R would have the authority to enforce the failed IDI's arrangements in accordance with the contractual terms.[56] However, if the parent organization becomes a debtor under the Bankruptcy Code (either before or after the FDIC–R's appointment), uncertainty likely would exist with regard to the parent's or the affiliates' willingness or ability to fulfill such obligations.[57] If such arrangements are terminated, the industrial bank's franchise value would be significantly diminished.[58] This situation could leave

additional prudential requirements in Orders granting Federal deposit insurance in March 2004. The FDIC described its imposition of additional prudential requirements in *FDIC: The FDIC's Supervision of Industrial Loan Companies: A Historical Perspective—Summer 2004 Vol. 1, Issue 1.* GAO further described the FDIC's approach in pages 41–44 of its 2005 audit, Industrial Loan Corporations: Recent Asset Growth and Commercial Interest Highlight Differences in Regulatory Authority, available at *https://www.gao.gov/products/gao-05-621.*

[46] *See, e.g.,* 12 U.S.C. 1820(b)(4)(A) (in making a bank examination, an FDIC examiner shall have the power to examine the affairs of any affiliate of any depository institution as may be necessary to determine the relationship between such depository institution and any such affiliate and the effect of such relationship on the depository institution.); 12 U.S.C. 1831*o*–1(b).

[47] Part 354 applies prospectively to Covered Companies and is not applicable for existing industrial banks, absent any new filing related to the industrial bank that would be subject to the rule.

[48] In this context, ''resolution'' means not only the initial phase of the FDIC's receivership process for a failed IDI, but also the various responsibilities that fall to the FDIC to liquidate assets that are not purchased by a third party in that receivership process. This includes necessary bookkeeping, accounting, reporting, identifying and verifying claims, paying claims, determining whether to bring actions against parties responsible for the institution's failure, and monitoring ongoing agreements with asset purchasers, etc. *See* FDIC, Crisis and Response—An FDIC History, 2008–2013, 176–77 (2017) (Crisis and Response). Additionally, resolution is distinct from ''recovery'' (*i.e.,* the steps the industrial bank and the Covered Company could take to mitigate the impacts of financial and operational stress outside of the receivership process), which is the focus of part 354's provisions regarding contingency planning. 12 CFR 354.4(b). In addition, the FDIC as receiver of a state-chartered bank has the rights and powers that a state banking authority would have under applicable state law. 12 U.S.C. 1821(c)(3)(B).

[49] 11 U.S.C. 109(b)(2), (d); 12 U.S.C. 1821(c)(2)(A)(ii).

[50] 12 U.S.C. 1821(d)(2)(A)(i); (e)(13)(A).

[51] 12 U.S.C. 1821(d)(2)(B), (G).

[52] 12 U.S.C. 1821(d)(11)(A).

[53] 12 U.S.C. 1823(c)(4).

[54] Between 2007 and 2013, the FDIC resolved 489 failed IDIs with total assets over $686 billion. *See* Crisis and Response at 182–83.

[55] *See, e.g.,* Crisis and Response at 185.

[56] 12 U.S.C. 1821(e)(13)(A).

[57] 11 U.S.C. 365(a), (g)(1). This uncertainty exists because a bankruptcy debtor has the power to ''reject'' executory contracts, a process that amounts to a pre-bankruptcy breach of the contract where the debtor no longer performs and the counterparty is left with only a claim for damages. The Bankruptcy Courts apply a business judgment standard when determining whether to approve the rejection of an executory contract. *See, e.g.,* In re Klein Sleep Prods., Inc., 78 F.3d 18 (2d Cir. 1996). *See also* FDIC Office of Inspector General, Material Loss Review of Advanta Bank Corp., Draper, Utah (Oct. 2010), *https://www.fdicoig.gov/sites/default/files/reports/2022-08/11-002.pdf.* The bank failed in March 2010. Advanta's parent company, Advanta Corp., filed for Chapter 11 Bankruptcy protection in November 2009 and refused to provide capital support to Advanta.

[58] The 2008 bankruptcy of Lehman Brothers Holdings Inc. (LBHI) illustrates diminished

Continued

the FDIC in a position where it has no choice but to conduct resolution methods that are more disruptive and expensive.[59]

Importantly, under part 354, the FDIC may require a Covered Company and industrial bank to commit to provide, and thereafter implement and adhere to, a contingency plan.[60] Contingency plans may include one or more strategies for the orderly disposition or dissolution of the industrial bank without the need for the appointment of a receiver or conservator. One objective of such a plan would be to mitigate the disruption and damage the IDI may suffer from significant financial or operational stresses within the parent organization. Such concerns, if not appropriately addressed, could jeopardize the safe and sound operation of the industrial bank.

Question 3: What features or aspects of a shell or captive bank business model (not already discussed above) should affect the FDIC's evaluation of industrial bank filings?

Question 4: Should the FDIC assess the potential risks posed to safety and soundness, consumer protection, and the DIF differently for shell or captive bank business models involving significant or material reliance on the parent organization?

Question 5: Are there other issues or facts that the FDIC should consider in determining whether to strengthen its supervisory framework with respect to industrial banks and in how the FDIC evaluates potential risks and concerns presented in an industrial bank filing?

Question 6: How should the FDIC assess the ''convenience'' and ''needs'' of the ''community'' served by dependent bank business models?

V. Expected Effects

A. Overview of Industrial Banks

As of March 31, 2024, the FDIC supervised 2,920 IDIs, with combined assets of $4.2 trillion.[61] Of these, 24 institutions were industrial banks, comprising 0.8 percent of all FDIC-supervised institutions.[62] The industrial banks held combined assets of $234 billion, comprising approximately 5.6 percent of the combined assets of FDIC-supervised institutions.[63]

The proposed rule would apply prospectively to deposit insurance, change in control, merger, and conversion filings, and other situations as may be determined by the FDIC that result in an industrial bank that is controlled by a Covered Company. It is difficult to estimate the number of potential Covered Companies that would seek to establish, acquire, or convert a Federal savings association to an industrial bank, as such an estimate would depend on considerations that affect Covered Companies' decisions. These considerations, and how they affect decision making, are difficult for the FDIC to forecast, estimate, or model, as the considerations include external parties' evaluations of potential business strategies for the industrial bank as well as future financial conditions, rates of return on capital, and innovations in the provision of financial services, among others.

According to FDIC administrative data on application submissions, one industrial bank submitted a change in control application and three industrial banks submitted de novo bank applications between April 1, 2021, and December 31, 2023, for a total of four applications, or approximately one-and-a-half applications per year. None of these applications have resulted in an industrial bank being controlled by a Covered Company. For purposes of this analysis, the FDIC assumes that part 354 would apply to two filings per year seeking to establish, acquire, or convert to an industrial bank.

The FDIC anticipates that the proposed rule would benefit the public and the DIF by promoting the safe and sound operation of industrial banks controlled by companies that are not subject to consolidated supervision by the FRB. These public benefits cannot be reliably quantified. Specific proposed requirements and potential costs to filers of complying with these requirements are discussed below.

One amendment in the proposed rule would expand the scope of Covered Companies under part 354. Specifically, the proposed amendment would apply part 354 to HOLA conversion applications as well as any other situation where an industrial bank would become a subsidiary of a company that is not subject to Federal consolidated supervision. The industrial bank and Covered Company in such situations would be required to enter into certain agreements. These agreements include commitments by the Covered Company to comply with each paragraph (a)(1) through (8) in § 354.4, and such other written agreements, commitments or restrictions the FDIC deems appropriate when approving or non-objecting to certain filings involving industrial banks. Section 354.4(b) also includes an optional contingency plan requirement that the FDIC may impose depending on the filer's business plan and other factors.[64]

As discussed in the final rule that established part 354,[65] the FDIC historically has imposed prudential conditions and CALMAs and other written agreements between the FDIC and controlling parties of industrial banks in connection with approving or not objecting to certain industrial bank filings. Further, § 354.6 makes clear that the FDIC may impose some or all of the requirements of part 354 on a given industrial bank or parent company as warranted. Therefore, the FDIC does not believe that the proposed amendment to expand the definition of Covered Company would substantially increase the burden for newly affected industrial banks and Covered Companies. In addition, regarding the number of entities subject to the rule, HOLA conversion applications occur infrequently so the proposed expanded definition of Covered Company would

franchise value concerns. As described in the debtor's Chapter 11 plan, LBHI's two IDI subsidiaries, Woodlands Commercial Bank and Aurora Bank, FSB, both fell to less than well capitalized status and were vulnerable to failure because of their dependence on LBHI. The LBHI organization provided the IDIs with operational services, as well as credit, market, and foreign exchange risk protection provided by a Master Forward Agreement with LBHI. The agreements were repudiated as a result of the bankruptcy filings. Consequently, the IDIs' earnings and capital were fully exposed to changes in credit spreads, interest rates, foreign exchange rates, commodity prices, and equity prices. Market value losses based on mark-to-market accounting depleted the capital base. While the bankrupt parent, LBHI, received court approval to support the two IDIs, notwithstanding the capital support, the two IDIs ultimately voluntarily liquidated. *See* Debtors' Disclosure Statement for Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors Pursuant to Section 1125 of the Bankruptcy Code at 71–71, In re: Lehman Bros. Holdings Inc., et al, Ch. 11 Case No. 08–13555 (Bankr. S.D.N.Y. 2010), *https://www.sec.gov/Archives/edgar/data/806085/000110465910020165/a10-8193_1ex99d1.htm.*

[59] The failure of NextBank, N.A., Phoenix, Arizona (NextBank) in 2002 illustrates some of these concerns. In this case, an IDI was dependent on its parent because its role was gathering deposits and booking credit card receivables marketed, screened, originated, and securitized by its sole owner and parent company. NextBank had virtually no staff or facilities at the time of its failure; all bank functions were performed by parent company employees in parent company facilities. The FDIC needed to negotiate with the parent company to continue critical credit card servicing functions for NextBank and to delay its bankruptcy filing so that staff who were knowledgeable about the IDI's operations could assist with the resolution. If NextBank had operated on a standalone basis, it may have been resolved more quickly and at a lower cost.

[60] 12 CFR 354.4(b).

[61] Data provided by the Division of Insurance and Research.

[62] One industrial bank was acquired by an institution supervised by the Office of the Comptroller of the Currency in a voluntary merger on June 1, 2024.

[63] FDIC Call Report Data as of March 31, 2024.

[64] *See* 12 CFR 354.4.

[65] *See* 86 FR 10703 (Feb. 23, 2021).

not substantially increase the number of filings subject to part 354.[66]

As part of the amendment to expand the definition of Covered Company, the proposed rule would allow any company subject to a determination that a situation would result in the application of part 354 to present its views in writing. The FDIC believes that this proposed amendment would not affect the costs incurred by filers and that this proposed amendment will only serve to provide clarity by codifying existing practice.

Another provision in the proposed rule would amend § 354.4 to expressly address and make clear, consistent with long-standing applications processing policy, that written agreements shall not be used as a means to favorably resolve statutory factors or circumstances on which the FDIC would otherwise make an unfavorable finding. This proposed amendment would mitigate uncertainty and prevent misunderstandings among prospective filers subject to part 354. This improved clarity may reduce the time that the FDIC and a Covered Company may spend discussing and resolving issues with its filing. While the FDIC cannot quantify the time saved, the FDIC believes that an affected entity would not incur a significant cost as a result of this amendment.

As discussed above, the proposed rule would include considerations to be applied in identifying shell or captive structures, and presumptions that the FDIC will apply as a consequence of such identification. The proposed rule would also incorporate additional considerations that the FDIC will undertake to determine the degree of risk presented to the industrial bank from the parent company and its affiliates. The existing part 354 already addresses some of the risks that captive or shell industrial bank business models may present to the DIF. For example, under both the current part 354 and the proposed rule, the FDIC may require a Covered Company and industrial bank to commit to provide to the FDIC, and thereafter adhere to, a contingency plan that sets forth recovery actions to address significant financial or operational stress that could threaten the safe and sound operation of the industrial bank and strategies for the orderly disposition of such industrial bank without the need for the appointment of a receiver or conservator.[67] Filers that are covered under the expanded scope of part 354, as proposed, that commit to providing a contingency plan could therefore incur preparation and submission costs. The FDIC does not have data to estimate these costs, but believes that these costs would be outweighed by the expected benefits to the safety and soundness of the industrial bank and the DIF.

As part of the amendment aimed at identifying shell or captive structures and resulting presumptions, the proposed rule would afford any company seeking to rebut a presumption an opportunity to present its views in writing. While there may be costs incurred in the preparation of such a rebuttal, the FDIC believes that this burden would not be substantially greater than the costs incurred by filers in existing practice, absent this amendment, to respond to and allay FDIC concerns about the characteristics of their structures. Furthermore, filers who opt to prepare a rebuttal likely would believe that the costs of preparation would be outweighed by the expected benefits.

The proposed rule could indirectly affect subsidiaries of Covered Companies. Such Covered Companies operate through a variety of structures that include a range of subsidiaries and affiliates. Further, the proposed rule includes the FDIC's reservation of authority to require any industrial bank and its parent company, if not otherwise subject to part 354, to enter into written agreements, provide commitments, or abide by restrictions, as appropriate. Therefore, it is difficult to estimate the number of subsidiaries and affiliates of prospective Covered Companies, based on information currently available to the FDIC. However, given the FDIC's experience as the primary Federal regulator of industrial banks,[68] the FDIC believes that the number of subsidiaries of the prospective Covered Companies affected by the proposed rule is likely to be small. For these affected subsidiaries, the FDIC believes that the proposed amendments would clarify, provide transparency, and prevent misinterpretation of part 354. To that end, the proposed rule would reduce the time spent by affected subsidiaries discussing and resolving issues related to their affiliated industrial banks and Covered Companies.

VI. Request for Comment

The FDIC is inviting comment on all aspects of the proposed amendments to part 354, in addition to the questions above.

VII. Regulatory Analysis

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.[69] However, an initial regulatory flexibility analysis is not required if the agency certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined ''small entities'' to include banking organizations with total assets of less than or equal to $850 million.[70] Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses. The FDIC believes that effects in excess of one or more of these thresholds typically represent significant economic impacts for FDIC-supervised institutions.

The FDIC has considered the potential impact of the proposed rule on small entities in accordance with the RFA. For the reasons stated below, the FDIC certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

As of March 31, 2024, the FDIC supervised 2,920 institutions, of which 2,198 are considered small entities for purposes of the RFA.[71] Of these 2,920 institutions, 24 were industrial banks,[72] and the FDIC estimates that no more than 10 of these industrial banks would

[66] For purposes of estimating Paperwork Reduction Act burden, the FDIC assumes that the change in scope in this proposed rule increases the estimated respondent counts for certain information collections by one. *See* section VII.B of this document.

[67] 12 CFR 354.4(b).

[68] Historically, industrial banks have elected not to become members of the Federal Reserve System. The FDIC is the primary Federal regulator for State nonmember banks and the insurer for all IDIs.

[69] 5 U.S.C. 601 *et seq.*

[70] The SBA defines a small banking organization as having $850 million or less in assets, where an organization's ''assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). In its determination, the ''SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.'' *See* 13 CFR 121.103. Following these regulations, the FDIC uses an IDI's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the IDI is ''small'' for the purposes of the RFA.

[71] FDIC Call Report Data as of March 31, 2024.

[72] As mentioned previously, one industrial bank was acquired in a voluntary merger on June 1, 2024. This industrial bank was not considered a ''small entity'' for purposes of the RFA as of March 31, 2024.

be considered small industrial banks for purposes of the RFA.[73]

As previously discussed, the requirements under part 354 apply to industrial banks organized on or after April 1, 2021, and industrial banks coming under the control of a Covered Company as a result of a transaction pursuant to either section 7(j) or 18(c) of the FDI Act. The proposed rule would amend the definition of Covered Companies to include prospective conversions[74] pursuant to section 5(i)(5) of the HOLA or any other type of transaction where an industrial bank would become a subsidiary of a company that is not subject to Federal consolidated supervision, as determined by the FDIC.[75] Since September 2019, the FDIC has received only two conversion filings related to HOLA and estimates one or fewer such filing per year going forward. Not all of these filings would involve small entities; for context, only 10 out of 24 existing industrial banks are small entities for purposes of the RFA. Therefore, the FDIC expects the proposed amendment to the definition of Covered Company to affect one or fewer small entities per year. Given this limited number of anticipated filings, the FDIC believes the proposed amendment is unlikely to affect a substantial number of small entities.

Notwithstanding the effect due to the change in the scope of affected entities described above, the FDIC also examined whether the other changes reflected in the proposed rule would have a significant effect on affected small entities. As discussed above, these amendments clarify certain provisions in part 354, provide increased transparency regarding how the FDIC evaluates potential risks and concerns, and serve to prevent any misinterpretation of part 354 that would be inconsistent with the FDIC's long-standing applications processing policy. The proposed rule affords any company seeking to rebut a presumption of a shell or captive institution an opportunity to present its views in writing—such filings should comport with the FDIC's existing rules regarding filing procedures. These amendments may reduce the time that the FDIC and a filer would spend discussing and resolving issues with its filing. While the FDIC cannot quantify the time saved, the FDIC believes that an affected entity would not incur a significant economic effect as a result of these amendments.

Based on the preceding information, the FDIC certifies that the proposed rule does not significantly affect a substantial number of small entities. The FDIC invites comments on all aspects of the supporting information provided in this RFA section. In particular, would this proposed rule have any significant effects on a substantial number of small entities that the FDIC has not identified?

B. Paperwork Reduction Act

Certain provisions of the proposed rule contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act (PRA).[76] In accordance with the requirements of the PRA, the FDIC 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 FDIC's OMB control number associated with this proposed rule is 3064–0213 and is titled ''Industrial Banks and Industrial Loan Companies.''

As stated above, the proposed rule would change the scope of the existing regulations by revising the definition of ''Covered Company'' to include conversions involving a proposed industrial bank or industrial loan company under section 5 of the HOLA, or other situations as determined by the FDIC; clarifying the relationship between written commitments and the FDIC's evaluation of the relevant statutory factors; and setting forth additional criteria that the FDIC would consider when assessing the risks presented to an industrial bank by its parent company and any affiliates, and evaluating the industrial bank's ability to function independently of the parent company and any affiliates.

For these reasons, the information collection requirements contained in this proposed rulemaking will be submitted by the FDIC to OMB for review and approval under section 3507(d) of the PRA (44 U.S.C. 3507(d)) and § 1320.11 of the OMB's implementing regulations (5 CFR part 1320). Given the change in scope in the proposed rule, the FDIC has increased the estimated respondent count by one in information collections 1–4. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility;

(b) The accuracy of the estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record. Comments on the collection of information should be sent to the address listed in the **ADDRESSES** section of this document. Written comments and recommendations for the proposed information collection(s) should also 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.

Information Collection.

Title: Industrial Banks and Industrial Loan Companies.

OMB Number: 3064–0213.

Affected Public: Prospective parent companies of industrial banks and industrial loan companies.

[73] The FDIC uses the assets of an IDI's affiliated and acquired financial institutions to determine whether the IDI is ''small'' for the purposes of RFA. This methodology may over-count the number of industrial banks that are small entities because it does not take into account the size of non-financial institutions that are affiliated with the industrial bank. For purposes of RFA certification, this methodology results in a conservative over-estimate of the number of affected small entities.

[74] The proposed amended definition would only apply to filings involving an industrial bank or Covered Company after the effective date of the proposed rule.

[75] The proposed amendment would also allow any company subject to a determination that a transaction would result in the application of part 354 to present its views in writing.

[76] 44 U.S.C. 3501 *et seq.*

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0213]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Initial Listing of Subsidiaries, 12 CFR 354.4(a)(1) (Mandatory).	Reporting (On Occasion)	3	1	04:00	12
2. Annual Update of Subsidiaries List, 12 CFR 354.4(a)(1) (Mandatory).	Reporting (Annual)	3	1	04:00	12
3. Annual Report of Covered Company and Subsidiaries and Other Reports as the FDIC may require, 12 CFR 354.4(a)(3) (Mandatory).	Reporting (Annual)	3	1	10:00	30
4. Recordkeeping requirements in written agreement, 12 CFR 354.4(a)(4) (Mandatory).	Recordkeeping (Annual)	3	1	10:00	30
5. Contingency Plan, 12 CFR 354.4(b) (Mandatory)	Reporting (Annual)	1	1	345:00	345
Total Annual Burden (Hours):	.....	.....	.....	.....	429

Source: FDIC.

Note: The annual burden estimate for a given collection is calculated in two steps. First, the total number of annual responses is calculated as the whole number closest to the product of the annual number of respondents and the annual number of responses per respondent. Then, the total number of annual responses is multiplied by the time per response and rounded to the nearest hour to obtain the estimated annual burden for that collection. This rounding ensures the annual burden hours in the table are consistent with the values recorded in the OMB's regulatory tracking system. The FDIC has increased the estimated respondent count by one in Information Collections 1–4 to account for the effect in the change in scope in this proposed rule.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act [77] requires each Federal banking agency to use plain language in all of its proposed and final rules published after January 1, 2000. The FDIC sought to present the proposed rule in a simple and straightforward manner.

- Has the FDIC organized the material to suit your needs? If not, how could it present the proposed rule more clearly?
- Has the FDIC clearly stated the requirements of the proposed rule? If not, how could the proposed rule be more clearly stated?
- Does the proposed rule contain technical jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed rule easier to understand? If so, what changes would make the proposed rule easier to understand?
- What else could the FDIC do to make the proposed rule easier to understand?

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 [78] (RCDRIA), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on affected depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of the RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[79] The FDIC invites comments that further will inform its consideration of RCDRIA.

E. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 [80] requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet.

The FDIC proposes to modify the regulations governing the parent companies of industrial banks in 12 CFR part 354. The amendments would revise the regulation's scope to include conversions involving proposed industrial banks under section 5 of the Home Owners' Loan Act and other situations as determined by the FDIC; clarify the relationship between written commitments and the FDIC's evaluation of relevant statutory factors; and set forth additional criteria the FDIC would consider when assessing the risks presented to an industrial bank by its parent company and affiliates and evaluating the institution's ability to function independently of its parent company and affiliates.

The proposal and the required summary can be found at *https://www.fdic.gov/resources/regulations/federal-register-publications/index.html.*

List of Subjects in 12 CFR Part 354

Bank deposit insurance, Banks, Banking, Finance, Holding companies, Industrial banks, Industrial loan companies, Insurance, Parent company, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation proposes to amend 12 CFR part 354 as follows:

PART 354—INDUSTRIAL BANKS

■ 1. The authority citation for part 354 is revised to read as follows:

Authority: 12 U.S.C. 1464, 1811, 1815, 1816, 1817, 1818, 1819(a) (Seventh) and (Tenth), 1820(g), 1831o 1, 3108, 3207.

■ 2. Amend § 354.2 by revising the definition for *Covered Company* to read as follows:

§ 354.2 Definitions.

* * * * *

Covered Company means.

(a) In each case on or after April 1, 2021, any company that is not subject to

[77] 12 U.S.C. 4809.

[78] 12 U.S.C. 4802(a).

[79] 12 U.S.C. 4802(b).

[80] 12 U.S.C. 553(b)(4).

Federal consolidated supervision by the FRB and that controls an industrial bank:

(1) As a result of a change in bank control pursuant to section 7(j) of the FDI Act;

(2) As a result of a merger transaction pursuant to section 18(c) of the FDI Act;

(3) As a result of a conversion pursuant to section 5(i)(5) of the Home Owners' Loan Act;

(4) That is granted deposit insurance by the FDIC pursuant to section 6 of the FDI Act; or

(5) As determined by the FDIC after providing the company an opportunity to present its views in writing as to why the provisions of this part should not apply; or

(b) A company that controls an industrial bank, if, on or after [the effective date of the final rule]:

(1) The control of such company changes, requiring a notice subject to section 7(j) of the FDI Act; or

(2) The company is the resultant entity following a merger transaction.

* * * * *

■ 3. Amend § 354.4 by revising paragraph (a) introductory text and adding paragraph (c) to read as follows:

§ 354.4 Required commitments and provisions of written agreement.

(a) The commitments required to be made in the written agreements referenced in § 354.3 are set forth in paragraphs (a)(1) through (8) of this section. In addition, with respect to an industrial bank subject to this part, the FDIC will condition each grant of deposit insurance, each issuance of a non-objection to a change in control, each approval of a merger, each approval of a conversion, and each determination of Covered Company status on compliance with paragraphs (a)(1) through (8) of this section by the parties to the written agreement. As required, each Covered Company must:

* * * * *

(c) For each type of filing through which an industrial bank would become subject to this part, the FDIC must evaluate the appropriate statutory factors pursuant to applicable law. The required commitments, written agreement provisions, and industrial bank subsidiary restrictions, as described in this part, will be taken into account as part of the FDIC's consideration of the underlying filing, but do not replace any statutory factor applicable to an underlying filing and will not necessarily lead to the favorable resolution of any statutory factor where the facts and circumstances are otherwise unfavorable.

■ 4. Redesignate § 354.6 as § 354.7, and add a new § 354.6 to read as follows:

§ 354.6 Additional considerations.

(a) *Parent company.* The FDIC will consider the degree of risk presented to the industrial bank from the parent company and its affiliates. In assessing the degree of risk presented from the parent company and its affiliates, the FDIC will consider the following elements:

(1) The parent company's business purpose for establishing or acquiring control of the industrial bank;

(2) The existing and proposed relationships among the parent company and its affiliates;

(3) The parent company's history of regulatory and consumer compliance, including the status of any significant pending or outstanding enforcement actions, investigations, administrative matters, or contingent liabilities;

(4) The supervisory record of the parent company and any affiliates regulated by the Federal banking agencies;

(5) The novelty of the parent company's primary businesses, and the extent to which new or innovative processes are being implemented or utilized;

(6) The accessibility of information, including the books and records of the parent company and any affiliated domestic or foreign entities; and

(7) Any plans or processes that mitigate risks presented by the parent company.

(b) *Industrial bank.* In every case, the FDIC will also consider the degree to which the industrial bank will have:

(1) An independent board and management team; and

(2) A business model that is viable on a standalone basis and that has franchise value independent of the parent organization. A business model is viable on a standalone basis and has franchise value if the main business functions of the industrial bank will not be reliant on the parent organization, including the industrial bank's operations, loans and investments, deposits and other funding sources, client sourcing, and any other primary business activities.

(c) *Rebuttable presumptions regarding shell or captive industrial banks*—(1) *Presumptions.* Any proposal for an industrial bank that presents the following characteristics will be presumed to be a shell or captive industrial bank. The industrial bank—

(i) Could not function independently of the parent company;

(ii) Would be significantly or materially reliant on the parent company or its affiliates; or

(iii) Would serve only as a funding channel for an existing parent company or affiliate business line.

(2) *Impact of the presumptions.* The FDIC will presume that the shell or captive nature of an industrial bank involved in a filing weighs heavily against favorably resolving one or more applicable statutory factors.

(3) *Rebuttal of presumptions.* The FDIC will afford any company seeking to rebut a presumption in this paragraph (c) an opportunity to present its views in writing. While the FDIC is considering any such materials, the FDIC will suspend consideration of any related filings, time periods will be tolled, and transactions will not be consummated.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on July 30, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–17637 Filed 8–9–24; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2016; Project Identifier MCAI–2024–00111–T]

RIN 2120–AA64

Airworthiness Directives; Saab AB Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2017–21–05, which applies to certain Saab AB Model 340A (SAAB/SF340A) and SAAB 340B airplanes. AD 2017–21–05 requires revising the existing maintenance or inspection program, as applicable, to incorporate airworthiness limitations, including new inspection tasks for the drag brace support fitting of the main landing gear (MLG) and to implement corrosion prevention and control program (CPCP) related tasks. Since the FAA issued AD 2017–21–05, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require the actions in AD 2017–21–05 and would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more

restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 26, 2024.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2016; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2024–2016.
- For Saab AB material identified in this proposed AD, contact Saab AB, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab340techsupport@saabgroup.com;* website *saab.com/products/air/regional-aircraft.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–2016; Project Identifier MCAI–2024–00111–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3220; email *Shahram.Daneshmandi@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2017–21–05, Amendment 39–19076 (82 FR 48917, October 23, 2017) (AD 2017–21–05), for certain Saab AB Model 340A (SAAB/SF340A) and SAAB 340B airplanes. AD 2017–21–05 was prompted by an MCAI originated EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2017–0033, dated February 17, 2017 (EASA AD 2017–0033) (which corresponds to FAA AD 2017–21–05), to correct an unsafe condition.

AD 2017–21–05 requires revising the maintenance or inspection program, as applicable, to incorporate airworthiness limitations, including new inspection tasks for the drag brace support fitting of the MLG and to implement CPCP related tasks. The FAA issued AD 2017–21–05 to prevent reduced structural integrity of the airplane.

Actions Since AD 2017–21–05 Was Issued

Since the FAA issued AD 2017–21–05, EASA superseded AD 2017–0033 and issued EASA AD 2024–0042, dated February 13, 2024 (EASA AD 2024–0042) (referred to after this as the MCAI), for all Saab AB Model 340A (SAAB/SF340A) and SAAB 340B airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

The FAA is proposing this AD to address reduced structural integrity of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2016.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0042. This material specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016, which the Director of the Federal Register approved for incorporation by reference as of November 27, 2017 (82 FR 48917, October 23, 2017).

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

FAA's Determination

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

in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would retain all the requirements of AD 2017–21–05. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2024–0042 already described, as proposed for incorporation by reference. Any differences with EASA AD 2024–0042 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (l)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0042 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0042 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0042 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0042. Material required by EASA AD 2024–0042 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2024–2016 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions. intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional AD Provisions.'' This new format includes a ''New Provisions for Alternative Actions, Intervals, and CDCCLs'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action. interval, or CDCCL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 81 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2017–21–05 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2017–21–05, Amendment 39–19076 (82 FR 48917, October 23, 2017); and

■ b. Adding the following new AD:

Saab AB (Formerly Known as Saab AB, Support and Services): Docket No. FAA–2024–2016; Project Identifier MCAI–2024–00111–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 26, 2024.

(b) Affected ADs

This AD replaces AD 2017–21–05, Amendment 39–19076 (82 FR 48917, October 23, 2017) (AD 2017–21–05).

(c) Applicability

This AD applies to all Saab AB (formerly known as Saab AB, Support and Services) Model 340A (SAAB/SF340A) and SAAB 340B airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

(f) Compliance

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

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

This paragraph restates the requirements of paragraph (g) of AD 2017–21–05, with no changes. For airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued on or before December 1, 2016. Within 30 days after November 27, 2017 (the effective date of AD 2017–21–05): Revise the maintenance or inspection program, as applicable, to incorporate airworthiness limitations, including inspection tasks for the drag brace support fitting of the main landing gear (MLG) and corrosion prevention and control (CPCP) related tasks, specified in SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016. The compliance time for the initial airworthiness limitation tasks is at the applicable compliance time specified in SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016, or within 30 days after November 27, 2017, whichever occurs later. Accomplishing the revision of the existing maintenance or inspection program required by paragraph (i) of this AD terminates the requirements of this paragraph.

(h) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2017–21–05, with a new exception. Except as required by paragraph (i) of this AD, after the maintenance or inspection program, as applicable, has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0042, dated February 13, 2024 (EASA AD 2024–0042). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(j) Exceptions to EASA AD 2024–0042

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0042.

(2) Paragraph (3) of EASA AD 2024–0042 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0042 is at the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2024–0042, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0042.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0042.

(k) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2024–0042.

(l) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(m) Additional Information

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

(n) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2024–0042, dated February 13, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on November 27, 2017 (82 FR 48917, October 23, 2017).

(i) SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016.

(ii) [Reserved]

(5) For EASA AD 2024–0042, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(6) For Saab AB material identified in this AD, contact Saab AB, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab340techsupport@saabgroup.com;* website *saab.com/products/air/regional-aircraft.*

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

(8) You may view this material at the National Archives and Records

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

Issued on August 6, 2024.

Victor Wicklund,

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

[FR Doc. 2024–17834 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 38

RIN 2900–AS13

Veterans Legacy Grants Program Improvements

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its Veterans Legacy Grants Program (VLGP) regulations to align them with regulatory updates to the uniform administrative requirements and other requirements for Federal awards and makes additional revisions to improve the process for administration of the grant program. This rulemaking proposes housekeeping amendments to key terms, legal citations, and definitions and extends timelines for reporting and other grant recipient requirements.

DATES: Comments must be received on or before October 11, 2024.

ADDRESSES: Comments must be submitted through *www.regulations.gov.* Except as provided below, comments received before the close of the comment period will be available at *www.regulations.gov* for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on *www.regulations.gov* as soon as possible after they have been received. VA will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. VA encourages individuals not to submit duplicative comments; however, we will post comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date is considered late and will not be considered in the final rulemaking. In accordance with the Providing Accountability Through Transparency Act of 2023, a 100 word Plain-Language Summary of this proposed rule is available at *Regulations.gov*, under RIN 2900–AS13.

FOR FURTHER INFORMATION CONTACT: John Williams, Senior Grants Management Specialist, Veterans Legacy Grants Program, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Telephone: (314) 348–4073 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: VA proposes changes to the regulations governing Veterans Legacy grants to make housekeeping and clarifying edits, described below. These revisions would implement various programmatic improvements for applicants. Additionally, in April 2024, the Office of Management and Budget (OMB) published revisions to Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the Uniform Guidance at 2 CFR part 200). Current VLGP regulations reference outdated 2 CFR part 200 throughout and in this rulemaking we propose changes to reflect revised sections, where appropriate.

Replacing the Term ''Notice of Funding Availability'' With ''Notice of Funding Opportunity''

VA proposes to replace the terms ''Notice of Funding Availability'' and ''NOFA'' with ''Notice of Funding Opportunity'' and ''NOFO'', respectively, in 38 CFR 38.715(k) and throughout the VLGP regulations to align them with OMB's use and definition of the term ''Notice of funding opportunity'' in 2 CFR 200.1 and 200.204. Under the revised definition, the term ''NOFO'' would be defined as ''a formal announcement of the availability of a Federal funding opportunity published in the OMB-designated government-wide website *Grants.gov* (*http://www.grants.gov*) in accordance with § 38.725 and 2 CFR 200.1 and 200.204.'' Consistent with the definition in 2 CFR 200.1, a NOFO would provide information on the award, who is eligible to apply, the evaluation criteria for selection of an awardee, required components of an application, and how to submit the application. This change is intended to reduce the potential for grant recipient confusion due to discrepancies between terminology used in the VLGP regulations and the *Grants.gov* website.

Replacing the Term ''Grantee'' With ''Recipient''

VA proposes to replace the term ''Grantee'' with ''Recipient'' in 38 CFR 38.715(j) and to make similar changes throughout the VLGP regulations where applicable. This change would be consistent with OMB's use of the term ''Recipient'' as the entity that receives a Federal award directly from a Federal awarding agency. The alignment of these terms is intended to reduce any confusion for the public regarding the VLGP. The definition would clarify that ''recipient'' does not include a subrecipient or individual that is a beneficiary of the award.

Consolidating the Publication Location of the NOFO

OMB uniform grant guidance requires a funding agency to provide public notice of Federal financial assistance programs. Current 38 CFR 38.725 requires VA to publish funding opportunity announcements in both the **Federal Register** and in *Grants.gov.* VA proposes to discontinue the requirement in its current regulation to post NOFOs in the **Federal Register**. Because *Grants.gov* is an OMB-designated government-wide website and is recognized as the primary Federal system used for publication of notices concerning Federal funding opportunities and financial assistance, see 89 FR 30072 (Apr. 22, 2024), VA proposes to use *Grants.gov* as the primary source of publication for its funding opportunity announcements. VA believes this change would make the VLGP award procedures more efficient and would eliminate the duplicative publication requirement in the **Federal Register**, which may often result in additional processing time.

Updating the Terminology of Additional Factors for Deciding Applications

VA proposes to amend 38 CFR 38.735 (Additional factors for deciding applications) by updating the terminology in the regulation to align it with the terminology and process framework established in 2 CFR part 200. Specifically, VA would amend the heading in 38 CFR 38.735(a) from ''Applicant's performance on prior award'' to ''Applicant's history of performance''. History of performance is a principal factor considered when evaluating an applicant's application. 2 CFR 200.206(b)(2)(iii). VA would revise the description for additional clarity and consistency on this deciding factor. The revised language would state that VA may consider the applicant's record

in managing Federal awards, if it is a prior recipient of a Federal award, including timeliness of compliance with applicable reporting requirements and conformance to the terms and conditions of any previous Federal award. The current language is specific to the applicant's noncompliance with requirements and limits the scope of evaluation to past written evaluation reports, memoranda on performance, and completion of prior submissions. The proposed language would expand VA's ability to review and consider a broader scope of relevant conduct that may impact an applicant's evaluative rating under the merit review process.

VA proposes to also amend the heading in 38 CFR 38.735(b) from ''Applicant's fiscal integrity'' to ''Applicant's financial stability'' to align it with 2 CFR 200.206(b)(2)(i), which includes an applicant's ''financial stability'' among the principal evaluative factors to consider. In addition, VA proposes to remove the reference to 2 CFR 200.205 within the description, which would provide flexibility for the VLGP regulation if future edits are made to 2 CFR part 200.

Extending the Timeframe for Recipients To Fulfill Reporting Requirements

VA proposes to amend 38 CFR 38.765 (Recipient reporting requirements) to allow 120 calendar days after the end date of the period of performance for a grant recipient to submit a final report. Currently, the regulation only allows for a grant recipient to submit this information no later than 60 days after the last day of the grant period. The amended language would align with the closeout requirements under 2 CFR 200.344 (Closeout) and provide the grant recipient with the standard time period to submit required financial, performance, and other reports after the period of performance has concluded.

Changes to Authority Citations

VA proposes to revise authority citations for the VLGP regulations. VA proposes to revise the authority citation for § 38.715 by removing the reference to 2 CFR 200.203, which governs the requirement to provide public notice of Federal financial assistance programs, and adding in its place a reference to 2 CFR 200.1, which defines the term ''notice of funding opportunity,'' and 2 CFR 200.204, which sets forth requirements of notices of funding opportunities. VA proposes to revise the authority citation for § 38.725 by removing the reference to 2 CFR 200.203 and adding in its place a reference to 2 CFR 200.204.

VA also proposes to revise the authority citation for § 38.730 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.208, which sets forth specific conditions for federal grant awards. VA proposes to revise the authority citation for § 38.735 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.206, which provides that the Federal awarding agency will review risk posed by applicants. VA proposes to revise the authority citation for § 38.740 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.205, which provides that the Federal awarding agency will have a merit review process for proposals. VA also proposes to revise the authority citation for § 38.745 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.211, which sets forth information contained in a Federal award. VA proposes to revise the authority citation for § 38.750 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.204, which governs notices of funding opportunities generally. VA proposes to revise the authority citation for § 38.755 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.211, which sets forth information contained in a Federal award.

VA also proposes to revise the authority citation for § 38.760 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.305, which governs Federal payments. VA proposes to revise the authority citation for § 38.765 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.344, which governs closeout of federal awards. VA proposes to revise the authority citation for § 38.770 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.339 and 200.410, which sets forth remedies for noncompliance and addresses collection of unallowable costs, respectively. VA proposes to revise the authority citation for § 38.775 by removing the reference to 2 CFR 200.203 and adding a reference to 2 CFR 200.329, which governs monitoring and reporting program performance. VA also proposes to revise the authority citation for § 38.780 by including a reference to 2 CFR 200.476, which is included as part of the regulations governing general cost principles. VA proposes to revise the authority citation for § 38.785 by removing the reference to 2 CFR 200.333, which governs fixed amount subawards, and adding a reference to 2 CFR 200.334–200.338, which govern record retention and access.

Executive Orders 12866, 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review) and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The amendments proposed in this rule would likely not be determinative of whether small entities receive or do not receive a grant because they would have limited impact on small entities complying with grant application and reporting requirements. In addition to some technical revisions to the VLGP regulations, this rule would merely align those regulations to updates to the uniform administrative requirements and other requirements for Federal awards (2 CFR part 200). Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that

agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

Although this proposed rule contains collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), there are no provisions associated with this rulemaking constituting any new collection of information or any revisions to the existing collection of information. The collections of information for 38 CFR 38.730 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 4040–0004, 4040–0006, 4040–0007, and 4040–0013.

Assistance Listing

The Assistance Listing number and title for the program affected by this document are 64.204, Veterans Legacy Grants Program.

List of Subjects in 38 CFR Part 38

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

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on July 31, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

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

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

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

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

Authority: 38 U.S.C. 107, 501, 512, 531, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

■ 2. Amend § 38.715 by:

■ a. In paragraph (a) introductory text, removing ''Notice of Funding Availability'' and adding in its place ''Notice of Funding Opportunity''.

■ b. Removing ''NOFA'' each place it appears and adding in each place ''NOFO''.

■ c. Revising paragraphs (j) and (k) and the authority citation.

The revisions read as follows:

§ 38.715 Definitions.

* * * * *

(j) *Recipient* means an eligible recipient (or entity) that is awarded a VLGP grant under this part. It does not include a subrecipient or individual that is a beneficiary of the award.

(k) *Notice of Funding Opportunity (NOFO)* means a formal announcement of the availability of a Federal funding opportunity published in the OMB-designated government-wide website *Grants.gov* (*http://www.grants.gov*) in accordance with § 38.725 and 2 CFR 200.1 and 200.204.

(Authority: 38 U.S.C. 501(d), 2400 note, 2 CFR 200.1 and 200.204))

§ 38.720 [Amended]

■ 3. Amend § 38.720 by:

■ a. Removing ''grantee'' and ''grantee's'' each place they appear and adding in each place ''recipient'' and ''recipient's'', respectively.

■ b. Removing ''NOFA'' each place it appears and adding in each place ''NOFO''.

■ 4. Amend § 38.725 by:

■ a. Revising the section heading and introductory text.

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.204''.

The revisions read as follows:

§ 38.725 Notice of Funding Opportunity (NOFO).

When funds are available for VLGP grants, VA will publish a NOFO at *Grants.gov* (*http://www.grants.gov*). The NOFO will identify:

* * * * *

■ 5. Amend § 38.730 by:

■ a. Removing ''NOFA'' each place it appears and adding in each place ''NOFO''.

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.208''.

■ c. Adding a parenthetical reference at the end of the section.

The revision reads as follows:

§ 38.730 Applications.

* * * * *

(The Office of Management and Budget has approved the information collection provisions in this section under control numbers 4040–0004, 4040–0006, 4040–0007, and 4040–0013)''.

■ 6. Amend § 38.735 by:

■ a. Revising paragraphs (a) and (b).

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.206''.

The revisions read as follows:

§ 38.735 Additional factors for deciding applications.

(a) *Applicant's history of performance.* VA may consider the applicant's record in managing Federal awards, if a prior recipient of a Federal award, including timeliness of compliance with applicable reporting requirements and conformance to the terms and conditions of any previous Federal award.

(b) *Applicant's financial stability.* Applicants must meet and have maintained standards of financial stability for participation in Federal grant programs.

(Authority: 38 U.S.C. 501(d), 2400 note, and 2 CFR 200.206)

§ 38.740 [Amended]

■ 7. Amend § 38.740 by:

■ a. Removing ''NOFA'' each place it appears and adding in each place ''NOFO''.

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.205''.

§ 38.745 [Amended]

■ 8. Amend § 38.745 by, in the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.211''.

§ 38.750 [Amended]

■ 9. Amend § 38.750 by, in the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.204''.

§ 38.755 [Amended]

■ 10. Amend § 38.755 by:

■ a. In the introductory text, removing ''grantee'' and adding in its place ''recipient''.

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.211''.

■ 11. Amend § 38.760 by:

■ a. Revising paragraph (a).

■ b. In paragraph (b), removing ''NOFA'' and adding in its place ''NOFO''.

■ c. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.305''.

The revision reads as follows:

§ 38.760 Payments under the grant.

(a) Recipients are to be paid in accordance with 2 CFR 200.305.

* * * * *

■ 12. Amend § 38.765 by:

■ a. Revising the section heading and paragraph (a).

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.344''.

§ 38.765 Recipient reporting requirements.

(a) *Final report.* The recipient must submit to VA, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

* * * * *

■ 13. Amend § 38.770 by:

■ a. Removing ''grantee'' each place it appears and adding in each place ''recipient''.

■ b. Revising the authority citation.

The revision reads as follows:

§ 38.770 Recovery of funds by VA.

* * * * *

(Authority: 38 U.S.C. 501(d), 2400 note, 2 CFR 200.339 and 200.410)

§ 38.775 [Amended]

■ 14. Amend § 38.775 by:

■ a. Removing ''grantee'' each place it appears and adding in each place ''recipient''.

■ b. In the authority citation, removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.329''.

§ 38.780 [Amended]

■ 15. Amend § 38.780 by:

■ a. In paragraph (b), removing ''grantees'' and ''Grantees'' each place they appear and adding in each place ''recipients'' and ''Recipients'', respectively.

■ b. Removing ''2 CFR 200.400–200.475'' each place it appears and adding in each place ''2 CFR 200.400–200.476''.

■ 16. Revise § 38.785 to read as follows:

§ 38.785 Record retention and access.

Recipients must ensure that records are maintained and accessible in accordance with 2 CFR 200.334–200.338. Recipients must produce such records at VA's request.

(Authority: 38 U.S.C. 501(d), 2400 note, and 2 CFR 200.334–200.338)

[FR Doc. 2024–17316 Filed 8–9–24; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 84

[EPA–HQ–OAR–2021–0643; FRL–11739–03–OAR]

Phasedown of Hydrofluorocarbons: Restrictions on the Use of HFCs Under the AIM Act in Variable Refrigerant Flow Air Conditioning Subsector; Reopening the Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening the comment period.

SUMMARY: On June 26, 2024, EPA published a proposed rule titled, Phasedown of Hydrofluorocarbons: Restrictions on the Use of Hydrofluorocarbons under the American Innovation and Manufacturing Act in Variable Refrigerant Flow Air Conditioning Subsector, to allow one additional year for the installation of certain residential and light commercial air conditioning and heat pump variable refrigerant flow systems. The proposed rule did not include notice that the Agency would hold a public hearing if one were requested. This notice reopens the comment period specifically to provide an opportunity to request a public hearing on this rulemaking if one is desired.

DATES: The comment period for the proposed rule published on June 26, 2024, at 89 FR 53373, is reopened to allow for the opportunity to request a public hearing. To request a public hearing, please submit a comment per the instructions in the **ADDRESSES** section. If requested, EPA will hold a virtual public hearing on August 19, 2024. See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

If no public hearing is requested, the comment period will close on August 27, 2024. If a public hearing is requested, the comment period will close on September 26, 2024.

ADDRESSES: You may send comments, identified by docket identification number EPA–HQ–OAR–2021–0643, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2021–0643 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID number for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided.

Do not submit any information you consider to be Confidential Business Information (CBI) through *https://www.regulations.gov.* For submission of confidential comments, please work with the person listed in the **FOR FURTHER INFORMATION CONTACT** section. 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.*

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact Joshua Silver, Stratospheric Protection Division, Office of Atmospheric Protection (Mail Code 6205A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–2473; email address: *silver.joshua@epa.gov.* You may also visit EPA's website at *https://www.epa.gov/climate-hfcs-reduction* for further information.

SUPPLEMENTARY INFORMATION: The EPA is reopening the public comment period established in the **Federal Register** document of June 26, 2024 (89 FR 53373), in order to provide an opportunity for the public to request a public hearing. The original public comment period for the proposed rule closed on July 26, 2024. The EPA did not receive a request for a public hearing or to reopen the comment period but, per the notice requirements of AIM Act subsection (k)(1)(C) and CAA section 307(d)(5), EPA is offering this opportunity to request a public hearing. The comments the EPA has received were supportive of extending the compliance date for installations of VRF systems and previously provided comments do not need to be resubmitted. Oral comments will be weighed equally to written comments.

If a public hearing is requested and held, the comment period will remain open, as required by CAA section 307(d)(5), until September 26, 2024. If a

public hearing is not requested, the comment period will close August 27, 2024. The EPA does not intend to issue an additional notification in the **Federal Register** announcing updates about the public hearing or the close of this additional comment period. Updates will instead be posted at *https://www.epa.gov/climate-hfcs-reduction/regulatory-actions-technology-transitions.*

Participation in a virtual public hearing. To request a virtual public hearing, please submit that request as a comment per the instructions described in the **ADDRESSES** section. If requested, the virtual public hearing will be held on August 27, 2024. The EPA may close the hearing 15 minutes after the last pre-registered speaker has testified if there are no additional speakers.

If a public hearing is requested, the EPA will begin pre-registering speakers for the hearing no later than 1 business day after a request has been received. To register to speak at the virtual hearing, please notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email. The last day to pre-register to speak at the hearing will be August 26, 2024.

Each commenter will have 4 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically by submitting the text of oral testimony as written comments to the rulemaking docket. The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

If you require the services of a translator or special accommodation such as audio description, please pre-register for the hearing and describe your needs by August 19, 2024. The EPA may not be able to arrange accommodations without advanced notice.

Docket. The EPA has established a docket for the associated rulemaking under Docket ID No. EPA–HQ–OAR–2021–0643. All documents in the docket are listed in *https://www.regulations.gov.* Although listed, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only as pdf versions that can only be accessed on the EPA computers in the docket office reading room. Certain databases and physical items cannot be downloaded from the docket but may be requested by contacting the docket office at 202–566–1744. The docket office has up to 10 business days to respond to these requests. With the exception of such material, publicly available docket materials are available electronically in *https://www.regulations.gov.*

Joesph Goffman,

Assistant Administrator.

[FR Doc. 2024–17751 Filed 8–9–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 21–31; Report No. 3215; FR ID 237081]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration.

SUMMARY: A Petition for Reconsideration (Petition) has been filed in the Commission's proceeding by Maurine Molak and Matthew Molak.

DATES: Oppositions to the Petition must be filed on or before August 27, 2024. Replies to oppositions to the Petition must be filed on or before September 6, 2024.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Molly O'Conor of the Telecommunications Access Policy Division, Wireline Telecommunications Bureau, at *Molly.OConor@fcc.gov* or (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3215, released August 2, 2024. The full text of the Petition can be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: Addressing the Homework Gap through the E-Rate Program (WC Docket No. 21–31).

Number of Petitions Filed: 1.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–17837 Filed 8–9–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 240805–0212]

RIN 0648–BN01

Fisheries of the Northeastern United States; Framework Adjustment 15 to the Monkfish Fishery Management Plan; Framework Adjustment 6 to the Spiny Dogfish Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing to approve, and implement through regulations, measures included in Framework Adjustment 15 to the Monkfish Fishery Management Plan/Framework Adjustment 6 to the Spiny Dogfish Fishery Management Plan, which the New England and Mid-Atlantic Fishery Management Councils jointly adopted and submitted to NMFS for approval. This action would establish area-based gear requirements for vessels fishing in the monkfish and spiny dogfish fisheries with gillnets in order to reduce bycatch of Atlantic sturgeon in these fisheries. This action is necessary to minimize bycatch of Atlantic sturgeon in the monkfish and spiny dogfish fisheries to the extent practicable and fulfill requirements of the Biological Opinion on Ten Fishery Management Plans in the Greater Atlantic Region and the New England Fishery Management Council's Omnibus Habitat Amendment 2.

DATES: Public comments must be received by September 11, 2024.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2024–0082, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and type NOAA–NMFS–2024–0082 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.

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 *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).

Copies of the Framework 15/Framework 6 document, including the Regulatory Flexibility Act Analysis and other supporting documents for the measures, are available from Cate O'Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950 and Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The Framework 15/Framework 6 document is also accessible via the internet at: *https://www.nefmc.org/management-plans/monkfish or https://www.mafmc.org/dogfish.*

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, (978) 281–9232.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council (New England Council) and the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) (collectively, the Councils) jointly manage the Monkfish and Spiny Dogfish Fishery Management Plans (FMPs). The New England Council is the administrative lead for the Monkfish FMP, while the Mid-Atlantic Council is the lead for the Dogfish FMP.

NMFS issued a Biological Opinion on May 27, 2021, that considered the effects of the authorization of two interstate fishery management plans (ISFMP) and eight Federal FMPs, including the Monkfish and Spiny Dogfish FMPs, on Endangered Species Act (ESA)-listed species and designated critical habitat through a formal Section 7 consultation. The Biological Opinion determined that NMFS's authorization of the eight FMPs and two ISFMPs may adversely affect, but is not likely to jeopardize, Atlantic sturgeon. The Biological Opinion included an Incidental Take Statement and Reasonable and Prudent Measures (RPM) with accompanying Terms and Conditions to minimize the impacts of incidental take of Atlantic sturgeon. The RPMs required that NMFS convene a working group to review all of the available information on Atlantic sturgeon bycatch in the federally permitted large-mesh gillnet fisheries and, by May 27, 2022, develop an Action Plan to reduce Atlantic sturgeon bycatch in these fisheries by 2024.

NMFS initially issued the Action Plan on May 26, 2022, and revised it on September 26, 2022 to incorporate feedback from the Councils and public. The Councils subsequently developed this joint framework action—Framework 15 to the Monkfish FMP and Framework 6 to the Dogfish FMP—to address the recommendations of the Action Plan and fulfill the requirements of the Biological Opinion. This Joint Framework would establish the New Jersey Atlantic Sturgeon Bycatch Reduction Area, the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area, and the Virginia Atlantic Sturgeon Bycatch Reduction Area (collectively, the Atlantic Sturgeon Bycatch Reduction Areas). Within these areas, the Joint Framework would:

- Require vessels fishing on a monkfish day-at-sea (DAS) within the New Jersey Atlantic Sturgeon Bycatch Reduction Area to use low-profile gillnet gear, beginning on January 1, 2026;
- Prohibit dogfish vessels fishing in the New Jersey Atlantic Sturgeon Bycatch Reduction Area from leaving gillnet gear in the water overnight during the months of May and November, effective 30 days from publication of the Final Rule; and
- Prohibit dogfish vessels fishing in the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area and Virginia Atlantic Sturgeon Bycatch Reduction Area from leaving gillnet gear in the water overnight from November through March, effective 30 days from the publication of the Final Rule.

Proposed Measures

1. Atlantic Sturgeon Bycatch Reduction Areas

The measures being proposed in this Joint Framework Action are a set of area based-gear restrictions. To determine the location and spatial extent of ''hot spots'' where area-based gear restrictions would apply to the monkfish and spiny dogfish fisheries, observer data from these fisheries were summed across the years 2017–2019 and 2021–2022 (due to the COVID–19 pandemic, there were very few observed trips in 2020). These observer data were stratified into squares, with each side being 10 minutes latitude or longitude. Boundary lines for the Atlantic Sturgeon Bycatch Reduction Areas were drawn such that the entirety of squares with the highest levels of observed bycatch of Atlantic sturgeon were completely encompassed by the area with a buffer of one mile (1.6 km), and squares of lower levels of Atlantic sturgeon bycatch were partially encompassed by the area being drawn in a manner that overlapped with observed Atlantic sturgeon bycatch on the edges of the hot spot area. The boundaries of these areas closest to the shoreline were clipped to the shore in order to extend the area requirements into state waters, where sturgeon are expected to be present. Offshore latitude and longitude points that comprised the resulting polygons were rounded to the nearest 0.05 or 0.1 of a minute to improve ease of compliance and enforcement.

Four distinct areas were identified via this methodology: One off the coast of Rhode Island/Southern New England; one off the coast of New Jersey; and two off the coasts of Delaware, Maryland, and Virginia. This action proposes gear requirements that would be in place within the New Jersey Atlantic Sturgeon Bycatch Reduction Area, the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area, and the Virginia Atlantic Sturgeon Bycatch Reduction Area. No measures are being proposed for the area off the coast of Rhode Island/Southern New England.

2. Low-Profile Gillnet Gear

This framework action would require vessels fishing on a Monkfish DAS within the New Jersey Atlantic Sturgeon Bycatch Reduction Area that are using large mesh (*i.e.,* greater than or equal to 10 inches (25.4 centimeters (cm)) to use low-profile gillnet gear. Low-profile gillnet gear is defined by the Councils as having:

- Mesh size ranging from 12 to 13 inches (30.48 to 33.02 cm);
- Net height ranging from 6 to 8 meshes tall;
- Net length of 300 feet (91.44 meters (m));
- Tie-down length of less than or equal to 30 inches (76.2 cm);
- Tie-down spacing of 12 feet (3.66 m);
- Primary hanging ratio of 0.50;
- Twine size of 0.81 millimeters (mm); and

• Tie downs at every float to keep the float line down.

These characteristics are intended to reduce interaction with Atlantic sturgeon by reducing the likelihood that Atlantic sturgeon high in the water column will become entangled, by allowing smaller sturgeon to swim through the larger mesh and allowing the larger sturgeon to break the mesh.

The proposed requirement to use low-profile gillnet gear within the New Jersey Atlantic Sturgeon Bycatch Reduction Area would begin on January 1, 2026, as recommended by the Councils, to allow for the twine size to be considered under Marine Mammal Protection Act (MMPA) provisions and to provide industry time to transition to new gear. The current definition of the low-profile gillnet gear would require a twine size of 0.81 mm; however, this conflicts with current Harbor Porpoise Take Reduction Plan (HPTRP) Regulations, which require that large-mesh gillnet gear in the waters off the New Jersey Management area have a twine size at least 0.9 mm in diameter from January 1 through April 30, except during April 1 through April 20 (50 CFR 229.34(b)(1)(ii)). The Harbor Porpoise Take Reduction Team (HPTRT) has been asked by the Councils to consider whether this requirement could be modified to reduce the twine size required in the HPTRP regulations. The process for making such a change, including the rulemaking process, would be expected to take approximately one year.

The low-profile gillnet design is a new gear configuration for a large majority of the fleet. The transition to the new gear will require construction of new nets, which may take time on the part of gear manufacturers, who are limited in number. Thus, the delay provides industry with the time necessary to acquire and familiarize itself with the new selective gear.

3. Overnight Soak Prohibitions

Within the New Jersey Atlantic Sturgeon Bycatch Reduction Area, this action would require federally permitted spiny dogfish vessels fishing with roundfish gillnets (*i.e.,* not tie-down gillnets) with a mesh size between 5 and 10 inches (12.7 to 25.4 cm) to remove nets from the water by 8:00 p.m. Eastern Time (ET) each day until 5:00 a.m. ET the following day. This requirement would be in place from May 1 through May 31 and November 1 through November 30 of each year. This seasonal requirement is based on observer data showing that, of takes observed from 2017–2019 and 2021–2022, takes by dogfish vessels within the New Jersey Atlantic Sturgeon Bycatch Reduction Area during May and November accounted for a combined 23 percent of all observed takes by dogfish vessels during the time period.

In the Delaware and Maryland Sturgeon Bycatch Area and in the Virginia Atlantic Sturgeon Bycatch Reduction Area, this action would require federally permitted spiny dogfish vessels fishing with roundfish gillnets (*i.e.,* not tie-down gillnets) with a mesh size between 5.25 and 10 inches (13.34 to 25.4 cm) to remove nets from the water by 8:00 p.m. ET each day until 5:00 a.m. ET the following day. This requirement would be in place from November 1 through March 31 each year. This seasonal requirement is based on observer data showing that, of takes observed from 2017–2019 and 2021–2022, takes by dogfish vessels within the Delaware and Maryland Bycatch Reduction Area and in the Virginia Sturgeon Bycatch Reduction Area from November through March accounted for 59 percent of all observed takes by dogfish vessel during the time period.

Implementing an overnight soak restriction for these vessels in the Atlantic Sturgeon Bycatch Reduction Areas during these seasons is expected to reduce the amount of Atlantic sturgeon bycatch, but the amount of that reduction is not certain. Within these areas, the overnight soak prohibitions would effectively restrict the length of time gillnets could be soaked by dogfish vessels to a maximum of 15 hours. Bycatch mortality increases as soak time increases, and this restriction will cap soak time at levels where mortality is lower. As a result, the overnight soak prohibitions and the resulting reduction in overall soak time in the fishery are expected to greatly reduce the mortality of Atlantic sturgeon that are caught in nets within the Atlantic Sturgeon Bycatch Reduction Areas.

Classification

NMFS is issuing this rule pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which provides specific authority for implementing this action. Section 304(b)(1)(A) of the Magnuson-Stevens Act authorizes NMFS to initiate an evaluation of proposed regulations to determine whether they are consistent with the fishery management plan, plan amendments, the Magnuson-Stevens Act and other applicable law, and, if that determination is affirmative, publish the regulations in the **Federal Register** for public comment.

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Monkfish and Spiny Dogfish FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this action, if adopted, would not have a significant economic effect on a substantial number of small entities.

As outlined in the preamble of this rule, the purpose of this action is to implement Framework 15 to the Monkfish FMP and Framework 6 to the Spiny Dogfish FMP. This Joint Framework would set area-based gear requirements for vessels fishing in the monkfish and spiny dogfish fisheries with gillnets in order to reduce bycatch of Atlantic sturgeon in these fisheries.

In 2022, there were 1,899 vessels with federal commercial spiny dogfish or monkfish permits. Each vessel may be individually owned or part of a larger corporate ownership structure, and for RFA purposes, it is the ownership entity that is ultimately regulated by the proposed action. Ownership entities are identified on June 1 of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2022 permits and contains gross sales associated with those permits for calendar years 2020 through 2022. For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The determination as to whether the entity is large or small is based on the average annual revenue for the five years from 2018 through 2022. There are no effects on for-hire fishing operations, which have a different threshold ($8.0 million).

Ownership data collected from permit holders indicate there are 1,406 distinct business entities that held at least one

monkfish and/or dogfish permit that could be directly regulated by this proposed action in 2024. Of these, 197 were primarily for-hire operations, leaving 1,209 as either commercial entities or entities with no 2022 revenue to make such a determination. Entities with no 2022 revenue were considered as potentially-affected commercial entities. Of the 1,209 commercial fishing entities or potentially-affected commercial fishing entities, 1,198 are categorized as small entities and 11 are categorized as large entities, per the NMFS guidelines.

Monkfish Fishery

In the 2020–2022 fishing years, 90–108 federally permitted vessels landed over 10,000 pounds (lb) of monkfish (measured in landed lb), with total monkfish landings ex-vessel revenues averaging $10.7 million (range $8.6-$12.2 million). For an individual vessel or dealer/processor however, monkfish may be a crucial part of their annual operations. Skates, groundfish, and other fish make up a substantial portion of revenues on trips using Monkfish DAS, so the ability to target monkfish also likely facilitates these other revenues as well. As a result, disruptions to targeted monkfish fishing can cause additional revenue losses tied to the other fish that are often retained on monkfish trips.

This action would require the use of a low-profile gillnet within an area off the coast of New Jersey, year-round. This requirement would not be implemented until January 1, 2026, which would provide affected entities the opportunity to prepare for the requirement, principally by purchasing nets that fit the specifications of the new design or by purchasing the materials necessary to build new nets. The cost of a 300 foot (91.44 meter) low-profile net panel is estimated to be $435, and the total costs per vessel will vary depending on the number of nets being replaced. Framework Adjustment 13 to the Monkfish Fishery Management Plan (August 11, 2023, 88 FR 54495) estimated the range in the number of nets per vessel that might be replaced as a result of mesh size changes implemented by that action. Using that range, we estimate that per vessel cost to replace nets will range from $5,655 to $42,630. From 2018 through 2022, there were 22 vessels fishing out of ports in New Jersey that landed at least $1,000 of monkfish. Applying the per vessel costs to a fleet of 22 vessels results in a total fishery cost of $124,410 to $937,860. However, this figure is likely an overestimate because the count of 22 vessels included all ports in New Jersey, some of which will not be in the geographic footprint of the New Jersey Atlantic Sturgeon Bycatch Reduction Area. Additionally, some vessels currently fishing within the footprint of the New Jersey Atlantic Sturgeon Bycatch Reduction Area will choose to relocate their effort once restrictions are in place. Finally, for some, but not all, entities, the timing of the effectiveness of this rule will align with the end of the lifecycle of nets currently in use, so the costs to acquire the new nets would have been incurred regardless of this action for those entities. As a result, these short-term costs are not expected to be significant for the purposes of the RFA.

The gear research that informed the development of this action indicated no significant difference in monkfish catch rates off New Jersey with the proposed gear. As a result, it is not expected that this action would constrain the operations of the directed monkfish fishery compared to recent performance.

Dogfish Fishery

In the 2020–2022 fishing years, 9–87 federally permitted vessels landed over 10,000 lb of spiny dogfish (measured in live lb), with total spiny dogfish landings ex-vessel revenues averaging $2.5 million (range $2.3-$2.7 million). For an individual vessel or dealer/processor however, spiny dogfish may be a crucial part of their annual operations.

This action would seasonally require removal of spiny dogfish gillnets from the water in specified areas off the coast of New Jersey, Delaware, Maryland, and Virginia overnight, from 8:00 p.m. ET to 5:00 a.m. ET each day. Though this would result in some modification of fishing behavior, this restriction is expected to minimally constrain the fishery compared to current practice. As a result, negative impacts, including economic impacts, associated with these measures are expected to be minimal. Both small and large entities firms are likely to be impacted equivalently under the proposed framework action.

Conclusion

Based upon the discussion in the immediately preceding paragraphs, this action is not expected to have a significant economic impact on a substantial number of small entities. Negative impacts to small entities engaged in the monkfish or spiny dogfish fisheries by the proposed action are expected to be minimal, relative to status quo. The number of small entities that are significantly impacted is not substantial, and small entities will not be disproportionately impacted relative to large entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, fishing.

Dated: August 6, 2024.

Samuel D. Rauch III,

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

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. Amend § 648.2 by adding in alphabetical order the definition for ''low-profile gillnet gear'' to read as follows:

§ 648.2 Definitions

* * * * *

Low-profile gillnet gear means monkfish gillnets that are constructed with the following characteristics designed to reduce interaction with Atlantic sturgeon: 12 to 13 inch (30.48 to 33.02 cm) diamond mesh; Net height of 6 to 8 meshes; Net length of 300 feet (91.44 m); Tie-down length less than or equal to 30 inches (76.2 cm); Tie-down spacing of 12 feet (3.66 m); Primary hanging ratio of 0.50 (*i.e.,* the length of webbing is twice that of the length of line used); Twine size of 0.81mm; and the net is tied at every float to keep the float line down.

* * * * *

■ 3. Amend § 648.14 by adding paragraphs (m)(3)(iii) and (s)(2)(iv) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(m) * * *

(3) * * *

(iii) Fail to comply with the New Jersey Atlantic Sturgeon Bycatch Reduction Area requirements specified at § 648.91(d).

* * * * *

(s) * * *

(2) * * *

(iv) *Area requirements.* Violate the Atlantic Sturgeon Bycatch Reduction Areas requirements specified at § 648.234(a).

* * * * *

■ 4. Amend § 648.91 by adding paragraph (d) to read as follows:

§ 648.91 Monkfish regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(d) *New Jersey Atlantic Sturgeon Bycatch Reduction Area*—(1) *Area Definition:* The New Jersey Dogfish and Monkfish Atlantic Sturgeon Bycatch Reduction Area is defined by straight lines connecting the following points in the order stated:

TABLE 1 TO PARAGRAPH (d)

Point	N lat.	W long.
NJ1	40°24′	73°54′
NJ2	40°9′	73°24′
NJ3	39°30′	73°51′
NJ4	39°48′	74°12′
NJ1	40°24′	73°54′

(2) *Restrictions in the New Jersey Atlantic Sturgeon Bycatch Reduction Area.* Effective year round beginning on January 1, 2026, vessels may not fish with gillnet gear under a Monkfish DAS within the New Jersey Atlantic Sturgeon Bycatch Reduction Area unless:

(i) A vessel is fishing on a monkfish-only DAS within the MA Exemption Area, defined at § 648.80(c)(5)(ii), with roundfish gillnets with a mesh size between equal to or greater than 5 inches (12.7 cm) and less than 10 inches (25.4 cm).

(ii) A vessel is fishing with low profile gillnet gear, as defined in § 648.2.

■ 5. Add § 648.234 to read as follows:

§ 648.234 Gear restrictions.

(a) *New Jersey Atlantic Sturgeon Bycatch Reduction Area.* (1) *Area Definition:* The New Jersey Dogfish and Monkfish Atlantic Sturgeon Bycatch Reduction Area is defined by straight lines connecting the following points in the order stated:

TABLE 1 TO PARAGRAPH (a)

Point	N lat.	W long.
NJ1	40°24′	73°54′
NJ2	40°9′	73°24′
NJ3	39°30′	73°51′
NJ4	39°48′	74°12′
NJ1	40°24′	73°54′

(2) From May 1 through May 31 and November 1 through November 30 of each year, vessels issued a Federal spiny dogfish permit must remove gillnet gear with a mesh size equal to or greater than 5 inches (12.7 cm) and less than 10 inches (25.4 cm) from within the New Jersey Atlantic Sturgeon Bycatch Reduction Area from 8:00 p.m. eastern time each day through 5:00 a.m. eastern time the following day.

(b) *Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area.* (1) *Area Definition:* The Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area is defined by straight lines connecting the following points in the order stated:

TABLE 2 TO PARAGRAPH (b)

Point	N lat.	W long.
DM1	38°27′	75°60′
DM2	38°21′	74°48′
DM3	37°30′	75°12′
DM4	37°48′	75°30′
DM1	38°27′	75°60′

(2) From November 1 through March 31 of each year, vessels issued a Federal spiny dogfish permit must remove roundfish gillnets with a mesh size equal to or greater than 5.25 inches (13.3 cm) and less than 10 inches (25.4 cm) from the water within the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area from 8:00 p.m. eastern time each day through 5:00 a.m. eastern time the following day.

(c) *Virginia Atlantic Sturgeon Bycatch Reduction Area.* (1) *Area Definition:* The Virginia Atlantic Sturgeon Bycatch Reduction Area is defined by straight lines connecting the following points in the order stated:

TABLE 3 TO PARAGRAPH (c)

Point	N lat.	W long.
VA1	37°18′	75°54′
VA2	36°48′	75°36′
VA3	36°33′	75°51′
VA4	36°54′	76°6′
VA1	37°18′	75°54′

(2) From November 1 through March 31 of each year, vessels issued a Federal spiny dogfish permit must remove roundfish gillnets with a mesh size equal to or greater than 5.25 inches (13.3 cm) and less than 10 inches (25.4 cm) from the water within the Virginia Atlantic Sturgeon Bycatch Reduction Area from 8:00 p.m. eastern time each day through 5:00 a.m. eastern time in the following day.

[FR Doc. 2024–17734 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 89, No. 155
Monday, August 12, 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

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Fish and Fishery Products

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S. Codex Office is sponsoring a public meeting on September 11, 2024. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions to be discussed at the 36th Session of the Codex Committee on Fish and Fishery Products (CCFFP) of the Codex Alimentarius Commission (CAC). The 36th Session of the CCFFP will be held through correspondence, from October 7–11 and 17, 2024. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 36th Session of the CCFFP and to address items on the agenda.

DATES: The public meeting is scheduled for September 11, 2024, from 2–3 p.m. ET.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 36th Session of the CCFFP will be accessible via the internet at the following address: *https://www.fao.org/fao-who-codexalimentarius/meetings/detail/de/?meeting=CCFFP&session=36.*

Ms. Melissa Abbott, U.S. Delegate to the 36th Session of the CCFFP, invites interested U.S. parties to submit their comments electronically to the following email address: *melissa.abbott@fda.hhs.gov.*

Registration: Attendees may register to attend the public meeting at the following link: *https://www.zoomgov.com/meeting/register/vJIsd-qgqTsiHHGGEd7V1I_Owk1_olTgOh0.* After registering, you will receive a confirmation email containing information about joining the meeting.

For further information about the 36th Session of the CCFFP, contact U.S. Delegate, Ms. Melissa Abbott, Center for Food Safety and Applied Nutrition, United States Food and Drug Administration, by email at: *melissa.abbott@fda.hhs.gov.or* or by phone at (240) 402–1401. For additional information regarding the public meeting, contact the U.S. Codex Office by email at: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Fish and Fishery Products (CCFFP) are:

- To elaborate worldwide standards for fresh, frozen (including quick frozen), or otherwise processed fish, crustaceans, and molluscs.

The CCFFP is hosted by Norway. The United States attends the CCFFP as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items from the Provisional Agenda for the 36th Session of the CCFFP will be discussed during the public meeting:

- Matters arising from the Codex Alimentarius Commission and its subsidiary bodies
- Information on activities of the FAO and WHO and other international organizations relevant to the work of CCFFP
- Proposed amendment of the *Standard for Canned Sardines and Sardine Type Products* (CXS 94–1981)
- Other business

Public Meeting

At the September 11, 2024, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Ms. Melissa Abbott, U.S. Delegate to the 36th Session of the CCFFP, at *melissa.abbott@fda.hhs.gov.* Written comments should state that they relate to activities of the 36th Session of the CCFFP.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA Codex web page located at: *http://www.usda.gov/codex,* a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscriptions themselves and have the option to password protect their accounts.

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alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on August 6, 2024.

Julie A. Chao,

Deputy U.S. Manager for Codex Alimentarius.

[FR Doc. 2024–17820 Filed 8–9–24; 8:45 am]

BILLING CODE 3420–3F–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Residues of Veterinary Drugs in Foods

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S. Codex Office is sponsoring a public meeting on October 1, 2024. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions to be discussed at the 27th Session of the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) of the Codex Alimentarius Commission (CAC), which will meet in Omaha, Nebraska, from October 21–25, 2024. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 27th Session of the CCRVDF and to address items on the agenda.

DATES: The public meeting is scheduled for October 1, 2024, from 2–4 p.m. ET.

ADDRESSES: The public meeting will take place via video teleconference only. Documents related to the 27th Session of the CCRVDF will be accessible via the internet at the following address: *https://www.fao.org/fao-who-codexalimentarius/meetings/detail/pt/?meeting=CCRVDF&session=27.*

Dr. Jonathan Greene, U.S. Delegate to the 27th Session of the CCRVDF, invites interested U.S. parties to submit their comments electronically to the following email address: *Johnathan.greene1@fda.hhs.gov.*

Registration: Attendees may register to attend the public meeting at the following link: *https://www.zoomgov.com/meeting/register/vJIsdeirqD4pHzJ0pShiJTaIwXbnR8lqyTA.* After registering, you will receive a confirmation email containing information about joining the meeting.

For further information about the 27th Session of the CCRVDF, contact U.S. Delegate Dr. Jonathan M. Greene, Biologist, Residue Chemistry Team, HFV 151, Division of Human Food Safety, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, U.S. Food and Drug Administration, by email at: *Johnathan.greene1@fda.hhs.gov* or by phone at (240) 402–4697. For additional information regarding the public meeting, contact the U.S. Codex Office by email at: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through the adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) are:

(a) to determine priorities for the consideration of residues of veterinary drugs in foods;

(b) to recommend maximum levels of such substances;

(c) to develop codes of practice as may be required; and,

(d) to consider methods of sampling and analysis for the determination of veterinary drug residues in foods.

The CCRVDF is hosted by the United States. The United States attends the CCRVDF as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items from the Provisional Agenda for the 27th Session of the CCRVDF will be discussed during the public meeting:

- Matters arising from the Codex Alimentarius Commission and its subsidiary bodies
- Information on activities of the FAO and WHO and other international organizations relevant to the work of CCRVDF including JECFA
- Matters of Interest arising from the Joint FAO/International Atomic Energy Agency (IAEA) Centre
- Matters of interest arising from the World Organisation for Animal Health (WOAH, formerly OIE), including the Veterinary International Conference on Harmonization (VICH)
- MRLs for veterinary drugs in foods arising from JECFA98 (2024)
- Extrapolation of MRLs for veterinary drugs in foods
  - Extrapolated MRLs for different combinations of compounds/commodities
  - Other matters related to the extrapolation of MRLs for veterinary drugs in foods to one or more species
- Criteria and procedures for the establishment of action levels for unintended and unavoidable carryover of veterinary drugs from feed to food of animal origin
- Coordination of work between the Codex Committee on Pesticide Residues (CCPR) and CCRVDF
- Priority list of veterinary drugs for evaluation or re-evaluation by JECFA
- Other business and future work

Public Meeting

At the October 1, 2024, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Jonathan Greene, U.S. Delegate to the 27th Session of the CCRVDF, at *Johnathan.greene1@fda.hhs.gov.* Written comments should state that they relate to activities of the 27th Session of the CCRVDF.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication online through the USDA Codex web page located at: *http://www.usda.gov/codex,* a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscriptions themselves and have the option to password-protect their accounts.

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To file a complaint of discrimination, complete the USDA Program

Discrimination Complaint Form, which may be accessed online at *https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email. Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410; Fax: (202) 690–7442; Email: *program.intake@usda.gov.* Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on August 6, 2024.

Julie A. Chao,

Deputy U.S. Manager for Codex Alimentarius.

[FR Doc. 2024–17825 Filed 8–9–24; 8:45 am]

BILLING CODE 3420–3F–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Wyoming Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Zoom at 1 p.m. MT on Tuesday, September 10, 2024. The purpose of this meeting is to discuss the Committee's project, *Housing Discrimination and Fair Housing Practices in Wyoming.*

DATES: Tuesday, September 10, 2024, from 1 p.m.–3 p.m. mountain time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_cWikfba-Q6OFPhOsG_QwEg

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 160 473 6581

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer, at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at *lschiller@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website, *www.box.com.* Persons interested in the work of this Committee are directed to the Commission's website, *www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

I. Welcome & Roll Call

II. Approval of Minutes

III. Discussion: Draft Report

IV. Next Steps

V. Public Comment

VI. Adjournment

Dated: August 7, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–17899 Filed 8–9–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–15–2024]

Foreign-Trade Zone (FTZ) 224; Authorization of Production Activity; Jubilant HollisterStier, LLC; (Pharmaceuticals); Spokane, Washington

On April 9, 2024, Jubilant HollisterStier, LLC, submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 224A, in Spokane, Washington.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (89 FR 26125, April 15, 2024). On August 7, 2024, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: August 7, 2024.

Camille R. Evans,

Acting Executive Secretary.

[FR Doc. 2024–17904 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–166, A–533–926, A–580–919, A–583–876, A–549–850]

Certain Epoxy Resins From the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Mark Flessner (the People's Republic of China (China)) at (202) 482–6312; Sean Grossnickle (India) at (202) 482–3818; Laura Delgado (the Republic of Korea (Korea)) at (202) 482–1468; Benito Ballesteros (Taiwan) at (202) 482–7425; and Rachel Jennings (Thailand) at (202) 482–1110, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 23, 2024, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain epoxy resins (epoxy resins) from China, India, Korea, Taiwan, and Thailand.[1] On July 22, 2024, Commerce tolled certain deadlines in these administrative proceedings by seven days.[2] The deadline for the preliminary determinations is now September 17, 2024, which is the original September 10, 2024, deadline tolled by seven days.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On July 29, 2024, the petitioner[3] submitted a timely request that Commerce postpone the preliminary determinations in the LTFV investigations of imports of epoxy resins from China, India, Korea, Taiwan, and Thailand. The petitioner stated that ''{p}ostponement is warranted so that Commerce can evaluate fully the initial questionnaire responses submitted by the mandatory respondents and solicit supplemental information as necessary,'' and that the petitioner ''seeks postponement of all the antidumping investigations in order to keep them on the same schedule and avoid the need to split the cases at the International Trade Commission.''[4]

For the reasons stated above, and because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), Commerce is postponing the deadline for the preliminary determinations by 50 days. As a result, Commerce will issue its preliminary determinations in the above-referenced investigations no later than November 6, 2024. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 6, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–17857 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand: Initiation of Less-Than-Fair-Value Investigations,* 89 FR 33324 (April 29, 2024) (*Initiation Notice*).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[3] The petitioner is the U.S. Epoxy Resin Producers *Ad Hoc* Coalition, comprising Olin Corporation and Westlake Corporation.

[4] *See* Petitioner's Letter, ''Petitioner's Request for Postponement of the Preliminary Determinations,'' dated July 29, 2024.

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Ruling Applications Filed in Antidumping and Countervailing Duty Proceedings

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

SUMMARY: The U.S. Department of Commerce (Commerce) received scope ruling applications, requesting that scope inquiries be conducted to determine whether identified products are covered by the scope of antidumping duty (AD) and/or countervailing duty (CVD) orders and that Commerce issue scope rulings pursuant to those inquiries. In accordance with Commerce's regulations, we are notifying the public of the filing of the scope ruling applications listed below in the month of June 2024.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Terri Monroe, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–1384.

SUPPLEMENTARY INFORMATION:

Notice of Scope Ruling Applications

In accordance with 19 CFR 351.225(d)(3), we are notifying the public of the following scope ruling applications related to AD and CVD orders and findings filed in or around the month of June 2024. This notification includes, for each scope application: (1) identification of the AD and/or CVD orders at issue (19 CFR 351.225(c)(1)); (2) concise public descriptions of the products at issue, including the physical characteristics (including chemical, dimensional and technical characteristics) of the products (19 CFR 351.225(c)(2)(ii)); (3) the countries where the products are produced and the countries from where the products are exported (19 CFR 351.225(c)(2)(i)(B)); (4) the full names of the applicants; and (5) the dates that the scope applications were filed with Commerce and the name of the Enforcement and Compliance Antidumping and Countervailing Duty Electronic Service System (ACCESS) scope segment where the scope applications can be found.[1] This notice does not include applications which have been rejected and not properly resubmitted. The scope ruling applications listed below are available on Commerce's online e-filing and document management system, ACCESS, at *https://access.trade.gov.*

Scope Ruling Applications

Steel Wheels from the People's Republic of China (China) (A–570–082/C–570–083); wheels finished in Vietnam from Chinese wheel components; [2]

[1] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300, 52316 (September 20, 2021) (*Final Rule*) (''It is our expectation that the **Federal Register** list will include, where appropriate, for each scope application the following data: (1) identification of the AD and/or CVD orders at issue; (2) a concise public summary of the product's description, including the physical characteristics (including chemical, dimensional and technical characteristics) of the product; (3) the country(ies) where the product is produced and the country from where the product is exported; (4) the full name of the applicant; and (5) the date that the scope application was filed with Commerce.'').

[2] The products are certain on-the-road steel wheels, discs, and rims for tubeless tires, with a nominal rim diameter of 22.5 inches–24.5 inches, regardless of width, which are generally for Class 6, 7, and 8 commercial vehicles (as classified by the Federal Highway Administration Gross Vehicle Weight Rating system), including tractors, semi-trailers, dump trucks, garbage trucks, concrete

produced in China and assembled and exported from Vietnam; submitted by Accuride Corporation and Maxion Wheels USA LLC (Petitioners); June 3, 2024; ACCESS scope segment ''Vietnam Assembly II.''

Certain Passenger Vehicle and Light Truck Tires from China (A–570–016/C–570–017); Temporary Spare Tires (Spare Tires); [3] produced in and exported from China; submitted by Logistical Resource Development, Inc. (LRD); June 5, 2024; ACCESS scope segment ''Spare Tires.''

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1), if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the following day—day 31.[4] Commerce's practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.[5] Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the ''updated'' 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the ''updated'' 30th day.[6]

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

For further information on procedures for filing information with Commerce through ACCESS and participating in scope inquiries, please refer to the Filing Instructions section of the Scope Ruling Application Guide, at *https://access.trade.gov/help/Scope_Ruling_Guidance.pdf.* Interested parties, apart from the scope ruling applicant, who wish to participate in a scope inquiry and be added to the public service list for that segment of the proceeding must file an entry of appearance in accordance with 19 CFR 351.103(d)(1) and 19 CFR 351.225(n)(4). Interested parties are advised to refer to the case segment in ACCESS as well as 19 CFR 351.225(f) for further information on the scope inquiry procedures, including the timelines for the submission of comments.

Please note that this notice of scope ruling applications filed in AD and CVD proceedings may be published before any potential initiation, or after the initiation, of a given scope inquiry based on a scope ruling application identified in this notice. Therefore, please refer to the case segment on ACCESS to determine whether a scope ruling application has been accepted or rejected and whether a scope inquiry has been initiated.

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce's procedures.[7]

Interested parties are invited to comment on the completeness of this monthly list of scope ruling applications received by Commerce. Any comments should be submitted to Scot Fullerton, Acting Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to *CommerceCLU@trade.gov.*

This notice of scope ruling applications filed in AD and CVD proceedings is published in accordance with 19 CFR 351.225(d)(3).

Dated: August 6, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–17854 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–DS–P

mixers, and buses (''steel wheels''). The steel wheels that are the subject of this scope ruling application are assembled in Vietnam from wheels parts (a wheel disc and/or rim) that are made in China.

[3] The products are pneumatic rubber temporary spare tires for use on passenger motor vehicles in two sizes: T125/80/R18 (125mm wide, 80mm aspect ratio, 18'' wheel diameter) and T155/85/R18 (155mm wide, 85mm aspect ratio, 18'' wheel diameter).

[4] In accordance with 19 CFR 351.225(d)(2), within 30 days after the filing of a scope ruling application, if Commerce determines that it intends to address the scope issue raised in the application in another segment of the proceeding (such as a circumvention inquiry under 19 CFR 351.226 or a covered merchandise inquiry under 19 CFR 351.227), it will notify the applicant that it will not initiate a scope inquiry, but will instead determine if the product is covered by the scope at issue in that alternative segment.

[5] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[6] This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow day 30 and day 31 to be separate business days.

[7] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–981, A–552–814]

Utility Scale Wind Towers From the People's Republic of China and the Socialist Republic of Vietnam: Final Results of Expedited Second Sunset Review of Antidumping Duty Orders

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

SUMMARY: As a result of this sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty orders on utility scale wind towers (wind towers) from the People's Republic of China (China) and the Socialist Republic of Vietnam (Vietnam) would be likely to lead to continuation or recurrence of dumping at the levels identified in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3936.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 2024, Commerce published the initiation of this sunset review [1] of the *Orders,*[2] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). After initiation, a

[1] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 22373 (April 1, 2024).

[2] *See Utility Scale Wind Towers from the People's Republic of China: Antidumping Duty Order,* 78 FR 11146 (February 15, 2013); *see also Utility Scale Wind Towers from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 11150 (February 15, 2013) (collectively, *Orders*).

domestic interested party [3] timely submitted a notice of intent to participate in,[4] and an adequate substantive response regarding, the reviews.[5] The Coalition claimed domestic interested party status under section 771(9)(C) of the Act as producers of the domestic like product in the United States.[6] Commerce did not receive a substantive response from any respondent interested party, nor was a hearing requested. Consequently, on May 22, 2024, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from any respondent interested parties.[7] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Orders.* On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[8] The deadline for the final results is now August 6, 2024.

Scope of the Orders

The merchandise covered by the *Orders* is certain wind towers, whether or not tapered, and sections thereof. Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 7308.20.002010 or 8502.31.0000.11. Prior to 2011, merchandise covered by the *Orders* was classified in the HTSUS under subheading 7308.20.0000 and may continue to be to some degree. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[9]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail are weighted-average dumping margins up to 60.02 percent for China and up to 58.54 percent for Vietnam.

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: August 6, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely To Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2024–17856 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–879]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results of the Countervailing Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea). The period of review (POR) is January 1, 2022, through December 31, 2022. Additionally, Commerce intends to rescind the review with respect to two companies.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Shane Subler or Rachel Accorsi, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6241 or (202) 482–3149, respectively.

SUPPLEMENTARY INFORMATION:

Background

In July 2023, Commerce received requests for an administrative review of the countervailing duty order on CORE

[3] The domestic interested party is the Wind Tower Trade Coalition (Coalition), whose individual members are Arcosa Wind Towers, LLC, Broadwind Inc., and Ventower Industries LLC (Ventower).

[4] *See* Coalition's Letter, ''Notice of Intent to Participate in Sunset Review,'' dated April 15, 2024. (Note the Coalition also identified Ventower Industries LLC as a domestic producer and interested party.).

[5] *See* Coalition's Letter, ''Substantive Response to Notice of Initiation of Sunset Review,'' dated April 30, 2024.

[6] *Id.*

[7] *See* Commerce's Letter, Sunset Reviews for April 2024,'' dated May 22, 2024; *see also* 19 CFR 351.218(e)(1)(ii)(C)(1).

[8] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[9] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders on Utility Scale Wind Towers from the People's Republic of China and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

from Korea.[1] On September 11, 2023, Commerce published a notice of initiation of an administrative review of the *Order*.[2] Commerce selected KG Dongbu Steel Co., Ltd. (KG Dongbu Steel) and Hyundai Steel Company as mandatory respondents.[3] On February 29, 2024, Commerce extended the deadline for the preliminary results of this review until July 30, 2024.[4] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[5] The deadline for the preliminary results is now August 6, 2024.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6] A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx/.*

Scope of the Order

The merchandise covered by the *Order* is certain corrosion-resistant steel products. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Preliminary Intent To Rescind Administrative Review, in Part

Based on our analysis of U.S. Customs and Border Protection (CBP) data, we preliminarily determine that two companies (POSCO International and SeAH Steel Corporation) had no reviewable shipments, sales, or entries of subject merchandise during the POR. Absent any comments to the contrary from interested parties, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the administrative review of these companies in the final results of review.[7]

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient, and that the subsidy is specific.[8] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Rate for Non-Selected Companies Under Review

The statute and Commerce's regulations do not directly address the countervailing duty rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. Section 777A(e)(2) of the Act provides that ''the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.'' Section 705(c)(5)(A) of the Act states that for companies not investigated, in general, we will determine an all-others rate by weight-averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available.

Because the rates for KG Dongbu Steel and Hyundai Steel are above *de minimis* and not based entirely on facts available, we applied a subsidy rate to the non-selected companies under review based on a weighted average of the subsidy rates calculated for these mandatory respondents using the publicly ranged sales data they submitted on the record.

Preliminary Results of Review

As a result of this review, we preliminarily determine the net countervailable subsidy rates for the period January 1, 2022, through December 31, 2022 to be:

Company	Subsidy rate (percent *ad valorem*)
KG Dongbu Steel Co., Ltd.; KG Steel Corporation	5.49
Hyundai Steel Company[9]	0.80
POSCO	2.68
POSCO Coated & Color Steel Co., Ltd	2.68
POSCO Steeleon Co., Ltd	2.68
SeAH Coated Metal Corporation	2.68

Disclosure and Public Comment

Commerce intends to disclose its calculations performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.[10] A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] Interested parties that submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[12]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we

[1] *See Certain Corrosion-Resistant Steel Products from India, Italy Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 88 FR 62322 (September 11, 2023) (*Initiation Notice*).

[3] *See* Memorandum, ''Respondent Selection,'' dated October 20, 2023 (Respondent Selection Memorandum).

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated February 29, 2024.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Corrosion-Resistant Steel Products from the Republic of Korea; 2022,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* Preliminary Decision Memorandum at section ''Preliminary Intent to Rescind Administrative Review, in Part.''

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution, section 771(5)(E) of the Act regarding benefit, and section 771(5A) of the Act regarding specificity.

[9] We treated Hyundai Steel, Hyundai Steel Company, and Hyundai Steel Co., Ltd. as minor variations of the same name at respondent selection. *See* Respondent Selection Memorandum at Attachment; *see also Initiation Notice,* 88 FR at 62333.

[10] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 for general filing requirements.

[11] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[13] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rate

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies for which this review is rescinded, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(l)(i). We intend to issue assessment instructions to CBP for these companies no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**.

For the companies remaining in the review, we will instruct CBP to assess countervailing duties on all appropriate entries at the subsidy rates calculated in the final results of this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 5, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Preliminary Intent To Rescind Administrative Review, in Part
IV. Scope of the *Order*
V. Diversification of Korea's Economy
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

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[13] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[14] *See APO and Service Procedures.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–874]

Certain Steel Nails From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that certain producers/exporters subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), July 1, 2022, through June 30, 2023. In addition, Commerce is rescinding the review, in part, with respect to 116 companies which had no entries in the U.S. Customs and Border Protection (CBP) data. We invite interested parties to comment on these preliminary results.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Anne Entz or Ian Riggs, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3845 or (202) 482–3810, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2015, Commerce published the antidumping duty order on certain steel nails (steel nails) from the Republic of Korea (Korea) in the **Federal Register**.[1] On September 11, 2023, based on timely requests for review, we initiated an administrative review of the *Order* covering 123 companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[2] On March 18, 2024,

[1] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 88 FR 62322 (September 11, 2023).

Commerce extended the deadline for the preliminary results of this administrative review to July 30, 2024.[3] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[4] The deadline for the preliminary results is now August 6, 2024. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5]

Scope of the Order

The products subject to the *Order* are certain steel nails (steel nails) from the Republic of Korea (Korea). For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[6] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate calculated for the review period.[7] Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct CBP to liquidate at the antidumping duty assessment rate calculated for the POR.[8]

On December 20, 2023, we notified all interested parties of our intent to rescind this review, in part, with respect to the 116 companies listed in Appendix III because there were no suspended entries of subject merchandise produced or exported by these companies during the POR and we invited interested parties to comment.[9] We received no comments on the Intent to Rescind Memorandum. Accordingly, Commerce is rescinding this review with respect to the companies listed in Appendix III, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. We calculated export price and constructed export price in accordance with section 772 of the Act. We calculated NV in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade/gov/public/FRNoticesListLayout.aspx.*

Rate for Companies Not Selected for Individual Examination

The statute and Commerce's regulations do not address the rate to be determined for companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy less-than-fair-value (LTFV) investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

We preliminarily calculated a dumping margin of zero for one of the two mandatory respondents, Korea Wire Co., Ltd. (KOWIRE). Therefore, we have preliminarily assigned a dumping margin to the companies not selected for individual examination in this review based on the rate calculated for the other mandatory respondent, Nailtech Co., Ltd. (Nailtech). *See* Appendix II.

Preliminary Results of Review

We preliminarily determine the following estimated weighted-average dumping margins exist for the period July 1, 2022, through June 30, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Korea Wire Co., Ltd	0.00
Nailtech Co., Ltd	2.43
Companies Not Selected for Individual Examination[10]	2.43

Disclosure and Public Comment

We intend to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in the **Federal Register**.[11] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case briefs or rebuttal briefs in this administrative review must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2022–2023 Antidumping Duty Administrative Review,'' dated March 18, 2024.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2022–2023 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See, e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4157 (January 24, 2023).

[7] *See* 19 CFR 351.212(b)(1).

[8] *See* 19 CFR 351.213(d)(3).

[9] *See* Memorandum, ''Notice of Intent to Rescind Review, in Part,'' dated December 20, 2023 (Intent to Rescind Memorandum).

[10] *See* Appendix II.

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(d)(1); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings, we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide, at the beginning of their briefs, a public executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[16] Parties should confirm the date and time of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed via ACCESS.[17] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. Pursuant to 19 CFR 351.212(b)(1), because both respondents reported the entered value for their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by KOWIRE or Nailtech for which these companies did not know that the merchandise they sold to an intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. We will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[18]

For the companies which were not selected for individual review, we intend to assign an assessment rate based on the review-specific rate, calculated as noted in the ''Rate for Companies Not Selected for Individual Examination'' section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the companies listed in Appendix III for which we are rescinding this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue these rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be equal to the weighted average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.80 percent, the all-others rate established in the LTFV investigation.[19] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Final Rule,* 88 FR at 67077.

[16] *See* 19 CFR 351.310(d).

[17] *See* 19 CFR 351.303.

[18] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[19] *See Order.*

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 5, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Recommendation

Appendix II

Companies Not Selected for Individual Examination

1. Daejin Steel Company
2. Hanmi Staple Co., Ltd.
3. Je-il Wire Production Co., Ltd.
4. Koram Inc.
5. Youngwoo Fasteners Co., Ltd.

Appendix III

Companies for Which Commerce Is Rescinding the Review

1. Agl Co., Ltd.
2. Ansing Fasteners Co. Ltd.
3. Astrotech Steels Private Limited.
4. Beijing Catic Industry Limited.
5. Beijing Jinheung Co., Ltd.
6. Big Mind Group Co., Ltd.
7. Changzhou Kya Trading Co., Ltd.
8. China Staple Enterprise Tianjin Co. Ltd.
9. CMT Co. Ltd.
10. D&F Material Products Ltd.
11. De Well Group Korea Co., Ltd.
12. Dezhou Hualude Hardware Products Co. Ltd.
13. DLF Industry Co., Limited.
14. Dong Yang Chemical Co. Ltd.
15. Doublemoon Hardware Company Ltd.
16. DT China (Shanghai) Ltd.
17. Dugwoo Co. Ltd.
18. Ejen Brothers Limited.
19. England Rich Group (China) Ltd.
20. Ever Leading International Inc.
21. Fastgrow International Co., Inc.
22. Geekay Wires Limited.
23. Glovis America, Inc.
24. GWP Industries (Tianjin) Co., Ltd.
25. Haas Automation Inc.
26. Handuk Industrial Co., Ltd.
27. Hanwoo Industrial Co. Ltd.
28. Hebei Cangzhou New Century Foreign Trade Co., Ltd.
29. Hebei Longshengyuan Trade Co Ltd.
30. Hebei Minmetals Co., Ltd.
31. Hebei Shinyee Trade Co. Ltd.
32. Hengtuo Metal Products Company Limited.
33. Home Value Co., Ltd.
34. Hongyi (Hk) Hardware Products Co., Limited.
35. Hongyi (Hk) Industrial Co., Limited.
36. Huanghua RC Business Co., Ltd.
37. Huanghua Yingjin Hardware Products Co., Ltd.
38. HWA Shin Bolt Ind. Co. Ltd.
39. Inmax Industries Sdn. Bhd.
40. JCD Group Co., Limited.
41. Jining Jufu International Trade Co.
42. Jushiqiangsen (Tianjin) International Trade Co., Ltd.
43. Kabool Fasteners Co. Ltd.
44. KB Steel.
45. Kerry-Apex (Thailand) Co., Ltd.
46. KPF Co., Ltd.
47. Kuehne & Nagel Ltd.
48. Linyi Double-Moon Hardware Products Co., Ltd.
49. Linyi Flyingarrow Imp. & Exp. Co., Ltd.
50. Linyi Jianchengde Metal Hardware Co.
51. Linyi Yitong Chain Co., Ltd.
52. Manho Rope and Wire Ltd.
53. Max Co., Ltd.
54. Mingguang Ruifeng Hardware Products Co., Ltd.
55. Nanjing Senqiao Trading Co., Ltd.
56. Needslink, Inc.
57. Ocean King International Industries Limited.
58. Paslode Fasteners (Shanghai) Co., Ltd.
59. Peace Industries Ltd. Korea.
60. Peace Korea Co., Ltd.
61. Qingdao Ant Hardware Manufacturing Co., Ltd.
62. Qingdao Best World Industry-Trading Co., Ltd.
63. Qingdao Cheshire Trading Co., Ltd.
64. Qingdao Hongyuan Nail Industry Co., Ltd.
65. Qingdao JCD Machinery Co., Ltd.
66. Qingdao Jiawei Industry Co., Limited.
67. Qingdao Jisco Co., Ltd.
68. Qingdao Master Metal Products Co., Ltd.
69. Qingdao Meijialucky Industry and Co.
70. Qingdao Mst Industry and Commerce Co., Ltd.
71. Qingdao Ruitai Trade Co., Ltd.
72. Qingdao Shantron Int'l Trade Co., Ltd.
73. Qingdao Shenghengtong Metal Products Co., Ltd.
74. Qingdao Sunrise Metal Products Co., Ltd.
75. Qingdao Tian Heng Xiang Metal Products Co., Ltd.
76. Qingdao Top Metal Industrial Co., Ltd.
77. Rewon Systems, Inc.
78. Rise Time Industrial Ltd.
79. Salt International Co. Ltd.
80. Shandong Dominant Source Group Co., Ltd.
81. Shandong Guomei Industry Co., Ltd.
82. Shanghai Curvet Hardware Products Co., Ltd.
83. Shanghai Goldenbridge International Co., Ltd.
84. Shanghai Pinnacle International Trading Co., Ltd.
85. Shanghai Zoonlion Industrial Co., Ltd.
86. Shanxi Pioneer Hardware Industrial Co., Ltd.
87. Shanxi Sanhesheng Trade Co., Ltd.
88. Shaoxing Bohui Import & Export Co., Ltd.
89. Shijiazhuang Tops Hardware Manufacturing Co., Ltd.
90. Shijiazhuang Yajiada Metal Products Co., Ltd.
91. Shin Jung TMS Corporation Ltd.
92. Shinheung Industry Co.
93. SSS Hardware International Trading Co., Ltd.
94. Storeit Services LLP.
95. Tangshan Jason Metal Materials Co., Ltd.
96. Test Rite International Co., Ltd.
97. The Inno Steel Industry Company.
98. Tianjin Bluekin Industries Limited.
99. Tianjin Coways Metal Products Co., Ltd.
100. Tianjin Hweschun Fasteners Manufacturing Co. Ltd.
101. Tianjin Jinchi Metal Products Co., Ltd.
102. Tianjin Jinghai County Hongli Industry and Business Co., Ltd.
103. Tianjin Jinzhuang New Material Sci Co., Ltd.
104. Tianjin Lianda Group Co., Ltd.
105. Tianjin Zhonglian Metals Ware Co., Ltd.
106. Tianjin Zhonglian Times Technology Co., Ltd.
107. Un Global Company Limited.
108. Unicorn (Tianjin) Fasteners Co., Ltd.
109. United Company for Metal Products.
110. W&K Corporation Limited.
111. Weifang Wenhe Pneumatic Tools Co., Ltd.
112. Wulian Zhanpengmetals Co., Ltd.
113. Xian Metals And Minerals Import And Export Co., Ltd.
114. Youone Fastening Systems.
115. Zhangjiagang Lianfeng Metals Products Co., Ltd.
116. Zhaoqing Harvest Nails Co., Ltd.

[FR Doc. 2024–17903 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that certain producers/exporters of polyethylene terephthalate film, sheet, and strip (PET film) from India during the period of review (POR) received countervailable subsidies from January 1, 2022, through December 31, 2022. In addition, Commerce is rescinding the

review, in part, with respect to six companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Stefan Smith or Nicholas Czajkowski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4342 or (202) 482–1395, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2002, Commerce published in the **Federal Register** the countervailing duty order on PET film from India.[1] On September 11, 2023, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the Order.[2] On October 16, 2024, Commerce selected Polyplex Corporation, Ltd. (Polyplex) and SRF Limited of India (SRF) for individual examination as the mandatory respondents in this administrative review.[3] On November 3 and 9, 2023, Polyplex and SRF withdrew their requests for a review respectively.[4] Therefore, on November 14, 2023, we selected Garware Polyester Ltd. (Garware) and Jindal Poly Films Ltd. (Jindal) for individual examination as mandatory respondents in this review.[5] On March 21, 2024, Commerce extended the deadline for the preliminary results review until July 30, 2024.[6] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[7] The deadline for the preliminary results is now August 6, 2024.

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.[8] A list of topics discussed in the Preliminary Decision Memorandum is included in the Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at http://access.trade.gov. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at https://access.trade.gov/public/FRNoticesListLayout.aspx.

Scope of the Order

The merchandise covered by the Order is PET film. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.[9]

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find that there is a subsidy (*i.e.* , a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific).[10] For a full description of the methodology underlying our conclusions, including our reliance, in part, on adverse facts available (AFA) pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

Recission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received timely filed withdrawal requests with respect to five companies, pursuant to 19 CFR 351.213(d)(1).[11] Because the withdrawal requests were timely filed, and no other parties requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the Order with respect to the five companies.

Additionally, Commerce's practice is to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[12] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.[13] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the countervailing duty assessment rate calculated for the review period.[14]

On July 10, 2024, we issued a memorandum notifying parties of our intent to rescind this administrative review with respect to Cosmo First Ltd (Cosmo).[15] We received no comments from interested parties regarding our intention to rescind the review with respect to Cosmo. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are rescinding this administrative review, in accordance with 19 CFR351.213(d)(3). For a complete list of companies for which we are rescinding this administrative review, *see* Appendix II.

Preliminary Results of Review

Commerce preliminary determines that the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent *ad valorem*)
Garware Polyester Ltd	4.96
Jindal Poly Films Limited	104.18

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to interested parties within five days

[1] *See Countervailing Duty Order; Polyethylene Terephthalate Film Sheet, and Strip (PET Film) from India,* 67 FR 44179 (July 1, 2002) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 88 FR 62322 (September 11, 2023).

[3] *See* Memorandum, ''Respondent Selection Memorandum,'' dated October 16, 2023.

[4] *See* Polyplex's Letter, ''Withdrawal of Request for Review,'' dated November 3, 2023; see also SRF's Letter, ''Withdrawal of Request for Countervailing Duty Admin Review,'' dated November 9, 2023.

[5] *See* Memorandum, ''Second Respondent Selection,'' dated November 14, 2023.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated March 21, 2024.

[7] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results and Partial Rescission of the Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India; 2022,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] *Id.*

[10] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[11] *See* Preliminary Decision Memorandum at the section titled ''Partial Rescission of Administrative Review.''

[12] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015,.* 82 FR 14349 (March 20, 2017); *see also Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 DE 14650 (April 11, 2019).

[13] *See* 19 CFR 351.212(b)(2).

[14] *See* 19 CFR 351.213(d)(3).

[15] *See* Memorandum, ''Notice of Intent to Rescind Review, in Part,'' dated July 10, 2024.

after the date of publication of this notice.[16] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of these preliminary results of review.[17] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[18] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[19]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[20] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[21]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminarily determined subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2021, through December 31, 2021, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct CBP to collect cash deposits of the estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis* , no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: August 5, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Partial Rescission of Administrative Review
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

Appendix II

List of Companies Commerce Is Rescinding on in This Administrative Review

1. Ester Industries Ltd.
2. Polyplex Corporation, Ltd.
3. SRF Limited of India
4. Vacmet India Limited
5. Chiripal Poly Films Limited
6. Cosmo First Ltd., India

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[16] *See* 19 CFR 351.224(b).

[17] See 19 CFR 351.309(c)(1)(ii).

[18] *See* 19 CFR 351.309(d); see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[19] *See* 19 351.309(c)(2) and (d)(2).

[20] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[21] *See APO and Service Final Rule.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–808]

Certain Steel Nails From the Sultanate of Oman: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain steel nails (steel nails) from the Sultanate of Oman (Oman). This review covers 18 exporters and producers from Oman. The period of review (POR) is July 1, 2022, through June 30, 2023. The sole mandatory respondent in this review is Oman Fasteners, LLC (Oman Fasteners). Commerce preliminarily determines that sales of subject merchandise have not been made below normal value (NV) by Oman Fasteners during the POR. We are rescinding this review, in part, with respect to one company for which all requests for review were withdrawn. We are also rescinding this review, in part, with respect to 16 companies which had no suspended entries. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Dakota Potts, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0223.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2023, Commerce published in the **Federal Register** a notice of opportunity [1] to request an administrative review of the antidumping duty (AD) Order on steel nails from Oman.[2] On September 11, 2023, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of an administrative review of the *Order*.[3]

On March 8, 2024, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results by 120 days until July 30, 2024.[4] For a complete description of the events that followed the initiation of this review, *See* the Preliminary Decision Memorandum.[5] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[6] The deadline for the preliminary results is now August 6, 2024.

A list of the topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the scope of this *Order* is steel nails from Oman. A complete description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.[7]

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. Because all requests for administrative review of Gulf Nails LLC (Gulf Nails) were withdrawn by interested parties within 90 days of the date of the publication of the *Initiation Notice,* Commerce is rescinding this review with respect to Gulf Nails, in accordance with 19 CFR 351.213(d)(1).

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[8] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate calculated for the review period.[9] Therefore, for an administrative review to be conducted, there must be at least one reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the antidumping duty assessment rate calculated for the review period.[10] There were no entries of subject merchandise during the POR for 16 companies subject to this review.[11] As a result, on January 16, 2024, Commerce notified all interested parties of its intent to rescind this review, in part, with respect to these 16 companies.[12] The petitioner [13] commented on our Intent to Rescind, and we responded to the petitioner's comments in the accompanying Preliminary Decision Memorandum.[14] The administrative review remains active with respect to one company, Oman Fasteners.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated export prices and NV in accordance with sections 772 and 773 of the Act, respectively. For a full description of the methodology underlying our preliminary results of review, *See* the Preliminary Decision Memorandum.

Preliminary Results of Review

We are assigning the following weighted-average dumping margin to the sole company listed below for the period July 1, 2022, through June 30, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Oman Fasteners, LLC	0.00

Disclosure

Commerce intends to disclose its calculations for the preliminary results of review to parties to the proceeding within five days of any public announcement or, if there is no public announcement, within five days of the

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 88 FR 42693 (July 3, 2023).

[2] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 88 FR 62322 (September 11, 2023) (*Initiation Notice*).

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 8, 2024.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Sultanate of Oman; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[7] *Id.*

[8] *See, e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4157 (January 24, 2023).

[9] *See* 19 CFR 351.212(b)(1).

[10] *See* 19 CFR 351.213(d)(3).

[11] *See* Appendix II for a list of these companies.

[12] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated January 16, 2024 (Intent to Rescind).

[13] The petitioner is Mid Continent Steel & Wire, Inc.

[14] *See* Preliminary Decision Memorandum at section IV, ''Partial Rescission of Administrative Review.''

date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice in the **Federal Register**.[15] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[16] Interested parties who submit case briefs or rebuttal briefs in this review must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[17]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[18] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[19]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests for a hearing should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals associated with the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues that the party intends to discuss at the hearing. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice in the **Federal Register**. If a hearing is requested, Commerce will announce the date and time of the hearing. Parties should confirm the date and time of the hearing two days before the scheduled hearing date.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.[20]

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act, the assessment of antidumping duties on entries of merchandise covered by this review shall be based on the final results of the review.[21] Therefore, upon issuance of the final results of this review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review in accordance with 19 CFR 351.212(b)(1).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

We will calculate importer-specific assessment rates for Oman Fasteners in accordance with 19 CFR 351.212(b)(1).[22] Because Oman Fasteners reported entered values for its sales, we will calculate importer-specific *ad valorem* assessment rates for the company by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer by the total entered value of the merchandise sold to the importer.[23]

Where either Oman Fasteners' *ad valorem* weighted-average dumping margin is zero or de minimis, or an importer-specific ad valorem assessment rate is zero or *de minimis,*[24] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies listed in Appendix II for which we are rescinding this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(l)(i), not before 35 days after the publication date of these preliminary results.

Pursuant to a refinement to Commerce's assessment practice, where sales of subject merchandise that was produced or exported by an individually examined respondent were not reported in the U.S. sales data submitted by the respondent, but the merchandise was entered for consumption in the United States during the POR, Commerce will instruct CBP to liquidate any entries of such merchandise at the all-others rate (*i.e.,* 9.10 percent) [25] if there is no rate for the intermediate company(ies) involved in the transaction.[26]

Cash Deposit Requirements

The following cash deposit requirements will be in effect for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Oman Fasteners will be equal to the weighted-average dumping margin established for the company in the final results of this review, except if the weighted-average dumping margin is less than 0.50 percent, and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), the cash deposit rate will be zero; (2) for previously investigated or reviewed companies that are not covered by this review, the cash deposit

[15] *See* 19 CFR 351.303 (for general filing requirements).

[16] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[17] *See* 19 CFR 351.309(c)(2) and (d)(2).

[18] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[19] *See APO and Service Final Rule,* 88 FR at 67070.

[20] *See* section 751(a)(3)(A) of the Act; *see also* 19 CFR 351.213(h)(1).

[21] *See* section 751(a)(2)(C) of the Act.

[22] We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[23] *See* 19 CFR 351.212(b)(1).

[24] *See* 19 CFR 351.106(c)(2).

[25] *See Order,* 80 FR at 39996.

[26] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

rate will continue to be the company's cash deposit rate from the most recently completed segment of the proceeding in which it was examined; (3) if the exporter is not covered by this review, and does not have a cash deposit rate from a completed segment of this proceeding, but the producer of the subject merchandise does have a cash deposit rate, then the cash deposit rate will be the producer's cash deposit rate from the most recently completed segment of the proceeding in which it was examined; and (4) the cash deposit rate for all other producers or exporters will continue to be 9.10 percent, the all-others rate established in the less-than-fair-value investigation.[27] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: August 5, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Administrative Review
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

Appendix II

List of Companies for Which We Are Rescinding the Review

1. Al Ansari Teqmark, LLC
2. Al Kiyumi Global LLC
3. Al Sarah Building Materials LLC
4. Astrotech Steels Private Ltd.
5. Buraimi Iron & Steel, LLC
6. CL Synergy (Pvt) Ltd.
7. Diamond Foil Trading LLC
8. Geekay Wires Ltd.
9. Gulf Nails, LLC
10. Gulf Nails Manufacturing, LLC
11. Gulf Steel Manufacturers, LLC
12. Modern Factory for Metal Products, LLC
13. Muscat Industrial Company, LLC
14. Muscat Nails Factory Golden Asset Trade, LLC
15. Oman Ocean Trading L.L.C.
16. Trinity Steel Pvt. Ltd.
17. WWL Indian Private Ltd.

[27] *See Order,* 80 FR 39996.

[FR Doc. 2024–17912 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–878]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea) were sold in the United States at less than normal value (NV) during the period of review (POR), July 1, 2022, through June 30, 2023. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Jaron Moore or William Horn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3640 or (202) 482–4868, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2016, Commerce published in the **Federal Register** the antidumping duty order on CORE from Korea.[1] Based on a timely request for review, and in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated this administrative review on September 29, 2023.[2] This review covers 13 companies,[3] of which we selected Dongkuk Coated Metal Co., Ltd. (Dongkuk) and Hyundai Steel Company (Hyundai) as mandatory respondents.[4]

On March 22, 2024, we extended the deadline for the preliminary results of this review until July 30, 2024.[5] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[6] The deadline for the preliminary results is now August 6, 2024. For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7]

Scope of the Order

The merchandise covered by the *Order* is CORE from Korea. The products subject to the *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, and 7212.60.0000.[8]

[1] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016) (*Order*); and *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Notice of Correction to the Antidumping Duty Orders,* 81 FR 58475 (August 25, 2016).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 88 FR 62326 (September 11, 2023).

[3] The 13 companies are: Dongbu Incheon Steel Co., Ltd.; Dongkuk; Dongkuk International, Inc.; Dongkuk Steel Mill Co., Ltd.; Hyundai; KG Steel Corporation; KG Dongbu Steel Co., Ltd.; POSCO; POSCO Coated & Color Steel Co., Ltd.; POSCO International Corporation; POSCO STEELEON Co., Ltd.; SeAH Coated Metal Corporation; and SeAH Steel Corporation. We note that Commerce previously found that KG Steel Corporation is the successor-in-interest to KG Dongbu Steel Co., Ltd. For further information, *see Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews,* 87 FR 64013 (October 21, 2022).

[4] *See* Memorandum, ''Respondent Selection,'' dated January 11, 2024.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2022–2023 Antidumping Duty Administrative Review,'' dated March 22, 2024.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Corrosion-Resistant Steel Products from the Republic of Korea; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] On July 26, 2021, Commerce added two additional HTSUS subheadings at the request of

The products subject to the *Order* may also enter under the following HTSUS subheadings: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.91.0000, 7225.92.0000, 7225.99.0090, 7226.99.0110, 7226.99.0130, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the *Order* is dispositive. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an antidumping duty investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

Consistent with section 735(c)(5)(A) of the Act, we determined the weighted-average dumping margin for each of the non-selected companies by using the weighted-average dumping margins calculated for Dongkuk in this administrative review.

Preliminary Results

We preliminarily determine the following weighted-average dumping margins for the period July 1, 2022, through June 30, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
Dongbu Incheon Steel Co., Ltd	1.74
Dongkuk Coated Metal Co., Ltd	1.74
Dongkuk International, Inc	1.74
Dongkuk Steel Mill Co., Ltd	1.74
Hyundai Steel Company	0.00
KG Steel Corporation; KG Dongbu Steel Co., Ltd	1.74
POSCO	1.74
POSCO Coated & Color Steel Co., Ltd	1.74
POSCO International Corporation	1.74
POSCO STEELEON Co., Ltd	1.74
SeAH Coated Metal Corporation	1.74
SeAH Steel Corporation	1.74

Disclosure and Public Comment

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[10]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[11] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing at a time and location to be determined.[13] Parties should confirm by telephone the date, time, and location of the hearing no fewer than two days before the scheduled date.

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. For any individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in

U.S. Customs and Border Protection. *See Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 70111 (December 9, 2021).

[9] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2)

[11] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[12] *See APO and Service Final Rule.*

[13] *See* 19 CFR 351.310.

the final results of this review and the respondent reported entered values, we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of dumping calculated for the examined sales made during the POR to each importer and the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those transactions. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values.

Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2). If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries without regard to antidumping duties.[14]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by any of the above-referenced respondents for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value (LTFV) investigation (as amended) [15] if there is no rate for the intermediate company(ies) involved in the transaction.[16]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the underlying investigation, but the producer is, then the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 8.31 percent, the all-others rate established in the LTFV investigation (as amended).[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 6, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2024–17911 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–113]

Certain Collated Steel Staples From the People's Republic of China: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to Tianjin Hweschun Fasteners Manufacturing Co., Ltd. (Tianjin Hweschun) a producer and exporter of certain collated steel staples (collated staples) from the People's Republic of China (China) during the period of review (POR) from January 1, 2022, through December 31, 2022. Additionally, Commerce is rescinding the review with respect to 122 companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Bob Palmer and Brandon James, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade

[14] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

[15] *See Order; see also Certain Corrosion-Resistant Steel Products from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination of Investigation and Notice of Amended Final Results,* 83 FR 39054 (August 8, 2018) (*Timken and Amended Final Results*).

[16] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See Order,* as amended by *Timken and Amended Final Results.*

Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9068 and (202) 482–7472, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2020, Commerce published the countervailing duty (CVD) order on collated staples from China.[1] On September 11, 2023, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *Order* on 123 producers/exporters.[2] On March 6, 2024, Commerce postponed the preliminary results until July 30, 2024, in accordance with section 751(a)(3)(A) of Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2).[3] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[4] The current deadline for the preliminary results is now August 6, 2024.

For a description of the events that occurred since the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The product covered by the *Order* is collated staples from China. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, In Part

On September 22, 2023, Kyocera Senco Industrial Tools, Inc. (the petitioner) withdrew its request for review with respect to 118 companies.[6] On October 4, 2023, Vina Hardwares Joint Stock Company withdrew its request for review.[7] On December 11, 2023, Shanghai Yueda Nail Co., Ltd. and Tianjin Hweschun withdrew their requests for review.[8] On December 11, 2023, Black & Decker (US) Inc. withdrew its request for review for products manufactured by YF Technology Corporation (Thailand) Ltd., and/or exported by YF Technology Corporation Limited.[9] The only company requested for review and for which not all review requests have been withdrawn is Tianjin Hweschun.[10] Because we received timely withdrawals of request for review for these 122 companies, pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review of these companies. We have included a list of these 122 companies in Appendix II of this notice.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[11] For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.[12]

Preliminary Results of the Review

Commerce preliminary determines that the following net countervailable subsidy rates exist for the period of January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent *ad valorem*)
Tianjin Hweschun Fasteners Manufacturing Co., Ltd.	70.10

Disclosure and Public Comment

Commerce intends to disclose its calculations performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Commerce also intends to issue a post-preliminary memorandum for certain programs after the publication of this notice.[13]

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.[14] A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[16]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[17] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use

[1] *See Certain Collated Steel Staples from the People's Republic of China: Countervailing Duty Order,* 85 FR 43813 (July 20, 2020) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 88 FR 62322 (September 11, 2023) (*Initiation Notice*).

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2022,'' dated March 6, 2024.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review of Certain Collated Steel Staples from the People's Republic of China; 2022,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* Petitioner's Letter, ''Withdrawal of Request for Administrative Review,'' dated September 22, 2023 (Petitioner's Withdrawal Request).

[7] *See* Vina Hardwares' Letter, ''Withdrawal of Request for Administrative Review,'' dated October 4, 2023.

[8] *See* Shanghai Yueda's Letter, ''Withdrawal of Request for Administrative Review,'' dated December 11, 2023; *see also* Tianjin Hweschun's Letter, ''Withdrawal of Request for Administrative Review,'' December 11, 2023.

[9] *See* Black and Decker's Letter, ''Withdrawal of Request for Administrative Review,'' December 11, 2023.

[10] *See* Petitioner's Letter, ''Request for Administrative Review,'' dated July 31, 2023; *see also* Petitioner's Withdrawal Request.

[11] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[12] *See* Preliminary Decision Memorandum at 5–27.

[13] *Id.* for further information.

[14] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 for general filing requirements.

[15] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

[17] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[18]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Final Results

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register,** pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(l)(i). For the companies for which this review is rescinded, we intend to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

For Tianjin Hweschun, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at the subsidy rates calculated in the final results of this review. For Tianjin Hweschun, we intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for Tianjin Hweschun listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 6, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Diversification of China's Economy
V. Use of Facts Otherwise Available and Application of Adverse Inferences
VI. Subsidies Valuation
VII. Inputs and Electricity Benchmarks
VIII. Analysis of Programs
IX. Recommendation

Appendix II

List of Companies Rescinded From Review

1. Anhui Z&A Import And Export Co., Ltd.
2. Anping Haotie Metal Technology Co.
3. Changzhou Kya Trading Co., Ltd.
4. China Wind International Ltd.
5. Dezhou Hualude Hardware Products Co., Ltd.
6. Dt China (Shanghai) Ltd., Ningbo Branch
7. Eastrong International
8. Ejen Brothers Limited
9. eTeklon Co., Ltd.
10. Fastnail Products Limited
11. Five Star International Import and Export Co., Limited
12. Foshan Chan Seng Import and Export Co., Ltd.
13. Foshan Hosontool Development Hardware Co., Ltd.
14. Fourever International Limited
15. Guangdong Meite Mechanical Co., Ltd.
16. Guangdong Willing Technology
17. Guangzhou Nova Investment Development Co., Ltd.
18. H&B Promotional Limited
19. Hangzhou Great Import & Export Co., Ltd.
20. Hangzhou G-Wire Technology Co., Ltd.
21. Hangzhou Light Industrial Products, Arts & Crafts, Textiles Import & Export Co., Ltd.
22. Hangzhou Strong Lion New Material Co., Ltd.
23. Hangzhou Taiming Import & Export Co.
24. Hebei Cangzhou New Century Foreign Trade Co., Ltd.
25. Hebei Jinshi Industrial Metal Co., Ltd.
26. Hebei Machinery Import and Export Co., Ltd.
27. Hebei Minmetals Co., Ltd.
28. Hengtuo Metal Products Co., Ltd.
29. Hk A J Arts And Crafts Co., Ltd.
30. Hk Quanyi Coil Spring Metals Product Limited
31. Hk Ryson Industrial Development Limited
32. Hongkong Greatstar International Co.
33. HP Singapore (Private) Ltd.
34. Huanghua Baizhou Trading Co., Ltd.
35. Jiangmen Guanqiang Hardware Plastic Products Co., Ltd.
36. Jiangmen Huiying Import & Export Co.
37. Jiangmen Rui Xing Yuan Import and Export Co., Ltd.
38. Jiaxing Brothers Hardware Co., Ltd.
39. Jiaxing Success Import & Export Co.
40. Jinhua Great Tools Co., Ltd.
41. Jinhua Qual Max Trading Co., Ltd.
42. Kinglong Manufacturing Co., Ltd.
43. Linyi Flyingarrow Imp. & Exp. Co. Ltd.
44. Match Industry Limited.
45. Max Co., Ltd.
46. Milan Pacific International Limited
47. Mingguang Ruifeng Hardware Products Co., Ltd.
48. Nanjing Hongde New Material Co., Ltd.
49. Nanjing Justar Material Co., Ltd.
50. Ningbo (Yinzhou) Yongjia Electrical Tools Co., Ltd.
51. Ningbo Alldo Stationery Co., Ltd.
52. Ningbo Guangbo Import & Export Co., Ltd.
53. Ningbo Hoz Fasteners Co. Limited
54. Ningbo Huayi Import & Export Co., Ltd.
55. Ningbo Jieyou Trading Co., Ltd.
56. Ningbo Mascube Imp. & Exp. Corp.
57. Ningbo Mate Import & Export Co., Ltd.
58. Ningbo S-Chande Import & Export Co., Ltd.
59. Ningbo Sunlit International Co., Ltd.
60. Ningbo Yuanyu Imp. & Exp. Co., Ltd.

[18] *See APO and Service Final Rule,* 88 FR at 67077.

61. Ninghai Huihui Stationery Co., Ltd.
62. Oli-Fast Fasteners (Tianjin) Co., Ltd.
63. Protech Industry Limited
64. Qingdao Jiawei Industry Co., Limited
65. Qingdao Top Metal Industrial Co., Ltd.
66. Qingdao Top Steel Industrial Co., Ltd.
67. Rayson Electrical Mfg., Ltd.
68. Rebon Building Material Co., Limited
69. Shanghai Genmes Office Products Co., Ltd.
70. Shanghai Lansi Trading Co., Ltd.
71. Shanghai Yueda Nail Co., Ltd.
72. Shanghai Yinwo Technologies Development Co., Ltd.
73. Shanghai Zehong International
74. Shanxi Pioneer Hardware Industrial
75. Shaoxing Best Nail Industrial Co., Ltd.
76. Shaoxing Feida Nail Industry Co., Ltd.
77. Shaoxing Huasheng Stationery Manufacturing Co., Ltd.
78. Shaoxing Jingke Hardware Co., Ltd.
79. Shaoxing Mingxing Nail Co., Ltd.
80. Shaoxing Qianjiang Pin Industry
81. Shaoxing Shunxing Metal Producting Co., Ltd.
82. Shaoxing Xinyi Hardware & Tools Co., Ltd.
83. Shaoxing Yiyou Stationery Co., Ltd.
84. Shenzhen Hongwencheng Technology
85. Shenzhen Jinsunway Mould Co., Ltd.
86. Shijiazhuang Shuangming Trade Co., Ltd.
87. Shouguang Hongsheng Import and Export Co., Ltd.
88. Shun Far Enterprise Co., Ltd.
89. Suntec Industries Co., Ltd.
90. Suqian Real Faith International Trade Co., Ltd.
91. Taiun Co., Ltd.
92. Taizhou Dajiang Ind. Co., Ltd.
93. Team One (Shanghai) Co., Ltd.
94. Team Work Enterprises Ltd.
95. Thakral Corporation Hk Limited
96. Tianjin Angetai Import And Export
97. Tianjin Bluekin Industries Co., Ltd.
98. Tianjin D&C Technology Development
99. Tianjin High Wing International For
100. Tianjin Huayuan Metal Wire Products
101. Tianjin Huixinshangmao Co., Ltd.
102. Tianjin Jin Xin Sheng Long Metal Products Co., Ltd.
103. Tianjin Jinyifeng Hardware Co., Ltd.
104. Tsi Manufacturing LLC
105. Tung Yung International Limited
106. Um Industry Co., Ltd.
107. Unicorn (Tianjin) Fasteners Co., Ltd.
108. Vina Hardwares Joint Stock Company
109. Weifang Ye Liyuan Trading Co., Ltd.
110. Wenzhou Longhua Daily Electron Co. Ltd.
111. Wire Products Manufacturing Co., Ltd.
112. Xiamen Wanguoxing Trade Co., Ltd.
113. Yangjiang Meijia Economic & Trade Co., Ltd.
114. Yantai Doowon Metal Co., Ltd.
115. YF Technology Corporation (Thailand) Ltd.
116. YF Technology Corporation Limited
117. Yuchen Imp. and Exp. Co, Ltd.
118. Yueqing Yuena Electric Science and Technology Co., Ltd.
119. Yunfu Wintop Stone Co., Ltd.
120. Zhejiang Fairtrade ECommerce Co., Ltd.
121. Zhejiang Jiahe Bamboo Technology Co.
122. Zhejiang KYT Technology Co., Ltd.

[FR Doc. 2024–17910 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–834]

Stainless Steel Sheet and Strip in Coils From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that stainless steel sheet and strip in coils from the Republic of Korea (Korea) were sold in the United States at less than normal value during the period of review (POR) July 1, 2022, through June 30, 2023.

DATES: Applicable August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Jerry Xiao, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2273.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2024, Commerce published in the **Federal Register** the preliminary results of the 2022–2023 administrative review [1] of the antidumping duty order on stainless steel sheet and strip in coils from Korea. The review covers the sole mandatory respondent, Korinox Co., Ltd. (Korinox). We invited interested parties to comment on the *Preliminary Results*.[2] On May 2, North American Stainless and Outokumpu Stainless USA (collectively, the domestic interested parties) submitted a case brief.[3] On April 25, 2024, an interested party submitted comments on the record.[4] On May 7, 2024, the domestic interested parties filed a rebuttal brief.[5] Because Commerce received no comments requiring changes to the *Preliminary Results,* we have not modified our analysis and no decision memorandum accompanies this **Federal Register** notice. Accordingly, the final results are unchanged from the *Preliminary Results,* and we are adopting the *Preliminary Results* as the final results of this review. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days. The deadline for the final results is now August 7, 2024.[6] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products subject to the order are certain stainless steel sheet and strip in coils. For a complete description of the scope of the order, *see* the *Preliminary Results.*

Use of Adverse Facts Available

As discussed in the *Preliminary Results,* Commerce determined the weighted-average dumping margin for Korinox on the basis of adverse facts available, pursuant to sections 776(a) and (b) of the Act. Accordingly, because no interested parties requested changes from the *Preliminary Results,* we made no changes to our findings pursuant to sections 776(a) and (b) of the Act, and continue to rely entirely upon facts available with adverse inferences in the final results.

Final Results of Review

We determine the following estimated weighted-average dumping margin exists for the POR:

Exporter or producer	Weighted-average dumping margin (percent)
Korinox Co., Ltd	58.79

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in final results within five days of any public announcement or, if there is no public announcement, within five days of the date of

[1] *Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 22672 (April 2, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *Id.*

[3] *See* Domestic Interested Parties' Letters, ''Case Brief Submitted on Behalf of Domestic Interested Parties,'' dated May 2, 2024.

[4] Because this submission contained untimely new factual information, Commerce subsequently rejected and removed this submission from the record. *See* Commerce's Letter, ''Rejection of Westfalia Inc.'s Submission Containing New Factual Information,'' dated July 18, 2024; *see also* Memorandum, ''Reject and Remove Submission,'' dated July 18, 2024.

[5] Because this rebuttal brief only contained comments concerning Westafalia's submission, which was removed from the record, Commerce rejected and removed the rebuttal brief from the record. *See* Commerce's Letter, ''Rejection of North American Stainless and Outokumpu Stainless USA, LLC's Submission Containing New Factual Information,'' dated July 29, 2024; *see also* Memorandum, ''Reject and Remove Submission,'' dated July 29, 2024.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results,* there are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date in the **Federal Register** of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Korinox will be equal to the weighted-average dumping margin established in the final results of this administrative review (*i.e.,* 58.79 percent); (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, or a previous segment, but the producer is, the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 19.60 percent, the all others rate as revised due to a section 129 determination.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 5, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–17855 Filed 8–9–24; 8:45 am]

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[7] *See Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Revocation of the Antidumping Duty Order on Stainless Steel Plate in Coils from the Republic of Korea; and Partial Revocation of the Antidumping Duty Order on Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 76 FR 74771 (December 1, 2011).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Carbon Dioxide Removal Consortium

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of research consortium.

SUMMARY: The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, in support of efforts to develop standards for carbon dioxide removal, is establishing the Carbon Dioxide Removal Consortium (''Consortium''). The Consortium will bring together stakeholders to identify and address measurement and standards needs related to carbon dioxide removal used to reduce the overall atmospheric carbon dioxide concentration. The Consortium efforts are intended to develop measurement solutions and support the development of widely accepted standards to improve measurement confidence, measurement traceability and comparability of carbon dioxide removal through nature-based, enhanced nature-based, and engineered pathways, with an initial focus on forests and direct air capture. Participants will be required to sign a Cooperative Research and Development Agreement (CRADA).

DATES: The Consortium's activities will commence on Sept 1, 2024 (''Commencement Date''). NIST will accept letters of interest to participate in this Consortium on an ongoing basis.

ADDRESSES: Completed letters of interest or requests for additional information about the Consortium can be directed via mail to the Consortium Manager, Dr. Pamela Chu, Material Measurement Laboratory, 100 Bureau Drive, Mail Stop 8320, Gaithersburg, Maryland 20899, or via electronic mail to *co2removal@nist.gov,* or by telephone at (301) 975–2988.

FOR FURTHER INFORMATION CONTACT: J'aime Maynard, Consortia Agreements Officer, National Institute of Standards and Technology's Technology Partnerships Office, by mail to 100 Bureau Drive, Mail Stop 2200, Gaithersburg, Maryland 20899, by electronic mail to *agreements@nist.gov.*

SUPPLEMENTARY INFORMATION: There is a significant effort underway to reduce global carbon dioxide emissions. In addition to transitioning to clean energy sources, increasing energy efficiencies, and deploying carbon capture, use, and storage, atmospheric carbon dioxide removal (CDR) is being developed and deployed to compensate for remaining hard-to-abate emissions and work towards drawing down the current atmospheric CO_2 concentration level. Industry is developing a variety of CDR techniques including multiple different nature-based, enhanced nature-based, and engineered solutions. Given the number and diversity of carbon removal pathways, a variety of measurements, models, and data are needed to quantify carbon dioxide removed. Ultimately, quality-assured measurements and

associated measurement uncertainties are required to quantify carbon removals and/or validate models that estimate the amount of carbon removed. The quantification of carbon removal in closed engineered systems, such as direct air capture, is reasonably straightforward. In contrast, quantifying carbon removal in dispersed natural and hybrid systems is extremely challenging. The scientific understanding, measurements, and models of these complex systems are still evolving; enhanced measurements and data are needed to improve and validate the models. Furthermore, advanced technologies that enhance applicability and accuracy are needed to expand current measurement capabilities. This will enable the acquisition of high-quality data, at appropriate spatial and temporal resolutions, over sufficient time to quantify the carbon uptake and verify that the carbon remains sequestered over the period claimed. Moreover, to be economically viable, the measurement and monitoring capabilities must be available at reasonable costs to deploy, scale, and maintain. Ultimately, measurement science along with SI traceability are critical tools to increase data veracity, quality, and objectivity and thus build quality and confidence in the carbon removal quantification.

The initial focus of this consortium is to evaluate, develop, and standardize methods to characterize and quantify the carbon removal by (1) forests and (2) direct air capture. Test methods to specifically measure carbon in these systems will be explored. A later focus of the consortium will be to evaluate the suitability of current measurement standards for carbon removal in additional pathways prioritized by through stakeholder input and, where appropriate, develop new test methods needed to help build quality and confidence in the carbon removal marketplace. NIST and consortia partners will perform research together with the following four goals:

- Evaluate the suitability of current measurement approaches to quantify aspects of carbon dioxide removal.
- Validate the repeatability and comparability of the current measurement methods.
- Identify areas where measurements, models, and data should be expanded and enhanced to provide fit-for-purpose capabilities.
- Use these measurements as a foundation for test method(s) that can be standardized through a consensus-based standards development organization.

No proprietary information will be shared as part of the Consortium. Participants are expected to provide subject matter expertise and to actively participate in the consortium with the goal of developing measurement solutions to support the development of industry standards.

Participation Process

Eligibility to participate in the Consortium will be determined by NIST based on the information provided by prospective participants in response to this notice. NIST will evaluate the submitted responses from prospective participants to determine eligibility to participate in this Consortium. Consortium members are expected to contribute expertise related to carbon dioxide removal such as knowledge as a researcher, project developer, evaluator, purchaser, related experience, etc. that addresses the measurement, verification, and reporting of carbon dioxide removal. Prospective participants should provide a letter of interest with the following information to NIST's Consortium Manager:

(1) A description of their specific experience in or knowledge of carbon dioxide removal.

(2) List of interested party's anticipated project team and a contracts or legal contact for the CRADA.

Letters of interest must not include business proprietary information. NIST will not treat any information provided in response to this notice as proprietary information. NIST will notify each organization of its eligibility. In order to participate in this Consortium, each eligible organization will be required to sign a Cooperative Research and Development Agreement (CRADA) with NIST. All participants in the Consortium that are legally permitted to enter into a CRADA will be bound by the same terms and conditions. Organizations that are legally prohibited or not legally authorized to enter into a CRADA may, at NIST's discretion, be permitted to participate in the Consortium under an agreement other than a CRADA with terms that will differ, as necessary, from the terms of the CRADA. NIST does not guarantee participation in the Consortium to any organization submitting a letter of interest.

Authority: 15 U.S.C. 3710a.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2024–17849 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine and Coastal Area-Based Management Advisory Committee Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine and Coastal Area-based Management Advisory Committee (MCAM). The members will discuss and provide advice on issues outlined under **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be August 27–28, 2024 from 12:30 p.m. to 5 p.m. Eastern Time.

ADDRESSES: The meeting will be held virtually on the Google Meets Platform. Registration is not required. Participants may join the meeting with the following:

Join from computer: meet.google.com/pod-mvsq-wab.

Join by phone: (US) +1 929–277–6190; PIN: 482 233 540#.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, Director, NOAA's National Marine Protected Areas Center, *Lauren.Wenzel@noaa.gov,* (240) 533–0652; or Heather Sagar, Senior Policy Advisor, NOAA Fisheries, *Heather.Sagar@noaa.gov,* (301) 427–8019.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. 1009(a)(2), notice is hereby given of a meeting of MCAM. The MCAM was established in 2022 to advise the Under Secretary of Commerce for Oceans and Atmosphere on science-based approaches to area-based protection, conservation, restoration, and management in coastal and marine areas, including the Great Lakes. The charter is located online at *https://oceanservice.noaa.gov/ocean/marine-coastal-fac/.*

I. Matters To Be Considered

The meeting time and agenda are subject to change. The meeting is convened to discuss the following topics: area-based management in the U.S.; effectiveness and outcomes of area-based management; how NOAA may best leverage area-based management investments, including Bipartisan Infrastructure Law and Inflation Reduction Act funds;

meaningful community engagement in area-based management; how NOAA can better support and prioritize Indigenous-led conservation and co-stewardship; as well as various administrative and organizational matters. The times and the agenda topics described here are subject to change. For the most up-to-date meeting times, agenda, and meeting materials, refer to the MCAM *website (https://oceanservice.noaa.gov/ocean/marine-coastal-fac/meetings.html).*

II. Public Comment Instructions

The meeting will be open to public comment (check agenda on the MCAM *website* to confirm the time for oral public comment during the meeting). Written comments should be received by the Designated Federal Official by August 21, 2024, to provide sufficient time for Committee review. Written comments received after August 21, 2023, will be distributed to the Committee, but may not be reviewed prior to the meeting date. To submit written comments, please email Ellie Roberts, *ellie.roberts@noaa.gov.* 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 contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

III. Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ellie Roberts at *ellie.roberts@noaa.gov,* at least 5 days prior to the meeting date.

John Armor,

Designated Federal Official, Marine and Coastal Area-based Management Advisory Committee, Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–17718 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Space Weather Advisory Group Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Space Weather Advisory Group (SWAG) will meet for three hours on September 13, 2024.

DATES: The meeting is scheduled as follows: September 13, 2024 from 11 a.m.–2 p.m. Eastern Daylight Saving Time (EDT).

ADDRESSES: The public meeting will be a virtual event. For details on how to connect to the webinar or to submit comments, please visit *https://www.weather.gov/swag* or contact Amy Macpherson, National Weather Service; telephone: 816–287–1344; email: *amy.macpherson@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Macpherson, National Weather Service, NOAA, 7220 NW 101st Terrace, Kansas City, MO 64153; 816–287–1344 or *amy.macpherson@noaa.gov;* or visit the SWAG website: *https://www.weather.gov/swag.*

SUPPLEMENTARY INFORMATION: Pursuant to the Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow (PROSWIFT) Act, 51 U.S.C. 60601 *et seq.,* the Administrator of NOAA and the National Science and Technology Council's Space Weather Operations, Research, and Mitigation (SWORM) Subcommittee established the SWAG on April 21, 2021. The SWAG is the only Federal Advisory SWAG that advises and informs the interest and work of the SWORM. The SWAG is to receive advice from the academic community, the commercial space weather sector, and nongovernmental space weather end users to carry out the responsibilities of the SWAG set forth in the PROSWIFT Act, 51 U.S.C. 60601 *et seq.*

The SWAG is directed to advise the SWORM on the following: facilitating advances in the space weather enterprise of the United States; improving the ability of the United States to prepare for, mitigate, respond to, and recover from space weather phenomena; enabling the coordination and facilitation of research to operations and operations to research, as described in 51 U.S.C 60604(d); and developing and implementing the integrated strategy under 51 U.S.C. 60601(c), including subsequent updates and reevaluations. The SWAG shall also conduct a comprehensive survey of the needs of users of space weather products to identify the space weather research, observations, forecasting, prediction, and modeling advances required to improve space weather products, as required by 51 U.S.C. 60601(d)(3).

Matters To Be Considered

The meeting will be open to the public. During the meeting, the SWAG will discuss the PROSWIFT Act, 51 U.S.C. 60601 *et seq.,* directed duties of the SWAG including the required 51 U.S.C. 60601(d)(3) user survey. The full agenda and meeting materials will be published on the SWAG website: *https://www.weather.gov/swag.*

Additional Information and Public Comments

The meeting will be held over three hours and will be conducted in a virtual manner (for meeting details see **ADDRESSES**). Please register for the meeting through the website: *https://www.weather.gov/swag.*

This event is accessible to individuals with disabilities. For all other special accommodation requests, please contact *amy.macpherson@noaa.gov.* This webinar is a NOAA public meeting and will be recorded and transcribed. If you have a public comment, you acknowledge you will be recorded and are aware you can opt out of the meeting. Participation in the meeting constitutes consent to the recording. Both the meeting minutes and presentations will be posted to the SWAG website *https://www.weather.gov/swag.* The agenda, speakers and times are subject to change. For updates, please check the SWAG website *https://www.weather.gov/swag.*

Public comments directed to the SWAG members and SWAG related topics are encouraged. For other written public comments, please email *amy.macpherson@noaa.gov* by September 6, 2024. Written comments received after this date will be distributed to the SWAG but may not be reviewed prior to the meeting date. As time allows, public comments will be read into the public record during the meeting, or posted to the meeting website.

Dated: August 6, 2024.

Michael Farrar,

Director, National Centers for Environmental Prediction, National Weather Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–17872 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE176]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt; two permit applications and two permit modification requests to enhance the propagation and survival of endangered and threatened species.

SUMMARY: Notice is hereby given that NMFS has received two direct take permit applications and two permit modification requests pursuant to section 10(a)(1)(A) of the Endangered Species Act (ESA) for research and enhancement purposes. The proposed activities are intended to enhance the survival of species listed under the ESA and to help guide management and conservation efforts.

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on September 11, 2024.

ADDRESSES: Written comments should be submitted to: NMFS West Coast Region, 650 Capitol Mall, Room 5–100, Sacramento, CA 95814. Comments may also be submitted via email to *Amanda.Cranford@noaa.gov.* Please include the permit number in any correspondence or comments provided.

The applications may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

FOR FURTHER INFORMATION CONTACT: Amanda Cranford, Sacramento, California (Phone: 916–930–3706, Email: *Amanda.Cranford@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Units (ESU):
- Endangered Sacramento River winter-run, and
- Threatened Central Valley spring-run

Steelhead (*O. mykiss*) Distinct Population Segments (DPS):
- Threatened California Central Valley (CCV)

North American green sturgeon (*Acipenser medirostris*):
- Threatened Southern DPS (SDPS)

Background

Permit 27626

The California Department of Fish and Wildlife (CDFW) proposes to reintroduce and bolster native fish populations in Big Chico Creek by translocating fishes from nearby waters. Several species have been extirpated from Big Chico Creek due to rotenone treatment that occurred between Higgin's Hole and Iron Canyon in 1986. Target native fishes include: Sacramento Sucker (*Catostomidae occidentalis*), Sacramento Pikeminnow (*Ptychocheilus grandis*), Hardhead (*Mylopharodon conocephalus*), Western Brook Lamprey (*Lampetra richardsoni*), and Riffle Sculpin (*Cottus gulosus*). Several of these fishes are ranked as of moderate concern in the California Species of Special Concern List within the California Natural Diversity Database. Reintroducing these species back into their native range increases resilience and provides a unique opportunity to restore previously documented native fish assemblage.

Fish will be captured using beach seines as much as is feasible, with the exception of Brook Lamprey, which will be captured using backpack electrofishing. Where beach seines are not effective or possible, CDFW will use minnow traps to capture fish. Fish will be inspected for parasites and any health concerns, and the anterior portion of their dorsal fins will be clipped for genetic analysis. Depending on size of fish collected, a Floy tag may be applied for the purposes of tracking movement within Big Chico Creek and assessing the success of translocations. Fish will be transported in oxygenated water to the receiving sites in Big Chico Creek. Receiving sites will be determined each year based on access, safety of crew, and locations of previous years' translocations.

Permit 28124

The California Department of Water Resources (DWR) will deploy a Juvenile Salmonid Collection System (JSCS) in the McCloud Arm of Shasta Reservoir as part of a feasibility study to assess the reintroduction of Sacramento River winter-run Chinook salmon above Shasta Dam. The primary purpose of JSCS deployment is to evaluate methods of juvenile salmon collection in head-of-reservoir conditions to support efforts to reintroduce the endangered population of Sacramento River winter-run Chinook salmon to cold-water habitat above Shasta and Keswick dams.

The JSCS is a channel-spanning fish trap designed for head-of-reservoir conditions, and is comprised of a debris boom, guidance nets, fish trap and platform (live box, fykes, and decks), temperature curtain, and anchoring system. The JSCS is a passive system that does not rely on pumps or power, and instead leverages fish behavior and water velocities to capture juvenile salmon during outmigration before the fish enter the main body of the reservoir. The JSCS is intended to capture the experimental population of Sacramento River winter-run Chinook salmon from Livingston Stone National Fish Hatchery (Livingston Stone NFH) reared and released at Ah Di Na on the McCloud River. DWR may sample a subsection of trapped salmon to assess their growth rates and condition. DWR may recover juvenile salmon carcasses during warmwater predator gut content analysis and will provide salvaged mortalities to CDFW and the Southwest Fisheries Science Center (SWFSC). DWR will conduct mark-recapture studies with hatchery-raised juvenile Sacramento River winter-run or Central Valley spring-run Chinook salmon to inform evaluation of trap efficiency and capture probability. DWR will provide all salmon captured at the JSCS to CDFW and the Winnemem Wintu Tribe for relocation and release.

Permit 16477–4M

This permit modification request is intended to support a suite of emergency actions under development by NMFS, CDFW, and the U.S. Fish and Wildlife Service (USFWS) to enhance the survival of Central Valley spring-run Chinook salmon. In 2023, the three remaining independent Central Valley spring-run Chinook salmon populations in Mill, Deer, and Butte Creeks experienced a cohort collapse. The primary purpose of Livingston Stone NFH is to conserve endangered Sacramento River winter-run Chinook salmon. However, beginning in 2024, additional actions will be taken to conserve threatened Central Valley spring-run Chinook salmon that are incidentally captured during adult winter-run Chinook salmon broodstock collection activities.

USFWS proposes to trap, genetically identify, hold, and spawn a limited number of adult spring-run Chinook

salmon captured in the Keswick Dam fish trap. Eggs produced from these fish will be incubated at Livingston Stone NFH until the eyed stage, at which time they will be moved off-station by CDFW to remote-site incubators (RSIs) installed on Butte, Clear, Deer, and/or Mill creeks. In addition to the artificial propagation of spring-run Chinook salmon at Livingston Stone NFH in the capacity described above, natural-origin spring-run Chinook salmon trapped at Keswick Dam in excess of the agreed upon spawning target, or otherwise not selected for propagation, be translocated to Butte, Clear, Deer, and/or Mill creeks, instead of returning them to the Sacramento River at Caldwell Park. This action will promote spawning in higher-quality tributary spawning and rearing habitats that are spatially separated from adult fall-run Chinook salmon spawners.

Permit 18181–6M

The permit modification requested by CDFW will allow for the operation of RSIs in various Central Valley rivers. The use of RSIs is expected to enhance the survival of ESA-listed Chinook salmon by: (1) spreading the risk of adverse impacts to early life stages caused by drought conditions; (2) assessing the efficacy of RSI systems for potential use in any future reintroduction program efforts; and/or (3) studying the growth, survival, and outmigration timing of juvenile salmon in their historical habitat to inform long-term reintroduction planning. RSIs may be deployed and operated in the McCloud River using Sacramento River winter-run Chinook salmon eggs from Livingston Stone NFH. RSIs in Butte, Clear, Deer, and/or Mill creeks would utilize Central Valley spring-run Chinook salmon eggs from adults incidentally captured at the Keswick Dam fish trap and spawned at Livingston Stone NFH.

CDFW also proposes to carry out monitoring and evaluation activities to assess the performance of reintroduction efforts in the McCloud River. Snorkel surveys may be conducted to monitor outmigration timing, juvenile distribution, and habitat use. Juveniles will be recaptured using rotary screw traps (or an alternative juvenile capture method, if determined necessary), which may include efficiency trials to expand fish counts to estimates of growth, survival and productivity of juveniles in the McCloud River. Habitat-associations will be assessed through snorkel surveys and/or backpack electrofishing at various locations in the McCloud River from Ah Di Na to Lake Shasta.

Authority

Scientific research and enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on finding that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: August 6, 2024.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–17799 Filed 8–9–24; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0007, Regulation of Domestic Exchange-Traded Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is announcing an opportunity for public comment on the proposed extension of a collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on rules related to risk disclosure and promotional material concerning certain domestic exchange-traded commodity options.

DATES: Comments must be submitted on or before October 11, 2024.

ADDRESSES: You may submit comments, identified by ''OMB Control No. 3038–0007,'' by any of the following methods:

- The CFTC website, at *https://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method and identify that it is for the extension/renewal of Collection Number 3038–0007.

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, telephone: (202) 418–6236; email: *cbrescia@cftc.gov,* and refer to OMB Control No. 3038–0007.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed extension of an existing collection of information listed below. 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.[1]

Title: Rules Relating to Regulation of Domestic Exchange-Traded Options, OMB Control Number 3038–0007. This is a request for extension of a currently approved collection.

Abstract: Commission Regulations 33.7 and 33.8,[2] respectively, require futures commission merchants (FCMs) and introducing brokers (IBs): (1) to provide retail (*i.e.,* non-eligible contract participant) [3] customers with, and retain, standard risk disclosure statements concerning the risk of trading certain domestic exchange-traded commodity options; [4] and (2) to retain all related promotional material and the source of authority for information contained therein. These requirements help assure that these customers are not fraudulently induced to invest in these commodity options by persons who misrepresent the risks of such transactions. The recordkeeping requirements assist the Commission and the National Futures Association (NFA) in verifying registrants' compliance with their disclosure obligations and ensuring that related promotional material is not fraudulent or misleading.

This information collection contains the third-party disclosure and recordkeeping requirements needed to ensure regulatory compliance by FCMs and IBs with these Commission Regulations.

With respect to the above collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in section 145.9 of the Commission's regulations.[5]

The Commission reserves the right, but shall have no obligation to, review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Requirement will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission estimates the burden of this collection of information as follows:

Estimated Number of Annual Respondents: 983.

Estimated Average Annual Burden Hours per Respondent: 34.2.

Estimated Total Annual Burden Hours: 33,619.

Frequency of Collection: On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

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

Dated: August 6, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–17792 Filed 8–9–24; 8:45 am]

BILLING CODE 6351–01–P

[1] 46 FR 63035 (Dec. 30, 1981).

[2] 17 CFR 33.7 and 33.8.

[3] Commission Regulation 33.7 does not require FCMs or IBs to provide the disclosure or obtain a related acknowledgment from institutional customers. *See* 17 CFR 33.7(a)(1). Commission Regulation 1.3 provides that ''institutional customer'' has the same meaning as ''eligible contract participant'' (''ECP'') as defined in section 1a(18) of the Commodity Exchange Act (''CEA''). Under the CEA, an ECP includes, for example, a financial institution, an insurance company, and a corporation with $10 million in assets.

[4] *See* Commission Regulation 33.2(b). 17 CFR 33.2(b) (providing that Part 33 of the Commission's Regulations applies to commodity option transactions that are options on contracts of sale of a commodity for future delivery except for commodity option transactions that are options on contracts of sale of a commodity for future delivery conducted or executed on or subject to the rules of a foreign board of trade).

[5] 17 CFR 145.9, 74 FR 17395 (Apr. 15, 2009).

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0062]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 11, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Industrial Capabilities Questionnaire; DD Form 2737; OMB Control Number 0704–0377.

Type of Request: Extension without change.

Number of Respondents: 12,800.

Responses per Respondent: 1.

Annual Responses: 12,800.

Average Burden per Response: 12 hours.

Annual Burden Hours: 153,600.

Needs and Uses: The information collection requirement is necessary to provide the adequate industrial capability analyses to indicate a diverse, healthy, and competitive industrial base capable of meeting DoD demands. Additionally, the information is required to perform the industrial assessments required by Chapter 148, section 2502 of Title 10 of the United States Code; and to support development of a defense industrial base information system as required by Section 722 of the 1992 Defense Production Act, as amended, and Section 802 of Executive Order 12919. Respondents are companies/facilities

specifically identified as being of interest to the DoD. The DD Form 2737 Industrial Capabilities Questionnaire records pertinent information needed to conduct industrial base analysis for senior DoD leadership to ensure a robust defense industrial base that supports the warfighter.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 6, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–17871 Filed 8–9–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0046]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 11, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Post Card Application (FPCA); SF76; OMB Control Number 0704–0503.

Type of Request: Extension.

Number of Respondents: 1,200,000.

Responses per Respondent: 1.

Annual Responses: 1,200,000.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 300,000.

Needs and Uses: The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 United States Code, Section 203, requires the Presidential designee (Secretary of Defense) to prescribe an official form containing an absentee voter registration and ballot request application for use by the States to permit absent uniformed services voters and overseas voters to participate in general, special, primary and runoff elections for Federal office. The authority for the States to collect personal information comes from UOCAVA. The burden for collecting this information resides in the States. The Federal government neither collects nor retains any personal information associated with this form.

The collected information will be used by State and local election officials to process uniformed service members, spouses and overseas citizens who submit their information to register to vote or receive an absentee ballot. The collected information will be retained by election officials to provide election materials, including absentee ballots, to the uniformed services, their eligible family members and overseas voters during the form's eligibility period provided by State law. No information from the Federal Post Card Application (FPCA) is collected or retained by the Federal government. The FPCA is completed in hardcopy or via the Federal Voting Assistance Program's (FVAP) online assistant (*fvap.gov*), and then submitted by the voter to an Election Official through mail, email, or fax (depending on State instructions). Per the law, FVAP regularly reaches out to UOCAVA citizens to raise awareness of its voting assistance services, primarily via its website, *FVAP.gov.*

Affected Public: Individuals and/or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 6, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–17870 Filed 8–9–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0045]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 11, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Write-In Absentee Ballot (FWAB); SF 186; OMB Control Number 0704–0502.

Type of Request: Extension.

Number of Respondents: 1,200,000.

Responses per Respondent: 1.

Annual Responses: 1,200,000.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 300,000.

Needs and Uses: The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 United States Code section 203, requires the Presidential designee (Secretary of Defense) to prescribe an official backup ballot for use by the States to permit absent uniformed services voters and overseas voters to participate in general, special, primary and runoff elections for Federal office. The authority for the States to collect personal information comes from UOCAVA. The burden for collecting this information resides in the States. The Federal Government neither collects nor retains any personal information associated with these forms.

The collected information will be used by State and local election officials to process uniformed service members, spouses and overseas citizens who submit their information to register to vote or receive an absentee ballot. The collected information will be retained by election officials to provide election materials, including absentee ballots, to the uniformed services, their eligible family members and overseas voters during the form's eligibility period provided by State law. No information from the FWAB is collected or retained by the Federal Government. The FWAB is completed in hardcopy or via the Federal Voting Assistance Program's (FVAP) online assistant (*fvap.gov*), and then submitted by the voter to an Election Official through mail, email, or fax (depending on State instructions). Per the law, FVAP regularly reaches out to UOCAVA citizens to raise awareness of its voting assistance services, primarily via its website, *FVAP.gov*.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 6, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–17869 Filed 8–9–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Applications for Selection as a Performance Partnership Pilot; Performance Partnership Pilots for Disconnected Youth

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (ED or Department) is issuing a notice inviting applications for selection as a performance partnership pilot for fiscal year (FY) 2024 under the Performance Partnership Pilots for Disconnected Youth (P3) authority.

DATES:

Deadline for Transmittal of Applications: October 11, 2024.

Deadline for Intergovernmental Review: December 10, 2024.

Deadline for Requests for Technical Assistance (optional): September 11, 2024.

FOR FURTHER INFORMATION CONTACT: Braden Goetz, U.S. Department of Education, 400 Maryland Avenue SW, Room 4A192, Washington, DC 20202. Telephone: 202–245–7405. Email: *DisconnectedYouth@ed.gov.* Or Corinne Sauri, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–245–6412.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Full Text of Announcement.

I. Pilot Opportunity Description

Purpose of Program: Under P3, successful applicants can test innovative strategies to achieve significant improvements in educational, employment, and other key outcomes for disconnected youth using the flexibility provided by P3. P3 was first authorized by Congress in FY 2014 by the Consolidated Appropriations Act, 2014 (2014 Act), and the authority has been included by Congress in appropriations acts each year since FY 2014, most recently in the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47) (2024 Act). The FY 2024 P3 authority enables pilot sites to blend FY 2024 Federal funds and obtain waivers of program requirements, including statutory, regulatory, and administrative requirements that are barriers to achieving improved outcomes for youth-serving programs included in the authority.

OMB Control Number: 1830–0575.

Background:

Reengaging the more than 4.7 million young people in the United States who are neither working nor enrolled in school—and preventing other young people from joining them—is a national concern because their disconnection can have severe, long-term consequences.

Youth who drop out and never earn a high school credential have higher rates of unemployment, lower earnings, poorer health, and higher rates of mortality, and are more likely to be dependent on public assistance than those who earn a high school credential.[1] Interrupted or delayed schooling and employment also can have long-lasting consequences.

Youth whose completion of high school is delayed are significantly less likely to enroll in postsecondary education after they do earn their high

[1] Belfield, C. and Levin, H. M. Eds. (2007). *The price we pay: Economic and social consequences of inadequate education.* Washington, DC: Brookings Institution Press. Retrieved from: *https://www.brookings.edu/book/the-price-we-pay/.*

school credential.[2] Youth whose enrollment in postsecondary education is delayed after high school graduation are considerably more likely to drop out than peers who enter college immediately following high school.[3] They also earn less as young adults, with one study estimating that those who delay entry into postsecondary institutions earn $41,000 less during the first 13 years after high school graduation than young adults who enrolled in college the semester after high school graduation.[4] A prolonged period of unemployment experienced by a young adult can have an enduring negative consequence on his or her earnings that lasts as long as 9 years after he or she finds work.[5]

P3 may be a useful tool in preventing and effectively addressing youth disconnection. It gives ED, the Departments of Labor (DOL), Health and Human Services (HHS), and Justice (DOJ),[6] the Corporation for National and Community Service (CNCS), and the Institute of Museum and Library Services (collectively, the Agencies) authority, provided certain conditions and requirements are met, to waive Federal statutory and regulatory requirements that inhibit access to assistance and effective service delivery for disconnected youth.

P3 authorizes the Agencies to enter into Performance Partnership Agreements (performance agreements) with State, local, or Tribal governments. The performance agreements provide pilots with additional flexibility in the use of certain discretionary funds administered by the Agencies,[7] including competitive and formula grant funds. Pilots must include two or more Federal programs (at least one of which is administered in whole or in part by a State, local, or Tribal government) that target disconnected youth or are designed to prevent youth from disconnecting from school or work, and that provide education, training, employment, and other related social services. Entities that seek to participate in these pilots must commit to achieving significant improvements in outcomes for disconnected youth in exchange for flexibility permitted under P3. According to the law, improving outcomes for disconnected youth means increasing the rate at which those individuals between the ages of 14 and 24 who are low-income and are either homeless, in foster care, involved in the juvenile justice system, unemployed, or not enrolled in or at risk of dropping out of an educational institution achieve success in meeting educational, employment, or other key goals (2014 Act, section 526(a)(2)).

This notice invites applications for selection as FY 2024 pilots and offers opportunities for prospective applicants to obtain optional technical assistance from the Agencies prior to applying. The purpose of the pre-application technical assistance is to help prospective applicants identify and propose to address—through waivers, blending of funds, or other flexibilities—Federal barriers to effective and integrated service delivery that will improve the educational and employment outcomes of disconnected youth.

If interest in technical assistance exceeds the Agencies' capacity to provide it, the Agencies will give first priority to assisting eligible entities that intend to serve communities that have experienced civil unrest because the statutory authority for FY 2024 directs the Agencies to include such communities among the designated pilots. Second priority will be given to requests for technical assistance from applicants that propose to serve the highest numbers of disconnected youth.

Flexibilities Available Under P3

P3 provides important opportunities to improve access to Federal programs and their effectiveness in addressing the needs of disconnected youth. It also may offer opportunities to States and local educational agencies (LEAs) to sustain successful innovations initially launched with funds under the American Rescue Plan Elementary and Secondary School Emergency Relief Fund. The Agencies have published on Youth.gov a list of the waivers previously granted to pilots under the first three rounds of P3 in which pilots were designated.[8] These waivers were helpful to the pilots that received them, and, in this latest round, the Agencies hope that applicants propose even more ambitious and bold efforts to remove Federal constraints on effective, innovative, and promising service delivery for disconnected youth. We provide several examples below.

These examples are provided for illustrative purposes only, and the allowability of specific proposals will depend on the unique circumstances of individual applicants. Any waivers must be consistent with the statutory safeguards that apply to P3, discussed below, and the Agencies will consider whether the inclusion of a program in a specific pilot is consistent with, or conflicts with, other significant legal or policy considerations. Also, the Agencies will review the blending of competitive grants on a case-by-case basis to consider how the scope, objectives, and target populations of the existing awards align with the proposed pilot. Any changes in terms and conditions of the existing competitive grant awards required for pilot purposes must be justified by the applicant and consistent with the scope and objectives of the grantee's application. In addition, the Agencies can only waive Federal statutory or regulatory requirements and cannot waive State or local requirements. The Agencies encourage applicants to analyze whether implementation of their request also requires State or local statutory or regulatory flexibilities or waivers, as those rules are not under the jurisdiction of the Agencies to waive for P3.

Below are examples of ways eligible entities might use P3 to better serve disconnected youth:

Example A: P3 enables State, local, and Tribal governments to blend dollars from multiple Federal funding streams to provide more comprehensive, holistic

[2] Fogg, N.P. and Harrington, P.E. (2015). *From Diplomas to Degrees: A Longitudinal Study of the College Enrollment and Graduation Outcomes of High School Graduates from the School District of Philadelphia.* Philadelphia, PA: Drexel University Center for Labor Markets and Policy. Retrieved from: *https://drexel.edu/~/media/Files/clmp/diplomas_to_degrees_full_report_2015.pdf.*

[3] *Ibid.,* and Scott, M.A., and Kennedy, B.B. (2005). Pitfalls in Pathways: Some Perspectives on Competing Risks Event History Analysis in Education Research. *Journal of Educational and Behavioral Statistics,* Winter, 2005, Vol. 30, No. 4 (Winter, 2005), pp. 413–442. Retrieved from: *https://www.jstor.org/stable/3701297.*

[4] Yuxin Lin, Y. and Ting Liu, V.Y. (2019). *Timing Matters: How Delaying College Enrollment Affects Earnings Trajectories,* CCRC Working Paper No. 105. New York, NY: Community College Research Center. Retrieved from: *https://ccrc.tc.columbia.edu/publications/delaying-college-enrollment-earnings-trajectories.html.*

[5] Mroz, T.A. and Savage, T.H. (2006). The Long-Term Effects of Youth Unemployment. *The Journal of Human Resources,* Spring, 2006, Vol. 41, No. 2 (Spring, 2006), pp. 259–293. Retrieved from: *https://www.jstor.org/stable/40057276.*

[6] DOJ's Office of Justice Programs was first authorized to enter into performance agreements by the Consolidated and Further Continuing Appropriations Act, 2015.

[7] For the purposes of P3, discretionary funds are funds that Congress appropriates on an annual basis, rather than through a standing authorization. They exclude ''entitlement'' (or mandatory) programs, such as Social Security, Medicare, Medicaid, most Foster Care IV–E programs, Vocational Rehabilitation State Grants, and Temporary Assistance to Needy Families. Pell Grant funding, which is supported through a combination of discretionary and mandatory funding, is also excluded for the purposes of P3. Discretionary programs administered by the Agencies support a broad set of public services, including education, workforce development, health and mental health, and other low-income assistance programs.

[8] The list of previously granted waivers is available at *https://youth.gov/sites/default/files/P3-Waiver-List-FINAL_2018-12-10.pdf.*

services for youth without having to allocate costs among the contributing programs and separately track and report on each source of funding. For example, a State could propose to use P3 to support a comprehensive education, training, and reentry services program for youthful offenders before, during, and after their incarceration. Funding for the project could be contributed from the Governor's reserve of the State's Workforce Innovation and Opportunity Act (WIOA) Title I Youth program grant, the State's Juvenile Justice and Delinquency Prevention Act Title II State grant, and the State educational agency's Elementary and Secondary Education Act of 1965, as amended (ESEA) Title I, Part D grant for Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk. The State also could propose to use P3 to waive the statutory performance indicators and reporting requirements under the three programs, replacing them with one set of indicators tailored to match the objectives of the project that the State reports on annually. Funds available to the State for evaluation under section 116(c)(1) of WIOA could be used to evaluate the program.

Similarly, to expand mental health and well-being supports through comprehensive school-based mental health services, an LEA could blend funding from its ESEA Title IV, Part A subgrant and its FY 2024 continuation award for its School-Based Mental Health Services grant and braid [9] funding from its FY 2024 Project AWARE (Advancing Wellness and Resiliency in Education) grant from the Substance Abuse and Mental Health Services Administration in HHS to have school-based mental health services providers create learn-and-earn opportunities for high school students. Participants could receive a stipend paid with ESEA Title IV, Part A funds or academic credit for training in an evidence-based curriculum that teaches suicide prevention education and awareness, including associated risk factors, methods that students can use to seek help, and student resources for suicide awareness and prevention. This strategy promotes a supportive and inclusive school climate and also serves to develop the next generation of high-quality, trained school-based mental health services professionals.

Example B: Registered Apprenticeship (RA) and pre-apprenticeship programs that are linked to RA programs can provide disconnected youth with a pathway to educational advancement and economic mobility. There is encouraging evidence that participation in RA programs is associated with significant earnings gains and that the benefits of higher earnings of participants, which increases their contributions to the local economy and tax base, far exceeds the costs to government of supporting RA programs.[10] However, RA programs can be more challenging to finance than other programs and cost more to start up because they span and can draw funding from both postsecondary education and workforce development and require extensive coordination among funders and the employers who hire apprentices.[11] P3 can ease some of these challenges by enabling RA program sponsors, intermediaries, and other key players in creating RA and pre-apprenticeship programs to blend rather than braid funding from multiple Federal programs. For example, a State seeking to ensure there are trained workers who are ready to meet the demands of implementing the Infrastructure Investment and Jobs Act could create pre-apprenticeship and RA programs for disconnected youth by blending funds from Adult Education and Family Literacy Act (AEFLA) State leadership funds available under section 223 of WIOA, statewide youth activities under Title I of WIOA, Youth Title I formula funding, State leadership activities under the Carl D. Perkins Career and Technical Education Act, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and the Social Services Block Grant.[12]

Example C: P3 authority can also be used by applicants to propose changes to projects funded under multiple Federal grants that are each, separately, intended to support programs designed to help disconnected youth achieve greater success in meeting their educational and employment goals. For example, a public college or university might propose to increase the share of the Federal Work Study (FWS) program funds available for Job Location and Development programs and waive the 25 percent cap on the amount of the school's allocation that may be used to pay wages to students employed with private, for-profit organizations so that it could use more than 25 percent of its FWS funds to provide students who are at risk of dropping out with subsidized career internships in the private sector that are aligned with students' educational and career goals. To help students identify their career goals, the college or university could partner with a local American Job Center, which uses funds from the WIOA Title I Adult program, to provide students with intensive career counseling and information relating to local occupations in demand and the earnings and skill requirements of those occupations. Similarly, a community college could request waivers to blend and use a portion of a TRIO Educational Opportunity Center grant and its WIOA Title II AEFLA program subgrant to implement an intensive integrated education and training (IET) program for young adults who lack a high school credential, or a State government could request authority to blend AEFLA funds with funds from a Second Chance Act grant from the Department of Justice to implement an IET program or wraparound academic support services for incarcerated individuals to prepare them for postsecondary education.

Example D: P3 waivers can help programs reach currently unserved disconnected youth. Current ED regulations for the TRIO programs limit participation in these programs to citizens or permanent residents of the United States, or individuals who are in the United States for other than a temporary purpose who provide evidence from the Immigration and Naturalization Service (INS) of their intent to become a permanent resident.[13] Applying in partnership

[9] Braiding funds means coordinating two or more funding sources to support the total cost of a service or activity while separately tracking and reporting on each source of funding. Cost-allocation methods are required to ensure that each funding source is charged its fair share. Blended funding combines two or more funding sources for one purpose without continuing to differentiate or track individual sources. See Urban Institute (2022), Local Workforce System Guide. Retrieved from: *https://workforce.urban.org/node/57.html.*

[10] Reed, D. et al. (2012). An Effectiveness Assessment and Cost-Benefit Analysis of Registered Apprenticeship in 10 States. Oakland, CA: Mathematica Policy Research. Retrieved from: *https://www.mathematica.org/publications/an-effectiveness-assessment-and-costbenefit-analysis-of-registered-apprenticeship-in-10-states.*

See also Katz, B. et al. (2022). Did Apprentices Achieve Faster Earnings Growth Than Comparable Workers? Findings from the American Apprenticeship Initiative Evaluation. Brief prepared for U.S. Department of Labor, Employment and Training Administration. Rockville, MD: Abt Associates; and Washington, DC: Urban Institute. Retrieved from: *https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/AAI/AAI_Brief-Earnings_Growth_Final_508_9-2022.pdf.*

[11] Koller, V., van Docto C., et al. (2019). Promising Approaches for Connecting Opportunity Youth to Registered Apprenticeships. Boston, MA: Jobs for the Future. Retrieved from: *https://info.jff.org/promising-approaches-for-opportunity-youth.*

[12] The Social Services Block Grant is authorized by Title XX of the Social Security Act (42 U.S.C. 1397).

[13] See 34 CFR 643.3 (Talent Search), 34 CFR 644.3 (Educational Opportunity Centers), 34 CFR 645.3

Continued

with affiliated local public institutions of higher education that administer TRIO grants, a multi-State consortium of public college or university systems that are considered units of State government could seek a waiver of this requirement so that their affiliated schools could use TRIO funds to serve disconnected youth who are not citizens or permanent residents of the United States, or individuals who are in the United States for other than a temporary purpose who provide evidence from the INS of their intent to become a permanent resident.

Example E: P3 waivers can make childcare more accessible for youth who are parents and pursuing a postsecondary degree or credential but at risk of leaving without a degree or credential or employment due to the lack of affordable, high-quality childcare. A public college or university that receives funds under the Strengthening Institutions Program authorized by Title III, Part A of the HEA could obtain a waiver of the regulatory prohibition against using a portion of these funds for childcare services in order to augment the childcare services it provides with its Child Care Access Means Parents in School Program grant.

Example F: P3 can be used to waive program requirements that are impediments to designing programs that blend secondary and postsecondary education to better serve the needs of disconnected youth. Ability to Benefit (ATB) is an important yet underutilized provision of the Higher Education Act (HEA) of 1965, as amended (Section 484(d)) that allows a student without a high school credential, who would otherwise not be eligible for Title IV Federal Student Aid (Title IV), to gain eligibility for student aid by fulfilling one of three alternatives:

- Passing an independently administered ATB test approved by the Department; [14]
- Completing at least six credit hours, or the equivalent coursework (225 clock hours), that are applicable toward a degree or certificate offered by the postsecondary institution; or
- Participating in a State process approved by the Department.

In addition to meeting one of the three alternatives, students must also enroll in an eligible career pathway program at their Title IV-eligible postsecondary institution.[15] Although funds available for adult education and literacy activities under AEFLA, Title II of WIOA, must generally be used for education below the postsecondary education level only, a State or an eligible local provider of adult education could obtain a waiver under P3 to use AEFLA funds to pay ATB testing costs on behalf of disconnected youth, or to pay on their behalf for the six postsecondary credits of an eligible career pathway program, which could make the youth eligible under ATB for Federal student aid. The waiver also could enable the State or eligible local provider to use AEFLA funds to support an eligible career pathway program for the youth that integrates secondary and postsecondary education.

Example G: An LEA could use the P3 authority to create a comprehensive educational program to provide support to English learners (ELs) to support the successful transition from secondary school to postsecondary education and a career in a high-demand field, focusing on students who continue to be identified as ELs for more than five years, students who enroll with prior educational experiences other than formalized learning experiences, or who have special needs. Students who are proficient in both their home language and English are an asset, including in the labor market. For example, funds available under ESEA Title I, Part A and Title III could be used to support dual language programs for ELs to support language acquisition, including providing high-quality tutoring to support academic achievement. The LEA could also use ESEA Title IV, Part A funds to provide targeted support for ELs, including ELs with special needs. The LEA could use Perkins V funds to support career advising and navigation services and cover the costs associated with a career and technical education dual enrollment pathway or an apprenticeship where students can apply multilingual skill sets. The local workforce development board could also contribute funds to provide paid internships during the summer months.

Although P3 provides the Agencies broad waiver authority to increase flexibility and relieve burden in order to improve the effectiveness of Federal funding for disconnected youth, it is important to note that there are some limitations on the waivers. In particular, as stated in the original statutory authority for P3, the P3 waivers—

- May not involve any requirement related to nondiscrimination, wage and labor standards, or the allocation of funds to State and sub-State levels;
- Must be consistent with the statutory purposes of the Federal program for which such discretionary funds were appropriated;
- May not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency's programs and Federal discretionary funds that are involved in the pilot;
- Based on the best available information, may not otherwise adversely affect vulnerable populations that are the recipients of such services;
- Must be necessary to achieve the outcomes of the pilot as specified in the performance agreement, and no broader in scope than is necessary to achieve such outcomes; and
- Must result in either (a) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds; or (b) increasing the ability of individuals to obtain access to services that are provided by the discretionary funds.

FY 2024

P3 was reauthorized for FY 2024 for programs administered by all of the six Agencies, and the Agencies may select up to 10 pilots.

An applicant must propose to include FY 2024 funds from at least one of the six Agencies.

If Congress extends the P3 authority in future years, pilots may propose to amend the number of Federal programs supporting pilot activities using future funding appropriated. However, authority for pilots to expand in future years is subject to congressional action as well as agency discretion.

Application Requirements

The application requirements for this opportunity are from the notice of final priorities, requirements, definitions, and selection criteria for this program published on April 28, 2016, in the **Federal Register** (81 FR 25339) (P3 NFP) and are as follows:

(a) *Executive summary.* The applicant must provide an executive summary that briefly describes the proposed pilot, the flexibilities being sought, and the interventions or systems changes that would be implemented by the applicant

(Upward Bound), 34 CFR 646.3 (Student Support Services), and 34 CFR 647.3 (Ronald E. McNair Postbaccalaureate Achievement Program).

[14] The current list of approved tests was published on June 14, 2024 in the **Federal Register** (89 FR 50584) and is available at *https://www.federalregister.gov/documents/2024/06/14/2024-13175/list-of-approved-ability-to-benefit-atb-tests-and-passing-scores.*

[15] For more information about the requirements for eligible career pathway programs, see the June 12, 2024 Dear Colleague letter that is available at *https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2024-06-12/ability-benefit-state-process-and-eligible-career-pathway-programs.*

and its partners to improve outcomes for disconnected youth.

(b) *Flexibility, including waivers: Federal requests for flexibility, including waivers.* For each program to be included in a pilot, the applicant must complete Table 1, Requested Flexibility. The applicant must identify two or more discretionary Federal programs that will be included in the pilot,[16] at least one of which must be administered (in whole or in part) by a State, local, or Tribal government.[17] In Table 1, the applicant must identify one or more program requirements that would inhibit implementation of the pilot and request that the requirement(s) be waived in whole or in part. Examples of potential waiver requests and other requests for flexibility include, but are not limited to, blending of funds and changes to align eligibility requirements, allowable uses of funds, and performance reporting.

TABLE 1—REQUESTED FLEXIBILITY

Program name	Federal agency	Program requirements to be waived in whole or in part	Statutory or regulatory citation	Name of program grantee	Blending funds? (yes/no)
	.....	.....	.....	.....	

Note: Please note in "Name of Program Grantee" if the grantee is a State, local, or Tribal government, or non-governmental entity.

Program Requirements

The program requirement for this opportunity is from the P3 NFP.

Performance agreement. Each P3 pilot, along with other non-Federal government entities involved in the partnership, must enter into a performance agreement that will include, at a minimum, the following (as required by section 526(c)(2) of Division H of the 2014 Act):

(a) The length of the agreement;

(b) The Federal programs and federally funded services that are involved in the pilot;

(c) The Federal discretionary funds that are being used in the pilot;

(d) The non-Federal funds that are involved in the pilot, by source (which may include private funds as well as governmental funds) and by amount;

(e) The State, local, or Tribal programs that are involved in the pilot;

(f) The populations to be served by the pilot;

(g) The cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(h) The cost-effective State, local, or Tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(i) The outcome (or outcomes) that the pilot is designed to achieve;

(j) The appropriate, reliable, and objective outcome measurement methodology that will be used to determine whether the pilot is achieving, and has achieved, specified outcomes;

(k) The statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the pilot; and

(l) Criteria for determining when a pilot is not achieving the specified outcomes that it is designed to achieve and subsequent steps, including:

(1) The consequences that will result; and

(2) The corrective actions that will be taken in order to increase the likelihood that the pilot will achieve such specified outcomes.

Definitions: The following definitions are from the P3 NFP.

Blended funding is a funding and resource allocation strategy that uses multiple existing funding streams to support a single initiative or strategy. Blended funding merges two or more funding streams, or portions of multiple funding streams, to produce greater efficiency and/or effectiveness. Funds from each individual stream lose their award-specific identity, and the blended funds together become subject to a single set of reporting and other requirements, consistent with the underlying purposes of the programs for which the funds were appropriated.

An *interim indicator* is a marker of achievement that demonstrates progress toward an outcome and is measured at least annually.

Outcomes are the intended results of a program or intervention. They are what applicants expect their projects to achieve. An outcome can be measured at the participant level (for example, changes in employment retention or earnings of disconnected youth) or at the system level (for example, improved efficiency in program operations or administration).

A *waiver* provides flexibility in the form of relief, in whole or in part, from specific statutory, regulatory, or administrative requirements that have hindered the ability of a State, locality, or Tribe to organize its programs and systems or provide services in ways that best meet the needs of its target populations. Under P3, waivers provide flexibility in exchange for a pilot's commitment to improve programmatic outcomes for disconnected youth consistent with underlying statutory authorities and purposes.

Program Authority: Section 523 of Title V, Division D of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47).

NOTE: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 86, 97, 98, and 99, and such other regulations as the Agencies may apply based on the programs included in a particular pilot. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Guidance for Federal Financial Assistance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The P3 NFP.

NOTE: The U.S. Department of Education will implement the provisions included in the Office of Management and Budget (OMB) final rule, OMB Guidance for Federal Financial Assistance, which amends 2 CFR

[16] Applicants are encouraged to consult the list of examples of programs that are potentially eligible for inclusion in pilots at *https://youth.gov/youth-topics/reconnecting-youth/performance-partnership-pilots/round-4-program-list.*

[17] Local governments that are requesting waivers of requirements in State-administered programs are strongly encouraged to consult with the State agencies that administer the programs in preparing their applications.

parts 25, 170, 175, 176, 180, 182, 183, 184, and 200, on October 1, 2024. Grant applicants that anticipate a performance period start date on or after October 1, 2024 should follow the provisions stated in the OMB Guidance for Federal Financial Assistance (89 FR 30046, April 22, 2024) when preparing an application. For more information about these updated regulations please visit: *https://www.cfo.gov/resources/uniform-guidance/*.]

NOTE: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Performance Pilot Designation Information

Type of Award: Flexibility.

Estimated Available Funds: None.

Estimated Number of Designations: 10 pilots.

Project Period: FY 2024 pilots may operate for as long as FY 2023 appropriated funds remain available to pilots to obligate to support project activities, but not past September 30, 2028.

III. Eligibility Information

1. *Eligible Applicants:* The lead applicant must be a State, local, or Tribal government entity, represented by a chief executive, such as a governor, mayor, or other elected leader, or the head of a State, local, or Tribal agency.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

Please note the following:

• The Department is not publishing an application package for this program. To submit an application, provide all of the information specified in the application requirements. Additionally, complete and submit Standard Form 424B, Assurances for Non-Construction Programs (available at *https://youth.gov/youth-topics/reconnecting-youth/performance-partnership-pilots*) with your application.

Application Submission Instructions: Applicants must submit completed applications to *DisconnectedYouth@ed.gov* unless electronic submission is not possible. Where electronic submission is not possible (*e.g.,* you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than 2 weeks before the application deadline date (14 calendar days or, if the 14th calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday). If you mail your written statement to the Department, it must be postmarked no later than 2 weeks before the application deadline date. Please send this statement to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. If you submit a paper application, you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202–4260. You must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark. (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service. (3) A dated shipping label, invoice, or receipt from a commercial carrier. (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education. If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing: (1) A private metered postmark. (2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the P3 opportunity, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, including performance agreements, and may make all applications available, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600 (Predisclosure Notification Procedures for Confidential Commercial Information), please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, provide the information specified in the application requirements and address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 5 pages and (2) use the following standards:

• A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger.

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

5. *Requests for Technical Assistance:* For interested eligible entities, the Agencies are offering technical assistance over the next 30 days that will help prospective applicants to identify Federal impediments to effective and integrated service delivery for disconnected youth and flexibilities that can be removed under P3 and to develop an application submission for a P3 pilot. The Agencies want to engage with as many eligible entities as possible and will accept technical assistance requests on a rolling basis until September 11, 2024. If interest in technical assistance exceeds the Agencies' capacity to provide it, the Agencies will give first priority to assisting eligible entities that intend to serve communities that have experienced civil unrest, because the statutory authority for FY 2024 directs the Agencies to include such communities among the designated pilots.[18] Second priority will be given to requests for technical assistance from applicants that propose to serve the highest numbers of disconnected youth. To request technical assistance, please email *DisconnectedYouth@ed.gov* with the subject line ''Request for Technical Assistance,'' and include the prospective applicant's name, a contact person's name and email address, and the names of the Federal programs that the prospective applicant is interested

[18] Section 523(a), Title V, Division D, Further Consolidated Appropriations Act, 2024, Public Law 118–47.

in including in a P3 pilot. Applicants that do not request technical assistance may still apply for designation as a pilot; applicants that do request technical assistance are not bound to apply or bound by the information provided in their initial request for technical assistance.

6. *Other Submission Requirements:* Applications under this opportunity must be submitted electronically unless electronic submission is not possible.

- The Department must receive your application by 11:59 p.m. Eastern Standard Time on October 11, 2024. We will notify you if we are rejecting your application because it was received after the application deadline date.
- We may request that you provide us original signatures on forms at a later date.

V. Application Review Information

1. *Review and Selection Process:* The Department will screen applications that are submitted in accordance with the requirements and definitions in this notice and will determine which applications are eligible to be read based on whether they have met the eligibility and application requirements.

The Secretary of Education (Secretary) will also consider compliance with assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance (such as, for ED programs, 34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

2. *Review of Requests for Flexibility, Including Blending of Funds and Other Waivers:* Representatives of the Agencies that administer programs under which flexibility in Federal requirements is sought will evaluate whether the flexibility, including blending of funds and other waivers, requested by applicants meets the statutory requirements for P3 and is otherwise appropriate. For example, if an applicant is seeking flexibility under programs administered by HHS and DOL, its requests for flexibility will be reviewed by HHS and DOL officials. Applicants may be asked to participate in telephone calls at this point in the process in order to clarify requests for flexibility and other aspects of their proposals.

3. *Selecting Finalists:* Agency officials may recommend projects for selection by the Secretary of Education. In consultation with the other Agencies, the Secretary will select up to 10 finalists after considering the recommendations of the Agencies that administer the programs for which the applicants are seeking flexibility, and other information, including an applicant's performance and use of funds and compliance history under a previous award under any agency program. In selecting pilots, the Secretary will first give priority to applicants that will serve communities that have experienced civil unrest, to address the statutory requirement that designated pilots include communities that have experienced civil unrest, and will then select those applications that will serve the highest numbers of disconnected youth.

For each finalist, ED and any other Agencies implicated in the pilot will negotiate the performance agreement. If a performance agreement cannot be finalized for an applicant, an alternative applicant may be selected as a finalist instead. The recommended projects will be considered finalists until performance agreements are signed by all parties, and pilot designation will be awarded only after finalization and approval of each finalist's performance agreement.

VI. Designation Administration Information

1. *Designation Notices:* If your application is successful, we notify your U.S. Representative(s) and U.S. Senators and send you a letter notification of your selection as a pilot. We also may notify you informally.

If your application is not evaluated or not selected as a pilot, we will notify you.

2. *Performance Measures:* The performance agreement for each pilot will include outcome measures, interim indicators, and targets.

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Amy Loyd,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2024–17895 Filed 8–9–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0100]

Agency Information Collection Activities; Comment Request; Student Aid Internet Gateway (SAIG) Enrollment Document

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 11, 2024.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2024–SCC–0100. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C210, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–570–8414.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Aid internet Gateway (SAIG) Enrollment Document.

OMB Control Number: 1845–0002.

Type of Review: An extension without change of a of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 57,543.

Total Estimated Number of Annual Burden Hours: 13,506.

Abstract: This is a request for an extension of the currently approved information collection package, 1845–0002. In order to manage the Title IV, HEA assistance programs, authorized by the Higher Education Act of 1965, as amended (HEA); 20 U.S.C. 1070 *et seq.,* eligible institutions and other partners must electronically transact business with Federal Student Aid (FSA) systems. This clearance allows institutions to request access to, designate personnel or make changes to current access to systems granted to the institutions and their personnel by FSA. No new data is being collected. No changes have been made to the forms approved on July 17, 2024.

Dated: August 7, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–17897 Filed 8–9–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. PP–412–1]

Application To Amend Presidential Permit; Lake Erie Connector Transmission, LLC

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Lake Erie Connector Transmission, LLC (LEC Transmission or Applicant) has applied to amend Presidential Permit No. PP–412 to reflect a change in upstream ownership and related name change.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 11, 2024.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474–8226, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (E.O.) 10485, as amended by E.O. 12038. On April 10, 2023, the authority to issue such permits was delegated to the DOE's Grid Deployment Office by Delegation Order No. S1–DEL–S3–2023 and Redelegation Order No. S3–DEL–GD1–2023.

On January 12, 2017, DOE issued Presidential Permit No. PP–412, authorizing ITC Lake Erie Connector to construct, connect, operate, and maintain a 345-kilovolt (kV) transmission line at the international border between the United States and Canada. On March 29, 2024, LEC Transmission filed an application with DOE (Application or App.) requesting to amend Presidential Permit No. PP–412 to reflect a change in the upstream ownership from ITC Project Holdings, LLC to Lake Erie Holdings, LLC and related name change from ITC Lake Erie Connector to LEC Transmission. App. at 2.

According to the Application, on January 31, 2024, Lake Erie Holdings, LLC, a subsidiary of NextEra Energy, Inc. and direct, wholly owned subsidiary of NextEra Energy Transmission, LLC, ''acquired 100 percent of the ownership interests in ITC Project Holdings, LLC, the indirect upstream owner of ITC Lake Erie Connector.'' *Id.* The Applicant states that ''[f]ollowing the Transaction, the legal name of ITC Lake Erie Connector was changed to LEC Transmission.'' *Id.* LEC Transmission requests that DOE amend Presidential Permit No. PP–412 to reflect the correct legal name of the project company following NextEra Energy's acquisition of ITC Lake Erie Connector. *Id.* at 2–3.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of Federal Energy Regulatory Commission's (FERC's) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning LEC Transmission's Application should be clearly marked with GDO Docket No. PP–412–1. Additional copies are to be provided directly to Justin Moeller, NextEra Energy, Inc., 801 Pennsylvania Avenue NW, Suite 220 Washington, DC, 20004, *Justin.Moeller@nee.com* and John M. Kopinski, NextEra Energy Transmission, LLC, 700 Universe Blvd., Juno Beach, FL, 33408, *John.Kopinski@nexteraenergy.com.*

Before a Presidential permit may be issued, DOE must determine whether the proposed action is in the public interest. In making that determination, DOE will consider the environmental impacts of the proposed action (*i.e.,* granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021); determine the Applicant's proposed project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and

contingency conditions; and weigh any other factors that DOE may also consider relevant to the public interest. DOE also must obtain the favorable recommendation of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

LEC Transmission's Application may be reviewed or downloaded electronically at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.* Copies of this Application will be made available, upon request, by accessing the program website at *https://www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority: This document of the Department of Energy was signed on August 2, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on August 7, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–17890 Filed 8–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before September 11, 2024. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Oluwatosin Fadarey, Attorney-Adviser (Labor), GC–63, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (240) 751–3745. Email: *oluwatosin.fadarey@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: *Comments are invited on:* (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5165;

(2) *Information Collection Request Titled:* U.S. Department of Energy Semi-Annual Davis Bacon Enforcement Report;

(3) *Type of Review:* Renewal;

(4) *Purpose:* This information collection ensures Departmental compliance with 29 CFR 5.7(b). The respondents are Department of Energy Management & Operating contractors, Facilities Management contractors, and recipients of financial assistance whose work is subject to the Davis-Bacon Act and Davis-Bacon Related Acts;

(5) *Annual Estimated Number of Respondents:* 150;

(6) *Annual Estimated Number of Total Responses:* 300;

(7) *Annual Estimated Number of Burden Hours:* 600;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $120.71 per respondent.

Statutory Authority: 29 CFR 5.7(b).

Signing Authority

This document of the Department of Energy was signed on August 6, 2024, by John T. Lucas, Deputy General Counsel for Business Transactions, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on August 7, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–17889 Filed 8–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–473–A]

Application for Renewal of Authorization To Export Electric Energy; Northland Power and Energy Marketing (US) Inc.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Northland Power and Energy Marketing (US) Inc. (NPEMUS or Applicant) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 11, 2024.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474–8226, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act

(42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Delegation Order No. S1–DEL–S3–2023 and Redelegation Order No. S3–DEL–GD1–2023.

On July 18, 2019, DOE issued Order No. EA–473 to NPEMUS to transmit electric energy from the United States to Canada as a power marketer for a period of five years. On June 21, 2024, NPEMUS filed an application (Application or App.) for renewal of its export authority for a five-year term. App. at 1.

According to its Application, NPEMUS is a power marketer ''engaged in the purchase and sale of physical and financial energy commodities.'' *Id.* at 1, 6. The Applicant states that it is ''a corporation formed pursuant to the laws of the Province of Ontario with its principal place of business in Toronto, Ontario, Canada,'' and ''wholly-owned direct subsidiary of the holding company NP Energy Services Holdings, Inc.'' *Id.* at 2. NPEMUS states that it is ''authorized by the Federal Energy Regulatory Commission (FERC) to make wholesale sales of electric power and related products at market-based rates.'' *Id.*

NPEMUS represents that it ''does not own or control electric generation, transmission, or distribution facilities in the United States and does not hold a franchise or service territory or native load obligation within the United States or Canada.'' *Id.* at 3. NPEMUS further states that because it ''does not have a native load obligation, its exports will not impair its ability to meet current or prospective power supply obligations.'' *Id.* at 5. The Applicant adds that its proposed exports ''will not impair or impede sufficient electric supplies in the United States or the regional coordination of electric utility planning or operations.'' App. at 5. Additionally, NPEMUS asserts that it will comply with all applicable reliability criteria, standards, and guidelines. *Id.* at 6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See id.* at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning NPEMUS's Application should be clearly marked with GDO Docket No. EA–473–A. Additional copies are to be provided directly to Elizabeth W. Whittle, Nixon Peabody LLP, 799 Ninth Street NW, Suite 500, Washington, DC 20001, *ewhittle@nixonpeabody.com;* Gregory N. Hom, Nixon Peabody LLP, 799 Ninth Street NW, Suite 500, Washington, DC 20001, *ghom@nixonpeabody.com;* and Yonni Fushman, Northland Power Inc., 30 St. Clair Avenue West, 3rd Floor, Toronto, Ontario, Canada, M4V 3A1, *legal@northlandpower.com.*

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *https://www.energy.gov/gdo/pending-applications-0*or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority: This document of the Department of Energy was signed on August 2, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 7, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–17888 Filed 8–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Rescindment of systems of records notices.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of rescindment for four existing Privacy Act systems of records. DOE proposes to rescind the following Privacy Act systems of records: DOE–12 Automated Materials and Property Systems (AMPS), DOE–21 Asset Readiness Management System (ARMS), DOE–59 Mailing Lists for Requesters of Energy-Related Information, and DOE–61 Census of High Energy Physicists. This notice will rescind these systems of records due to the systems' discontinuation of use by the Department.

DATES: The proposed modification to these existing systems of records will become effective without further notice on September 11, 2024 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503, and to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at *privacy@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, by email at *privacy@hq.doe.gov,* or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act systems of records, which included Systems of

Records DOE–12 Automated Materials and Property Systems (AMPS), DOE–21 Asset Readiness Management System (ARMS), DOE–59 Mailing Lists for Requesters of Energy-Related Information, and DOE–61 Census of High Energy Physicists. This notice will rescind these systems of records due to the systems' discontinuation of use by the Department. The records formally maintained in these systems are being retained (or disposed of) in accordance with the applicable National Archives and Records Administration schedules.

SYSTEM NAMES AND NUMBERS:

DOE–12 Automated Materials and Property Systems (AMPS), DOE–21 Asset Readiness Management System (ARMS), DOE–59 Mailing Lists for Requesters of Energy-Related Information, and DOE–61 Census of High Energy Physicists.

HISTORY:

SORNs DOE–12, DOE–21, DOE–59, and DOE–61 were last published in the **Federal Register,** 74 FR 1012, 74 FR 1022–1023, 74 FR 1064–1065, and 74 FR 1066–1067, respectively, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on August 6, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 7, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–17887 Filed 8–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–475–A]

Application for Renewal of Authorization To Export Electric Energy; Idaho Power Company

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Idaho Power Company (Idaho Power or Applicant) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 11, 2024.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474–8226, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Delegation Order No. S1–DEL–S3–2023 and Redelegation Order No. S3–DEL–GD1–2023.

On July 18, 2019, DOE issued Order No. EA–475 authorizing Idaho Power to transmit electric energy from the United States to Canada for a term of five years. On July 1, 2024, Idaho power filed an Application (Application or App.) for renewal of its export authority for a five-year term. App. at 1.

According to the Application, Idaho Power is ''a regulated electrical power utility engaged in the business of generating, purchasing, transmitting, and distributing electrical energy.'' *Id.* at 2. The Applicant states that it is incorporated under the laws of Idaho, a wholly owned subsidiary of IDACORP, Inc., and authorized to operate in Idaho and Oregon. *Id.*

The Applicant states that it ''buys and sells surplus energy pursuant to voluntary bilateral contracts with electric utilities and other suppliers within the United States.'' *Id.* Additionally, the Applicant represents that it ''will export excess energy to Canada by making all necessary commercial arrangements, obtaining sufficient transmission capacity to wheel the exported energy to the border system, and coordinating with all parties as required by applicable market rules and the reliability standards implemented by North American Electric Reliability Corporation (NERC).'' *Id.* at 3. Idaho Power further states that it ''agrees to abide by the export limits on any border facility to which it transports the excess energy.'' *Id.* Idaho Power asserts that its proposed exports ''will not impair its ability to meet native load demands, regional load obligations, or prospective wholesale power-supply responsibilities'' or ''affect its ability to maintain appropriate reserve levels of energy.'' App. at 3. Accordingly, Idaho Power states that its ''export of power will not impair the sufficiency of the Electric power supply in the United States or the reliability of the grid.'' *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See id.* at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the email address provided previously. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the previously provided email address in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Idaho Power's Application should be clearly marked with GDO Docket No. EA–475–A. Additional copies are to be provided directly to Lisa O'Hara, Idaho Power Company, 1221 West Idaho Street, Boise, Idaho 83702, *lohara@idahopower.com,* and Jaren Wieland, 512 W Idaho Street, Suite 103, Boise, Idaho 83702, *jaren.wieland@mooneywieland.com.*

A final decision will be made on the requested authorization after the environmental impacts have been

evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *https://www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority: This document of the Department of Energy was signed on August 2, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register.**

Signed in Washington, DC, on August 7, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–17885 Filed 8–9–24; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11784–01–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of the Administrator, Office of the Executive Secretariat, Environmental Protection Agency (EPA).

ACTION: Notice of a modified system of records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA) Office of the Administrator, Office of the Executive Secretariat is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. EPA–22, the agency's correspondence tracking system formerly known as the Correspondence Management System is being replaced by a new application called Quill, and the SORN is being further modified to include additional workflow processes and reflect corresponding updates.

DATES: Persons wishing to comment on this system of records notice must do so by September 11, 2024. New or Modified routine uses for this modified system of records will be effective September 11, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2004–0003, by one of the following methods:

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

Email: docket_oms@epa.gov. Include the Docket ID number in the subject line of the message.

Fax: (202) 566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

Hand Delivery: OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20460. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OEI–2004–0003. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through *https://www.regulations.gov.* The *https://www.regulations.gov* website is an ''anonymous access'' system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding federal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OMS Docket is (202) 566–1752. Further information about EPA Docket Center services and current operating status is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Director Eric Wachter, Office of the Executive Secretariat, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; Telephone: (202) 564–4985; Email: *wacter.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA is updating EPA–22, its correspondence tracking and workflow management application and is replacing the legacy application with a new system called Quill. Quill is designed to track, route and store incoming and outgoing agency correspondence from and to members of the public, private, and governmental sectors. While correspondence processing is Quill's main function, other workflow processes will be tracked in this system as well, including Federal Advisory Committee Act (FACA) packages and inquiries submitted through the EPA's public-facing websites. EPA–22 is also being modified to reflect corresponding updates to the system, including system owner and location. (*Note:* Two categories of correspondence that will not, in most cases, be logged into the system are (1) comments to a docket, and (2) Freedom of Information and Privacy Act requests. The Agency maintains separate applications to log and track such correspondence.)

SYSTEM NAME AND NUMBER:

Quill, EPA–22.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Administrator, Office of the Executive Secretariat, 1200 Pennsylvania Avenue NW, Washington, DC 20460; the system is housed in the Microsoft Azure Cloud residing in the EPA's Office-365 Government Community Cloud (GCC), which is managed by Microsoft. These cloud locations are in the U.S. states of Virginia, Texas, Arizona, and Iowa. Paper records are maintained in the relevant EPA offices to which the correspondence was sent.

SYSTEM MANAGER(S):

Quill System Administrator, Office of the Executive Secretariat, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 Telephone: (202) 564–4985; Email: *Quill.Info@epa.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations; 40 CFR, et. seq.; 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

Quill is the EPA's correspondence tracking and workflow management application. The purpose of the system is to manage incoming and outgoing correspondence in all EPA program and regional offices. Quill makes the EPA more efficient in managing and responding to correspondence internally, with the White House, Congress, state and local governments and responding to the needs of the public in a timely manner.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who correspond with the EPA or any of its employees in their official capacity; all individuals to whom correspondence is addressed by the EPA or any of its employees in their official capacity; and individuals whose correspondence is referred or addressed to the EPA by the President, the Vice President, Congress, another federal agency, or state, tribal and local governments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, organization, address, email and telephone number, as applicable and present in any correspondence addressed to or from the agency or any of its employees in their official capacity. Complete records may include metadata about the correspondence that facilitates tracking and record retrieval, a scanned image or electronic copy of the incoming communication, draft(s) of the response document, supporting documents or other attachments, and a scanned image or electronic copy of the outgoing signed response.

RECORD SOURCE CATEGORIES:

Sources include individuals who address correspondence to the agency or any of its employees in their official capacities; agency employees preparing responses to incoming correspondence or who generate original correspondence in their official capacities; and the White House and other federal, state, Tribal and local governments agencies that referred or addressed correspondence to the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system (86 FR 62527): A, B, C, D, E, F, G, H, I, J, K, L, M.

Additional routine uses that apply to this system are:

1. disclosure to another federal governmental agency when it is determined that a response by that agency is more appropriate than a response by the U.S. Environmental Protection Agency.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records are maintained on cloud storage devices and are stored in Microsoft Power Apps. Paper records are maintained in the relevant EPA offices to which the correspondence was sent.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

All Quill records are full-text indexed and are retrieved by name, organization, physical address, email address, phone number or case number. The case number is the unique alphanumeric identifier for the individual set of documents and associated metadata for each communication or unit of work tracked in the system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

EPA–22 will retain and dispose of these records in accordance with EPA Records Schedule 0077. The National Archives and Records Administration (NARA) Disposal Authority DAA–GRS–2016–0002–0001 requires that access and disclosure request files should be closed 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later. Further, these records are to be destroyed after file closure. Additionally, NARA Disposal Authority DAA–GRS–2019–0001–0002 requires that ''records tracking and controlling access to protected information'' should be closed 2 years after last form entry, reply, or submission; when associated documents are declassified, decontrolled, or destroyed; or when an individual's authorization expires, whichever is appropriate. These records are to be destroyed after file closure.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Security controls used to protect personal sensitive data in Quill are commensurate with those required for an information system rated MODERATE for confidentiality, integrity and availability as prescribed in National Institute of Standards and Technology (NIST) Special Publication, 800–53, ''Security and Privacy Controls for Information Systems and Organizations,'' Revision 5.

1. Administrative Safeguards: The Quill Rules of Behavior state the use of the system and users are instructed to only enter correspondence-related information. Privacy training is conducted annually during the Information Security and Privacy Training (ISPAT) that is provided by the agency. During end-user training provided by the Quill support staff, end users receive a summary refresher of the ISPAT training. Only EPA employees and contractors may request access to the system, which means they (1) have passed a background check (*e.g.,* Public Trust SF–85) appropriate to their responsibilities; and (2) receive annual Information Security and Privacy Training and Records Management Training.

2. Technical Safeguards: The access controls are documented in the system Accounts Management Standard Operation Procedure and are maintained by the Quill System Owner in the Office of the Executive Secretariat. All data is encrypted in transit and at rest.

3. Physical Safeguards: Electronic records are maintained in a cloud-based system that resides in the EPA's Office-365 Government Community Cloud (GCC), which is managed by Microsoft. The Microsoft Office-365 Cloud is FedRamp certified. Maintenance of physical records is the responsibility of

each office that received the correspondence.

RECORD ACCESS PROCEDURES:

All requests for access to personal records should cite the Privacy Act of 1974 and reference the type of request being made (*i.e.,* access). Requests must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a statement whether a personal inspection of the records or a copy of them by mail is desired; and (4) proof of identity. A full description of the EPA's Privacy Act procedures for requesting access to records is included in the EPA's Privacy Act regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

Requests for correction or amendment must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a description of the information sought to be corrected or amended and the specific reasons for the correction or amendment; and (4) proof of identity. A full description of the EPA's Privacy Act procedures for the correction or amendment of a record is included in the EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURES:

Individuals who wish to be informed whether a Privacy Act system of records maintained by the EPA contains any record pertaining to them should make a written request to the U.S. Environmental Protection Agency, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, or by email at *privacy@epa.gov.* A full description of the EPA's Privacy Act procedures is included in the EPA's Privacy Act regulations at 40 CFR part 16.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

69 FR 60997 FR 30045 (October 14, 2004)

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2024–16354 Filed 8–9–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 237677]

Deletion of Item From August 7, 2024 Open Meeting

August 6, 2024.

The following item has been deleted from the list of items scheduled for consideration at the Wednesday, August 7, 2024, Open Meeting. Item No. 4 was adopted by the Commission on August 5, 2024. The item was previously listed in the Commission's Sunshine Notice on Wednesday, July 31, 2024.

Item No.	Bureau	Subject
4	MEDIA	*Title:* Restricted Adjudicatory Matter. *Summary:* The Commission will consider a restricted adjudicatory matter from the Media Bureau.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–17840 Filed 8–9–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1216; FR ID 237257]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 11, 2024. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1216.

Title: Media Bureau Incentive Auction Implementation, Sections 73.3700(c), (g)(4), (h)(5) and (h)(6).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions.

Number of Respondents and Responses: 1,353 respondents and 46,302 responses.

Estimated Time per Response: .004–15 hours.

Frequency of Response: One-time reporting requirement; on occasion reporting requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

Total Annual Burden: 17,802 hours.

Annual Cost Burden: $961,800.

Needs and Uses: The Spectrum Act directed the Commission to hold a

''reverse auction'' in which broadcasters can voluntarily return some or all of their broadcast spectrum usage rights in exchange for incentive payments. The Spectrum Act also required the Commission to reorganize the broadcast television band, which will be accomplished by repacking stations, or moving broadcast stations to different channels. The Spectrum Act directed the Commission to hold a forward auction of the ultra-high frequency (UHF) spectrum obtained as a result of the reverse auction and channel repacking. This UHF spectrum was auctioned as flexible-use licenses suitable for providing mobile broadband service. Broadcast stations that participated in the forward auction were able to relinquish their spectrum rights, agree to share a channel with another broadcaster or move from the UHF to VHF band or from a high VHF channel to a low VHF channel. For non-participating broadcast stations, the Spectrum Act established a TV Broadcaster Relocation Fund (Fund) to reimburse reassigned broadcasters and multichannel video programming distributors (MVPDs) that incur expenses associated with continuing to carry relocated stations, for their reasonable expenses resulting from the post-auction channel reassignment. The Commission adopted rules implementing the provisions of the Spectrum Act. The Incentive Auction concluded and repack process commented in April 2017. The rules governing the post-incentive auction licensing and other post-auction station-related matters are codified at 47 CFR parts 0, 1, 27, 73 and 74.

On September 19, 2023, the Commission released a Report and Order, FCC 23–72, wherein it adopted several revisions to its Part 73 rules including 73.3700. As a result of these rule revisions, a number of collections and burdens were either revised or eliminated altogether as reflected in this revised supporting statement. Sections 73.3700(b)(4)(i) and (ii) and 73.3700(d) of the rules were eliminated and therefore the corresponding collections and burdens for these rules have been eliminated. Also, revisions were made to estimates for 73.3700(c), 73.3700(g)(4) and 73.3700 (h)(5) and (h)(6) to reflected updated data now that the incentive auction is complete and the exact universe of affected entities is known.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–17906 Filed 8–9–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 237535]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces a new computer matching program the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the Virginia Department of Social Services. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before September 11, 2024. This computer matching program will commence on September 11, 2024, and will remain in effect for a period of 18 months.

ADDRESSES: Send comments to Elliot S. Tarloff, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Elliot S. Tarloff at 202–418–0886 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided $3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional $14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive SNAP and Medicaid administered by the Virginia Department of Social Services.

Participating Agencies

Virginia Department of Social Services (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

Authority for Conducting the Matching Program

The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a)–(b). The authority to conduct the matching program for the FCC's Lifeline program is 47 U.S.C. 254(a)–(c), (j).

Purpose(s)

The purpose of this new matching agreement is to verify the eligibility of applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and

ACP by checking an applicant's/subscriber's participation in SNAP and Medicaid in Virginia. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

Categories of Individuals

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

Categories of Records

The categories of records involved in the matching program include, but are not limited to, the last four digits of the applicant's Social Security Number, date of birth, and last name. The National Verifier will transfer these data elements to the Virginia Department of Social Services which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: SNAP and Medicaid administered by the Virginia Department of Social Services.

System(s) of Records

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline, which was published in the **Federal Register** at 86 FR 11526 (Feb. 25, 2021).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB–3, Affordable Connectivity Program, which was published in the **Federal Register** at 86 FR 71494 (Dec. 16, 2021).

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–17838 Filed 8–9–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 19–329; FR ID] 237555]

Federal Advisory Committee Act; Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Task Force) will hold its next meeting via live internet link.

DATES: September 18, 2024. The meeting will come to order at 3 p.m. EDT.

ADDRESSES: The meeting will be held via conference call and open viewing to the public and via live feed from the FCC's web page at *www.fcc.gov/live.*

FOR FURTHER INFORMATION CONTACT: Emily Caditz, Designated Federal Officer, at (202) 418–2268, or *Emily.Caditz@fcc.gov;* or Thomas Hastings, Deputy Designated Federal Officer, at (202) 418–1343, or *Thomas.Hastings@fcc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be held on September 18, 2024 at 3 p.m. EDT and may be viewed live, by the public, at *http://www.fcc.gov/live.* Any questions that arise during the meeting should be sent to *PrecisionAgTF@fcc.gov* and will be answered at a later date. Members of the public may submit comments to the Task Force in the FCC's Electronic Comment Filing System, ECFS, at *www.fcc.gov/ecfs.* Comments to the Task Force should be filed in GN Docket No. 19–329.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to fill.

Proposed Agenda: At this meeting, the Task Force will hear updates from the Working Group leadership and discuss progress towards recommendations. This agenda may be modified at the discretion of the Task Force Chair and the Designated Federal Officer.

(5 U.S.C. App 2 sec. 10(a)(2))

Federal Communications Commission.

Jodie May,

Division Chief, Competition Policy Division, Wireline Competition Bureau.

[FR Doc. 2024–17827 Filed 8–9–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 237537]

Privacy Act of 1974; Matching Program.

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces a new computer matching program the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the Washington State Department of Social and Health Services, Economic Services Administration. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before September 11, 2024. This computer matching program will commence on September 11, 2024, and will remain in effect for a period of 18 months.

ADDRESSES: Send comments to Elliot S. Tarloff, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Elliot S. Tarloff at 202–418–0886 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI),

Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided $3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional $14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive SNAP and Medicaid administered by the Washington State Department of Social and Health Services, Economic Services Administration.

PARTICIPATING AGENCIES:

Washington State Department of Social and Health Services, Economic Services Administration (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a)-(b). The authority to conduct the matching program for the FCC's Lifeline program is 47 U.S.C. 254(a)–(c), (j).

PURPOSE(S):

The purpose of this new matching agreement is to verify the eligibility of applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and ACP by checking an applicant's/subscriber's participation in SNAP and Medicaid in Washington. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

CATEGORIES OF INDIVIDUALS:

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

CATEGORIES OF RECORDS:

The categories of records involved in the matching program include, but are not limited to, the last four digits of the applicant's Social Security Number, date of birth, and first and last name. The National Verifier will transfer these data elements to the Washington State Department of Social and Health Services, Economic Services Administration which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: SNAP and Medicaid administered by the Washington State Department of Social and Health Services, Economic Services Administration.

SYSTEM(S) OF RECORDS:

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline, which was published in the **Federal Register** at 86 FR 11526 (Feb. 25, 2021).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB–3, Affordable Connectivity Program, which was published in the **Federal Register** at 86 FR 71494 (Dec. 16, 2021).

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–17839 Filed 8–9–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, August 15, 2024, 10:00 a.m.

PLACE: Hybrid meeting: 1050 First Street NE, Washington, DC (12th Floor) and virtual.

Note: If you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public. To access the meeting virtually, go to the Commission's website *https://www.fec.gov* and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2024–06: American Target Advertising and the Conservative Caucus

REG 2023–02 (Artificial Intelligence in Campaign Ads)—Draft Notice of Disposition

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694–1040 or *secretary@fec.gov,* at least 72 hours prior to the meeting date.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2024–18024 Filed 8–8–24; 4:15 pm]

BILLING CODE 6715–01–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 27, 2024.

A. *Federal Reserve Bank of Dallas* (Karen Smith, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to *Comments.applications@dal.frb.org:*

1. *The Tim Tregellas Trust—Perryton Bancshares Trust S, Tim Tregellas, as trustee Aledo, Texas; and The William Mac Tregellas Trust—Perryton Bancshares Trust S, William Mac Tregellas, as trustee, Perryton, Texas;* to join the Tregellas Family Group, a group acting in concert, to acquire voting shares of Perryton Bancshares, Inc., and thereby indirectly acquire voting shares of The Perryton National Bank, both of Perryton, Texas. In addition, Chad Tregellas, Aledo, Texas, Tiffany Tregellas, Fort Worth, Texas, and William Seth Tregellas, Perryton, Texas, to join the Tregellas Family Group, to retain voting shares of Perryton Bancshares, Inc., Perryton, Texas.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2024–17925 Filed 8–9–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice-ME–2024–03; Docket No. 2024–0002; Sequence No. 39]

Notice of General Services Administration's (GSA) Office of Government-Wide Policy Emerging Trends and Policy Symposium

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of hybrid symposium.

SUMMARY: GSA's Office of Technology Policy is hosting an Emerging Trends and Policy Symposium to bring the Federal, academia, and industry communities together for a series of presentations and a fireside chat to discuss trends and policies that foster innovation within the field of artificial intelligence.

DATES: Thursday, September 19, from 8 a.m. to noon, eastern time (ET).

ADDRESSES: All attendees, including industry partners, must register for the event here: *https://gsa.zoomgov.com/webinar/register/WN_oySkVOReT8aprYXHEoCPig.*

Members of the press are invited to attend but are required to register with the GSA Press Office via email to *press@gsa.gov* by Friday, September 6, 2024.

FOR FURTHER INFORMATION CONTACT: GSA's Office of Technology Policy Front Office(*mefrontoffice@gsa.gov*) and Shawn Watson at *shawn.watson@gsa.gov or 202–368–0854.*

SUPPLEMENTARY INFORMATION:

Background

Artificial Intelligence (AI) technologies are rapidly transforming industries, economies, and societies. The Federal Government aims to address the dynamic landscape of AI through informed policy discussions, ensuring these technologies are developed and deployed responsibly.

Emerging AI trends include machine learning advancements, natural language processing, applications in vehicles, drones, and robots, as well as the integration of big data.

Considerations to policy should be informed by ethical AI development, privacy and security, workforce impact, collaboration, and standardization while promoting innovation and acting ethically.

Format

The Emerging Trends and Policy Symposium convenes leaders from the Federal Government, academia, and industry to discuss their experiences with artificial intelligence. The summit will include four presentations and a fireside chat panel discussion.

If you have questions for the panelists, you can email them to *mefrontoffice@gsa.gov.*

Special Accommodations

ASL Interpreter will be in attendance online and in person. Zoom will have the option to enable closed captioning. If additional accommodations are needed, please note them on the Zoom Webinar registration form.

In-Person and Webinar Speakers (Subject to Change Without Notice)

Hosted by:

- Shawn Watson, *Program Management Officer; GSA Office of Government-wide Policy, Office of Technology Policy*
- Babur Kohy, *Director (Acting), Identity Assurance and Trusted Access Division, GSA Office of Government-wide Policy, Office of Technology Policy*

Agenda Topic Areas

- Acquisition Approaches to Emerging Technologies
- Past, Present, and Future Possibilities of Government Adoption of AI
- A Generative AI Flexible Architecture Approach and Roadmap
- Artificial Intelligence Policy

Katherine Joyce,

General Services Administration, Office of Government-wide Policy, Office of Technology Policy, Chief of Staff.

[FR Doc. 2024–17866 Filed 8–9–24; 8:45 am]

BILLING CODE 6820–68–P

GENERAL SERVICES ADMINISTRATION

[Notice–P–2024–08; Docket No. 2024–0002; Sequence No. 36]

Notice of Availability for a Draft Environmental Impact Statement and Floodplain Assessment and Statement of Findings for the Kenneth G. Ward (Lynden) and Sumas Land Ports of Entry Modernization and Expansion Projects in Lynden and Sumas, Washington

AGENCY: Public Buildings Service (PBS), United States (U.S.) General Services Administration (GSA).

ACTION: Notice of availability (NOA); public notice of floodplain assessment and statement of findings; announcement of public hearing.

SUMMARY: This notice announces the availability of the Draft Environmental Impact Statement (EIS), which examines potential environmental impacts from the modernization and expansion of the Lynden and Sumas Land Ports of Entry (LPOE) in Lynden and Sumas, Washington. The existing Lynden and Sumas LPOEs are owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). The Draft EIS describes the purpose and need for the project; alternatives considered; the existing environment that could be affected; the potential impacts resulting from each of the alternatives; and proposed best management practices and/or mitigation measures. The Draft EIS also includes a Floodplain Assessment and Statement of Findings due to the construction in a floodplain at the Sumas LPOE.

DATES:

Public Comment Period—The Public Comment Period begins with publication of this NOA in the **Federal Register** and will last until September 26, 2024. Written comments must be received or postmarked by the last day of the Public Comment Period (see the **ADDRESSES** section of this NOA on how to submit comments).

Hearing Date—GSA will host an in-person, open house public hearing on Wednesday, September 4, 2024, from 6 p.m. to 8 p.m., Pacific Time (PT) (see the **ADDRESSES** section below for location address).

ADDRESSES:

Hearing Location—The public may attend the hearing at the American Legion Post 212 Building at 134 Harrison St., Sumas, WA 98295, to view the presentation and provide comments on the Draft EIS. GSA staff members will be available to assist the public in providing public comments.

Public Comments—In addition to oral comments and written comments provided at the public hearing, members of the public may also submit comments by one of the following methods. All oral and written comments will be considered equally and will be part of the public record.

- Electronic comments should be submitted to the Lynden and Sumas LPOE email addresses listed below.
  - *lyndenlpoe@gsa.gov*
  - *sumaslpoe@gsa.gov*

Please include 'Lynden and Sumas LPOEs EIS' in the subject line of the message.

- Written comments on the EIS should be mailed to: ATTN: Patrick Manning, Capital Project Manager, Lynden and Sumas LPOEs EIS, U.S. General Services Administration, Northwest/Artic, Region 10, 1301 A Street, Suite 610, Tacoma, WA 98402.

FOR FURTHER INFORMATION CONTACT: Patrick Manning, Capital Project Manager, GSA at the Lynden and Sumas LPOE email addresses at *lyndenlpoe@gsa.gov or sumaslpoe@gsa.gov,* or at 202–501–4755.

SUPPLEMENTARY INFORMATION:

Public Comment Period

The views and comments of the public are necessary in helping GSA in its decision-making process regarding environmental, cultural, and economic impacts. Public comments will be solicited through an in-person public hearing; direct mail correspondence to appropriate Federal, state, and local agencies, Tribes, and to private organizations and citizens who have previously expressed or are known to have an interest in the project; and in local newspapers. The Draft EIS has considered previous input provided during the scoping period.

Public Hearing Information

The public hearing will begin with presentations on the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) processes, which are being executed concurrently for this project, as well as an overview of the proposed project, and then will continue with the findings of the Draft EIS. A copy of the presentation slideshow will be made available within days of the hearing at the GSA websites at *www.gsa.gov/lynden* and *www.gsa.gov/sumas.* Following the presentation, GSA will hold an open house meeting where members of the public can discuss the projects with GSA staff members and provide written comments on the Draft EIS.

Background

The existing 4.8-acre Lynden LPOE serves as the port of entry for people and vehicles connecting Lynden, Washington to Aldergrove, British Columbia, Canada. The LPOE currently operates 16 hours per day, 7 days per week and processes privately owned vehicles (POVs), buses, pedestrians, and permitted commercial traffic. The existing 4.0-acre Sumas LPOE serves as the port of entry for people and vehicles connecting Sumas, Washington to Abbotsford, British Columbia, Canada. The LPOE operates 24 hours per day, 7 days per week and processes POVs, buses, pedestrians, and commercial traffic.

The purpose of these expansion and modernization projects is for GSA to support the CBP mission through modernizing and expanding the Lynden and Sumas LPOEs. Accomplishing this purpose would increase the functionality, capacity, operational efficiency, effectiveness, security, sustainability, and safety of the Lynden and Sumas LPOEs. The projects are generally needed to update the current facilities at the Lynden and Sumas LPOEs, which no longer function adequately and cannot meet CBP current operational needs or Program of Requirements. The existing Lynden and Sumas LPOEs have not undergone major improvements since their initial construction in the late 1980s and do not have sufficient space for modernization and expansion. Both facilities also have configuration and space issues that cause traffic, delays in processing times, and safety and security issues for inspection personnel. Additionally, these facilities do not have the ability to incorporate new technologies as they become available. The projects at the Lynden and Sumas LPOEs are analyzed jointly in this Draft EIS due to their proximity (approximately 10 miles) to one another. Operational changes at one of the two LPOEs could have impacts on the other LPOE, especially during construction. GSA has prepared a Draft EIS to assess the potential impacts of these expansion and modernization projects.

Alternatives Under Consideration

The EIS considers two action alternatives for the Lynden LPOE and three action alternatives for the Sumas LPOE, along with two construction sequencing options. GSA also considers the No Action Alternatives for each project location.

Action alternatives for the Lynden LPOE are described below.

Lynden Alternative 2 (East-West Oriented LPOE Expansion) would involve potential acquisition of primarily agricultural land to the west of the LPOE, site preparation, and construction to modernize and expand the LPOE. The maximum proposed limits of disturbance for Lynden Alternative 2 would be approximately 14.5 acres.

Lynden Alternative 3 (North-South Oriented LPOE Expansion) would include the same action as Lynden Alternative 2, with a difference of alignment. The maximum proposed limits of disturbance for Alternative 3 would be approximately 10.3 acres.

Action Alternatives for the Sumas LPOE are described below.

Sumas Alternative 2 (Feasibility Study Preferred Alternative) would involve potential acquisition of land south and east of the LPOE, site preparation, and construction to modernize and expand the LPOE. The maximum proposed limits of disturbance for Sumas Alternative 2 would be approximately 12.9 acres.

Sumas Alternative 3 (Commercial Inspection West) would include the same action and maximum proposed limits of disturbance as Alternative 2, with a difference of a ''flipped'' alignment of the commercial inspection facility.

Sumas Alternative 4 (Multi-Story Construction LPOE Expansion) would include the same action and maximum proposed limits of disturbance as Sumas Alternative 2, with a difference of multi-story Main Building being constructed.

Construction sequencing options are described below.

Under the Concurrent Construction option, both ports would remain open during construction. Pedestrian access would be maintained through the ports by utilizing and resetting, as necessary, various access and safety controls. POV access would also be maintained through both ports using various controls, which may require limits on the number of open processing lanes and shifting of POVs to commercial owned vehicle (COV) lanes for limited times. COVs may need to be detoured at times to other ports to permit adequate space for continued POV processing.

Under the Sequential Construction Option, GSA and CBP are considering the potential for closure of the Lynden LPOE. All traffic, pedestrians, POVs, and COVs would be detoured from the Lynden LPOE during the majority of its construction. Once the modernized and expanded Lynden LPOE is reopened, construction that impacts traffic would begin on the Sumas LPOE. The Sumas LPOE would remain open to pedestrians and POVs during construction to the greatest extent possible. COVs would be detoured from the Sumas LPOE to other LPOEs during portions of the construction period.

The Draft EIS addresses the potential environmental impacts of the proposed alternatives on environmental resources including land use; water resources; biological resources; geology, topography, and soils; air quality, climate change, and greenhouse gases; human health and safety; infrastructure and utilities; traffic and transportation; noise and vibration; socioeconomics; and environmental justice and protection of children's health and safety. Based on the analysis presented in the Draft EIS, impacts to all resource areas would be less-than-significant (*i.e.,* negligible, minor, or moderate) adverse or beneficial. Impact reduction measures are presented in the Draft EIS to reduce potential adverse effects.

GSA is currently undergoing formal consultation with the State Historic Preservation Officer (SHPO) and consulting parties to follow coordination procedures as required under section 106 of the NHPA to determine impacts to historic properties. Mitigation measures may be determined in consultation between GSA, SHPO, and applicable consulting parties.

GSA is in the process of conducting informal consultation with the U.S. Fish and Wildlife Service (USFWS) under section 7 of the Endangered Species Act to determine potential effects to federally protected species and migratory birds. GSA initiated consultation with the USFWS regarding the Lynden LPOE and Sumas LPOE and is awaiting USFWS responses and findings. Once received, USFWS responses and findings would be included in the Final EIS.

GSA coordinated with the Natural Resources Conservation Service (NRCS) via email concerning the Federal Farmland Protection Policy Act conversion impact rating forms completed for both the Lynden and Sumas LPOEs and is awaiting NRCS responses and findings. Once received, the NRCS responses and findings would be included in the Final EIS.

The Sumas LPOE project area is located within the 1-percent-annual-chance floodplain (also referred to as the base flood or 100-year flood) and 0.2-percent-annual-chance floodplain (also referred to as the 500-year flood). In compliance with Executive Order 11988 (Floodplain Management), GSA prepared a Floodplain Assessment and Statement of Findings addressing potential impacts on floodplains, which is included in the Draft EIS for public review and comment. As described in the Draft EIS, GSA would follow Federal, state, and local regulatory compliance requirements and incorporate design standards at the Sumas LPOE to minimize impacts to floodplains.

Anamarie Crawley,

Director, R10 Facilities Management Division Northwest/Arctic Region 10, U.S. General Services Administration.

[FR Doc. 2024–17864 Filed 8–9–24; 8:45 am]

BILLING CODE 6820–DL–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Common Formats for Patient Safety Data Collection

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of availability—new common formats.

SUMMARY: As authorized by the Secretary of HHS, AHRQ coordinates the development of common definitions and reporting formats (Common Formats or formats) for reporting on health care quality and patient safety. The purpose of this notice is to announce the availability of *Common Formats for Surveillance—Hospital (CFS–H) Version 1.0.*

DATES: Ongoing public input.

ADDRESSES: The *Common Formats for Surveillance—Hospital Version 1.0* can be accessed electronically at the following website: *https://www.psoppc.org/psoppc_web/publicpages/surveillancecommonformats.*

FOR FURTHER INFORMATION CONTACT: Dr. Hamid Jalal, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background on Common Formats Development

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b-21 to 299b-26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70731–70814, provide for the formation of Patient Safety Organizations (PSOs), which collect and analyze confidential and privileged information regarding the quality and safety of health care delivery that meets the definition of PSWP. Aggregation of these data enables PSOs and others to identify and address underlying causal factors of patient safety and quality issues.

The Patient Safety Act provides for the development of standardized reporting formats using common language and definitions to ensure that health care quality and patient safety

data collected by PSOs and other entities are comparable. The Common Formats facilitate aggregation of comparable data at local, PSO, regional and national levels.

Since February 2005, AHRQ has convened the Federal Patient Safety Work Group (PSWG) to assist AHRQ in developing and maintaining the Common Formats. The PSWG includes major health agencies within HHS as well as the Departments of Defense and Veterans Affairs. The PSWG helps assure the consistency of definitions/formats with those of relevant government agencies. In addition, AHRQ solicits comments from the private and public sectors regarding proposed versions of the Common Formats through the Patient Safety Organization Privacy Protection Center (PSOPPC). After receiving comments, the PSOPPC solicits review of the formats by its Common Formats Expert Panel. Subsequently, PSOPPC will provide this input to AHRQ who then uses it to refine the Common Formats.

At AHRQ, the Common Formats for Surveillance—Hospitals (CFS–H) are applied in the Quality and Safety Review System (QSRS), a surveillance system designed to detect and calculate patient safety event rates through retrospective in-patient record review. QSRS uses the CFS–H Event Descriptions to create standardized specifications to ensure adverse events are reliability identified across all hospitals and records. For the Common Formats, it should be noted that AHRQ uses the term ''surveillance'' in this context to refer to the improved detection of events and calculation of adverse event rates in populations reviewed that will allow for collection of comparable performance data over time and across populations of patients. These formats are designed to provide, through retrospective review of medical records, information that is complementary to that derived from event reporting systems.

The *Common Formats for Surveillance—Hospital Version 1.0* are categorized into the following topic areas (modules):

- Birth—Maternal
- Birth—Neonatal
- Blood or Blood Product
- Device
- Fall
- Hospital-Acquired Infection (HAI)
- Medication
- Other
- Pressure Injury
- Surgery or Anesthesia
- Venous Thromboembolism

At this time, AHRQ is releasing the CFS–H Version 1.0 Event Descriptions and supporting materials, including an overview and user guide, tabular accounting, and technical release notes.

Comments can be provided on the *Common Formats for Surveillance—Hospital Version 1.0* using the commenting tool at: *https://www.psoppc.org/psoppc_web/publicpages/openforcomment.*

Additional information about the Common Formats can be obtained through AHRQ's PSO website: *https://pso.ahrq.gov/common-formats.*

Dated: August 7, 2024.

Marquita Cullom,

Associate Director.

[FR Doc. 2024–17927 Filed 8–9–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve a revision of the currently approved information collection project: ''Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats.'' In accordance with the Paperwork Reduction Act of 1995, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by October 11, 2024.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *REPORTSCLEARANCEOFFICER@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *REPORTSCLEARANCEOFFICER@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats

AHRQ requests that OMB approve a revision to AHRQ's collection of information for the Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats: OMB Control number 0935–0143, expiration September 30th, 2024.

The Patient Safety and Quality Improvement Act of 2005 (the Patient Safety Act), signed into law on July 29, 2005, was enacted in response to growing concern about patient safety in the United States and the Institute of Medicine's 1999 report, *To Err is Human: Building a Safer Health System.* The Patient Safety Act signifies the Federal Government's commitment to fostering a culture of patient safety among health care providers; it offers a mechanism for creating an environment in which the causes of risks and hazards to patient safety can be thoroughly and honestly examined and discussed without fear of penalties and liabilities. It provides for the voluntary formation of Patient Safety Organizations (PSOs) that can collect, aggregate, and analyze confidential information reported voluntarily by health care providers. By analyzing substantial amounts of patient safety event information across multiple institutions, PSOs are able to identify patterns of failures and propose measures to eliminate or reduce risks and hazards.

In order to implement the Patient Safety Act, the Department of Health and Human Services (HHS) issued the Patient Safety and Quality Improvement Final Rule (Patient Safety Rule, 42 CFR part 3), which became effective on January 19, 2009. The Patient Safety Rule outlines the requirements that entities must meet to become and remain listed as PSOs, the process by which the Secretary of HHS (Secretary) will accept certifications and list PSOs, and provisions pertaining to the confidentiality and privilege protections for patient safety work product (PSWP).

When specific statutory requirements are met, the information collected and the analyses and deliberations regarding the information receive confidentiality and privilege protections under this legislation. The Secretary delegated authority to the Director of the Office for Civil Rights (OCR) to interpret and enforce the confidentiality protections of the Patient Safety Act (**Federal**

Register, 71 FR 28701–2, May 17, 2006,). Civil money penalties may be imposed for knowing or reckless impermissible disclosures of identifiable PSWP. AHRQ implements and administers the rest of the statute's provisions.

Pursuant to the Patient Safety Rule (42 CFR 3.102), an entity that seeks to be listed as a PSO by the Secretary must certify that it meets certain requirements and, upon listing, would meet other criteria. To remain listed for renewable three-year periods, a PSO must re-certify that it meets these obligations and would continue to meet them while listed. The Patient Safety Act and Patient Safety Rule also impose other obligations discussed below that a PSO must meet to remain listed. In accordance with the requirements of the Patient Safety Rule (see, *e.g.,* 42 CFR 3.102(a)(1), 3.102(b)(2)(i)(E), 3.102(d)(1), and 3.112), the entities seeking to be listed and to remain listed must complete the proposed forms, in order to attest to compliance with statutory criteria and the corresponding regulatory requirements.

Proposed Revisions

The following forms have revisions for clarification which are described below:

1. PSO Certification for Initial Listing—This form has been revised to include clarification on the role of the primary point of contact.

2. PSO Certification for Continued Listing—This form has been revised to include clarifications on the role of the primary point of contact, more precise language about whether there are any changes to the parent organization or any additional parent organizations and an additional note to clarify how users should determine the response to the standardized way they collect patient safety work product (PSWP).

3. PSO Profile form—The form has been revised to add a new clinical discipline, ''Clinical Dialysis Services''.

4. PSO Change of Listing Form—This form has been revised to note clarifications for the parent and the point of contact sections.

5. PSO Voluntary Relinquishment Form—This form has been revised to include a change from street to mailing address for future contacts with delisted PSOs.

6. Patient Safety Confidentiality Complaint Form—The form has two parts, the complaint form and the consent form. The complaint form was updated (1) to conform the notice to individuals about confidentiality of identifying information submitted on the complaint form with the existing approved OCR HIPAA Rules complaint form and (2) to update OCR contact information. The consent form was updated (1) to conform notice to individuals about confidentiality of identifying information submitted on the consent form with the existing approved OCR HIPAA Rules consent form, (2) to more fully describe OCR authorities allowing collection of information in Privacy Act of 1974 notices, and (3) to update OCR contact information.

7. Common Formats—Since the last approval, AHRQ has released Common Formats Event Reporting for Diagnostic Safety, Version 1.0 (CFER–DS V1.0) and is planning on the release of Common Formats for Surveillance—Hospital V1.0 (CFS–H V1.0) in the near future, which is a revision/update from the last version (CFS–H V0.3 Beta).

OMB previously approved the Common Formats and forms described above in 2008, 2011, 2014, 2018, and 2021. AHRQ will use these forms, other than the Patient Safety Confidentiality Complaint Form, to obtain information necessary to carry out its authority to implement the Patient Safety Act and Patient Safety Rule. This includes obtaining initial and subsequent certifications from entities seeking to be or remain listed as PSOs and for making the statutorily required determinations prior to and during an entity's period of listing as a PSO. The PSO Division, housed in AHRQ's Center for Quality Improvement and Patient Safety, uses this information. OCR will use the Patient Safety Confidentiality Complaint Form to collect information for the initial assessment of an incoming complaint. The form is modeled on OCR's form for complaints alleging violations of the privacy of protected health information.

Method of Collection

The PSO forms are available in a format that allows completion and submission of the information online. AHRQ has updated the electronic submission of all forms, except for the PSO Certification for Initial Listing and the Patient Safety Confidentiality Complaint Form, which is administered by OCR, including the capability of the system to auto populate certain fields based on prior submissions by the PSOs. In addition, paper forms can be downloaded, completed and submitted through electronic mail, to *pso@ahrq.hhs.gov,* or via postal mail. The Common Formats, accompanying user guide, and technical specifications are available as printable electronic files on the PSOPPC website at *www.PSOPPC.org.*

In addition to paper submission of complaints, OCR facilitates electronic submission of complaints. First, the Patient Safety Confidentiality Complaint Form is available on the OCR website at *https://www.hhs.gov/hipaa/filing-a-complaint/patient-safety-confidentiality/index.html.* The form is available to be downloaded electronically to a user's own computer in a form that allows a complainant to fill out the form electronically if they so choose. The Patient Safety Confidentiality Complaint Form can then be printed and submitted, or submitted electronically via electronic mail. Second, the form is available in a format that allows completion and submission of the information online.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent to provide the requested information and Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to provide the requested information. The total burden hours are estimated to be 100,811.58 hours annually and the total cost burden is estimated to be $4,946,824.23 annually.

1. PSO Certification for Initial Listing Form: The average annual burden for the collection of information requested by the certification forms for initial listing is based upon a total average estimate of 11 respondents per year and an estimated time of 18 hours per response. The estimated response number includes submissions by not only entities listed as PSOs, but also entities that submit initial listing forms that do not become PSOs.

2. PSO Certification for Continued Listing Form: The average annual burden for the collection of information requested by the certification form for continued listing has an estimated time of eight hours per response and 40 responses annually.

3. PSO Two Bona Fide Contracts Requirement Certification Form: The average annual burden for the collection of information requested by the PSO Two Bona Fide Contract Certification Form is based upon an estimate of 56 respondents per year and an estimated one hour per response.

4. PSO Disclosure Statement Form: The overall annual burden for the collection of information requested by the PSO Disclosure Statement Form is based upon an estimate of 3 respondents per year and estimated 3 hours per response.

5. PSO Profile Form: The overall annual burden for the collection of information requested by the PSO

Profile Form is based upon an estimate of 74 respondents per year and an estimated three hours per response.

6. PSO Change of Listing Information Form: The average annual burden for the collection of information requested by the PSO Change of Listing Information Form is based upon an estimate of 51 respondents per year and an estimated time of five minutes per response.

7. PSO Voluntary Relinquishment Form: The average annual burden for the collection of information requested by the PSO Voluntary Relinquishment Form is based upon a total average estimate of four respondents per year and an estimated time of thirty minutes per response.

8. OCR Patient Safety Confidentiality Complaint Form: The overall annual burden estimate of one hour for the collection of information requested by the form is based on an estimate of one respondent per year and an estimated twenty minutes per response.

9. Common Formats: AHRQ estimates that 5% FTE of a patient safety manager at a facility will be spent to administer the Common Formats, which is approximately 100 hours a year.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
1. PSO Certification for Initial Listing Form	11	1	18	198
2. PSO Certification for Continued Listing Form	40	1	8	320
3. PSO Two Bona Fide Contracts Requirement Form	56	1	1	56
4. PSO Disclosure Statement Form	3	1	3	9
5. PSO Profile Form	74	1	3	222
6. PSO Change of Listing Information	51	1	05/60	4.25
7. PSO Voluntary Relinquishment Form	4	1	30/60	2
8. OCR Patient Safety Confidentiality Complaint Form	1	1	20/60	.33
9. Common Formats	1,000	1	100	100,000
Total		NA	NA	100,811.58

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form	Total burden hours	Average hourly wage rate *	Total cost
1. PSO Certification for Initial Listing Form	198	$49.07	$9,715.86
2. PSO Certification for Continued Listing Form	320	49.07	15,702.40
3. PSO Two Bona Fide Contracts Requirement Form	56	49.07	2,747.92
4. PSO Disclosure Statement Form	9	49.07	441.63
5. PSO Profile Form	222	49.07	10,893.54
6. PSO Change of Listing Form	4.25	49.07	208.55
7. PSO Voluntary Relinquishment Form	2	49.07	98.14
8. OCR Patient Safety Confidentiality Complaint Form	.33	49.07	15.35
9. Common Formats	100,000	49.07	4,907,000
Total			4,946,824.23

* Based upon the mean of the hourly average wages for healthcare practitioner and technical occupations, 29–0000, National Compensation Survey, May 2023, ''U.S. Department of Labor, Bureau of Labor Statistics.'' *https://www.bls.gov/oes/current/oes290000.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Mamatha Pancholi,

Deputy Director.

[FR Doc. 2024–17813 Filed 8–9–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3528]

Advancing Rare Disease Therapies Through a Food and Drug Administration Rare Disease Innovation Hub; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public meeting, entitled ''Advancing Rare

Disease Therapies Through an FDA Rare Disease Innovation Hub.'' The purpose of the public meeting is to discuss the establishment of a Rare Disease Innovation Hub, which will enhance collaboration and cooperation across the Center for Biologics Evaluation and Research (CBER) and the Center for Drug Evaluation and Research (CDER), as well as other centers and offices across FDA, to advance rare disease therapies. In particular, this meeting will be an opportunity for those in the rare disease community, including patients and caregiver groups, industry organizations, and scientific/academic organizations, to provide input on the priorities of the Rare Disease Innovation Hub and how the Hub can best engage with members of the rare disease community. The public meeting will be facilitated by the Reagan-Udall Foundation for the FDA.

DATES: The public meeting will be held on October 16, 2024, from 10 a.m. to 1 p.m. Eastern Time. Either electronic or written comments on this public meeting must be submitted by 11:59 p.m. Eastern Time on October 31, 2024. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Rm. 1503 (Great Room), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Bldg. 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/about-fda/visitor-information.*

You may submit written 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 31, 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–3528 for ''Advancing Rare Disease Therapies Through an FDA Rare Disease Innovation Hub; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

FOR FURTHER INFORMATION CONTACT: Janet Goldberg, 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; or Cynthia Rothblum-Oviatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5390, Silver Spring, MD 20993–0002, 301–796–0957.

SUPPLEMENTARY INFORMATION:

I. Background

CBER and CDER are launching a CBER–CDER Rare Disease Innovation Hub (the Hub) to advance rare disease therapy development through greater communication, collaboration, and coordination across CBER and CDER, in coordination with other centers and offices across FDA. Helmed by senior leadership from CBER and CDER, the Hub will work to develop and implement a rare disease comprehensive cross-center strategic agenda that takes full advantage of our current clinical and scientific expertise across both centers and is based on a shared vision and comprehensive approach to (1) align review efforts; (2) identify and enable innovative approaches in the areas of novel endpoints, biomarker development, and innovative trial designs; and (3) streamline communications with the rare disease community.

The Directors of CBER and CDER (Directors) will lead the Hub, co-chairing the Rare Disease Innovation Hub Steering Committee, which will include senior leaders from CBER's Office of Therapeutic Products, CDER's Office of New Drugs, and across FDA, such as the Center for Devices and Radiological Health, Oncology Center of Excellence, Office of Orphan Products Development, and Office of Combination Products. The Rare Disease Innovation Hub will leverage the activities of the CDER Accelerating Rare disease Cures program and CBER Rare Disease Program and enhance existing cross-center collaborations. In addition, the Hub will be anchored by the new Director for Strategic Coalitions for the Hub (Associate Director for Rare Disease Strategy), who will serve as a single point of connection and engagement with stakeholders on behalf of the Hub, including patient and caregiver groups, trade organizations, and scientific/academic organizations, on cross-cutting rare disease-related issues. The Directors will develop approaches to ensure appropriate FDA staff involvement or appropriate settings for further external engagement and will seek input from the community to inform the priorities of the Hub.

The Reagan-Udall Foundation for the FDA will facilitate the public meeting. The Reagan-Udall Foundation for the FDA is an independent 501(c)(3) not-for-profit organization created by Congress to advance the mission of FDA to modernize medical, veterinary, food, food ingredient, and cosmetic product development; accelerate innovation; and enhance product safety. With the ultimate goal of improving public health, the Foundation provides a unique opportunity for different sectors (FDA, patient groups, academia, other government entities, and industry) to work together in a transparent way to create exciting new research and engagement projects to advance regulatory science.

II. Topics for Discussion at the Public Meeting

This public meeting is being convened for FDA to provide information on the Rare Disease Innovation Hub, including its proposed priorities and initiatives, and to serve as an opportunity for those in the rare disease community, including patients and caregiver groups, industry organizations, and scientific/academic organizations, to provide input on the priorities of the Rare Disease Innovation Hub and how the Hub can best engage with members of the rare disease community. In particular, FDA is interested in receiving comments on the following:

1. What specific rare disease-related scientific, regulatory, or policy issues should be prioritized for consideration by the Rare Disease Innovation Hub?
2. To the extent the issues identified in response to Question 1 are related to specific types of rare diseases or conditions, please explain.
3. What specific types of rare disease-related activities do you believe would benefit from enhanced collaboration, focused attention, or increased transparency (to the extent legally permissible) under the Rare Disease Innovation Hub? Please identify in your comments rare disease-related activities or initiatives currently being undertaken by CDER or CBER that you believe would benefit from being undertaken by the Rare Disease Innovation Hub as a joint endeavor.
4. Please comment on approaches that the Rare Disease Innovation Hub should follow for engagement with patients and caregiver groups, industry organizations, and scientific/academic organizations (including different approaches for different types of engagement, as appropriate).

Comments will be accepted until 11:59 p.m. Eastern Time on October 31, 2024.

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following website to register: *https://reaganudall.org/news-and-events/events/advancing-rare-disease-therapies-through-an-fda-rare-disease-innovation-hub.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register online by October 15, 2024, at 5 p.m. Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization.

If you need special accommodations due to a disability, please contact Lea Ann Browning-McNee, Director of Communication and Stakeholder Engagement, Reagan-Udall Foundation for FDA, 202–849–2075, *Lmcnee@reaganudall.org,* no later than October 9, 2024, at 5 p.m. Eastern Time.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during a public comment session and which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. We will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin and will select and notify participants by October 4, 2024. All requests to make oral presentations must be received by 11:59 p.m. on September 25, 2024. If selected for a presentation, you will be contacted by Lea Ann Browning-McNee, Director of Communication and Stakeholder Engagement, Reagan-Udall Foundation for FDA regarding submission of a single slide in PowerPoint format. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

(Notice of this meeting is given pursuant to 21 CFR 10.65.)

Dated: August 7, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–17924 Filed 8–9–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3609]

Development of an Enhanced Systematic Process for the Food and Drug Administration's Post-Market Assessment of Chemicals in Food; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the following public meeting entitled ''Development of an Enhanced Systematic Process for FDA's Post-Market Assessment of Chemicals in Food.'' This public meeting will assist in developing the post-market chemicals assessment program we will establish under the new FDA Human Foods Program. The purpose of the public meeting is to hear from interested parties about approaches to systematic post-market assessment of chemicals in food.

DATES: The public meeting will be held on September 25, 2024, from 12:30 p.m. to 4:30 p.m. Eastern Time. FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2024–N–3609. The docket will close on December 6, 2024. Submit electronic or written comments on this public meeting by December 6, 2024. See ''Participating in the Public Meeting'' in the **SUPPLEMENTARY INFORMATION** section of this document for registration and other information regarding meeting participation.

ADDRESSES: The public meeting will be held virtually and with limited in-person attendance on the FDA White Oak campus. For more information on the public meeting, see *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-development-enhanced-systematic-process-fdas-post-market-assessment-chemicals-food.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 6, 2024. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 6, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is 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–3609 for ''Development of an Enhanced Systematic Process for FDA's Post-Market Assessment of Chemicals in Food.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our 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: *For general questions about the public meeting or for special accommodations due to disability:* Jessica Rowden, 240–461–0669, *CFSAN-Comms@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA endeavors to become more efficient, nimble, and prepared for the ever-changing and complex industries we regulate. In May 2024, FDA announced that we received approval for our reorganization proposal to create a unified Human Foods Program. These changes will allow us to more effectively realize the vision laid out in the FDA Food Safety Modernization Act, elevate the importance of nutrition, strengthen local, state, and international partnerships, and position FDA to regulate innovative food and agricultural products more effectively as we oversee the safety of the nation's food supply. One important goal of this reorganization is to have a modernized FDA that optimizes resources to help us meet our public health mission. FDA is planning to implement the reorganization on October 1, 2024.

As part of this reorganization, we are developing a systematic process for conducting post-market assessments of chemicals in food. Such an assessment includes ingredients considered generally recognized as safe, food additives, color additives, food contact substances, and contaminants. We are holding a public meeting to discuss this systematic process with interested parties to hear ideas and perspectives to inform our thinking and help us further develop a systematic process. The systematic process is intended to guide our post-market assessment work in the new Human Foods Program and will include a transparent process to help ensure post-market assessments are conducted consistently across chemicals and are prioritized based on the greatest public health needs, support confidence in the food supply, and ensure that our food safety efforts continue to reflect the most current and best available science.

II. Topics for Discussion at the Public Meeting

The public meeting will address a variety of topics related to development of an enhanced systematic process for FDA's post-market assessment of chemicals in food, including:

- Principles for the post-market assessment process,
- Steps in the post-market assessment process,
- Prioritizing chemicals for post-market assessment, and
- Engaging stakeholders throughout the post-market assessment process.

III. Participating in the Public Meeting

Registration: This public meeting is a hybrid meeting offering both online and in-person attendance. Registration is free and open for virtual attendance. In-person attendance is free, but seating is limited. Please note that in-person registration will be accepted in the order of registration. We encourage organizations to consider attendance numbers to help accommodate as many groups as possible for in-person attendance. To register to attend the public meeting on the ''Development of an Enhanced Systematic Process for FDA's Post-Market Assessment of Chemicals in Food,'' please register at *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-development-enhanced-systematic-process-fdas-post-market-assessment-chemicals-food* for in-person attendance by September 20, 2024, and for webcast attendance by September 24, 2024, at 11:59 p.m. Eastern Time. Registrants will receive confirmation when they have been accepted and will be provided the webcast link for those who plan to attend virtually.

Request to Provide Open Public Comment: During online registration, you may indicate if you wish to make open public comments during the public meeting and which topic(s) you would like to address. All requests to make public comments must be received by September 3, 2024, at 11:59 p.m. Eastern Time. We will do our best to accommodate requests to make public comments. We are seeking to have a broad representation of ideas and issues presented at the meeting. Individuals and organizations with common interests are urged to consolidate or coordinate their comments. We will determine the amount of time for each public comment and will notify all registrants who requested an opportunity to make an open public comment.

Streaming Webcast of the Public Meeting: This public meeting will be broadcast via Zoom.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the meeting website page at *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-development-enhanced-systematic-process-fdas-post-market-assessment-chemicals-food.*

For more meeting specifics, please see *https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-development-enhanced-systematic-process-fdas-post-market-assessment-chemicals-food.* FDA will post an agenda and other meeting materials on this web page in advance of the meeting.

Dated: August 6, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–17791 Filed 8–9–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–1532]

Agency Information Collection Activities; Proposed Collection; Risk/Safety Considerations and Motivations for Purchase and Use of Kratom and Psychedelics Alone and in Combination With Other Substances; Withdrawal of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal of a notice that was published in the **Federal Register** of August 2, 2024.

DATES: The notice is withdrawn on August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Darren Eicken, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6206, Silver Spring, MD 20993–0002, 240–402–0978.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 2, 2024 (89 FR 63202), ''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,'' FDA requested comment on the information collection associated with the proposed study entitled ''Risk/Safety Considerations and Motivations for Purchase and Use of Kratom and Psychedelics Alone and in Combination With Other Substances.''

Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

In the August 2, 2024, **Federal Register** notice, FDA proposed a new collection of information. However, FDA no longer intends to proceed with the proposed study as described because circumstances occurred necessitating changes to the scope of the study. Therefore, we are withdrawing the August 2, 2024, notice.

Dated: August 6, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–17793 Filed 8–9–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3569]

Gastrointestinal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—Supplemental New Drug Application 207999 S–011 for OCALIVA (obeticholic acid) Oral Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Gastrointestinal Drugs Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on September 13, 2024, from 8:30 a.m. to 5 p.m. Eastern Time.

ADDRESSES: The public may attend the meeting at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. The public will also have the option to participate, and the advisory committee meeting will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform.

Answers to commonly asked questions about FDA advisory committee meetings, including information regarding special accommodations due to a disability, visitor parking, and transportation, may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2024–N–3569. The docket will close on September 12, 2024. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 12, 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.

Comments received on or before August 29, 2024, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–3569 for ''Gastrointestinal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—Supplemental New Drug Application 207999 S–011 for OCALIVA (obeticholic acid) Oral Tablets.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

FOR FURTHER INFORMATION CONTACT: Jessica Seo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7699, email: *GIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The Committee will discuss supplemental new drug application (sNDA) 207999 S–011, for OCALIVA (obeticholic acid) 5 mg titrated to 10 mg oral tablets, administered once a day, submitted by Intercept Pharmaceuticals, Inc., to fulfill the accelerated approval postmarketing requirements specified in the OCALIVA approval letter dated May 27, 2016. The sNDA included data proposed to describe and verify clinical benefit for the indication for the treatment of adult patients with primary biliary cholangitis without cirrhosis or with compensated cirrhosis who do not have evidence of portal hypertension, either in combination with ursodeoxycholic acid (UDCA) with an inadequate response to UDCA or as

monotherapy in patients unable to tolerate UDCA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at the location of the advisory committee meeting and at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link. The meeting presentations will also be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. The online presentation of materials will include slide presentations with audio and video components in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before August 29, 2024, will be provided to the Committee. Oral presentations from the public will be scheduled between approximately 1:30 p.m. to 2:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, whether they would like to present online or in-person, and an indication of the approximate time requested to make their presentation on or before August 21, 2024. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. Similarly, room for interested persons to participate in-person may be limited. If the number of registrants requesting to speak in-person during the open public hearing is greater than can be reasonably accommodated in the venue for the in-person portion of the advisory committee meeting, FDA may conduct a lottery to determine the speakers who will be invited to participate in-person. The contact person will notify interested persons regarding their request to speak by August 22, 2024. Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jessica Seo (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform in conjunction with the physical meeting room (see location). This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Dated: August 7, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–17926 Filed 8–9–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; COVID–19 Provider Relief Programs Single and Commercial Audits and Delinquent Audit Reporting Submission Activities—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than September 11, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Joella Roland, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: COVID–19 Provider Relief Programs Single and Commercial Audits and Delinquent Audit Reporting Submission Activities, OMB No. 0906–0083—Revision

Abstract: The Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136); the Paycheck Protection Program and Health Care Enhancement Act (Pub. L. 116–139); the Coronavirus Response and Relief Supplemental Appropriations Act (Pub. L. 116–260); the Families First Coronavirus Response

Act (Pub. L. 116–127); and the American Rescue Plan Act of 2021 (Pub. L. 117–2) provided the Department of Health and Human Services the authority to administer the Provider Relief Programs (PRP) (*i.e.,* Provider Relief Fund; American Rescue Plan Act Rural Distribution; COVID–19 Coverage Assistance Fund; and COVID–19 Claims Reimbursement to Health Care Providers and Facilities for Testing, Treatment, and Vaccine Administration for the Uninsured). The Department of Health and Human Services, through HRSA, administered the PRP. The PRP issued payments to eligible health care providers for expenses or lost revenues attributable to COVID–19 and claims reimbursement for COVID–19 testing, treatment, and vaccine administration for uninsured individuals. Recipients of these funds agreed to the Terms and Conditions applicable to each Program, which require, among other Terms, compliance with reporting requirements as specified by the Secretary of Health and Human Services and the statues listed above. Recipients are eligible health care providers who include public entities, Medicare or Medicaid enrolled suppliers and providers, and for-profit and non-profit entities that provide diagnosis, testing, vaccination, or care for individuals with possible or actual cases of COVID–19. The Single Audit Act requires entities that expend $750,000 or more of federal assistance during the entity's fiscal year to conduct an independent audit. Requirements for these audits are set forth in regulations at 45 CFR Subpart F. Requirements differ for non-profit and commercial/for-profit entities, and non-profit entities are required to submit their audits to the Federal Audit Clearinghouse. HRSA has established a Commercial Audit Reporting Portal to collect audits from commercial/for-profit organizations. In late calendar year 2023, HRSA developed a delinquent audit follow-up process to ensure that all providers required to submit an audit do so. The delinquent audit follow-up process includes educating PRP recipients on the 45 CFR 75 Subpart F requirements and following up on overdue audit report submissions. In February 2024, OMB approved HRSA's emergency ICR for the Commercial Audit Reporting Portal and the delinquent audit follow-up process. Collectively, these activities will help ensure the fiscal and program integrity of the PRP.

A 60-day notice published in the **Federal Register** on May 2, 2024, vol. 89, No. 86; pp. 35842–35843. There were no public comments.

Need and Proposed Use of the Information: HRSA will use the collected information to ensure all PRP recipients who expended over $750,000 in funding during the recipient's fiscal year submit an audit and resolve audit findings, which may include recovery of any funds used not in accordance with the Terms and Conditions of the programs.

Likely Respondents: PRP recipients who expended over $750,000 in funding during their fiscal year.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The February 2024 emergency ICR also included the Commercial Audit Compliance and Delinquent Audit Follow-up General and Targeted emails, which will continue to be used. These burden hours associated with these emails were erroneously left out of burden table in the 60-day notice and have been added back into the 30-day **Federal Register** notice. The Delinquent Audit Follow-up General Email Blast was also updated to include more details regarding audit requirements for PRP payments.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Provider Relief Bureau Commercial Audit Reporting Portal	21,000	1	21,000	0.75	15,750
Commercial Audit Compliance Email	500	1	500	0.25	125
Delinquent Audit Follow-up General Email Blast and Attestation	42,000	6	252,000	0.25	63,000
Delinquent Audit Follow-up Targeted Email and Attestation	21,000	2	42,000	0.25	10,500
Questioned Cost Attestation	7,000	10	70,000	5.00	350,000
Total	91,500		385,500		439,375

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–17907 Filed 8–9–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding for Regional Pediatric Pandemic Network Award Recipients

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental funding.

SUMMARY: Per Congressional Report language accompanying the Further Consolidated Appropriations Act, 2024, HRSA is awarding supplemental funds in FY 2024 to two Regional Pediatric Pandemic Network (RPPN) Program recipients to increase activities to coordinate among the Nation's pediatric hospitals and their communities to prepare for and coordinate research-informed responses to future pandemics. The current RPPN program period of performance ends on August 31, 2026.

FOR FURTHER INFORMATION CONTACT: Sara Kinsman, MD, Director, Division of Child, Adolescent & Family Health, Maternal & Child Bureau, HRSA, at *SKinsman@hrsa.gov* and 301–443–2250.

SUPPLEMENTARY INFORMATION:

Intended Recipient(s) of the Award: Children's National Medical Center in Maryland, and University Hospitals Cleveland Medical Center in Ohio, as listed in table I.

Amount of Non-Competitive Awards: Two awards totaling up to $5,819,999.

Project Period: September 1, 2021, to August 31, 2026.

Assistance Listing (CFDA) Number: 93.110.

Award Instrument: A supplement for RPPN support services.

Authority: Section 42 U.S.C. 701(a)(2) (title V, sec. 501(a)(2) of the Social Security Act).

TABLE 1—RECIPIENTS AND SUPPLEMENT AWARD AMOUNTS

Grant No.	Award recipient name	City, state	Award amount
U1IMC45814	Children's National Medical Center	MD	$4,158,048
U1IMC43532	University Hospitals Cleveland Medical Center	OH	1,661,951

Justification: Per Congressional Report language accompanying the Further Consolidated Appropriations Act, 2024, (Pub. L. 118–47) approximately $5,819,999 in supplemental funding is being awarded in FY 2024 to the two RPPN cooperative agreement recipients to increase activities to coordinate among the Nation's pediatric hospitals and their communities to prepare for and coordinate research-informed responses to future pandemics. This funding will increase the RPPN's capacity to help the 10 pediatric hospitals in the network to curate and disseminate guidance; develop models; increase the number of children's hospitals participating in preparedness activities; and integrate RPPN into existing HRSA regions for sustainability and emergency coordination within the regions.

Funds will be used for project activities within the scope of the current awards (as announced in the funding opportunity HRSA–21–104) to improve everyday pediatric emergency readiness and pediatric pandemic preparedness. Supplements will provide for the expansion of activities within the current scope of the program to (a) increase partnerships with the communities they serve, including efforts to prevent and address disparities; (b) improve and expand pediatric emergency readiness and preparedness of pre-hospital emergency medical services, community emergency departments, and inpatient settings; and (c) accelerate real-time dissemination of research-informed pediatric care. The total amount provided through this supplemental funding to the two awardees will be $5,819,999, resulting in a total amount for each awardee of $11,358,048. Supplemental funding amounts per awardee differ in order to meet the congressional direction to achieve parity between the two awardees' total funding levels.

Projects approved by HRSA under this supplement are to be performed from the date of award through August 31, 2025. Supplemental funding for similar activities may be considered in future years, subject to the availability of funding for the activity and satisfactory performance.

Carole Johnson,

Administrator.

[FR Doc. 2024–17821 Filed 8–9–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Extension and Supplemental Award for Living Organ Donation Reimbursement Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of non-competitive extension with supplemental award.

SUMMARY: HRSA is providing supplemental award funds to the award recipient under the Living Organ Donation Reimbursement Program. This action will extend the current period of performance for the recipient by 12 months to ensure continued access to lifesaving living organ transplants via the National Living Donor Assistance Center.

FOR FURTHER INFORMATION CONTACT: Arjun Naik, Public Health Analyst, Division of Transplantation, Health Systems Bureau, HRSA, at *ANaik@hrsa.gov* and (301) 443–2568.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: University of Kansas, Medical Center Research Institute, Inc.

Amount of Non-Competitive Award: $2,400,000.

Period of Performance: September 1, 2019, to August 31, 2025.

Assistance Listing (CFDA) Number: 93.134.

Award Instrument: Non-competitive extension with supplemental funds.

Authority: 42 U.S.C. 274f (section 377 of the Public Health Service Act, as amended)

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

Grant No.	Award recipient name	City, state	Award amount
U13HS33878	University of Kansas, Medical Center Research Institute, Inc	Fairway, KS	$2,400,000

Justification: HRSA is committed to best serving the needs of patients on the national organ transplant waiting list, their families, donors and their families. As part of this effort, HRSA is working to continue to strengthen the Living Organ Donation Reimbursement Program and increase equitable access to living organ transplants, particularly for medically underserved communities. Extending the period of performance will allow HRSA additional time to publish a new notice of funding opportunity to continue to improve living donation while ensuring

continued access to lifesaving living organ transplants via the National Living Donor Assistance Center.

Carole Johnson,

Administrator.

[FR Doc. 2024–17810 Filed 8–9–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0003]

Agency Information Collection Activities; Extension; Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit (CBP Form 7512, 7512A)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than October 11, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0003 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) 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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Transportation Entry and Manifest of Goods Subject to CBP. Inspection and Permit.

OMB Number: 1651–0003.

Form Number: 7512, 7512A.

Current Actions: This submission is being made to extend the expiration date with an increase to the estimated annual burden hours. No change to the information collected or method of collection.

Type of Review: Extension (w/ change).

Affected Public: Businesses.

Abstract: 19 U.S.C. 1552–1554 authorizes the movement of imported merchandise from the port of importation to another Customs and Border Protection (CBP) port prior to release of the merchandise from CBP custody. Forms 7512, ''Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit,'' and 7512A, ''Continuation Sheet,'' allow CBP to exercise control over merchandise moving in-bond (merchandise that has not entered the commerce of the United States). Forms 7512 and 7512A are filed by importers, brokers, or carriers, and they collect information such as the names of the importer and consignee, a description of the imported merchandise, and the ports of lading and unlading. Use of these forms is provided for by various provisions in 19 CFR to include 19 CFR 10.60, 19 CFR 10.61, 19 CFR 123.41, 19 CFR 123.42, 19 CFR 122.92, and 19 CFR part 18. These forms are accessible at: *http://www.cbp.gov/xp/cgov/toolbox/forms/.*

Type of Information Collection: Forms 7512 and 7512A.

Estimated Number of Respondents: 6,200.

Estimated Number of Annual Responses per Respondent: 871.

Estimated Number of Total Annual Responses: 5,400,200.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 900,033.

Dated: August 6, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–17823 Filed 8–9–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0078]

Agency Information Collection Activities; Revision; Automated Clearinghouse (CBP Form 400, 401)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than October 11, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s)

contained in this notice must include the OMB Control Number 1651–0078 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) 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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Automated Clearinghouse.

OMB Number: 1651–0078.

Form Number: 400, 401.

Current Actions: This submission will extend the collection's expiration with an increase in the estimated annual burden hours. CBP Form 401's corresponding burden has been added to the collection. No change to the program or method of collection.

Type of Review: Revision.

Affected Public: Companies enrolled in the Automated Broker Interface (ABI).

Abstract: The Automated Clearinghouse (ACH) allows participants in the Automated Broker Interface (ABI) to transmit daily statements, deferred tax, and bill payments electronically through a financial institution directly to a CBP account. ACH debit and credit allow the payer to exercise more control over the payment process. In order to participate in ACH debit or credit, companies must complete CBP Form 400 (for debit) or 401 (for credit), *ACH Application.* Participants also use this form to notify CBP of changes to bank information or contact information. The ACH procedure is authorized by 19 U.S.C. 58a-58c and 66 and provided for by 19 CFR 24.25 and 24.26. CBP Forms 400 and 401 are accessible at *https://www.cbp.gov/newsroom/publications/forms.*

Type of Information Collection: Form 400 ACH Debit.

Estimated Number of Respondents: 6,710.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 6,710.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 559.

Type of Information Collection: Form 401 ACH Credit.

Estimated Number of Respondents: 144.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 144.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 12.

Dated: August 6, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–17824 Filed 8–9–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National

Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alaska: Valdez-Cordova Census Area (FEMA Docket No.: B–2056).	City of Valdez (19–10–0070P)	The Honorable Jeremy O'Neil, Mayor, City of Valdez, P.O. Box 307, Valdez, AK 99686	City Hall, 212 Chenega Avenue, Valdez, AK 99686	Nov. 13, 2020	020094
Florida:					
Clay (FEMA Docket No.: B–2417).	Unincorporated Areas of Clay County (23–04–0524P)	Howard Wanamaker, Manager, Clay County, P.O. Box 1366, Green Cove Springs, FL 32043	Clay County Public Works Department, 5 Esplanade Avenue, Green Cove Springs, FL 32043	Jun. 14, 2024	120064
Duval (FEMA Docket No.: B–2417).	City of Jacksonville (23–04–0524P)	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202	Edward Ball Building Development Services, 214 North Hogan Street, Room 2100, Jacksonville, FL 32202	Jun. 14, 2024	120077
Duval (FEMA Docket No.: B–2417).	City of Jacksonville (23–04–3892P)	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202	Edward Ball Building Development Services, 214 North Hogan Street, Room 2100, Jacksonville, FL 32202	Jun. 21, 2024	120077
Idaho:					
Lincoln (FEMA Docket No.: B–2417).	City of Shoshone (23–10–0335P)	The Honorable Dan Pierson, Mayor, City of Shoshone, 207 South Rail Street, West Shoshone, ID 83352	Lincoln County Courthouse, 111 West B Street #C, Shoshone, ID 83352	May 23, 2024	160096
Lincoln (FEMA Docket No.: B–2417).	Unincorporated Areas of Lincoln County (23–10–0335P)	Rebecca Wood, County Commissioner, Lincoln County, 111 West B Street #C, Shoshone, ID 83352	Lincoln County Courthouse, 111 West B Street #C, Shoshone, ID 83352	May 23, 2024	160216
Illinois: Will (FEMA Docket No.: B–2429).	Unincorporated Areas of Will County (23–05–2762P)	Jennifer Bertino-Tarrant, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432	Will County Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432	Jun. 26, 2024	170695
Indiana:					
Marion (FEMA Docket No.: B–2429).	City of Indianapolis (23–05–1479P)	The Honorable Joe Hogsett, Mayor, City of Indianapolis, City-County Building, 200 East Washington Street, Suite 2501, Indianapolis, IN 46204	City Hall, 1200 Madison Avenue, Suite 100, Indianapolis, IN 46225	Jul. 10, 2024	180159
Hamilton (FEMA Docket No.: B–2417).	City of Westfield (22–05–3141P)	The Honorable Andy Cook, Mayor, City of Westfield, 2728 East 171St Street, Westfield, IN 46074	Town Hall, 130 Penn Street, Westfield, IN 46074	May 28, 2024	180083
Iowa: Warren (FEMA Docket No.: B–2417).	City of Norwalk (23–07–0588P)	The Honorable Tom Phillips, Mayor, City of Norwalk, City Hall, 705 North Avenue, Norwalk, IA 50211	Community Development and Planner's Office, 705 North Avenue, Norwalk, IA 50211	May 24, 2024	190631
Kansas: Sedgwick (FEMA Docket No.: B–2417).	City of Wichita (23–07–0427P)	The Honorable Brandon Whipple, Mayor, City of Wichita, 455 North Main, 1st Floor, Wichita, KS 67202	Office of Storm Water Management, 455 North Main Street, 8th Floor, Wichita, KS 67202	Jun. 3, 2024	200328
Michigan:					
Macomb (FEMA Docket No.: B–2417).	Charter Township of Shelby (22–05–2880P)	Richard Stathakis, Supervisor, Board of Trustees, Charter Township of Shelby, 52700 Van Dyke Avenue, Shelby Township, MI 48316	Municipal Offices, 52700 Van Dyke Avenue, Shelby Township, MI 48316	May 6, 2024	260126
Macomb (FEMA Docket No.: B–2417).	City of Utica (22–05–2880P)	The Honorable Gus Calandrino, Mayor, City of Utica, 7550 Auburn Road, Utica, MI 48087	City Hall, 7550 Auburn Road, Utica, MI 48087	May 6, 2024	260608
Oakland (FEMA Docket No.: B–2417).	City of Southfield (23–05–1231P)	The Honorable Kenson J. Siver, Mayor, City of Southfield, 26000 Evergreen Road, Southfield, MI 48037	City Hall, 26000 Evergreen Road, Southfield, MI 48037	Jun. 21, 2024	260179
Minnesota:					
Lyon (FEMA Docket No.: B–2417).	City of Ghent (22–05–2884P)	The Honorable Doug Anderson, Mayor, City of Ghent, P.O. Box 97, Ghent, MN 56239	City Hall, 107 North Chapman Street, Ghent, MN 56239	May 24, 2024	270257
Lyon (FEMA Docket No.: B–2417).	Unincorporated Areas of Lyon County (22–05–2884P)	Rick Anderson, Chair, Lyon County Board of Commissioners, 2332 140th Street, Balaton, MN 56115	Lyon County Planning and Zoning Department, 1424 East College Drive #600, Marshall, MN 56258	May 24, 2024	270256

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Missouri:					
St. Louis (FEMA Docket No.: B–2417).	City of Ladue (23–07–0790P)	The Honorable Nancy Spewak, Mayor, City of Ladue, 9345 Clayton Road, Ladue, MO 63141	Public Works Department, 9345 Clayton Road, Ladue, MO 63141	May 20, 2024	290363
St. Louis (FEMA Docket No.: B–2417).	City of Rock Hill (23–07–0790P)	The Honorable Edward Mahan, Mayor, City of Rock Hill, 827 North Rock Hill Road, Rock Hill, MO 63119	City Hall, 320 West Thornton Avenue, Rock Hill, MO 63119	May 20, 2024	290382
New Jersey: Mercer (FEMA Docket No.: B–2417).	Borough of Hightstown (23–02–0254P)	The Honorable Susan Bluth, Mayor, Borough of Hightstown, 156 Bank Street, Hightstown, NJ 08520	Clerk's Office, 156 Bank Street, Hightstown, NJ 08520	May 24, 2024	340247
New York:					
Clinton (FEMA Docket No.: B–2417).	Town of Black Brook (23–02–0675P)	Jon Douglass, Supervisor, Town of Black Brook, 18 North Main Street, AuSable Forks, NY 12912	Town Hall, 18 North Main Street, AuSable, NY 12912	Jun. 20, 2024	361309
Clinton (FEMA Docket No.: B–2417).	Town of Schuyler Falls (23–02–0675P)	Kevin Randall, Supervisor, Town of Schuyler Falls, Town Hall, P.O. Box 99, Morrisonville, NY 12962	Town Office, 997 Mason Street, Schuyler Falls, NY 12962	Jun. 20, 2024	360172
Rockland (FEMA Docket No.: B–2405).	Town of Clarkstown (23–02–0495P)	George Hoehmann, Supervisor, Town of Clarkstown, 10 Maple Avenue, New City, NY 10956	Town Hall, 10 Maple Avenue, New City, NY 10956	May 22, 2024	360679
Ohio:					
Delaware: (FEMA Docket No.: B–2417).	Unincorporated Areas of Delaware County (23–05–2724P)	Jeff Benton, Chair, Delaware County Board of Commissioners, 91 North Sandusky Street, Delaware, OH 43015	Delaware County Building Regulations, 50 Channing Street, South Wing, Delaware, OH 43015	May 9, 2024	390146
Lorain (FEMA Docket No.: B–2429).	City of North Ridgeville (23–05–0136P)	The Honorable Kevin Corcoran, Mayor, City of North Ridgeville, City Hall, 7307 Avon Belden Road, North Ridgeville, OH 44039	City Hall, 7307 Avon Belden Road, North Ridgeville, OH 44039	Jul. 5, 2024	390352
Lucas (FEMA Docket No.: B–2429).	City of Toledo (23–05–2723P)	The Honorable Wade Kapszukiewicz, Mayor, City of Toledo, 1 Government Center, 640 Jackson Street, Toledo, OH 43604	Department of Inspection, 1 Government Center, Suite 1600, Toledo, OH 43604	Jul. 8, 2024	395373
Lucas (FEMA Docket No.: B–2429).	Unincorporated Areas of Lucas County (23–05–2723P)	Jessica Ford, Administrator, Lucas County, 1 Government Center, Suite 800, Toledo, OH 43604	Lucas County Engineer's Office, 1049 South McCord Road, Holland, OH 43528	Jul. 8, 2024	390359
Montgomery (FEMA Docket No.: B–2417).	City of Centerville (23–05–1144P)	The Honorable Brooks Compton, Mayor, City of Centerville, City Offices, 350 Roselake Drive, Centerville, OH 45458	Municipal Government Center, 100 West Spring Valley Road, Centerville, OH 45458	Jun. 21, 2024	390408
Oregon: Multnomah (FEMA Docket No.: B–2417).	City of Portland (23–10–0473P)	The Honorable Ted Wheeler, Mayor, City of Portland, 1221 Southwest 4th Avenue, Room 340, Portland, OR 97204	Bureau of Environmental Services, 1221 Southwest 4th Avenue, Room 230, Portland, OR 97204	May 24, 2024	410183
South Carolina:					
Richland FEMA Docket No.: B–2429).	City of Columbia (23–04–4451P)	The Honorable Daniel J. Rickenmann, Mayor, City of Columbia, 1737 Main Street, Columbia, SC 29201	Department of Utilities and Engineering, 1136 Washington Street, Columbia, SC 29201	Jul. 1, 2024	450172
Richland FEMA Docket No.: B–2429).	City of Forest Acres (23–04–4451P)	The Honorable Thomas Andrews, Mayor, City of Forest Acres, City Hall, 5209 North Trenholm Road, Forest Acres, SC 29206	City Hall, 5209 North Trenholm Road, Forest Acres, SC 29206	Jul. 1, 2024	450174
Richland FEMA Docket No.: B–2429).	Unincorporated Areas of Richland County (23–04–4451P)	Jesica Mackey, Chair, Richland County, P.O. Box 192, Columbia, SC 29201	Richland County Department of Public Works, 400 Powell Road, Columbia, SC 29203	Jul. 1, 2024	450170

[FR Doc. 2024–17833 Filed 8–9–24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002; Internal Agency Docket No. FEMA–B–2454]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these

changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alaska: Valdez-Cordova Census Area.	City of Valdez (23–10–0729P)	John Douglas, Manager, City of Valdez, P.O. Box 307, Valdez, AK 99686	Planning Department, 212 Chenega Avenue, Valdez, AK 99686	*https://msc.fema.gov/portal/advanceSearch*	Oct. 18, 2024	020094
Colorado:						
Arapahoe	City of Aurora (23–08–0511P)	The Honorable Mike Coffman, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012	Public Works Department, 15151 East Alameda Parkway, Suite 3200, Aurora, CO 80012	*https://msc.fema.gov/portal/advanceSearch*	Oct. 25, 2024	080002
Arapahoe	Unincorporated areas of Arapahoe County (23–08–0511P)	Carrie Warren-Gully, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 89112	*https://msc.fema.gov/portal/advanceSearch*	Oct. 25, 2024	080011
Boulder	City of Boulder (23–08–0614P)	The Honorable Aaron Brockett, Mayor, City of Boulder, 1777 Broadway, Boulder, CO 80302	City Hall, 1777 Broadway, Boulder, CO 80302	*https://msc.fema.gov/portal/advanceSearch*	Nov. 18, 2024	080024
Douglas	Town of Castle Rock (23–08–0519P)	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104	Utilities Department, 175 Kellogg Court, Castle Rock, CO 80109	*https://msc.fema.gov/portal/advanceSearch*	Nov. 8, 2024	080050
Douglas	Town of Parker (23–08–0527P)	The Honorable Jeff Toborg, Mayor, Town of Parker, 20120 East Main Street, Parker, CO 80138	Public Works and Engineering Department, 20120 East Main Street, Parker, CO 80138	*https://msc.fema.gov/portal/advanceSearch*	Nov. 8, 2024	080310
Jefferson	City of Lakewood (24–08–0107P)	The Honorable Wendi Strom, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226	Public Works and Engineering Department, 480 South Allison Parkway, Lakewood, CO 80226	*https://msc.fema.gov/portal/advanceSearch*	Nov. 22, 2024	085075

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Delaware: Sussex	City of Rehoboth Beach (24–03–0249P)	The Honorable Stan Mills, Mayor, City of Rehoboth Beach, 229 Rehoboth Avenue, Rehoboth Beach, DE 19971	Building and Licensing Department, 229 Rehoboth Avenue, Rehoboth Beach, DE 19971	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	105086
Florida:						
Bay	Unincorporated areas of Bay County (23–04–1974P)	Robert Majka, Bay County Manager, 840 West 11th Street, Panama City, FL 32401	Bay County Government Center, 840 West 11th Street, Panama City, FL 32401	*https://msc fema gov/portal/advanceSearch*	Nov. 5, 2024	120004
Hillsborough ...	City of Tampa (23–04–5115P)	The Honorable Jane Castor, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602	City Hall, 306 East Jackson Street, Tampa, FL 33602	*https://msc fema gov/portal/advanceSearch*	Nov. 25, 2024	120114
Lee	Unincorporated areas of Lee County (23–04–5900P)	David Harner, Manager, Lee County, 2115 2nd Street, Fort Myers, FL 33901	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901	*https://msc fema gov/portal/advanceSearch*	Oct. 30, 2024	125124
Monroe	Village of Islamorada (24–04–2987P)	The Honorable Joseph ''Buddy'' Pinder III, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036	Village Hall, 86800 Overseas Highway, Islamorada, FL 33036	*https://msc fema gov/portal/advanceSearch*	Nov. 8, 2024	120424
Orange	City of Orlando (24–04–1693P)	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	120186
Palm Beach ...	Unincorporated areas of Palm Beach County (24–04–0141P)	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401	Palm Beach County Building Division, Planning Zoning and Building Department, 2300 North Jog Road, 1st Floor, Room 1E–17, West Palm Beach, FL 33411	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	120192
Palm Beach ...	Unincorporated areas of Palm Beach County (24–04–0346P)	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401	Palm Beach County Building Division, Planning Zoning and Building Department, 2300 North Jog Road, 1st Floor, Room 1E–17, West Palm Beach, FL 33411	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	120192
Sumter	City of Wildwood (23–04–2994P)	Jason F. McHugh. Manager, City of Wildwood, 100 North Main Street. Wildwood, FL, 34785	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785	*https://msc fema gov/portal/advanceSearch*	Nov. 1, 2024	120299
Sumter	City of Wildwood (23–04–3894P)	Jason F. McHugh, Manager, City of Wildwood, 100 North Main Street, Wildwood, FL 34785	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785	*https://msc fema gov/portal/advanceSearch*	Nov. 4, 2024	120299
Sumter	Unincorporated areas of Sumter County (23–04–2994P)	Craig A . Estep, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785	*https://msc fema gov/portal/advanceSearch*	Nov. 1, 2024	120296
Sumter	Unincorporated areas of Sumter County (23–04–3894P)	Craig A. Estep, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785	*https://msc fema gov/portal/advanceSearch*	Nov. 4, 2024	120296
Volusia	City of DeBary (24–04–1649P)	The Honorable Karen Chasez, Mayor, City of DeBary, 16 Colomba Road, Debary, FL 32713	City Hall, 16 Colomba Road, Debary, FL 32713	*https://msc fema gov/portal/advanceSearch*	Nov. 18, 2024	120672
Maryland:						
Frederick	City of Frederick (24–03–0557P)	The Honorable Michael O'Connor, Mayor, City of Frederick, 101 North Court Street, Frederick, MD 21701	City Hall, 140 West Patrick Street, Frederick, MD 21701	*https://msc fema gov/portal/advanceSearch*	Nov. 4, 2024	240030
Frederick	Unincorporated areas of Frederick County (24–03–0557P)	Jessica Fitzwater, Frederick County Executive, 12 East Church Street, Frederick, MD 21701	Frederick County Government Center, 12 East Church Street, Frederick, MD 21701	*https://msc fema gov/portal/advanceSearch*	Nov. 4, 2024	240027
Pennsylvania:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Lehigh	Township of Lower Macungie (24–03–0106P)	Brian P. Higgins, President, Township of Lower Macungie, Board of Commissioners, 3400 Brookside Road, Macungie, PA 18062	Township Hall, 3400 Brookside Road, Macungie, PA 18062	*https://msc fema gov/portal/advanceSearch*	Nov. 4, 2024	420589
Luzerne	Borough of Plymouth (24–03–0555P)	Ron Kobusky, President, Borough of Plymouth Council, 162 West Shawnee Avenue, Plymouth, PA 18651	Borough Hall, 162 West Shawnee Avenue, Plymouth, PA 18651	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	420622
Luzerne	City of Wilkes-Barre (24–03–0556P)	The Honorable George C. Brown, Mayor, City of Wilkes-Barre, 40 East Market Street, 4th Floor, Wilkes-Barre, PA 18711	Planning and Zoning Department, 40 East Market Street, 1st Floor, Wilkes-Barre, PA 18711	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	420631
Luzerne	Township of Hanover (24–03–0556P)	George L. Andrejko, Chair, Township of Hanover, Board of Commissioners, 1267 Sans Souci Parkway, Hanover Township, PA 18706	Township Hall, 1267 Sans Souci Parkway, Hanover Township, PA 18706	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	420608
Luzerne	Township of Plymouth (24–03–0555P)	James Murphy, Chair, Township of Plymouth, Board of Supervisors, 925 West Main Street, Plymouth, PA 18651	Township Hall, 925 West Main Street, Plymouth, PA 18651	*https://msc fema gov/portal/advanceSearch*	Nov. 12, 2024	420623
Texas:						
Denton	City of Corinth (24–06–0452P)	Scott Campbell, Manager, City of Corinth, 3300 Corinth Parkway, Corinth, TX 76208	Engineering Department, 1200 North Corinth Street, Corinth, TX 76208	*https://msc fema gov/portal/advanceSearch*	Nov. 18, 2024	481143
Denton	City of Frisco (24–06–0061P)	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034	City Hall, 6101 Frisco Square Boulevard, Frisco, TX 75034	*https://msc fema gov/portal/advanceSearch*	Nov. 4, 2024	480134
Denton	Unincorporated areas of Denton County (24–06–0329P)	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Suite 3100, Denton, TX 76208	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208	*https://msc fema gov/portal/advanceSearch*	Nov. 18, 2024	480774
Kaufman	City of Kaufman (24–06–0434P)	The Honorable Jeff Jordan, Mayor, City of Kaufman, 209 South Washington Street, Kaufman, TX 75142	City Hall, 209 South Washington Street, Kaufman, TX 75142	*https://msc fema gov/portal/advanceSearch*	Nov. 8, 2024	480407
Kaufman	Unincorporated areas of Kaufman County (24–06–1281P)	The Honorable Jakie Allen Kaufman, County Judge, 1902 East U.S. Highway 175, Kaufman, TX 75142	Kaufman County Development Services Department, 101 North Houston Street, Kaufman, TX 75142	*https://msc fema gov/portal/advanceSearch*	Oct. 25, 2024	480411
Kendall	Unincorporated areas of Kendall County (23–06–2463P)	The Honorable Shane Stolarczyk, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006	Kendall County Courthouse, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006	*https://msc fema gov/portal/advanceSearch*	Oct. 15, 2024	480417
Laramie	City of Cheyenne (23–08–0495P)	The Honorable Patrick Collins, Mayor, City of Cheyenne, 2101 O'Neil Avenue, Cheyenne, WY 82001	Engineering Department, 2101 O'Neil Avenue, Suite 206, Cheyenne, WY 82001	*https://msc fema gov/portal/advanceSearch*	Oct. 15, 2024	560030
Washington DC	District of Columbia (23–03–0609P)	The Honorable Muriel Bowser, Mayor, District of Columbia, 1350 Pennsylvania Avenue Northwest, Washington, DC 20004	Department of Energy and Environment, 1200 First Street Northeast, 5th Floor, Washington, DC 20002	*https://msc fema gov/portal/advanceSearch*	Oct. 30, 2024	110001

[FR Doc. 2024–17829 Filed 8–9–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas: Benton (FEMA Docket No.: B–2431).	City of Bentonville (23–06–1761P).	The Honorable Stephanie Orman, Mayor, City of Bentonville, 305 Southwest A Street, Bentonville, AR 72712.	Engineering Department, 3200 Southwest Municipal Drive, Bentonville, AR 72712.	Jul. 8, 2024	050012
Colorado: Jefferson (FEMA Docket No.: B–2424).	Unincorporated areas of Jefferson County (23-08-0204P).	Lesley Dahlkemper, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, CO 80419.	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.	Jul. 5, 202	08008
Florida:					
Lee (FEMA Docket No.: B–2431).	Village of Estero (23–04–0983P).	The Honorable Jon McLain, Mayor, Village of Estero, 9401 Corkscrew Palms Circle, Estero, FL 33928.	Village Hall, 9401 Corkscrew Palms Circle, Estero, FL 33928.	Jul. 15, 202	12026
Lee (FEMA Docket No.: B–2431).	Unincorporated areas of Lee County (23–04–0983P).	David Harner, Lee County Manager, 2115 2nd Street, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Jul. 15, 202	125124
Monroe (FEMA Docket No.: B–2424).	Village of Islamorada (24-04-1016P).	The Honorable Joseph ''Buddy'' Pinder III, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Jul. 5, 202	12042
Orange (FEMA Docket No.: B–2424).	Unincorporated areas of Orange County (23-04-5298P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Jul. 8, 202	12017
Pasco (FEMA Docket No.: B–2431).	Unincorporated areas of Pasco County (23–04–4336P).	Ron Oakley, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, New Port Richey, FL 34654.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Jul. 11, 202	12023
Seminole (FEMA Docket No.: B–2424).	City of Sanford (23-04-6286P).	The Honorable Art Woodruff, Mayor, City of Sanford, 300 North Park Avenue, Sanford, FL 32771.	City Hall, 300 North Park Avenue, Sanford, FL 32771.	Jun. 27, 202	12029

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Volusia (FEMA Docket No.: B–2431).	City of Ormond Beach (23–04–6364P).	The Honorable Bill Partington, Mayor, City of Ormond Beach, 22 South Beach Street, Ormond Beach, FL 32174.	City Hall, 22 South Beach Street, Ormond Beach, FL 32174.	Jul. 12, 202	12513
Georgia:					
Fulton (FEMA Docket No.: B–2431).	City of Alpharetta (23–04–5816P).	The Honorable Jim Gilvin, Mayor, City of Alpharetta, 2 Park Plaza, Alpharetta, GA 30009.	City Hall, 2 Park Plaza, Alpharetta, GA 30009.	Jul. 12, 202	13008
Gwinnett (FEMA Docket No.: B–2431).	Unincorporated areas of Gwinnett County (23–04–2557P).	Nicole Love Hendrickson, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Department of Planning and Development, 446 West Crogan Street, Suite 300, Lawrenceville, GA 30046.	Jul. 15, 202	13032
Maine:					
Hancock (FEMA Docket No.: B–2424).	City of Ellsworth (22–01–0658P).	Glenn Moshier, Manager, City of Ellsworth, 1 City Hall Plaza, Ellsworth, ME 04605.	City Hall, 1 City Hall Plaza, Ellsworth, ME 04605.	Jul. 8, 202	23006
Hancock (FEMA Docket No.: B–2424).	Town of Surry (22–01–0658P).	Mary Allen, Chair, Town of Surry Board of Selectmen, 741 North Bend Road, Surry, ME 04684.	Town Hall, 741 North Bend Road, Surry, ME 04684.	Jul. 8, 202	23029
North Carolina: Henderson (FEMA Docket No.: B–2431).	City of Hendersonville (22–04–5682P).	The Honorable Barbara Volk, Mayor, City of Hendersonville, 160 6th Avenue East Hendersonville, NC 28792.	City Hall, 305 Williams Street Hendersonville, NC 28792.	Jun. 28, 202	37012
Rhode Island: Washington (FEMA Docket No.: B–2424).	Town of Westerly (24–01–0093P).	Shawn Lacey, Manager, Town of Westerly, 45 Broad Street, 2nd Floor, Westerly, RI 02891.	Building Department, 68 White Rock Road, Westerly, RI 02891.	Jul. 5, 202	44541
Tennessee:					
Davidson and Sumner (FEMA Docket No.: B–2431).	City of Goodlettsville (23–04–1929P).	The Honorable Rusty Tinnin, Mayor, City of Goodlettsville, 105 South Main Street, Goodlettsville, TN 37072.	City Hall, 318 North Main Street, Goodlettsville, TN 37072.	Jul. 8, 202	47028
Davidson (FEMA Docket No.: B–2431).	Metropolitan Government of Nashville-Davidson County (23–04–1929P).	The Honorable John Cooper, Mayor, Metropolitan Government of Nashville-Davidson County, 1 Public Square, Suite 100, Nashville, TN 37201.	Metro Water Services Administration Building, 1600 2nd Avenue North, Nashville, TN 37208.	Jul. 8, 202	47004
Sumner (FEMA Docket No.: B–2431).	City of Gallatin (23–04–4807P).	The Honorable Paige Brown, Mayor, City of Gallatin, 132 West Main Street, Gallatin, TN 37066.	City Hall, 132 West Main Street, Gallatin, TN 37066.	Jul. 12, 202	47018
Sumner (FEMA Docket No.: B–2431).	City of Hendersonville (23–04–4807P).	The Honorable Jamie Clary, Mayor, City of Hendersonville, 101 Maple Drive North, Hendersonville, TN 37075.	City Hall, 101 Maple Drive North, Hendersonville, TN 37075.	Jul. 12, 202	47018
Sumner (FEMA Docket No.: B–2431).	Unincorporated areas of Sumner County (23–04–4807P).	The Honorable John C. Isbell, Mayor, Sumner County, 355 North Belvedere Drive, Room 102, Gallatin, TN 37066.	Sumner County Administration Building, 355 North Belvedere Drive, Gallatin, TN 37066.	Jul. 12, 202	47034
Texas:					
Bell (FEMA Docket No.: B–2431).	City of Copperas Cove (23–06–1940P).	Ryan Haverlah, Manager, City of Copperas Cove, 914 South Main Street, Suite D, Copperas Cove, TX 76522.	Development Services Department, 914 South Main Street, Suite G, Copperas Cove, TX 76522.	Jul. 15, 202	48015
Bell (FEMA Docket No.: B–2431).	City of Killeen (24–06–0682P).	The Honorable Debbie Nash-King, Mayor, City of Killeen, P.O. Box 1329, Killeen, TX 76541.	City Hall, 101 North College Street, Killeen, TX 76541.	Jul. 11, 202	48003
Caldwell (FEMA Docket No.: B–2431).	City of Lockhart (24–06–0378P).	The Honorable Lew White, Mayor, City of Lockhart, P.O. Box 239, Lockhart, TX 78644.	City Hall, 308 West San Antonio Street, Lockhart, TX 78644.	Jul. 12, 202	48009
Caldwell (FEMA Docket No.: B–2431).	Unincorporated areas of Caldwell County (24–06–0378P).	The Honorable Hoppy Haden, Caldwell County Judge, 110 South Main Street, Room 101, Lockhart, TX 78644.	Caldwell County Justice Center, 1703 South Colorado Street, Lockhart, TX 78644.	Jul. 12, 202	48009
Collin (FEMA Docket No.: B–2431).	City of Plano (23–06–2014P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	Engineering Department, 1520 K Avenue, Plano, TX 75074.	Jul. 15, 202	48014
Galveston (FEMA Docket No.: B–2424).	City of League City (23–06–0963P).	John Baumgartner, City of League City Manager, 300 West Walker Street, League City, TX 77573.	City Hall, 300 West Walker Street, League City, TX 77573.	Jun. 28, 202	48548
Galveston (FEMA Docket No.: B–2424).	Unincorporated areas of Galveston County (23–06–0963P).	The Honorable Mark Henry, Galveston County Judge, 722 Moody Avenue, Galveston, TX 77550.	Galveston County Courthouse, 722 Moody Avenue, Galveston, TX 77550.	Jun. 28, 202	48547
Grayson (FEMA Docket No.: B–2424).	City of Howe (23–06–2585P).	The Honorable Karla McDonald, Mayor, City of Howe, 116 East Haning Street, Howe, TX 75459.	City Hall, 116 East Haning Street, Howe, TX 75459.	Jun. 26, 202	48083
Harris (FEMA Docket No.: B–2431).	Unincorporated areas of Harris County (22–06–2364P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 1111 Fannin Street, 8th Floor, Houston, TX 77002.	Jul. 8, 202	48028
Montgomery (FEMA Docket No.: B–2431).	City of Conroe (23–06–1878P).	The Honorable Jody Czajkoski, Mayor, City of Conroe, 300 West Davis Street, Conroe, TX 77301.	City Hall, 700 Metcalf Street, Conroe, TX 77301.	Jun. 27, 202	48048

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Montgomery (FEMA Docket No.: B–2431).	Unincorporated areas of Montgomery County (23–06–1878P).	The Honorable Mark J. Keough, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Alan B. Sadler Commissioners' Court Building, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Jun. 27, 202	48048
Tarrant (FEMA Docket No.: B–2431).	City of Fort Worth (23–06–0416P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Jul. 1, 202	48059
Tarrant (FEMA Docket No.: B–2431).	City of Fort Worth (23–06–1452P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Jul. 15, 202	48059
Tarrant (FEMA Docket No.: B–2431).	City of Grand Prairie (23–06–2070P).	The Honorable Ron Jensen, Mayor, City of Grand Prairie, 300 West Main Street, Grand Prairie, TX 75050.	Stormwater Department, 300 West Main Street, Grand Prairie, TX 75050.	Jul. 15, 202	48547
Tarrant (FEMA Docket No.: B–2431).	City of Haltom City (23–06–1452P).	The Honorable An Truong, Mayor, City of Haltom City, 5024 Broadway Avenue, Haltom City, TX 76117.	Public Works Department, 4200 Hollis Street, Haltom City, TX 76111.	Jul. 15, 202	48059
Tarrant (FEMA Docket No.: B–2431).	City of Keller (23–06–1786P).	The Honorable Armin Mizani, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	Public Works Department, 1100 Bear Creek Parkway, Keller, TX 76248.	Jul. 15, 202	48060
Virginia: Prince William (FEMA Docket No.: B–2431).	Unincorporated areas of Prince William County (23–03–0600P).	Christopher Shorter, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	Jul. 5, 202	51011

[FR Doc. 2024–17832 Filed 8–9–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002; Internal Agency Docket No. FEMA–B–2449]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before November 12, 2024.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2449, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been

engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
San Diego County, California and Incorporated Areas Project: 20–09–0017S Preliminary Date: December 8, 2023	
City of San Diego	Stormwater Department, 9370 Chesapeake Drive, Suite 100, San Diego, CA 92123.
City of Santee	City Hall, Engineering Department, 10601 Magnolia Avenue, Santee, CA 92071.
Unincorporated Areas of San Diego County	San Diego County Operations Center, 5510 Overland Avenue, Suite 410, MS 0326, San Diego, CA 92123.
Santa Barbara County, California and Incorporated Areas Project: 20–09–0018S Preliminary Date: March 26, 2024	
City of Buellton	City Hall, 107 West Highway 246, Buellton, CA 93427.
City of Carpinteria	Public Works Department, 5775 Carpinteria Avenue, Carpinteria, CA 93013.
City of Santa Barbara	Community Development Department, Building and Safety Division, 630 Garden Street, Santa Barbara, CA 93101.
City of Solvang	Department of Public Works, 411 2nd Street, Solvang, CA 93463.
Unincorporated Areas of Santa Barbara County	Naomi Schwartz County Office Building, 130 East Victoria Street, Suite 200, Santa Barbara, CA 93101.

[FR Doc. 2024–17830 Filed 8–9–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002; Internal Agency Docket No. FEMA–B–2453]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before November 12, 2024.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2453, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other

Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Washington County, New York (All Jurisdictions) Project: 19–02–0021S Preliminary Date: December 15, 2023	
Town of Argyle	Municipal Building, 41 Main Street, Argyle, NY 12809.
Town of Cambridge	Town Hall, 846 County Route 59, Cambridge, NY 12816.
Town of Dresden	Dresden Town Hall, 102 Clemons Center Road, Clemons, NY 12819.
Town of Easton	Town of Easton Burton Hall, 1071 State Route 40, Greenwich, NY 12834.
Town of Fort Ann	Town Hall, 80 George Street, Fort Ann, NY 12827.
Town of Fort Edward	Town Hall, 118 Broadway, Fort Edward, NY 12828.
Town of Granville	Town Hall, 14 East Main Street, Granville, NY 12832.
Town of Greenwich	Town Hall, 2 Academy Street, Greenwich, NY 12834.
Town of Hampton	Town Hall, 2629 State Route 22A, Hampton, NY 12837.
Town of Hartford	Town Hall, 165 Hartford Main Street, Hartford, NY 12838.
Town of Hebron	Hebron Town Office, 3161 County Route 30, Salem, NY 12865.
Town of Jackson	Jackson Town Hall, 2355 State Route 22, Cambridge, NY 12816.
Town of Kingsbury	Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, NY 12839.
Town of Putnam	Putnam Town Hall, 14 Putnam Center Road, Putnam Station, NY 12861.
Town of Salem	Town Hall, 214 Main Street, Salem, NY 12865.
Town of White Creek	Town of White Creek Major General John Wilson Sprag Building, 28 Mountainview Drive, Cambridge, NY 12816.
Town of Whitehall	Town Hall, 57 Skenesborough Drive, Suite 1, Whitehall, NY 12887.
Village of Argyle	Washington County Municipal Center Building, 383 Broadway, Fort Edward, NY 12828.
Village of Cambridge	Village Offices, 56 North Park Street, Cambridge, NY 12816.
Village of Fort Ann	Town Hall, 80 George Street, Fort Ann, NY 12827.
Village of Fort Edward	Village Hall, 118 Broadway, Fort Edward, NY 12828.
Village of Granville	Village Municipal Center, 51 Quaker Street, Granville, NY 12832.
Village of Greenwich	Village Office, 6 Academy Street, Greenwich, NY 12834.
Village of Hudson Falls	Village Hall, 220 Main Street, Hudson Falls, NY 12839.
Village of Whitehall	Village of Whitehall Municipal Center, 57 Skenesborough Drive, Suite 2, Whitehall, NY 12887.
City of Franklin, Virginia (Independent City) Project: 20–03–0036S Preliminary Date: August 15, 2023	
City of Franklin	City Hall, 207 West 2nd Avenue, Franklin, VA 23851.

[FR Doc. 2024–17831 Filed 8–9–24; 8:45 am]

BILLING CODE 9111–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2024–0015]

National Security Telecommunications Advisory Committee

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: Notice of open Federal advisory committee meeting; request for comments.

SUMMARY: CISA is publishing this notice to announce the President's National Security Telecommunications Advisory Committee (NSTAC) meeting on August 27, 2024. The public can access the meeting via teleconference.

DATES:

Meeting Registration: Registration to attend the meeting via teleconference is required and must be received no later than 5:00 p.m. Eastern Daylight Time (EDT) on August 23, 2024. For more information on how to participate, please contact *NSTAC@cisa.dhs.gov.*

Speaker Registration: Registration to speak during the meeting's public comment period must be received no later than 5:00 p.m. EDT on August 20, 2024.

Written Comments: Written comments must be received no later than 5:00 p.m. EDT on August 20, 2024.

Meeting Date: The NSTAC will meet via video teleconference on August 27, 2024, from 2:00 to 3:00 p.m. EDT. The meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held via teleconference. For access to the teleconference, or to request special assistance, please email *NSTAC@cisa.dhs.gov* by 5:00 p.m. EDT on August 20, 2024. The NSTAC is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

Comments: Members of the public are invited to provide comments on issues that will be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated materials that may be discussed during the meeting will be made available for review at *https://www.cisa.gov/nstac* prior to the day of the meeting. Comments should be submitted by 5:00 p.m. EDT on August 20, 2024, and must be identified by Docket Number CISA–2024–0015. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Please follow the instructions for submitting written comments.
- *Email: NSTAC@cisa.dhs.gov.* Include the Docket Number CISA–2024–0015 in the subject line of the email.

Instructions: All submissions received must include the words ''Cybersecurity and Infrastructure Security Agency'' and the Docket Number for this action. Comments received will be posted without alteration to *www.regulations.gov,* including any personal information provided. You may wish to review the Privacy & Security Notice available via a link on the homepage of *www.regulations.gov.*

Docket: For access to the docket and comments received by the NSTAC, please go to *www.regulations.gov* and enter docket number CISA–2024–0015.

A public comment period is scheduled to be held during the meeting from 2:15 to 2:25 p.m. EDT. Speakers who wish to participate in the public comment period must email *NSTAC@cisa.dhs.gov* to register. Speakers should limit their comments to three minutes and will speak in order of registration. Please note that the public comment period may end before the time indicated, following the last request for comments.

FOR FURTHER INFORMATION CONTACT: Christina Berger, 202–701–6354, *NSTAC@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: The NSTAC is established under the authority of Executive Order (E.O.) 12382, dated September 13, 1982, as amended by E.O. 13286 and 14048, continued under the authority of E.O. 14109, dated September 30, 2023. Notice of this meeting is given under Federal Advisory Committee Act (FACA), 5 U.S.C. chapter 10. The NSTAC advises the President on matters related to national security and emergency preparedness (NS/EP) telecommunications and cybersecurity policy.

Agenda: The NSTAC will hold a meeting via teleconference on Tuesday, August 27, 2024, from 2:00 to 3:00 p.m. EDT to discuss current NSTAC activities and the government's ongoing cybersecurity and NS/EP communications initiatives. This meeting is open to the public and will include: (1) remarks from the administration and CISA leadership on salient NS/EP and cybersecurity efforts; (2) discuss and provide background on potential study topics; and (3) a status update on the Principles for Baseline Security Offerings from Cloud Service Providers Study.

Dated: August 1, 2024.

Christina Berger,

Designated Federal Officer, National Security Telecommunications Advisory Committee, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2024–17790 Filed 8–9–24; 8:45 am]

BILLING CODE 9111–LF–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7080–N–39]

30-Day Notice of Proposed Information Collection: ConnectHomeUSA; OMB Control No.: 2577–New

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 11, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; telephone (202) 402–3400 (this is not a toll-free number) or email: *PaperworkReductionActOffice@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email *Colette.Pollard@hud.gov* or

telephone (202) 402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 26, 2024 at 89 FR 20994.

A. Overview of Information Collection

Title of Information Collection: ConnectHomeUSA Community Reporting Forms.

OMB Approval Number: N/A.

Type of Request: New.

Form Number: Form numbers have not yet been assigned.

Description of the need for the information and proposed use: These are new forms that will allow HUD to capture characteristics (*e.g.,* urban/rural, building configuration, construction materials, geographic locations (*e.g.* rural, suburban)) of communities that are selected to join the ConnectHomeUSA initiative. The forms will also allow communities to submit their goals and progress to HUD. The information submitted will allow HUD staff to monitor participating communities' progress and provide technical assistance to communities falling short of their goals.

Respondents: Staff responsible for ConnectHomeUSA activities working at Public Housing Authorities, tribes, Multifamily properties, Continuum of Care and Housing Opportunities for Persons with AIDS (HOPWA) grantees.

Estimated Number of Respondents: 150.

Estimated Number of Responses: 900 in year 1; 600 in subsequent years.

Frequency of Response: Two forms will be used once, the third form will be used quarterly over a period of three years.

Average Hours per Response: Total estimated burden for all three forms is 6.

Total Estimated Burdens: 1,800 hours in year 1; 1,200 hours in years 2 and 3.

HUD-form	Total respondents	# Responses per year	Burden hours per response	Total hours per year	Cost per hour	($) Total cost
1 General Community Form	150	1	1	150	$22.46	$3,369
2 ConnectHome USA Goal-Setting Form	150	1	3	450	22.46	10,107
3 ConnectHomeUSA Quarterly Reporting	150	4	2	1,200	22.46	26,952
Totals	900	6	6	1,800	22.46	40,428

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency'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 those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2024–17806 Filed 8–9–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6473–N–01]

Request for Information for HUD's Choice Neighborhoods Grant Selection Process and Award Implementation

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (HUD).

ACTION: Request for information.

SUMMARY: The Department of Housing and Urban Development (HUD) seeks public input on the Choice Neighborhoods (CN) grant program. The purpose of this Request for Information (RFI) is to better understand the opportunities and barriers to applying for and subsequently managing Choice Neighborhoods Planning and Implementation Grants. HUD is especially interested in comments to reduce or eliminate barriers with the goal of improving the application process for all prospective applicants and expediting the expenditure of grant funds for awardees.

DATES: Comment Due Date: October 11, 2024. Late-filed comments will be considered to the extent practicable.

ADDRESSES: HUD invites interested persons to submit comments responsive to this RFI. All submissions must refer to the docket number and title of the RFI. Commenters are encouraged to identify the topic and number of the specific question(s) to which they are responding. Comments may include the name(s) of the person(s) or organization(s) filing the comment; however, because any responses received by HUD will be publicly available, comments should not include any personally identifiable information or confidential commercial information. There are two methods for submitting public comments.

1. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit

comments electronically through *www.regulations.gov.* Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through *www.regulations.gov* can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that website to submit comments electronically.

2. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. To receive consideration as a public comment, comments must be submitted through one of the two methods specified above.

Public Inspection of Public Comments. HUD will make all properly submitted comments and communications available for public inspection and copying during regular business hours at the above address. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the public comments by calling the Regulations Division at 202–708–3055 (not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Chris White, Neighborhood and Community Investment Specialist, Choice Neighborhoods Program, Office of Public Housing Investments, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone 202–402–5599 (not a toll-free number), email *W.Chris.White@hud.gov.* 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

Choice Neighborhoods is a competitive grant program focused on the revitalization of severely distressed public and/or HUD-assisted housing and the surrounding neighborhood. Since 2010, Congress has funded the Choice Neighborhoods Program through appropriations acts.[1] The program and funding authority for the Choice Neighborhoods Program is the authorizing statute for HOPE VI, Section 24 of the U.S. Housing Act of 1937 (42 U.S.C. 1437v), as applied by annual appropriation acts.[2]

HUD awards two types of Choice Neighborhoods grants annually: Implementation Grants and Planning Grants. Implementation Grants provide Public Housing Agencies (PHAs), local governments, and tribal entities up to $50 million to replace severely distressed HUD-assisted housing with new, high-quality, mixed-income housing. Implementation Grants also fund companion investments in the surrounding neighborhood and resident supportive services. Planning Grants provide PHAs, local governments, Tribal entities, and nonprofits up to $500,000 to create a community-driven ''Transformation Plan'' that addresses the program's ''Housing, People, and Neighborhood'' goals (see FY2023 Choice Neighborhoods Implementation Grants Notice of Funding Opportunity (NOFO) [3] and the FY2024 Choice Neighborhoods Planning Grant NOFO).[4]

The Choice Neighborhoods NOFOs outline the program's three core goals and objectives.

1. Housing Goal and Objectives

Housing Goal. The housing goal is to replace severely distressed public and HUD-assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood.

Housing Objectives. Housing transformed with the assistance of Choice Neighborhoods should be:

- Well-Managed and Financially Viable. Developments that have budgeted appropriately for the rental income that can be generated from the project and meet or exceed industry standards for quality management and maintenance of the property.
- Mixed-Income. Housing that is affordable to families and individuals with a broad range of incomes including low-income, moderate-income, and market rate/unrestricted.
- Energy Efficient, Climate Resilient, and Sustainable. Housing that has low per unit energy and water consumption and is built to be resilient to local disaster risk and other climate impacts.
- Accessible, Healthy, and Free from Discrimination. Housing that is well-designed, meets federal accessibility requirements and embraces concepts of visitability and universal design, has healthy indoor air quality, has affordable broadband internet access, and is free from discrimination.

2. People Goal and Objectives

People Goal. The people goal is to improve outcomes of households living in the target housing related to income and employment, health, and education.

People Objectives. Residents who live in the target and replacement housing before and after redevelopment benefit from:

- Effective Education. A high level of resident access to high-quality early learning programs and services so children enter kindergarten ready to learn and quality schools and/or educational supports that ultimately prepare students to graduate from high school, college- and/or career-ready.
- Income and Employment Opportunities. The income of residents, particularly wage income for non-elderly/non-disabled adult residents, increases over time.
- Quality Health Care. Residents have increased access to health services and have improved physical and mental health over time.
- Housing Location, Quality, and Affordability. Residents of the target housing who, by their own choice, do not return to the development have housing and neighborhood opportunities as good as or better than the opportunities available to those who occupy the redeveloped site.

3. Neighborhood Goal and Objectives

Neighborhood Goal. The neighborhood goal is to create the conditions necessary for public and private reinvestment in distressed neighborhoods to offer the kinds of amenities and assets, including safety, good schools, and commercial activity, that are important to families' choices about their community.

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[1] The Department of Housing and Urban Development Appropriations Act, 2010 (Pub. L. 111–117, enacted on December 16, 2009).

[2] The Department of Housing and Urban Development Appropriations Act, 2010 (Pub. L. 111–117, enacted on December 16, 2009).

[3] *https://www.hud.gov/sites/dfiles/PIH/images/FY23ChoiceImplementationFR-6700-N-34(mod).pdf.*

[4] *https://www.hud.gov/sites/dfiles/PIH/documents/FY24_CN_Planning_Grants_NOFO_FR-6800-N-38.pdf.*

Neighborhood Objectives. Through investments catalyzed by Choice Neighborhoods, the neighborhood will have improved:

- Housing Quality and Variety. The neighboring housing has a lower vacancy/abandonment rate, is high quality and well-maintained, and has an appropriate mix of rental and homeownership units to meet resident needs. The neighborhood better supports families with a broad range of incomes.
- Economic Opportunity. The neighborhood attracts and maintains a diverse mix of businesses and employers to create meaningful jobs and economic opportunities for residents, respond to local needs, and address long-term disinvestment.
- Community Assets and Amenities. The neighborhood includes community amenities found in higher opportunity areas, such as grocery stores and fresh food options, retail goods and services, financial institutions, medical and health facilities, parks and greenspace, public transit, high-quality early learning programs, and high performing public schools.
- Community Confidence. The neighborhood image reflects a healthy, livable, and equitable community that honors its history and embraces a positive outlook for the future. There is an enhanced sense of place and a visibly improved built environment. Long-term residents choose to stay and have the support to do so, and new residents likewise choose to live in the revitalized neighborhood.
- Public Safety. Residents feel safer in their homes and spending time in the revitalized community and the neighborhood has lower crime rates than prior to redevelopment.[5]

II. Solicitation of Public Comments

This RFI seeks input from the public regarding the opportunities and barriers to applying for and subsequently implementing Choice Neighborhoods grants. Information from this RFI may be used to improve the NOFOs and application submission process for Choice Neighborhoods. HUD may also consider information gathered under this RFI to simplify or streamline certain non-regulatory requirements or processes for Choice Neighborhoods grantees. Therefore, HUD is especially interested in comments to reduce or eliminate barriers during the application and award implementation process and/or during the grant performance period.

Information will also be used to inform marketing strategies to promote the Choice Neighborhoods program to eligible applicants. HUD is particularly interested in expanding the program's reach to communities of all sizes, including large urban areas, mid-sized cities, small towns, rural areas and tribal jurisdictions. Therefore, HUD is interested in feedback from a diversity of stakeholders to ensure the program is accessible to these groups during the application period, and that they are positioned for success post award.

To better understand applicant and grantee experiences with Choice Neighborhoods, this RFI is seeking comments on program NOFOs, application requirements, post-award grant requirements, and additional considerations on the program's goals and their alignment with existing needs across different communities. To assist HUD in its review of the comments received, the Department categorizes its questions into the following topics: A. Pre-Award: Application Experience and NOFO Requirements; B. Post-Award: Program Experience and Requirements; and C. General. Public comments outside of these topics are also welcome. For each topic, questions present the types of stakeholder insights and information related to the Choice Neighborhoods Program that the Department requests, as applicable.

A. Pre-Award: Application Experience and NOFO Requirements

1. Please describe your or your organization's experience, if any, with the current Choice Neighborhoods Planning or Implementation grant application process or program. Are you representing a current grantee, past applicant, industry group, or partner?

2. If you previously applied for a Choice Neighborhoods grant, what worked well through the application process? Are there any rating factors or requirements in the Planning or Implementation Grants NOFOs that are particularly important to maintain?

3. Are there any Choice Neighborhoods application requirements in Planning or Implementation Grants NOFOs that are unnecessary or complicated, and could be streamlined or removed? Please provide any recommendations for how such requirements should be revised. Be specific.

4. Are there any Choice Neighborhoods application or NOFO requirements that make an application difficult or impossible? If you consider the size of your city or community as a factor, please indicate and describe how.

5. Do you have difficulty understanding any portion or section of the Choice Neighborhoods NOFOs or program requirements? Are there particular areas that you feel could be articulated more clearly or in plain English?

6. What steps can HUD take to support applicants through the planning, preparation, and submission of an application? Example suggestions could include public briefings, NOFO webinars, marketing/promotional materials in plain English, and other publicly available materials.

7. If you have ever considered applying for a Choice Neighborhoods Planning or Implementation Grant and elected *not* to do so, why did you not apply? What specific concerns, if any, do you have about the process and how might HUD address those concerns?

8. For Tribal Entities, are there specific requirements in the NOFO which make it challenging for you to apply for a grant?

9. For Tribal Entities, are there inconsistencies among the housing, people or neighborhood goals and objectives of the Choice Neighborhoods program, as outlined in the NOFO, and the goals and objectives of your tribe, which impact your ability to apply for and receive a Choice Neighborhoods grant?

B. Post-Award: Program Experience and Requirements

10. Are there any program goals, processes, policies, or requirements that are working well? Are there any processes or requirements with the Planning or Implementation Grants that are particularly important to maintain?

11. Are there any Choice Neighborhoods program requirements affecting Planning or Implementation grantees that are unnecessary or complicated, and could be streamlined or removed? (*e.g.,* budget revision process, CN Inform data system, Planning Grant Transformation Plan deliverables). Please provide recommendations for how such requirements could be revised. Be specific.

12. Are there any processes that, if streamlined, would allow grantees to meet funding deadlines and thus expedite grant outcomes (*e.g.,* housing construction, neighborhood improvements, provision of services)? Please provide recommendations for how such requirements could be revised. Be specific.

13. Do you have any other suggestions for improving the day-to-day

[5] See the FY2024 Choice Neighborhood Planning Grant NOFO page 4–6 for program goals and objectives. *https://www.hud.gov/sites/dfiles/PIH/documents/FY24_CN_Planning_Grants_NOFO_FR-6800-N-38.pdf.*

implementation of a Choice Neighborhoods Planning or Implementation Grant?

14. How does the Choice Neighborhoods' core ''housing'' goal of creating a mixed-income community fit with your local housing goals?

15. Does your community have significant barriers to any of the Choice Neighborhoods' housing objectives or program requirements? Are there any housing goals or requirements that are particularly burdensome?

16. How does the Choice Neighborhoods' core ''people'' goal fit with your community's supportive services, human capital, or resident engagement goals? Are there any people goals or requirements that are particularly burdensome?

17. Does the Choice Neighborhoods' core ''neighborhood'' goal fit with your community's neighborhood improvement goals? Are there any neighborhood goals or requirements that are particularly burdensome?

C. General

18. How did you hear about the Choice Neighborhoods program (*e.g.,* word-of-mouth, HUD staff, conferences)?

19. If you received a Choice Neighborhoods Planning or Implementation grant, would you recommend that others apply? Why or why not?

20. Please provide any additional comments or suggestions about the Choice Neighborhoods program implementation or application selection.

Thank you for participating in this request for information. HUD looks forward to reviewing all responses received.

Dominique Blom,

General Deputy Assistant Secretary, Office of Public and Indian Housing.

[FR Doc. 2024–17822 Filed 8–9–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7080–N–37]

30-Day Notice of Proposed Information Collection: Management Certification & Entity Profile; OMB Control No.: 2502–0305

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 11, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; telephone (202) 402–3400 (this is not a toll-free number) or email: *PaperworkReductionActOffice@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 17, 2024 2022 at 89 FR 43427.

A. Overview of Information Collection

Title of Information Collection: Management Certification & Entity Profile.

OMB Approval Number: 2502–0305.

OMB Expiration Date: 09/30/2023.

Type of Request: Reinstatement, without change, of previously approved collection for which approval has expired.

Form Number: HUD–9832 Management Entity Profile; HUD–9839–a Project Owner's Certification for Owner-Managed Multifamily Housing Projects; HUD–9839–b Project Owner's/Management Agent's Certification for Multifamily Housing Projects for Identity-of-Interest or Independent Management Agents; HUD–9839–c Project Owner's/Borrower's Certification for Elderly Housing Projects Managed by Administrators.

Description of the need for the information and proposed use: Owners of HUD-held, -insured, or subsidized multifamily housing projects must provide information for HUD's oversight of management agents/entities.

Respondents: Property owners; project managers.

Estimated Number of Respondents: 30,791.

Estimated Number of Responses: 1,710.

Frequency of Response: 1.

Average Hours per Response: Varies.

Total Estimated Burden: 3,807.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency'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 those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2024–17826 Filed 8–9–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_ES_FRN_MO4500171869]

Notice of Filing of Plat of Survey; Mississippi

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of official filing.

SUMMARY: The plat of survey of the following described lands is scheduled to be officially filed in the Bureau of land Management (BLM), Eastern States Office, Falls Church, Virginia, 30 days from the date of this publication. The survey, executed at the request of the Bureau of Indian Affairs, Eastern Region, is required for the management of these lands.

DATES: Unless there are protests of this action, the filing of the plat described in this notice will happen 30 days after publication of this notice in the **Federal Register**.

ADDRESSES: Written notices protesting the survey must be sent to the State Director, BLM Eastern States, 5275 Leesburg Pike, Falls Church, Virginia, 22041.

FOR FURTHER INFORMATION CONTACT: Frank D. Radford, Chief Cadastral Surveyor for Eastern States; (703) 558–7759; email: *fradford@blm.gov;* or U.S. Postal Service: BLM–ES, 5275 Leesburg Pike, Suite 102A, Falls Church, Virginia, 22041. Attn: Cadastral Survey. Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Choctaw Meridian, Mississippi

The plat, incorporating the field notes of the dependent resurvey of a portion of the west boundary, a portion of the subdivisional lines, the subdivision of sections 7 and 18, the metes and bounds survey of lands held in trust for the Mississippi Band of Choctaw Indians in sections 7 and 18, the survey of the meanders of the right bank of the Pearl River in section 18, and the metes and bounds survey of an access easement in section 18, Township 11 North, Range 10 East, was accepted on April 18, 2024.

A person or party who wishes to protest a survey must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A notice of protest is considered filed on the date it is received by the State Director for Eastern States during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. Any notice of protest filed after the scheduled date of official filing will be untimely and will not be considered. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a notice of protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the next business day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your notice of protest or statement of reasons, please be aware that your entire protest, 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.

A copy of the described plats will be placed in the open files, and available to the public, as a matter of information.

Authority: 43 U.S.C. chap. 3.

Frank D. Radford,

Chief Cadastral Surveyor for Eastern States.

[FR Doc. 2024–17797 Filed 8–9–24; 8:45 am]

BILLING CODE 4331–18–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038462; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wesleyan University, Middletown, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Wesleyan University has completed an inventory of human remains and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

DATES: Upon request, repatriation of the human remains in this notice may occur on or after September 11, 2024.

ADDRESSES: Wendi Field Murray, Wesleyan University (Archaeology & Anthropology Collections), Exley Science Building, 265 Church Street, Middletown, CT 06459, telephone (860) 685–2085, email *wmurray01@wesleyan.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Wesleyan University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 16 individuals have been identified. No associated funerary objects are present. The remains of these 16 individuals were once part of an osteological teaching collection, which included human skeletal elements that had been prepared and used for anatomical instruction sometime between the 19th and 20th centuries. In August 2013, any human remains in the osteological teaching collection that showed evidence of having been disinterred (visible soil/staining, water damage, and weathering) rather than mechanically cleaned/prepared by a medical supply vendor or other entity were presumed to be Native American. Wesleyan has no records suggesting their geographic origin or acquisition history.

The presence of potentially hazardous substances (*i.e.,* pesticide residues) on these remains is unknown. In 2021, Wesleyan University discovered the presence of pesticide residue (arsenic) on one organic object from Samoa that was transferred from the Smithsonian in the 19th century, as well as several taxidermy specimens. While pesticides were not typically applied to human skeletal remains, they were managed together with organic objects in a large

ethnographic teaching collection, so cross-contamination is a possibility.

There is one documented instance of pest fumigation relating to the collections that dates to 1972–1973. This was to treat a silverfish infestation in underground storage rooms that held the museum's objects after it closed. The proposal was for the application of dichlorodiphenyltrichloroethane (DDT) to the floors, the placement of open containers of paradichlorobenzene (PDB) around the room, and the placement of a mildew-retarding insecticide inside the wraps of museum specimens. The specific contents of the room in which the chemicals were applied, and to what extent they were shielded from them, is unknown.

Consultation

Invitations to consult were sent to the Mashantucket Pequot Indian Tribe; Mohegan Tribe of Indians of Connecticut; and the Narragansett Indian Tribe. Invitations to consult were also sent to the following non-federally recognized Indian groups: Brothertown Indian Nation; Eastern Pequot Tribal Nation; Golden Hill Paugussett Indian Nation; and the Schaghticoke Indian Nation. The Mashantucket Pequot Indian Tribe and the Mohegan Tribe of Indians of Connecticut responded to the invitation and participated in consultation. Other Indian Tribes and/or groups either chose to defer, participated in preliminary phone calls, or did not participate.

Cultural Affiliation

No information about the cultural affiliation of the human remains in this notice are available. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains.
2. No Indian Tribe or Native Hawaiian organization connected to the human remains.
3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

Wesleyan University has determined that:

- The human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- No known lineal descendant who can trace ancestry to the human remains in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Upon request, repatriation of the human remains described in this notice may occur on or after September 11, 2024. If competing requests for repatriation are received, Wesleyan University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Wesleyan University is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17875 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038470; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Field Museum, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 11, 2024.

ADDRESSES: June Carpenter, NAGPRA Director, Field Museum, 1400 S Lake Shore Drive, Chicago, IL 60605, telephone (312) 665–7820, email *jcarpenter@fieldmuseum.org*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Field Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. The human remains are hair clippings belonging to two individuals, identified with the tribal designation ''Yankton'' (Field Museum catalog numbers 193213.1 and 193213.4). Field Museum staff believe they were collected under the direction of Franz Boas and Frederick Ward Putnam for the 1893 World's Columbian Exposition in Chicago. The hair clippings were accessioned into the Field Museum's collection in 1939. No information regarding the individual's name, sex, age, or geographic location has been found. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains.

Determinations

The Field Museum has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows,

by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Field Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17883 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038467; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Riverside intends to repatriate certain cultural items that meet the definition of unassociated funerary objects or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 9, 2024.

ADDRESSES: Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517–5900, telephone (951) 827–6349, email *megan.murphy@ucr.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Riverside, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The one unassociated funerary object is a bag of cremated ceramic potsherds. In 1985 the UCR Archaeological Research Unit was hired to assess several archaeological sites along Highway 111 in La Quinta, Riverside County for the Desert Sands Unified School District ahead of potential grading. During their pedestrian survey the archaeologists assessed archaeological sites CA–RIV–1180, CA–RIV–1980, CA–RIV–1981, and CA–RIV–1982. They observed cremated human remains on the surface of CA–RIV–1980 and contacted the chairman of a Cahuilla band, who advised that the remains should not be disturbed. The archaeologists did, however, collect some pottery sherds that were found in association with the cremation.

The one object of cultural patrimony is a large ceramic olla. In the Winter of 1972, Dr. Wilke of the University of California, Riverside, Archaeological Research Unit discovered a large ceramic olla containing a cache of decomposed honey mesquite beans in an unnamed canyon in the Mecca Hills between Thermal and Painted Canyon. The olla was discovered in archaeological site CA–RIV–519, which was a windswept rock-shelter affected by years of rain and erosion. Wilke decided to remove the olla to prevent further damage or possible looting by amateur pothunters. Radiocarbon analysis of the mesquite beans indicated a date of 200 +/− 100 years old. This approximate time period corresponds with the US Land Offices Survey recording of at least five Cahuilla villages situated near the base of the Mecca Hills.

Determinations

The University of California, Riverside has determined that:

- The one unassociated funerary object described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The one object of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Torrez Martinez Desert Cahuilla Indians, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 9, 2024. If competing requests for repatriation are received, the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17880 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038465; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and the University of Tennessee, Knoxville, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District, and the University of Tennessee, Knoxville (UTK), Department of Anthropology, have completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 11, 2024.

ADDRESSES: Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PMA–C, 1616 Capitol Avenue, Omaha, NE 68102, telephone (402) 995–2434, email *livia.a.taylor@usace.army.mil* and Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37921–6053, telephone (865) 974–3370, email *nagpra@utk.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

North Dakota

Human remains representing, at minimum, one individual was removed from Mercer County, ND. The human skeletal remains include one adult that was removed from the Rock Village site (32ME15). Site investigation began in 1947 with Marvin F. Kivett and later in 1950 extensive excavations were directed by G. Ellis Burcaw. The site is a fortified earthlodge village that has been identified as belonging temporally to the Knife River Phase (A.D. 1780–1845). No known individuals were identified. There are no associated funerary objects.

Human remains representing, at minimum, one individual was removed from Sioux County, ND. The human skeleton remains include one adult that was removed from the Paul Brave site (32SI4), also known as the Fort Yates site. In 1947, the University of North Dakota and the State Historical Society of North Dakota co-sponsored archeological work in the upper limits of the Oahe Reservoir, a U.S. Army Corps of Engineers reservoir in North Dakota. Test excavations at 32SI4 were included in the work done during this project. The site was investigated a second time in 1955, under the sponsorship of the State Historical Society of North Dakota. No known individuals were identified. There are no associated funerary objects.

Human remains representing, at minimum, 25 individuals were removed from Sioux County, ND. The human skeletal remains include eight adults, four adult females, eight adult males, and five children that were removed from the Boundary Mounds site (32SI1). These individuals were removed in 1960 by Robert W. Neuman as part of a Smithsonian River Basin Survey project and were sent by the State Historical Society of North Dakota to William Bass. It is likely this occurred while Bass was at the University of Kansas and he later brought the individuals with him to University of Tennessee, Knoxville (UTK). The Boundary Mounds site is a Middle Woodland site with four burial mounds that has been identified as a Sonota Complex site dating between A.D. 1–A.D. 600. No known individuals were identified. The 44 associated funerary objects are one rock, six timber fragments, seven lithics, and 30 faunal bones.

South Dakota

Human remains representing, at minimum, six individuals were removed from Campbell County, SD. The human skeletal remains include one infant, one non-adult, and four adults that were removed from the Anton Rygh site (39CA4). During the summers of 1965, 1966, 1968, 1969, 1970, and 1973, human remains were removed from site 39CA4 under the direction of William Bass. Post-excavation, Bass transferred the human remains to the University of Kansas. In 1971, Bass transferred the human remains to UTK. Site 39CA4 is a large, multi-component earth lodge village, part of the Plains Village Tradition. It is a fortified village site covering around 11–12 acres. At least two occupations are suggested by archeological evidence. The first occupation dates to the Extended Middle Missouri period (A.D. 1000–1500), while the second occupation dates to the Extended Coalescent (A.D. 1500–1675) and Post Contact Coalescent (A.D. 1675–1780) periods. No known individuals were identified. The one associated funerary object is a faunal bone.

Human remains, representing, at minimum 15 individuals were removed from Campbell County, SD. The human skeletal remains include nine adults, three young adults, and three children from the Helb site (39CA208). These individuals had been loaned to the Smithsonian Institution by Marvin Kay and were returned to the U.S. Army Corps of Engineers in 2024. The site was identified in 1966 by J.J. Hoffman, David Evans, Donald J. Lehmer, and William M. Bass and excavated in the early 1970s. The site is a fortified village site dating to the Extended Middle Missouri period (A.D. 1150–1550). No known individuals were identified. The 21 associated funerary objects are faunal remains.

Human remains representing, at minimum, one individual was removed from Charles Mix County, SD. The human skeletal remains include one adult male that was removed from site 39CH212. This individual was removed on an unknown date and transferred to the South Dakota State Archaeological Research Center. Sometime between 1987–1988, this individual was transferred to UTK for inventory and then transferred back to SARC. However, UTK retained a portion of this individual. Site 39CH212 dates to the Woodland period (1500 B.C.–AD. 900). No known individuals were identified. The one associated funerary object is a soil sample.

Human remains representing, at minimum, two individuals were removed from Corson County, SD. The human skeletal remains include two infants removed from the Potts Village site (39CO19) in the late 1980s and subsequently stored at South Dakota's State Archaeological Research Center (SARC). In 1988, these human remains were transferred by SARC to UTK for inventory and were retained by UTK. The site is a fortified earth lodge village dating to the Extended Coalescent Period (A.D. 1550–1675). No known individuals were identified. The 271 associated funerary objects are faunal remains.

Human remains representing, at minimum, one individual was removed

from Hughes County, SD. The human skeletal remains include one adult that was removed from the Bleached Bone site (39HU48). In 1931, Alfred Bowers removed eleven burials from a previously looted mound at 39HU48 during investigations sponsored by the Logan Museum. Additional investigations were conducted by the Missouri River Basin Project (MRBP) in 1962, during which field crew 10, directed by William Bass, removed an additional 13 burials. The site included stone circles, mounds, and other configurations. Woodland Period (500 B.C.-A.D. 1000) pottery was reportedly found during the 1962 season. In addition, the presence of a metallic projectile point suggested possible occupation during the Historic Period. No known individuals were identified. The 52 associated funerary objects are faunal remains.

Human remains representing, at minimum, one individual was removed from Lyman County, SD. The human skeletal remains include one adult individual that was removed from the Langdeau site, 39LM209. This individual was likely removed from the site during excavations in the 1960s. The site is an earthlodge village that has been dated to the Initial Middle Missouri period (A.D. 1000–1100). No known individuals were identified. The four associated funerary objects are faunal remains.

Human remains representing, at minimum, one individual was removed from the Second Hand site (39PO207) Potter County, SD. The circumstances of the removal of this individual are not well-known. This individual may have been one of eight burials that were reported as being exposed by local residents, reburied, and then subsequently collected by William Bass in 1962. The site was likely identified during surveys by W.R. Farrell and Jake Hoffman in 1952. The chronology of the site is unknown. No known individuals were identified. There are no associated funerary objects.

Human remains representing, at minimum, one individual was removed from Stanley County, SD. The human skeletal remains that include one adult were removed from the Buffalo Pasture Cemetery site (39ST216). This individual was likely remobed in 1955 when burials of several individuals were uncovered during fill dirt removal. William Bass examined these burials in 1957. The site was a medium-sized fortified village believed to be dated to the 18th century. No known individuals were identified. No associated funerary objects are present.

Human remains representing, at minimum, one individual was removed from an unknown site in Stanley County, SD. The human skeletal remains include on adult female. This individual was removed from a borrow pit north of Oahe Dam at an unknown archaeological site as part of the Missouri River Basin Project and loaned to Bass at the University of Kansas by the State Historical Society of North Dakota. This individual was likely transferred to UTK by Bass in the late 1960s or early 1970s when he began working for UTK. No known individual was identified. No associated funerary objects are present.

Human remains representing, at minimum, one individual was removed from Walworth County, SD. The individual is a child that was removed from the Larson site (39WW2) on an unknown date. Sometime prior to 1971, these human remains were transferred to William Bass at the University of Kansas. In 1971, Bass took these human remains to UTK. Archeological evidence places the Larson site in the Post-Contact Coalescent period (A.D. 1675–1780). Many excavations have taken place at this fortified village site, since the late 1890's, under the direction of L. De Lestry, W.H. Adams and W.H. Casler, W.H. Over, Alfred W. Bowers, J.J. Hoffman and William Bass. No known individuals were identified. There are no associated funerary objects.

Human remains representing, at minimum, two individuals were removed from Walworth County, SD. The individuals include an adult male and an adolescent that were removed from the No Road site (39WW48). These individuals were removed from the site in 1983 and were sent to William Bass at UTK. Little is known about the site, but from observed lithic materials, the site is likely to represent a Pre-Plains village occupation. No known individuals were identified. There are no associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of 59 individuals of Native American ancestry.
- The 394 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17878 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038463; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 11, 2024.

ADDRESSES: Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PMA–C, 1616 Capitol Avenue, Omaha, NE 68102, telephone (402) 995–2434, email *livia.a.taylor@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Ancestral remains representing at minimum one individual were removed from site 25KX71 in Knox County, Nebraska. The Ancestor was discovered during a 1982 survey of the Gavins Point Dam and Lewis & Clark Lake that was conducted by Wichita State University with Donald Blakeslee as the Principal Investigator. The 38 associated funerary objects are one snail shell, one chert flake, one chalcedony stone fragment, five sandstone fragments, two nodules of brown pigment, and 28 faunal bone fragments. The Ancestor and associated funerary objects are currently housed at the History Nebraska curation facility in Lincoln, Nebraska. No known potentially hazardous substances have been used to treat the Ancestor or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 38 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Omaha Tribe of Nebraska and the Ponca Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17876 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038468; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the New York State Museum (NYSM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 11, 2024.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the New York State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains are from the Bates site, Chenango County, NY and were acquired in 1957 through excavations conducted by Dr. William A. Ritchie of the NYSM.

Human remains representing, at least, one individual have been identified. The 14 associated funerary objects are three carbonized textile fragments, six samples of carbonized cordage fragments, four samples of fire-reddened clay, and one sample of carbonized organic material. The human remains and associated funerary objects were removed from the White site, Chenango County, NY, in 1974 and donated to the NYSM by the family of Mr. Stanford Gibson in 2009.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains were removed from the Bronck site, Madison County, NY, in the 1970s and donated to the NYSM by the family of Mr. Stanford Gibson in 2009.

Human remains representing, at least, eight individuals have been identified. No associated funerary objects are present. The human remains were removed from the Diable site, Madison County, NY, in 1986–1987 and donated to the NYSM by families of Dr. Alexander Neill in 2007, Mr. Daniel Weiscotten in 2008, and Mr. Stanford Gibson in 2009.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains were removed from the Marshall site, Madison County, NY, in 1988 and donated to the NYSM in 2007 by the family of Dr. Alexander Neill.

Human remains representing, at least, one individual have been identified. The 193 associated funerary objects are 118 very small purple disk shell beads, 72 very small white disk shell beads, two glass beads, and one Job's Tear seed bead. The human remains and associated funerary objects were removed from the vicinity of Munnsville, Madison County, NY, prior to 1889 and given to Rev. William M. Beauchamp. They were donated to the NYSM by his daughter, Mrs. Grace B. Lodder in 1949.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains are from the vicinity of Utica, Oneida County, NY, and were donated to the NYSM by Mr. George C. Hodges in 1934.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains were removed from the Washburn site, St. Lawrence County, NY, during an archaeological survey conducted in 1954 by Dr. William A. Ritchie of the NYSM.

Human remains representing, at least 17 individuals have been identified. The 24 associated funerary objects include one Brewerton type projectile point, 12 small mica flakes, 10 soil samples, and one pottery rim sherd. The human remains and associated funerary objects were removed from the Clark site, St. Lawrence County, NY, during excavations conducted in 1954 by Dr. William A. Ritchie of the NYSM.

Human remains representing, at least, two individuals have been identified. The 22 associated funerary objects are one groundstone celt, one groundstone celt fragment, and 20 pottery sherds. The human remains and associated funerary objects were removed from the Pine Hill site, St. Lawrence County, NY, and donated to the NYSM in 1958 by Mr. Lester Laird.

Human remains representing, at least two individuals have been identified. The 22 associated funerary objects are 22 small black glass beads. The human remains and associated funerary objects were found during gravel mining on the William Walker Farm, St. Lawrence County, NY, and donated to the NYSM by Mr. William Walker in 1952.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The New York State Museum has determined that:

- The human remains described in this notice represent the physical remains of 36 individuals of Native American ancestry.
- The 275 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Oneida Indian Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, the New York State Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The New York State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17881 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038466; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Riverside has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 9, 2024.

ADDRESSES: Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517–5900, telephone (951) 827–6349, email *megan.murphy@ucr.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Riverside, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, five individuals have been reasonably identified. The 21 associated funerary objects are three lots of unmodified animal bone, one lot of modified animal bone, three lots of ceramic sherds, three lots of lithic materials, three lots of shell beads, one lot of grinding stones, two lots of charcoal, two lots of other organic materials, one lot of floral materials, and two lots of unmodified shells.

In 1976 the cremated remains of at least two Native American individuals were removed from archaeological site CA–RIV–1171 by members of the University of California, Riverside Archaeological Research Unit (UCR–ARU). The site was in the Indian Wells area near La Quinta in Riverside County, California. The archaeologists were contacted by the property owner of the Indian Wells Mobile Home Estates to assess the 40-acre area for potential impact to archaeological resources during a proposed development of the dune area on the southwest portion of the property. During an initial examination of the dunes the archaeologists noted the presence of at least two human cremations on the surface as well as scatters of other objects like pottery sherds, lithic flakes, fish bone, and mussel shells. The archaeologists inferred that the site was occupied around the last stand of Ancient Lake Cahuilla around 500 years ago based on the presence of the fish bone and associated pottery types. The collection from the project was housed at UCR under accession number 54. Although the archaeologists noted the presence of human cremations in the dunes, human remains were not identified in the collection until decades later during consultation with a Cahuilla band and an osteologist. The tribal representatives also identified approximately 1,400 associated funerary objects including unmodified and modified animal bone, ceramic sherds, lithic flakes, shell beads, charcoal, other organic materials, and unmodified shells. The osteologist identified human remains representing at least one adult and one juvenile individual; no known individuals were identified.

In 1989 the University of California, Riverside Archaeological Research Unit (UCR–ARU) was hired by J.F. Davidson and Associates to conduct a pedestrian survey of 375 acres of property in the central Coachella Valley near Indio, Riverside county, California. During the surface survey a human cranial fragment was noted by archaeologists in addition to potsherds and other cultural materials. Five archaeological sites were documented during the project, but only the site where the human remains were noted, CA–RIV–3793, was recommended for further mitigation. In 1990 the UCR–ARU was then contracted again to conduct test excavations. During the excavations several human bone fragments were removed from the site, but were misidentified as animal bone. The collections were housed at UCR under accession number 154. In 2024 during a NAGPRA consultation, the remains were identified as one human infant tibia and one human juvenile canine tooth. Tribal representatives also identified associated funerary objects including ceramics, lithics, shell beads, animal bone, floral and other organic materials, and unmodified shell.

In 1993 human remains representing at least one Native American individual were removed from archaeological site CA–RIV–150 in Riverside County. The remains were uncovered during the grading of an area within Washington Square in La Quinta ahead of planned development. CA–RIV–150 is a well-known archaeological site, which was first recorded in 1933 by archaeologists. It is also well known to Cahuilla bands as a large village complex occupied by their ancestors. Charcoal samples from the project were sent to Beta Analytics for radiocarbon dating, which indicated an approximate date of A.D. 1430 to A.D. 1530. During the project, bone fragments were removed from Feature 3 of the site and were examined later at the LSA Associates Inc. laboratory where they were identified as human. Arrangements for reburial were made with one of the monitoring tribes and the remains and some associated funerary objects were returned in 1993. The remainder of the collection was subsequently curated at the University of California, Riverside under accession numbers 40 and 216. In 2024, during a NAGPRA consultation, an osteologist identified additional human remains that were misidentified as faunal in 1993. Tribal representatives also identified associated funerary objects in the collection.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The University of California, Riverside has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 21 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Augustine Band of Cahuilla Indians, California; Cabazon Band of Cahuilla Indians (*previously* listed as Cabazon Band of Mission Indians, California); Cahuilla Band of Indians; Los Coyotes Band of Cahuilla and Cupeno Indians, California; Morongo Band of Mission Indians, California; Ramona Band of Cahuilla, California; Santa Rosa Band of Cahuilla Indians, California; and the Torrez Martinez Desert Cahuilla Indians, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after September 9, 2024. If competing requests for repatriation are received, the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17879 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038461; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wesleyan University, Middletown, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Wesleyan University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 11, 2024.

ADDRESSES: Wendi Field Murray, Wesleyan University, 265 Church Street, Exley Science Building (Archaeology & Anthropology Collection), Middletown, CT 06459, telephone (860) 685–2085, email *wmurray01@wesleyan.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Wesleyan University and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Portland, Middlesex County, CT

Human remains representing at least nine individuals have been identified. The one associated funerary object is a string of blue and black beads. Based on records, their storage organization when found, and tribal consultation, all are presumed to originate in the Middlesex County/Portland/Indian Hill area.

According to Wesleyan's catalog records, some of these individuals' remains were likely taken from the property of Frank Gladwin on June 14th, 1899 while digging a trench for a water pipe in the dooryard of his residence, and would have come into Wesleyan's collection with a large donation from the estate of local collector Charles H. Neff in the late 1920s or early 1930s. Charles Neff was a prolific local collector who did his collecting from the mid-19th century through the early 20th century. Neff's looting of Native American graves in the area is historically documented in archives and his own personal journal, and Indian Hill in Portland was known to contain Native American (Wangunk) burials that were frequently disturbed. Indian Hill is historically documented to have been a burial place for the Wangunk people, who lived in the area until ca. 1765.

Attribution of the remains to Neff's collecting at Indian Hill is based upon the fact that (1) Wesleyan received a large (but poorly inventoried) donation of local archaeological materials from Neff in the 20th century, (2) his collecting often included human remains, and (3) a description of the Gladwin property discovery in Neff's journal listed the number of individuals and skeletal elements present that correspond to some of the remains from CT that are currently held by Wesleyan.

The beads likely correspond to the string of beads Neff describes in his collecting journal (1927) in which he describes the remains of a Native American woman that had been exposed after heavy rains on the property of George Conklin. A string of beads was reportedly found wrapped several times around her arm, some of which he kept for his collection.

Griffin Site (6NL31), Old Lyme, CT

Human remains representing, at least, one individual have been identified. The 58 lots of associated funerary objects comprise archaeological debris, stone bifaces (complete and broken), Mansion Inn type projectile points (complete and broken), unidentified projectile points (complete and broken), stemmed projectile points, notched projectile points, projectile point fragments, oblong or rod-shaped groundstone tools, smooth/flat groundstone implements (complete and broken), miscellaneous groundstone fragments, stone flakes, unidentified stone cobbles and fragments, quartz cobble fragments, chert cobble fragments, sandstone fragments, sandstone tools, stone axes (complete and broken), stone adzes (complete and broken), stone pestles (complete and broken), stone pestle fragments, grooved stone tools (complete and broken), hammerstones (complete and broken), limonite raw material, hematite raw material, stone scrapers, stone knife/blades, unspecified chipped stone tools (complete and broken), stone drills (complete and broken), stone drill fragments, burned nuts, seeds, and botanicals, burned animal bone fragments, fire-cracked rock, charcoal/ash, one teardrop-shaped rubbing stone, one black, shiny stone object, one chunk of burned stone, one complete steatite vessel, one broken steatite vessel, one pumice-like stone tool, one drilled groundstone tool, one micaceous stone fragment, one pointed groundstone tool, and one micaceous groundstone tool.

The human remains and funerary objects were excavated from the Griffin Site in Old Lyme, CT by a Wesleyan graduate student in 1979. Interpreted as a Terminal Archaic (3500 B.P) cremation site (Susquehanna Tradition), it was accidentally discovered during construction work on the property owner's home in 1975 which prompted the salvage excavation. The property owner donated the collection to Wesleyan in 1980, after which the objects were cataloged, refit, photographed, and analyzed for the completion of a master's thesis. Many objects show evidence of spalling, breakage, and degradation by extreme heat or fire. Features were interpreted as receptacles for cremated remains and objects. Fragments of human remains (human metatarsal and phalanx; and possibly two human teeth) were identified in ''Feature F'' in the site report. All features had bone fragments incorporated into the ash and charcoal, though the severity of the heat exposure made most of them unidentifiable.

Niantic, CT (New London County)

Human remains representing, at least, one individual have been identified. The remains were taken from an unknown location in Niantic, CT by an unknown collector some time prior to 1972. They were donated to Wesleyan in 1972 by Dr. Leonard M. Lasser of Windsor, CT. No associated funerary objects are present.

Clinton, CT

Human remains representing, at least, one individual have been identified. The four associated funerary objects are quartz stone tools. The dates of their collection, acquisition, or provenance are unknown. Some of the remains are labeled ''Clinton'' while others are labeled ''Sebonac'' and ''BUR II.'' All appear to be from the same male individual. ''Sebonac'' likely refers to the Sebonac focus of the Late Woodland period (ca. AD 900–1500), an archaeological cultural designation

attributed to parts of Long Island and southern Connecticut.

The presence of potentially hazardous substances (*i.e.,* pesticide residues) on all of the above-mentioned remains is unknown. In 2021, Wesleyan University discovered the presence of pesticide residue (arsenic) on one organic object from Samoa that was transferred from the Smithsonian in the 19th century, as well as several taxidermy specimens. While pesticides were not typically applied to human skeletal remains or stone objects, they were managed together with organic objects in a large ethnographic teaching collection, making cross-contamination a possibility.

There is one documented instance of pest fumigation relating to the collections that dates to 1972–1973. This was to treat a silverfish infestation in underground storage rooms that held the museum's objects after it closed. The proposal was for the application of dichlorodiphenyltrichloroethane (DDT) to the floors, the placement of open containers of paradichlorobenzene (PDB) around the room, and the placement of a mildew-retarding insecticide inside the wraps of museum specimens. The specific contents of the room in which the chemicals were applied, and to what extent they were shielded from them, is unknown.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

Wesleyan University has determined that:

- The human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.
- The 63 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Mashantucket Pequot Indian Tribe and the Mohegan Tribe of Indians of Connecticut.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, Wesleyan University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Wesleyan University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17874 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-38519; 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 August 3, 2024, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 27, 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 August 3, 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.

GEORGIA

Bryan County

Community House, 10512 Ford Avenue, Richmond Hill, SG100010792

MAINE

Franklin County

Rangeley Lakes Country Club Historic District, 43 and 50–56 Country Club Road, Rangeley, SG100010815

NEW JERSEY

Mercer County

Drake Farmstead-Brookdale Farm, 31 Titus Mill Road, Pennington Borough, SG100010797

Union County

Plainfield Masonic Temple, 105 East 7th Street, Plainfield, SG100010812

OHIO

Cuyahoga County

Erie Street Cemetery Historic District, 2301 East 9th Street, Cleveland, SG100010810

OREGON

Umatilla County

J.L. Elam Bank, 601 N. Main Street, Milton-Freewater, SG100010807

TEXAS

Hays County

San Marcos Colored School Home Economics Building, (San Marcos MRA), 801 W. Martin Luther King Drive, San Marcos, MP100010800

Rusk County

Concord School, (Rosenwald School Building Program in Texas MPS), 1944 7 FM 95 S, Mount Enterprise vicinity, MP100010801

VERMONT

Orange County

Braintree Hill Meetinghouse and Cemetery, (Religious Buildings, Sites and Structures in Vermont MPS), 2756 Braintree Hill Road, Braintree, MP100010811

Windsor County

Fletcher Memorial Library

88 Main Street, Ludlow Village, SG100010791

VIRGINIA

Danville INDEPENDENT CITY

Winslow Hospital, 709 Betts Street, Danville, SG100010813

Harrisonburg INDEPENDENT CITY

Ida Mae Francis Tourist Home, 252 North Mason Street, Harrisonburg, SG100010805

WISCONSIN

Eau Claire County

Chicago, St. Paul, Minneapolis, and Omaha Railway Bridge, Over the Chippewa River, south of the Dells Dam, Eau Claire, SG100010789

A request for removal has been made for the following resource(s):

MAINE

Androscoggin County

Webster Rubber Company Plant, Greene St., Sabattus, OT89001701

Kennebec County

Richards, Laura, House, 3 Dennis St., Gardiner, OT79000151

Additional documentation has been received for the following resource(s):

CALIFORNIA

Santa Barbara County

Royal Theater (Additional Documentation), (Asian Americans and Pacific Islanders in California, 1850–1970 MPS), 848 Guadalupe St., Guadalupe, AD100007474

GEORGIA

Richmond County

Laney-Walker North Historic District (Additional Documentation), Bounded by D'Antignac, 7th, Twiggs, Phillips, and Harrison Sts., Walton Way and Laney-Walker Blvd., Augusta, AD85001976

NEW JERSEY

Cape May County

Cape May Historic District (Additional Documentation), Cape May, Cape May, AD70000383

NORTH CAROLINA

Guilford County

Jamestown Historic District (Additional Documentation), Both sides of U.S. 29A, Jamestown, AD73001345

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.

DISTRICT OF COLUMBIA

District of Columbia

Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, SG100010786

GEORGIA

Cobb County

Power-Hyde Farm Historic District, 575 Hyde Road, Marietta, SG100010808

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2024–17898 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038464; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and University of Tennessee, Knoxville, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District, and the University of Tennessee, Knoxville intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 11, 2024.

ADDRESSES: Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PMA–C, 1616 Capitol Avenue, Omaha, NE 68102, telephone (402) 995–2434, email *livia.a.taylor@usace.army.mil* and Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37921–6053, telephone (865) 974–3370, email *nagpra@utk.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

North Dakota

A total of 53 cultural items have been requested for repatriation. The 53 unassociated funerary objects are one dentalium shell, one charcoal fragment, and 51 faunal remains. The unassociated funerary objects were removed from the Boundary Mounds site (32SI1) in Sioux County, ND in 1960 by Robert W. Neuman as part of a Smithsonian River Basin Survey project. The unassociated funerary objects were then sent by the State Historical Society of North Dakota to William Bass. It is likely this occurred while Bass was at the University of Kansas and he later brought the unassociated funerary objects with him to University of Tennessee, Knoxville. The Boundary Mounds site is a Middle Woodland site with four burial mounds that has been identified as a Sonota Complex site dating between A.D. 1–600.

South Dakota

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a faunal

remain. The unassociated funerary object was removed from the Pasco site (39AR8) in Armstrong County, SD. Little information on this site exists, but it is likely the object was removed during investigations in the 1950s. Site 39AR8 has been identified as an Extended Middle Missouri site (A.D. 1150–1550).

A total of eight cultural items have been requested for repatriation. The eight unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the McKensey Village site (39AR201) in Armstrong County, SD. The objects were likely removed in during excavations in 1960 that were directed by Warren. W. Caldwell. Site 39AR201 has been identified as an Extended Middle Missouri site (A.D. 1150–1550).

A total of 127 cultural items have been requested for repatriation. The 127 unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the Potts Village site (39CO19) in Corson County, SD. The objects were likely removed in the late 1980s and subsequently stored at South Dakota's State Archaeological Research Center (SARC). In 1988, these objects were transferred by SARC to UTK and were retained by UTK. The site is a fortified earthlodge village dating to the Extended Coalescent Period (A.D. 1550–1675).

A total of 67 cultural items have been requested for repatriation. The 67 unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the Swift Bird Mounds site (39DW233). The site was first investigated in 1952 as part of the Smithsonian Institution River Basin Surveys and was later excavated between 1960–1962. The site consists of two burial mounds and an earthlodge village with several temporal components including Woodland (1500 B.C.–A.D. 900) and Extended Middle Missouri (A.D. 900–1700).

A total of two cultural items have been requested for repatriation. The two unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the Bleached Bone site (39HU48) in Hughes County, SD. Investigations at the site occurred in 1931 when Alfred Bowers removed eleven burials from a previously looted mound at 39HU48 and in 1962 by the Missouri River Basin Project (MRBP) in 1962, during which field crew 10, directed by William Bass, removed an additional 13 burials. The site included stone circles, mounds, and other configurations. Woodland Period (500 B.C.–A.D. 1000) pottery was reportedly found during the 1962 season. In addition, the presence of a metallic projectile point suggested possible occupation during the Historic Period.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a faunal remain. The unassociated funerary object was removed from the Hickey Brothers site (39LM4) in Lyman County, SD. The object was likely removed during 1958 excavations directed by Bernard Golden and crews from the Smithsonian Institution's River Basin Surveys. The site was fortified with evidence of an earthlodge and has been identified as a possible Extended Middle Missouri site (A.D. 1150–1550).

A total of two cultural items have been requested for repatriation. The two unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the C.B. Smith site (39SL29) in Sully County, SD. The site was excavated in 1957 by Charles H. McNutt and crews from the Smithsonian Institution's River Basin Surveys. The site was a large earthlodge village that has been identified as being occupied during the Extended Middle Missouri (A.D. 1150–1550).

A total of 49 cultural items have been requested for repatriation. The 49 unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the Zimmerman site (39SL41) in Sully County, SD. The site was excavated in 1958 by Charles H. McNutt and crews from the Smithsonian Institution's River Basin Surveys. The site had several long, rectangular houses and has been identified as an Extended Middle Missouri site (A.D. 1150–1550).

A total of 72 cultural items have been requested for repatriation. The 72 unassociated funerary objects are faunal remains. The unassociated funerary objects were removed from the Larson site (39WW2). This site was investigated several times throughout the 1960s and it is unknown at what time the objects were removed from the site. The site was a fortified village site that has been identified as being occupied in the Post-Contact Coalescent period (A.D. 1675–1780).

A total of 12 cultural items have been requested for repatriation. The 12 unassociated funerary objects are five lithics and seven faunal remains. The unassociated funerary objects were removed from the Walth Bay site (39WW203) in Walworth County, SD. The site was excavated between 1970 and 1972 with W. Raymond Wood as the Principal Investigator. The site has been dated to the Extended Coalescent period (A.D. 1350–1620).

No known hazardous substances were used to treat any of the cultural items described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The 394 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17877 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038469; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the New York State Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 11, 2024.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the New York State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 13 cultural items have been requested for repatriation. The 13 unassociated funerary objects are two bone awls or pins, two antler pressure flakers, two mica flakes, five fragments of carbonized textile, and one fragment of carbonized cordage from the White site, Chenango County, NY, donated by the family of Mr. Stanford Gibson in 2009; and one brass kettle from the vicinity of Verona, Oneida County, NY, acquired from Mr. Dwinel F. Thompson in 1914.

Determinations

The New York State Museum has determined that:

- The 13 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Oneida Indian Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 11, 2024. If competing requests for repatriation are received, the New York State Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The New York State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 1, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–17882 Filed 8–9–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1367]

Certain Electronic Devices and Semiconductor Devices Having Wireless Communication Capabilities and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting a Motion To Terminate the Investigation as to ASUS Based on Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 54) issued by the presiding administrative law judge (''ALJ'') granting an unopposed motion for termination of the investigation as to respondents ASUSTek Computer Inc. and ASUS Computer International (collectively, ''ASUS'') based on settlement. The investigation is terminated in its entirety.

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: On July 27, 2023, the Commission instituted this investigation, based on a complaint filed by Bell Northern Research, LLC (''Complainant'') of Chicago, Illinois. 88 FR 48493–494 (Jul. 27, 2023). The complaint, as supplemented, alleged a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices and semiconductor devices having wireless communication

capabilities and components thereof by way of infringement of certain claims of U.S. Patent Nos. 8,416,862 (''the '862 patent''); RE 48,629 (''the '629 patent''); and 7,564,914 (''the '914 patent''). *Id.* at 48493. The complaint also alleged a domestic industry exists. *Id.* The Commission's notice of investigation named eight (8) respondents: NXP Semiconductors, N.V. of Eindhoven, Netherlands; NXP USA, Inc. of Austin, Texas (collectively, ''NXP''); Laird Connectivity, LLC (''Laird'') of Akron, Ohio; Qualcomm Technologies, Inc. (''Qualcomm'') of San Diego, California; MediaTek Inc. of Taipei, Taiwan; MediaTek USA Inc. of San Jose, California; ASUSTek Computer Inc. of Taipei, Taiwan; and ASUS Computer International of Fremont, California. *Id.* at 48494. The Office of Unfair Import Investigations (''OUII'') is also participating in this investigation. *Id.*

The investigation was terminated as to Qualcomm, Laird, and NXP and as to the '914 and '862 patents based on withdrawal of the complaint. *See* Order No. 12 (Sept. 1, 2023), *unreviewed by* Comm'n Notice (Sept. 22, 2023); Order No. 33 (Jan. 30, 2024), *unreviewed by* Comm'n Notice (Feb. 29, 2024); Order No. 37 (Feb. 27, 2024), *unreviewed by* Comm'n Notice (Mar. 25, 2024); Order No. 52 (May 1, 2024), *unreviewed by* Comm'n Notice (May 22, 2024).

Respondents MediaTek Inc. and MediaTek USA Inc. were terminated from the investigation based on settlement. *See* Order No. 53 (May 30, 2024), *unreviewed by* Comm'n Notice (Jun. 26, 2024).

On July 9, 2024, Complainant moved to terminate the investigation as to ASUS based on settlement. Complainant provided both confidential and public versions of the settlement and license agreement with its motion. OUII filed a response supporting the motion. No other party filed a response.

On July 16, 2024, the ALJ issued the subject ID (Order No. 54) granting the motion to terminate ASUS. The ID found the motion complies with the Commission Rules. ID at 1–2. The ID also observed that termination of this investigation as to ASUS based on settlement will not adversely affect the public interest. *Id.* at 2–3. No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The last remaining respondents, ASUSTek Computer Inc. and ASUS Computer International, are terminated from the investigation based on settlement. The investigation is terminated in its entirety.

The Commission vote for this determination took place on August 6, 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: August 6, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–17836 Filed 8–9–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1350]

Certain Integrated Circuits, Components Thereof, and Products Containing the Same; Notice of Commission Determination To Grant in Part a Joint Motion To Terminate the Investigation Due to Settlement; Denial of Request To Take No Position With Respect to Unreviewed Issues Addressed in Initial Determination; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to grant in part a joint motion to terminate this investigation in view of a settlement agreement. Specifically, the Commission has determined to grant the motion to terminate but denies the request to reconsider its previous determination not to review and take no position with respect to the unreviewed issues addressed in the final initial determination (''FID''). This investigation is hereby terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. 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: On January 24, 2023, the Commission instituted the above-captioned investigation based on a complaint, as supplemented, filed by Realtek Semiconductor Corporation of Hsinchu, Taiwan (''Realtek''). 88 FR 4205–06 (Jan. 24, 2023). The complaint, as supplemented, alleges that respondent Advanced Micro Devices, Inc. of Santa Clara, California (''AMD'') violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C 1337, by importing into the United States, selling for importation, or selling within the United States after importation certain integrated circuits, components thereof, and products containing the same that infringe one or more asserted claims of U.S. Patent Nos. 7,936,245 (''the '245 patent''); 8,006,218 (''the '218 patent''); or 9,590,582 (''the '582 patent''). The complaint alleges that a domestic industry exists. The Office of Unfair Import Investigations is not participating in this investigation.

The presiding administrative law judge (''ALJ'') held a claim construction (*Markman*) hearing on June 5, 2023. The ALJ issued the claim construction order on July 25, 2023. Order No. 21 (July 25, 2023).

On June 20, 2023, AMD moved to preclude Mr. Steve Baik, Realtek's outside counsel, from testifying as a fact witness in the evidentiary hearing. On July 7, 2023, the ALJ issued Order No. 19, ordering AMD to show cause why Winston & Strawn (''Winston''), AMD's counsel, should not be disqualified due to an alleged conflict of interest. Order No. 19 at 2 (July 7, 2023).

On August 4, 2023, the ALJ held a teleconference with the parties regarding Mr. Baik and Winston. On August 17, 2023, the ALJ issued Order No. 23, which granted AMD's motion to preclude Mr. Baik from testifying on behalf of Realtek but did not disqualify Winston. Order No. 23 at 1 (Aug. 17, 2023). On August 24, 2023, the ALJ denied Realtek's motions for reconsideration and for interlocutory review of Order No. 23. Order No. 24 (Aug. 24, 2023). On September 6, 2023, Realtek filed a petition in the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit'') seeking a writ of mandamus to order the ALJ to vacate the ruling striking Mr. Baik. The Federal Circuit denied the petition on September 25, 2023. *In re Realtek*

Semiconductor Corp., Appeal No. 2023–147, On Petition and Motion (Sept. 25, 2023).

On October 16, 2023, the ALJ issued an order regarding AMD's motion to sanction Realtek for failing to accurately answer certain interrogatories and produce relevant documents regarding Realtek's earlier litigations against Avago Technologies General IP (Singapore) Pte., Ltd and Broadcom Corp. in the U.S. District Court for the District of Delaware. Order No. 39 (Oct. 16, 2023). Order No. 39 determined Realtek had engaged in sanctionable acts during discovery, but deferred ruling on AMD's sanctions motion until after the hearing. The ALJ ultimately sanctioned Realtek for discovery misconduct.

The ALJ held an evidentiary hearing from October 16–20, 2023.

On November 14, 2023, the Commission terminated the investigation as to claim 9 of the '582 patent and claim 14 of the '218 patent, based on Realtek's withdrawal of those claims. Order No. 40 (Oct. 20, 2023), *unreviewed by* Comm'n Notice (Nov. 14, 2023).

On January 19, 2024, the presiding ALJ issued a combined FID and Recommended Determination on Remedy and Bond (''RD''). The FID finds no violation of section 337 for any of the three patents at issue because: (i) asserted claims 1, 2, and 8 of the '245 patent are infringed but invalid as anticipated; (ii) asserted claims 12, 13, and 15–18 of the '218 patent are infringed but invalid as obvious; (iii) asserted claims 1–4 of the '582 patent are not infringed, while claims 1–3 (but not claim 4) are also invalid as obvious; and (iv) Realtek failed to satisfy the economic prong of the domestic industry requirement for any of the three asserted patents. FID at 252. The FID also finds that Realtek satisfied the technical prong of the domestic industry requirement for each patent. *Id.*

On February 2, 2024, Realtek and AMD each filed petitions for review of certain adverse findings in the FID. Realtek, however, did not petition for review of the FID's finding that the asserted claims of the '245 patent are invalid. On February 12, 2024, Realtek and AMD filed their respective responses to the opposing petitions for review.

On June 11, 2024, the Commission determined to review the FID in part. 89 FR 51366–70 (June 17, 2024) (''WTR Notice''). In particular, the Commission determined to review the FID's findings on claim construction, infringement, and anticipation or obviousness of the asserted claims of the '218 patent and '582 patent, the economic prong of the domestic industry requirement, and the sanction against Realtek. The Commission did not review, and thus adopted, the FID's findings that the asserted claims of the '245 patent are invalid, that the claims of the '218 patent are not invalid for lack of written description or enablement, that the claims of the '518 patent are not invalid for lack of written description, that Mr. Baik was properly precluded from testifying as a fact witness at the evidentiary hearing, and that Winston should not be disqualified from representing AMD. The Commission included a briefing schedule for the issues under review and remedy, bond, and the public interest.

On June 19, 2024, the parties filed a joint motion to terminate the investigation due to a settlement agreement and to suspend the Commission's briefing schedule. The parties also requested that the Commission reconsider its previous determination not to review certain findings in the FID and, on review, take no position on any findings.

On June 27, 2024, the Commission determined to suspend briefing on the issues under review and on remedy, bond, and the public interest, pending resolution of the parties' motion to terminate. *See* Comm'n Notice (June 27, 2024).

On July 26, 2024, the parties corrected their joint motion by replacing the original, overly redacted public version of their term sheet with a version that was properly redacted in compliance with Commission Rules 201.6(a), 210.21(b), 19 CFR 201.6(a), 210.21(b).

Upon review of the parties' submissions, the Commission has determined to terminate the investigation due to the settlement agreement, in accordance with Commission Rule 210.21(b), 19 CFR 210.21(b). The Commission finds that the parties have represented that their settlement agreement resolves all issues in this and other litigations, and that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation, in satisfaction of Commission Rule 210.21(b), 19 CFR 210.21(b). The Commission denies the request to reconsider its previous determinations not to review certain findings in the FID, as set forth in the Commission's WTR Notice, and on review to take no position with respect to the unreviewed issues addressed in the FID. Pursuant to Commission Rule 210.42(h), 19 CFR 210.42(h), unreviewed initial determinations become the final determinations of the Commission. While the Commission may reconsider its prior determination on whether to review an initial determination under Rule 210.47, 19 CFR 210.47, the parties have presented no good cause or other justification for doing so here. *See* Corrected Joint Mot. at 2–4.

This investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on August 6, 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: August 6, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–17841 Filed 8–9–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–712–715 and 731–TA–1679–1682 (Final)]

Ferrosilicon From Brazil, Kazakhstan, Malaysia, and Russia; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: August 6, 2024.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective June 28, 2024, the Commission established a schedule for the conduct of the final phase of the subject

investigations (89 FR 56407, July 9, 2024) following the U.S. Department of Commerce's (''Commerce'') preliminary affirmative countervailing duty and sales-at-less-than-fair-value determinations with respect to ferrosilicon from Russia (89 FR 53949 and 53953, June 28, 2024). Commerce subsequently extended the date for its final determination in the countervailing duty investigation with respect to Russia. The Commission is revising its schedule to conform with Commerce's new schedule.

The Commission's revised dates in the schedule are as follows: the prehearing staff report will be placed in the nonpublic record on August 28, 2024; the deadline for filing prehearing briefs is 5:15 p.m. on September 5, 2024; requests to appear at the hearing must be filed with the Secretary to the Commission not later than 5:15 p.m. on September 6, 2024; the prehearing conference will be held at the U.S. International Trade Commission Building on September 11, 2024, if deemed necessary; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on September 12, 2024; the deadline for filing posthearing briefs is 5:15 p.m. on September 19, 2024; the Commission will make its final release of information on October 7, 2024; and final party comments are due by 5:15 p.m. on October 9, 2024.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: August 6, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–17817 Filed 8–9–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Disability Employment Policy Office

[OMB Control No. 1230–0NEW]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: Office of Disability Employment Policy, United States Department of Labor.

ACTION: Notice of information collection and request for public comments.

SUMMARY: The Department of Labor (DOL) Office of Disability Employment Policy is soliciting comments regarding this ODEP-sponsored information collection for the Research Support Services for Employment of Young Adults on the Autism Spectrum [REYAAS] Project. As part of its continuing effort to reduce paperwork and respondent burden, DOL conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request 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.

DATES: Comments pertaining to this information collection are due on or before October 11, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–ODEP, 200 Constitution Ave. NW, Room S–5315, Washington, DC 20210. Before visiting DOL–ODEP in person, call 202–693–7840 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.
- DOL–ODEP will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: David Rosenblum by telephone at 202–693–7840 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Recent estimates suggest that there are more than one million young adults (ages 16 through 28) on the autism spectrum in the U.S. who offer myriad strengths to potential employers yet face unique challenges in attaining and maintaining employment. The mix of challenges facing young adults on the autism spectrum during the transition to adulthood and employment vary. About 1 in 3 also have an intellectual disability (Maenner et al. 2020; U.S. Department of Health and Human Services (DHHS) 2017), and prevalence estimates of minimally and nonverbal status across studies converge at around 30 percent (Tager-Flusberg and Kasari 2013). People on the spectrum also have high rates of co-occurring medical and mental health conditions, including attention-deficit/hyperactivity disorder, anxiety, and depression (Kerns et al. 2020). An additional challenge for young adults on the spectrum is that many will need various kinds of support from multiple providers and across different systems of care, and they can face increasing difficulty meeting their complex service needs as they transition to adult service systems (Foster and Gifford 2005; Shattuck et al. 2011). These factors can combine to make it challenging for youth on the autism spectrum to attain and maintain employment.

Public policy increasingly acknowledges the importance of addressing the employment-related challenges facing young adults on the autism spectrum. The most recent federal Autism Collaboration, Accountability, Research, Education and Support (CARES) Act of 2019

emphasized that funding should increase for research on factors associated with better young adult outcomes. In 2021, Congress requested that research be conducted on improving employment outcomes for this population.

To better understand the employment experiences and outcomes of young adults on the autism spectrum, this study will conduct two data collection activities. First, the study team will conduct a large-scale survey of autistic young adults ages 16 to 28, which will be one of the first large-scale data collections of employment outcomes for this population (Musse et al., 2022). Second, the study team will conduct follow-up qualitative telephone or web interviews with a subset of survey respondents. This study will provide insightful data on the employment experiences of young adults on the autism spectrum, which policymakers and the autism community can use to inform program and policy changes that support the well-being of autistic people.

This information collection is subject to the Paperwork Reduction Act (PRA). A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an Information Collection Review cannot be for more than three (3) years without renewal.

II. Desired Focus of Comments

DOL is soliciting comments concerning the proposed information collection related to Research Support Services for Employment of Young Adults on the Autism Spectrum [REYAAS] Project. DOL is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of DOL's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Background documents related to this information collection request are available at *https://regulations.gov* and at DOL located at 200 Constitution Ave. NW, Room S–5315, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This information collection request concerns the Research Support Services for Employment of Young Adults on the Autism Spectrum [REYAAS] Project. DOL–ODEP has included the number of respondents, responses, burden hours, and burden costs supporting this information collection request below.

Type of Review: New collection.
Agency: DOL–ODEP.
OMB Number: 1230–0NEW.
Affected Public: Individuals and public.
Number of Respondents: 3,030 (3,000 for survey, 30 for interviews).
Frequency: Once per respondent.
Number of Responses: 3,030.
Annual Burden Hours: 1,015 hours.
Estimated Time per Response: 20 minutes per survey, 30 minutes per interview.
Total Estimated Annual Other Costs Burden: $0.

ESTIMATED HOURS OF BURDEN TO PARTICIPANT DATA COLLECTION

Study	Number of respondents	Average time per respondent (minutes)	Total time burden (hours)
Year 1—Survey	3,000	20	1,000
Year 1—Interviews	30	30	15
One-year total	3,030		1,015

Authority: 44 U.S.C. 3506(c)(2)(A).

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Taryn Tyler,

Assistant Secretary, Office of Disability Employment Policy, Certifying Officer.

[FR Doc. 2024–17852 Filed 8–9–24; 8:45 am]

BILLING CODE 4510–FK–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Claim for Schedule Award

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 11, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michelle Neary by telephone at 202–693–6312, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Form CA–9 is used to file a claim for permanent impairment due to a federal employment related injury and to obtain necessary medical documentation to determine whether a claimant is entitled to benefits under the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.* For additional substantive information about this ICR, see the related notices published in the **Federal Register** on September 19, 2022 (87 FR 57224) and March 8, 2024 (89 FR 16800).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Claim for Schedule Award.

OMB Control Number: 1240–0NEW.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 775.

Total Estimated Number of Responses: 775.

Total Estimated Annual Time Burden: 388 hours.

Total Estimated Annual Other Costs Burden: $16.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michelle Neary,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–17795 Filed 8–9–24; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1911; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition for TUV SUD America Inc. (TUVAM). TUVAM's expansion covers the addition of eighteen test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: *https://www.osha.gov/nationally-recognized-testing-laboratory-program.*

TUVAM submitted an application to OSHA for expansion of the NRTL scope of recognition on September 30, 2021 (OSHA–2007–0043–0059), requesting the expansion of the NRTL scope of recognition to include eighteen additional test standards. OSHA did not perform any on-site reviews with respect to this application.

OSHA published the preliminary notice announcing TUVAM's expansion application in the **Federal Register** on May 28, 2024 (89 FR 46162). The agency requested comments by June 12, 2024, however no comments were received in response to this notice.

To review copies of all public documents pertaining to TUVAM's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor at (202) 693–2350. Docket No. OSHA–2007–0043 contains all materials in the record concerning TUVAM's recognition. All submissions, including copyrighted material, are available for inspection through the OSHA Docket

Office. Contact the OSHA Docket Office at (202) 693–2350 for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined TUVAM's expansion application and examined other pertinent information. Based on its review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant TUVAM's expanded scope of recognition. OSHA limits the expansion of TUVAM's recognition to include the testing and certification of products for demonstration of conformance to the test standards shown below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 6141	Wind Turbines Permitting Entry of Personnel.
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–1: Particular Requirements for Hand-Held Drills and Impact Drills.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers And Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements For Hand-Held Sanders And Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–8	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn and Garden Machinery—Safety—Part 2–8: Particular Requirements for Hand-Held Shears and Nibblers.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–10: Particular Requirements for Hand-Held Mixers.
UL 62841–2–11	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–11: Particular Requirements For Hand-Held Reciprocating Saws.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–2–21	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–21: Particular Requirements for Hand-Held Drain Cleaners.
UL 62841–3–1	Electrical Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–1: Particular Requirements For Transportable Table Saws.
UL 62841–3–4	Electrical Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–4: Particular Requirements for Transportable Bench Grinders.
UL 62841–3–6	Electrical Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–6: Particular Requirements for Transportable Diamond Drills With Liquid System.
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–10: Particular Requirements for Transportable Cut-Off Machines.
UL 62841–3–13	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–13: Particular Requirements for Transportable Drills.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, OSHA may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 01–00–004, Chapter 2, Section VIII), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including but not limited to, abiding by the following conditions of recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No.

8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 6, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–17905 Filed 8–9–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0002]

Asbestos in Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Asbestos in Construction Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by October 11, 2024.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA- 2012–0002) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it.

The Asbestos in Construction Standard (29 CFR 1926.1101) protects workers from adverse health effects arising from workplace exposure to asbestos, including lung cancer, mesothelioma, asbestosis (an emphysema-like condition) and gastrointestinal cancer. The standard requires employers to monitor worker exposure, provide medical surveillance, and maintain accurate records of worker exposure to asbestos. These records will be used by employers, workers, and the Government to ensure that workers are not harmed by exposure to asbestos in the workplace.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB review the approval of the information collection requirements contained in the Asbestos in Construction Standard. The Agency is requesting an adjustment decrease of 139,401 burden hours, from 4,199,335 to 4,059,934 hours. There are several reasons for this adjustment in burden hours. First, the Agency updated the data sources used to estimate the number of respondents and unit costs. Secondly, there was a decrease in the number of buildings affected. As a result, there was a decrease in the total burden hours.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Asbestos in Construction Standard.

OMB Control Number: 1218–0134.

Affected Public: Business or other for-profits.

Number of Respondents: 1,075,579.

Number of Responses: 40,412,178.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 4,059,934.

Estimated Cost (Operation and Maintenance): $62,460,240.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://*

www.regulations.gov, which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (OSHA–2012–0002). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8–2020 (85 FR 58393).

Signed at Washington, DC, on July 23, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–17891 Filed 8–9–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for TUV Rheinland of North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1911; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV Rheinland of North America, Inc. (TUVRNA), as a NRTL. TUVRNA's expansion covers the addition of two test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVRNA, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA submitted two applications, dated August 25, 2023 (OSHA–2007–0042–0074), to expand recognition as a NRTL to include two additional test standards. OSHA staff performed a detailed analysis of the application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to these applications.

OSHA published the preliminary notice announcing TUVRNA's expansion applications in the **Federal Register** on April 16, 2024 (89 FR 26940). The agency requested comments by May 1, 2024, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVRNA's scope of recognition.

To review copies of all public documents pertaining to TUVRNA's application, go to *www.regulations.gov* or contact the OSHA Docket Office. Docket No. OSHA–2007–0042 contains all materials in the record concerning TUVRNA's recognition.

II. Final Decision and Order

OSHA staff examined TUVRNA's expansion application, their capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVRNA's scope of recognition. OSHA limits the expansion of TUVRNA's recognition to testing and certification of products for demonstration of conformance to the test standards shown below in table 1.

TABLE 1—APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1557	Electrically Isolated Semiconductor Devices.
UL 1577	Optical Isolators.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including but not limited to, abiding by the following conditions of recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

OSHA hereby expands the scope of recognition of TUVRNA, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on August 6, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–17794 Filed 8–9–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0066]

Vertical Tandem Lifts (VTLs) for Marine Terminals; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Vertical Tandem Lifts (VTLs) for Marine Terminals.

DATES: Comments must be submitted (postmarked, sent, or received) by October 11, 2024.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2011–0066) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled ''**SUPPLEMENTARY INFORMATION**.''

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to provide workers with safe work practices when using VTLs.

Paragraph (a) of § 1917.71 requires that all intermodal containers are legibly and permanently marked with the weight of the container when empty ((a)(1)); the maximum weight the container is designated to carry in pounds ((a)(2)); and the maximum weight including the container ((a)(3)).

Additionally, loaded containers must display their gross weight plainly marked on the container in a way that it is visible to the crane operator or other hoisting equipment operator or signalman, or to every supervisor and foreman on the site and in charge of the operation ((b)(2)(i)), or supplied in the form of a cargo stowage plan or equivalent permanent record to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation ((b)(2)(ii)).

The labeling of intermodal containers with the weight of the container, the maximum weight of cargo that can be packed in the container, and their sum provides the crane operator or other hoisting equipment operator or signalman, or to every supervisor and foreman on the site and in charge of the operation with a minimum and maximum range under which a container can be safely lifted. Providing the gross weight, either marked on the container or supplied in the form of a cargo stowage plan or equivalent permanent record, ensures that the containers being lifted and cranes/derricks performing the lifting are not overloaded.

Paragraph (i)(8)(iv) of § 1917.71 requires employers to ensure that the interbox connectors used in VTLs has been certified by a competent authority authorized under § 1918.11 (for interbox connectors that are part of a vessel's gear) or § 1917.50 (for other interbox connectors). Paragraph (i)(8)(v) requires employers to make the certification available for inspection and that the certificate attests that the interbox connector meets the strength criteria specified in paragraph (i)(8)(iv) of the standard. Also, paragraph (i)(8)(vi) requires that each interbox connector be clearly and durably marked with its safe working load for lifting with and an identifying number or mark that will enable it to be associated with its test certificate. The certification is necessary to ensure that interbox connector-corner casting assemblies have adequate strength to ensure the safety of the lift. Marking of interbox connectors informs employers, workers, and OSHA that the interbox connectors have been certified.

Paragraph (j)(2) of § 1917.71 requires the employer to develop, implement, and maintain a written plan for transporting vertically connected containers in the terminal. The transport plan helps ensure the safety of terminal workers and thereby enhances productivity. Paragraph (k)(2) of § 1917.71 requires that the written transport plan include the safe work zone and procedures to ensure that workers are not in the zone when a VTL is in motion.

Written plans give employers, workers, and OSHA compliance officers assurance that VTLs are safe to use and provide the compliance officers with an efficient means to assess employer compliance with the standard.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Vertical Tandem Lifts (VTLs) for Marine Terminals. The agency is requesting an adjustment decrease in burden hours from 23,256 hours to 22,932 hours, a difference of 324 hours. This decrease is due to a reduction in the number of containers per establishment, from 2,950 to 2,906.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Vertical Tandem Lifts (VTLs) for Marine Terminals.

OMB Control Number: 1218–0260.

Affected Public: Business or other for-profits.

Number of Respondents: 1,210.

Number of Responses: 75,243.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 22,932.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0066). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link.

Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8–2020 (85 FR 58393).

Signed at Washington, DC, on July 23, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–17886 Filed 8–9–24; 8:45 am]

BILLING CODE 4510–26–P

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Morris K. Udall and Stewart L. Udall Foundation.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act, the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) is proposing one new Information Collection Request (ICR). The proposed ICR is necessary to gather feedback on agency delivery of its services and to improve service delivery and customer service.

DATES: Interested persons are invited to submit comments on or before October 11, 2024.

ADDRESSES: You may send comments, identified by ELIGIBILITY CRITERIA, by mail to Gwendolyn Franks, Morris K. Udall and Stewart L. Udall Foundation, 434 E University Blvd., Suite 300, Tucson, AZ 85705 or by email to *info@udall.gov. Please note that comments submitted by fax and those submitted after the comment period will not be accepted.*

FOR FURTHER INFORMATION CONTACT: For specific questions or to request additional information about this ICR, contact Gwendolyn Franks at *franks@udall.gov,* or by telephone at 520–901–8552. 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 Morris K. Udall and Stewart L. Udall Foundation, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), seeks to gather feedback and information from its Education Programs alumni for its Board of Trustees' (Board) consideration as it determines how to update eligibility criteria for the Udall Foundation's Native American and Alaska Native programming. This ICR will give Udall Foundation Education Programs alumni an opportunity to provide feedback and additional information related to proposed updates to Udall Foundation eligibility criteria for its Native American and Alaska Native programming, including within the Undergraduate Scholarship, Congressional Internship, and Graduate Fellowship Education Programs. This will help the Udall Foundation assess the impact of any changes and improve customer service and service delivery related to the eligibility criteria. The Udall Foundation is soliciting comments on one proposed ICR. The proposed ICR is necessary to gather feedback on agency delivery of its services and to improve service delivery and customer service. It is not expected to have a significant economic impact on respondents or to affect a substantial number of small entities. The Udall Foundation is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Udall Foundation; (2) will this information have practical utility; (3) is the estimate of burden accurate; (4) how might the Udall Foundation enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Udall Foundation minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records. Also, comments submitted in response to this notice will be summarized and included in the request for the Office of Management and Budget's (OMB) approval.

Title of Collection: Survey of Alumni—Eligibility Criteria.

OMB Control Number: None.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 30.

Abstract: This voluntary anonymous survey collects information from Udall Foundation Education Programs alumni about their participation, after their award year has concluded, in the Undergraduate Scholarship, Congressional Internship, and/or Graduate Fellowship Programs; feedback related to proposed agency changes to eligibility criteria for Native American and Alaska Native programming; and feedback related to whether and how their level of participation in the Undergraduate Scholarship, Congressional Internship, and Graduate Fellowship Programs are likely to change if the eligibility criteria are updated as proposed. The results of this voluntary anonymous survey will be consolidated and summarized for the Udall Foundation Board of Trustees' consideration and will be the primary means by which the Board will receive information from alumni during the related policy decision-making process. (20 U.S.C. 5601–5609)

Dated: August 6, 2024.

David P. Brown,

Executive Director, Morris K. Udall and Stewart L. Udall Foundation.

[FR Doc. 2024–17798 Filed 8–9–24; 8:45 am]

BILLING CODE 6820–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 24–049]

NASA Advisory Council; Human Exploration and Operations Committee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Thursday, August 29, 2024, 9:30 a.m. to 3 p.m. All times are eastern time.

ADDRESSES: Public attendance will be virtual only. See dial-in and Webex information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Designated Federal Officer, Human Exploration and Operations Committee, NASA Headquarters, Washington, DC 20546, via email at *bette.siegel@nasa.gov* or (202) 358–2245.

SUPPLEMENTARY INFORMATION: As noted above, this meeting will be open to the public via Webex and telephonically. Webex connectivity information is provided below. For audio, when you join the Webex event, you may use your computer or provide your phone number to receive a call back, otherwise, call the U.S. toll conference number listed.

On August 29, the event address for attendees is: *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=mc17aa0761ae0718ade5a74ffe553e298.*

The webinar number is 2824 562 6697 and the webinar password is Cu4qmHxM?65 . If needed, the U.S. toll conference number is 1–929–251–9612 or 1–415–527–5035 and access code is 2824 562 6697 and password is 28476496.

The agenda for the meeting includes the following topics:

—Exploration Systems Development Mission Directorate Status

—Moon to Mars

—Strategy and Architecture

It is imperative that these meeting be held on these days to accommodate the scheduling priorities of the key participants.

For more information, please visit *https://www.nasa.gov/nac/heo-committee/.*

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2024–17917 Filed 8–9–24; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: The National Endowment for the Humanities (NEH) will hold thirty-seven meetings, by video conference, of the Humanities Panel, a Federal advisory committee, during August 2024, and five meetings in September 2024. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. 10), notice is hereby given of the following meetings:

1. Date: August 1, 2024.

This video meeting will discuss applications on the topics of European Studies, Political Science, and Jurisprudence, for the Fellowships grant program, submitted to the Division of Research Programs.

2. Date: August 1, 2024.

This video meeting will discuss applications on the topics of Asian Studies and Film Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

3. Date: August 1, 2024.

This video meeting will discuss applications on the topics of Museum Studies and Preservation, for the Preservation and Access Education and Training grant program, submitted to the Division of Preservation and Access.

4. Date: August 2, 2024.

This video meeting will discuss applications on the topics of Communication, Media, and American History and Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

5. Date: August 2, 2024.

This video meeting will discuss applications on the topics of U.S. History and Environmental Humanities, for the Fellowships grant program, submitted to the Division of Research Programs.

6. Date: August 5, 2024.

This video meeting will discuss applications on the topic of Social Sciences, for the Fellowships grant program, submitted to the Division of Research Programs.

7. Date: August 5, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities grant program, submitted to the Division of Education Programs.

8. Date: August 5, 2024.

This video meeting will discuss applications on the topics of Libraries, Archives, and Communities, for the Preservation and Access Education and Training grant program, submitted to the Division of Preservation and Access.

9. Date: August 6, 2024.

This video meeting—the first of two on this date—will discuss applications for the Humanities Initiatives at Community Colleges grant program, submitted to the Division of Education Programs.

10. Date: August 6, 2024.

This video meeting—the second of two on this date—will discuss applications for the Humanities Initiatives at Community Colleges grant program, submitted to the Division of Education Programs.

11. Date: August 6, 2024.

This video meeting will discuss applications on the topic of Cultural Anthropology, for the Cultural and Community Resilience grant program, submitted to the Division of Preservation and Access.

12. Date: August 7, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities grant program, submitted to the Division of Education Programs.

13. Date: August 7, 2024.

This video meeting will discuss applications on the topic of Climate, for the Cultural and Community Resilience grant program, submitted to the Division of Preservation and Access.

14. Date: August 7, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.

15. Date: August 8, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Community Colleges, Tribal Colleges, and Universities grant programs, submitted to the Division of Education Programs.

16. Date: August 8, 2024.

This video meeting will discuss applications on the topics of Climate, for the Cultural and Community Resilience grant program, submitted to the Division of Preservation and Access.

17. Date: August 8, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities grant program, submitted to the Division of Education Programs.

18. Date: August 9, 2024.

This video meeting will discuss applications on the topics of Digital Preservation and AV, for the Preservation and Access Education and Training grant program, submitted to the Division of Preservation and Access.

19. Date: August 12, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Historically Black Colleges and Universities grant program, submitted to the Division of Education Programs.

20. Date: August 13, 2024.

This video meeting will discuss applications on the topics of Digital and Media Preservation, for the Research and Development grant program, submitted to the Division of Preservation and Access.

21. Date: August 13, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities grant program, submitted to the Division of Education Programs.

22. Date: August 14, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities grant program, submitted to the Division of Education Programs.

23. Date: August 14, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.

24. Date: August 15, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.

25. Date: August 15, 2024.

This video meeting will discuss applications on the topics of Community and Ethnographic Preservation, for the Research and Development grant program, submitted to the Division of Preservation and Access.

26. Date: August 15, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities

grant program, submitted to the Division of Education Programs.

27. Date: August 16, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Colleges and Universities grant program, submitted to the Division of Education Programs.

28. Date: August 16, 2024.

This video meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.

29. Date: August 20, 2024.

This video meeting will discuss applications on the topics of Preventative Care and Conservation Science, for the Research and Development grant program, submitted to the Division of Preservation and Access.

30. Date: August 21, 2024.

This video meeting will discuss applications on the topics of Collections and Access, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

31. Date: August 22, 2024.

This video meeting will discuss applications on the topics of Arts and Public Humanities, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

32. Date: August 27, 2024.

This video meeting will discuss applications on the topics of World History and Culture, for the Digital Projects for the Public: Production Grants program, submitted to the Division of Public Programs.

33. Date: August 27, 2024.

This video meeting will discuss applications on the topic of Spatial Humanities, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

34. Date: August 28, 2024.

This video meeting will discuss applications on the topics of Collections and Access, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

35. Date: August 28, 2024.

This video meeting will discuss applications on the topics of Arts and Culture, for the Digital Projects for the Public: Production Grants program, submitted to the Division of Public Programs.

36. Date: August 29, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Digital Projects for the Public: Production Grants program, submitted to the Division of Public Programs.

37. Date: August 29, 2024.

This video meeting will discuss applications on the topic of Scholarly Communication, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

38. Date: September 4, 2024.

This video meeting will discuss applications on the topics of Computational Analysis and Languages, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

39. Date: September 4, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Digital Projects for the Public: Production Grants program, submitted to the Division of Public Programs.

40. Date: September 5, 2024.

This video meeting will discuss applications on the topic of Indigenous Studies, for the Digital Projects for the Public: Production Grants program, submitted to the Division of Public Programs.

41. Date: September 6, 2024.

This video meeting will discuss applications on the topic of U.S. History, for the Digital Projects for the Public: Production Grants program, submitted to the Division of Public Programs.

42. Date: September 10, 2024.

This video meeting will discuss applications for the Graduate Education in the Humanities: A National Convening grant program, submitted to the Office of Challenge Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: August 7, 2024.

Jessica Graves,

Paralegal Specialist, National Endowment for the Humanities.

[FR Doc. 2024–17900 Filed 8–9–24; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 12, 19, 26, and September 2, 9, 16, 2024. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of August 12, 2024

There are no meetings scheduled for the week of August 12, 2024.

Week of August 19, 2024—Tentative

There are no meetings scheduled for the week of August 19, 2024.

Week of August 26, 2024—Tentative

There are no meetings scheduled for the week of August 26, 2024.

Week of September 2, 2024—Tentative

Thursday, September 5, 2024

10:00 a.m. All Employees Meeting (Public Meeting) (Contact: Sarah Turner 301–287–9058)

Additional Information: The meeting will be held in the Two White Flint North auditorium, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of September 9, 2024—Tentative

There are no meetings scheduled for the week of September 9, 2024.

Week of September 16, 2024—Tentative

There are no meetings scheduled for the week of September 16, 2024.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Sarah Turner at 301–287–9058 or via email at *Sarah.Turner@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 7, 2024.

For the Nuclear Regulatory Commission.

Sarah A. Turner,

Information Management Specialist, Office of the Secretary.

[FR Doc. 2024–17942 Filed 8–8–24; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0052]

Information Collection: Standards for Protection Against Radiation

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Standards for Protection Against Radiation.''

DATES: Submit comments by October 11, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0052. 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:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0052 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–2024–0052.

• *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 supporting statement is available in ADAMS under Accession No. ML24143A053.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0052, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* Standards for Protection Against Radiation.

2. *OMB approval number:* 3150–0014.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Annually for most reports and at license termination for reports dealing with decommissioning.

6. *Who will be required or asked to respond:* NRC licensees and Agreement State licensees, including those requesting license terminations. Types of licensees include civilian commercial, industrial, academic, and medical users of nuclear materials. Licenses are issued for, among other things, the possession, use, processing, handling, and importing and exporting of nuclear materials, and for the operation of nuclear reactors.

7. *The estimated number of annual responses:* 53,483 (6,219 NRC licensees + 47,264 Agreement State licensees).

8. *The estimated number of annual respondents:* 25,826 (3,003 NRC licensees + 22,823 Agreement State licensees).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 787,286 (91,545 NRC licensees + 695,741 Agreement State licensees).

10. *Abstract:* Part 20 of title 10 of the *Code of Federal Regulations,* ''Standards for Protection Against Radiation'' establishes standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the NRC and by Agreement States. These standards require the establishment of radiation protection programs, maintenance of radiation protection programs, maintenance of radiation records, recording of radiation received by workers, reporting of incidents which could cause exposure to radiation, submittal of an annual report to NRC and to Agreement States of the results of individual monitoring, and submittal of license termination information. These mandatory requirements are needed to protect occupationally exposed individuals from undue risks of excessive exposure to ionizing radiation and to protect the health and safety of the public.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: August 7, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–17853 Filed 8–9–24; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–95; MC2024–479 and CP2024–486; MC2024–480 and CP2024–487; MC2024–481 and CP2024–488; MC2024–483 and CP2024–490]

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 14, 2024.

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

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

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2024–95; *Filing Title:* USPS Notice of Amendment to Priority Mail Express, Priority Mail, USPS Ground Advantage & Parcel Select Contract 1, Filed Under Seal; *Filing Acceptance Date:* August 6, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 14, 2024.

2. *Docket No(s).:* MC2024–479 and CP2024–486; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 199 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 6, 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 14, 2024.

3. *Docket No(s).:* MC2024–480 and CP2024–487; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 200 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 6, 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 14, 2024.

4. *Docket No(s).:* MC2024–481 and CP2024–488; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 201 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 6, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* August 14, 2024.

5. *Docket No(s).:* MC2024–483 and CP2024–490; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 202 to Competitive Product List and Notice of Filing Materials

[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).

Under Seal; *Filing Acceptance Date:* August 6, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* August 14, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–17893 Filed 8–9–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 1, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 41 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2024–459 and CP2024–466.

Christopher Doyle,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–17835 Filed 8–9–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100663; File No. SR–ISE–2024–34]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To Amend ISE Options 4, Section 3 To List and Trade Options on Units That Represent Interests in a Trust That Holds Ether (''Ether ETPs'')

August 6, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 22, 2024, Nasdaq ISE, LLC (''ISE'' 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 to [sic] amend Options 4, Section 3, Criteria for Underlying Securities.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 4, Section 3, Criteria for Underlying Securities. Specifically, the Exchange proposes to amend Options 4, Section 3(h) to allow the Exchange to list and trade options on units that represent interests in a trust that hold ether (''Ether ETPs''), designating them as Exchange-Traded Fund Shares (''ETFs'') deemed appropriate for options trading on the Exchange. Options 4, Section 3(h) provides that, subject to certain other criteria set forth in that Rule, securities deemed appropriate for options trading include ETFs that represent certain types of interests,[3] including interests in certain specific trusts that hold financial instruments, money market instruments, or precious metals (which are deemed commodities).[4]

Ether ETPs are ether-backed commodity ETPs structured as trusts.[5] Similar to any ETF currently deemed appropriate for options trading under Options 4, Section 3(h), the investment objective of an Ether ETP trust is to reflect generally the performance of the price of ether (before payment of the trust's expenses and liabilities), offering investors an opportunity to gain exposure to ether without the complexities of ether delivery. As is the case for ETFs currently deemed appropriate for options trading, a [sic] Ether ETP's shares represent units of fractional undivided beneficial interest in the trust, the assets of which consist principally of ether and are designed to track ether or the performance of the price of ether and offer access to the ether market.[6] Ether ETPs provide investors with cost-efficient alternatives that allow a level of participation in the ether market through the securities market. The primary substantive difference between Ether ETPS and ETFs currently deemed appropriate for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Options 4, Section 3(h) provides that securities deemed appropriate for options trading shall include shares or other securities (''Exchange-Traded Fund Shares'' or ''ETFs'') that are traded on a national securities exchange and are defined as an ''NMS'' stock under Rule 600 of Regulation NMS, and that meet certain criteria specified in Options 4, Section 3(h), including that they: . . . (iv) represent interests in the SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, or the ETFS Gold Trust . . .''. In addition to the aforementioned requirements, Options 4, Section 3(h)(1) and (2) must be met to list options on ETFs.

[4] The Commission recently approved a rule change to list and trade shares of the Trust pursuant to Rule 5711(d) of The Nasdaq Stock Exchange LLC (''Commodity-Based Trust Shares''). *See* Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (SR–NASDAQ–2023–045) (hereinafter ''SR–NASDAQ–2023–045''). The Exchange represents it would not list options on a trust unless it satisfied all applicable criteria in Options 4, Section 3.

[5] Pursuant to Options 4, Section 3(a), the Exchange would only have authority to list and trade ETFs that are trading as NMS stocks.

[6] The trust may include minimal cash.

options trading are that ETFs may hold securities, certain financial instruments, and specified precious metals (which are commodities), while Ether ETPS hold ether (which is also deemed a commodity).

The Exchange's initial listing standards for ETFs on which options may be listed and traded on the Exchange will apply to the Ether ETPS. The Exchange expects Ether ETPS to satisfy the initial listing standards as set forth in Options 4, Section 3(a) and Options 4, Section 3(h). Pursuant to Options 4, Section 3(a), a security (which includes an ETF) on which options may be listed and traded on the Exchange must be a security registered (with the Commission) and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Act), and the security shall be characterized by a substantial number of outstanding shares that are widely held and actively traded.[7] Options 4, Section 3(h)(1) requires that ETFs must either meet the criteria and guidelines set forth in Options 4, Section 3(a) and (b)[8] or the ETFs are available for creation or redemption each business day from or through the issuing trust, investment company, commodity pool or other entity in cash or in kind at a price related to net asset value, and the issuer is obligated to issue ETFs in a specified aggregate number even if some or all of the investment assets and/or cash required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investment assets has undertaken to deliver them as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer of the ETFs, all as described in the ETFs' prospectus or the Exchange-Traded Fund Shares must be based on international or global indexes, or portfolios that include non-U.S. securities, and meet other criteria. The Exchange expects that Ether ETPS would satisfy Options 4, Section 3(h)(1)(ii).

Options on Ether ETPS will also be subject to the Exchange's continued listing standards for options on ETFs set forth in Options 4, Section 4(g) for ETFs deemed appropriate for options trading pursuant to Options 4, Section 3(h). Specifically, options approved for trading pursuant to Options 4, Section 3(h) will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such ETFs if the ETFs are delisted from trading as provided in subparagraph (b)(5) of Options 4, Section 4[9] or the ETFs are halted or suspended from trading on their primary market.[10] Additionally, options on ETFs may be subject to the suspension of opening transactions in any series of options of the class covering ETFs in any of the following circumstances:

(1) in the case of options covering Exchange-Traded Fund Shares approved pursuant to Options 4, Section 3(h)(A)(i), in accordance with the terms of subparagraphs (b)(1), (2), (3) and (4) of Options 4, Section 4;[11]

(2) in the case of options covering Fund Shares approved pursuant to Options 4, Section 3(h)(A)(ii),[12] following the initial twelve-month period beginning upon the commencement of trading in the Exchange-Traded Fund Shares on a national securities exchange and are defined as an ''NMS stock'' under Rule 600 of Regulation NMS, there were fewer than 50 record and/or beneficial holders of such Exchange-Traded Fund Shares for 30 or more consecutive trading days;

(3) the value of the index or portfolio of securities or non-U.S. currency, portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts, options on physical commodities and/or Financial Instruments and Money Market Instruments, on which the Exchange-Traded Fund Shares are based is no longer calculated or available; or

(4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on a [sic] Ether ETP would be physically settled contracts with American-style exercise.[13] Consistent with current Options 4, Section 5, which governs the opening of options series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month for options on each Ether ETP[14] and may also list series of options on a [sic] Ether ETP for trading on a weekly[15] or quarterly[16] basis. The Exchange may also list long-term equity option series (''LEAPS'') that expire from twelve to thirty-nine months from the time they are listed.[17]

Pursuant to Options 4, Section 5(d), which governs strike prices of series of options on ETFs, the interval between strike prices of series of options on

[7] The Exchange represents it would not list options on a [sic] Ether ETP unless it satisfied the criteria in Options 4, Section 3(a), the proposed listing criteria, and any other applicable listing criteria.

[8] Options 4, Section 3(h)(1) provides criteria and guidelines when evaluating potential underlying securities for the listing of options.

[9] Options 4, Section 4(b)(5) provides, if an underlying security is approved for options listing and trading under the provisions of Options 4, Section 3(c), the trading volume of the Original Security (as therein defined) prior to but not after the commencement of trading in the Restructure Security (as therein defined), including 'when-issued' trading, may be taken into account in determining whether the trading volume requirement of (3) of this paragraph (b) is satisfied. Options 4, Section 4(b)(3) provides, ''The trading volume (in all markets in which the underlying security is traded) has been less than 1,800,000 shares in the preceding twelve (12) months.''

[10] *See* Options 4, Section 4(g).

[11] Options 4, Section 4(b)(5)(1) through (4) provides, if: (1) there are fewer than 6,300,000 shares of the underlying security held by persons other than those who are required to report their security holdings under Section 16(a) of the Act, (2) there are fewer than 1,600 holders of the underlying security, (3) the trading volume (in all markets in which the underlying security is traded) has been less than 1,800,000 shares in the preceding twelve (12) months, or (4) the underlying security ceases to be an 'NMS stock' as defined in Rule 600 of Regulation NMS under the Exchange Act.

[12] Options 4, Section 3(h)(ii) refers to Currency Trust Shares.

[13] *See* Options 4, Section 2, Rights and Obligations of Holders and Writers, which provides that the rights and obligations of holders and writers shall be as set forth in the Rules of the Clearing Corporation. *See also* The Options Clearing Corporation (''OCC'') Rules, Chapter VIII, which governs exercise and assignment, and Chapter IX, which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts. OCC Rules can be located at: *https://www.theocc.com/getmedia/9d3854cd-b782-450f-bcf7-33169b0576ce/occ_rules.pdf*.

[14] *See* Options 4, Section 5(b). At the commencement of trading on the Exchange of a particular class of options, the Exchange will open a minimum of one (1) series of options in that class. The exercise price of that series will be fixed at a price per share, relative to the underlying stock price in the primary market at about the time that class of options is first opened for trading on the Exchange. The monthly expirations are subject to certain listing criteria for underlying securities described within Options 4, Section 5. Monthly listings expire the third Friday of the month. The term ''expiration date'' (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. *See* OCC By-Laws Article I, Section 1. Pursuant to Options 4, Section 5(c), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. The opening of a new series of options shall not affect the series of options of the same class previously opened. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to the business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, on the second business day prior to expiration.

[15] *See* Supplementary .03 to Options 4, Section 5.

[16] *See* Supplementary .04 to Options 4, Section 5.

[17] *See* Options 4, Section 8.

Ether ETPS approved for options trading pursuant to Section 3(h) of Options 4 will be $1 or greater when the strike price is $200 or less and $5 or greater when the strike price is greater than $200.[18] With respect to the Short Term Options Series or Weekly Program, during the month prior to expiration of an option class that is selected for the Short Term Option Series Program, the strike price intervals for the related non-Short Term Option (''Related non-Short Term Option'') shall be the same as the strike price intervals for the Short Term Option.[19] Specifically, the Exchange may open for trading Short Term Option Series at strike price intervals of (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all option classes that participate in the Short Term Options Series Program; (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150.[20] Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[21] the $0.50 Strike Program,[22] the $2.50 Strike Price Program,[23] and the $5 Strike Program.[24] Pursuant to Options 3, Section 3, where the price of a series of a Ether ETP options is less than $3.00, the minimum increment will be $0.05, and where the price is $3.00 or higher, the minimum increment will be $0.10.[25] Any and all new series of Ether ETP options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Options 4, Section 5 and Options 3, Section 3, as applicable.

Ether ETP options will trade in the same manner as options on other ETFs on the Exchange. Exchange Rules that currently apply to the listing and trading of all options on ETFs on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures will apply to the listing and trading of Ether ETPS on the Exchange in the same manner as they apply to other options on all other ETFs that are listed and traded on the Exchange, including the precious-metal backed commodity ETFs already deemed appropriate for options trading on the Exchange pursuant to pursuant to Options 4, Section 3(h)(iv).

Position and exercise limits for options on ETFs, including options on Ether ETPS, are determined pursuant to Options 9, Sections 13 and 15, respectively. Position and exercise limits for ETFs options vary according to the number of outstanding shares and the trading volumes of the underlying ETF over the past six months, where the largest in capitalization and the most frequently traded ETFs have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization ETFs have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.[26] Further, Options 6C, Section 3, which governs margin requirements applicable to the trading of all options on the Exchange including options on ETFs, will also apply to the trading of the Ether ETP options.

The Exchange represents that the same surveillance procedures applicable to all other options on other ETFs currently listed and traded on the Exchange will apply to options on Ether ETPS, and that it has the necessary systems capacity to support the new option series. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading options on ETFs, including precious metal-commodity backed ETF options, as proposed. Also, the Exchange may obtain information from CME Group Inc.'s designated contract markets that are members of the Intermarket Surveillance Group related to any financial instrument that is based, in whole or in part, upon an interest in or performance of ether, as applicable.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority or ''OPRA'' have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on Ether ETPS up to the number of expirations currently permissible under the Exchange Rules. Because the proposal is limited to ETFs on a single commodity, the Exchange believes any additional traffic that may be generated from the introduction of Ether ETP options will be manageable.

The Exchange believes that offering options on Ether ETPS will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of ether and hedging vehicle to meet their investment needs in connection with ether-related products and positions. The Exchange expects investors will transact in options on Ether ETPS in the unregulated over-the-counter (''OTC'') options market (if the Commission approves Ether ETPS for exchange-trading),[27] but may prefer to trade such options in a listed environment to receive the benefits of trading listing options, including (1) enhanced efficiency in initiating and closing out position [sic]; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing Ether ETP options may cause investors to bring this liquidity to the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The ETFs that hold financial instruments, money market instruments, or precious metal commodities on which the Exchange may already list and trade options are trusts structured in substantially the same manner as Ether ETPS and

[18] *See* Options 5, Section 5(d). The interval between strike prices of series of options on Exchange-Traded Fund Shares approved for options trading pursuant to Section 3(h) of this Options 4 may also be fixed at a price per share which is reasonably close to the price per share at which the underlying security is traded in the primary market at or about the same time such series of options is first open for trading on the Exchange, or at such intervals as may have been established on another options exchange prior to the initiation of trading on the Exchange. *See also* Options 4, Section 5(h). The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Quarterly Options Series Program, and the Monthly Options Series Program, Supplementary Material .03, .04 and .08 to Options 4, Section 5 specifically sets forth intervals between strike prices on Short Term Option Series, Quarterly Options Series, and Monthly Options Series, respectively.

[19] *See* Supplementary Material .03(e) to Options 4, Section 5.

[20] *Id.*

[21] *See* Supplementary Material .01 to Options 4, Section 5.

[22] *See* Supplementary Material .05 to Options 4, Section 5.

[23] *See* Supplementary Material .02 to Options 4, Section 5.

[24] *See* Supplementary Material .06 to Options 4, Section 5.

[25] If options on a [sic] Ether ETP are eligible to participate in the Penny Interval Program, the minimum increment will be $0.01 for series with a price below $3.00 and $0.05 for series with a price at or above $3.00. *See* Supplementary Material .01 to Options 3, Section 3 (which describes the requirements for the Penny Interval Program).

[26] As Ether ETPs do not currently trade, options on Ether ETPs would be subject to the 25,000 option contract limit.

[27] The Exchange understands from customers that investors have historically transacted in options on units in the OTC options market if such options were not available for trading in a listed environment.

essentially offer the same objectives and benefits to investors, just with respect to different assets. The Exchange notes that it has not identified any issues with the continued listing and trading of any ETF options, including ETFS that hold commodities (*i.e.,* precious metals) that it currently lists and trades on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[28] in general, and furthers the objectives of Section 6(b)(5) of the Act,[29] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[30] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on Ether ETPS will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on Ether ETPS will provide investors with a greater opportunity to realize the benefits of utilizing options on a [sic] ether-based ETP, including cost efficiencies and increased hedging strategies. The Exchange believes that offering Ether ETP options will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of ether and with ether-related products and positions. Additionally, the Exchange's offering of Ether ETP options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC options market, which would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists options on other commodity-based ETFs,[31] which, as described above, are trusts structured in substantially the same manner as Ether ETPS and essentially offer the same objectives and benefits to investors, just with respect to a different commodity (*i.e.,* ether rather than precious metals) and for which the Exchange has not identified any issues with the continued listing and trading of commodity-backed ETF options it currently lists for trading.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules, previously filed with the Commission. Options on Ether ETPS must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all ETFs, including ETFs that hold other commodities already deemed appropriate for options trading on the Exchange. Ether ETP options will trade in the same manner as any other ETF options—the same Exchange Rules that currently govern the listing and trading of all ETF options, including permissible expirations, strike prices and minimum increments, and applicable position and exercise limits and margin requirements, will govern the listing and trading of options on Ether ETPS in the same manner.

The Exchange represents that it has the necessary systems capacity to support the new ETF option series. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading ETF options, including Ether ETP options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as Ether ETPS would need to satisfy the initial listing standards set forth in the Exchange Rules in the same manner as any other ETF before the Exchange could list options on them. Additionally, Ether ETP options will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of all options on Ether ETPS. Also, and as stated above, the Exchange already lists options on other commodity-based ETFs.[32]

The Exchange does not believe that the proposal to list and trade options on Ether ETPS will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of Ether ETP options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Ether ETPS. Additionally, the Exchange notes that listing and trading Ether ETP options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering Ether ETP options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with ether prices and ether-related products and positions on a listed options exchange.

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.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

[30] 15 U.S.C. 78(f)(b)(5).

[31] *See* Options 4, Section 3(h)(iv).

[32] *See* Options 4, Section 3(h)(iv).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–ISE–2024–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2024–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2024–34 and should be submitted on or before September 3, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–17843 Filed 8–9–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100665; File No. SR–CboeEDGX–2024–009]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend the Definition of Retail Order, and Codify Interpretations and Policies Regarding Permissible Uses of Algorithms by RMOs

August 6, 2024.

On January 25, 2024, Cboe EDGX Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the definition of Retail Order,[3] and codify interpretations and policies regarding permissible uses of algorithms by Retail Member Organizations.[4]. The proposed rule change was published for comment in the **Federal Register** on February 13, 2024.[5] On March 20, 2024, pursuant to Section 19(b)(2) of the Act,[6] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[7] On May 13, 2024, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[8] to determine whether to approve or disapprove the proposed rule change.[9] On July 10, 2024, the Exchange submitted Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed. On July 17, 2024, the Exchange withdrew Amendment No. 1.

Section 19(b)(2) of the Act[10] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of the Notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on February 13, 2024.[11] The 180th day after publication of the Notice is August 11, 2024. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates October 10, 2024, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeEDGX–2024–009).

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Retail Order'' is defined in Exchange Rule 11.21(a)(2).

[4] The term ''Retail Member Organization'' (or ''RMO'') is defined in Exchange Rule 11.21(a)(1) to mean a member of the Exchange (or a division thereof) that has been approved by the Exchange under Exchange Rule 11.21 to submit Retail Orders.

[5] *See* Securities Exchange Act Release No. 99490 (February 7, 2024), 89 FR 10129 (''Notice''). The Commission has not received any comments on the proposed rule change.

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Securities Exchange Act Release No. 99811, 89 FR 21077 (March 26, 2024).

[8] 15 U.S.C. 78s(b)(2)(B).

[9] *See* Securities Exchange Act Release No. 100114 (May 13, 2024), 89 FR 43462 (May 17, 2024).

[10] 15 U.S.C. 78s(b)(2).

[11] *See supra* note 5.

[12] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–17844 Filed 8–9–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m. on Thursday, August 15, 2024.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov*.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

[13] 17 CFR 200.30–3(a)(57).

Dated: August 8, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18006 Filed 8–8–24; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100661; File No. SR–ISE–2024–35]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To List and Trade Options on the iShares Ethereum Trust

August 6, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 22, 2024, Nasdaq ISE, LLC (''ISE'' 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 Options 4, Section 3, Criteria for Underlying Securities.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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 4, Section 3, Criteria for Underlying Securities, to allow the Exchange to list and trade options on iShares Ethereum Trust (the ''Trust'') [3] as a Unit deemed appropriate for options trading on the Exchange.

Currently, Options 4, Section 3(h) provides that securities deemed appropriate for options trading shall include shares or other securities (''Exchange-Traded Fund Shares'' or ''ETFs'') that are traded on a national securities exchange and are defined as an ''NMS'' stock under Rule 600 of Regulation NMS, and that meet certain criteria specified in Options 4, Section 3(h), including that they:

(i) represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments, including, but not limited to, stock index futures contracts, options on futures, options on securities and indices, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse repurchase agreements (the ''Financial Instruments''), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in broad-based indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments) or

(ii) represent interests in a trust or similar entity that holds a specified non-U.S. currency or currencies deposited with the trust when aggregated in some specified minimum number may be surrendered to the trust or similar entity by the beneficial owner to receive the specified non-U.S. currency or currencies and pays the beneficial owner interest and other distributions on the deposited non-U.S. currency or currencies, if any, declared and paid by the trust (''Currency Trust Shares'') or

(iii) represent commodity pool interests principally engaged, directly or indirectly, in

[3] The Commission recently approved a rule change to list and trade shares of the Trust pursuant to Rule 5711(d) of The Nasdaq Stock Exchange LLC (''Commodity-Based Trust Shares''). *See* Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (SR–NASDAQ–2023–045) (hereinafter ''SR–NASDAQ–2023–045''). The Exchange represents it would not list options on the Trust unless it satisfied all applicable criteria in Options 4, Section 3.

holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (''Commodity Pool ETFs'') or

(iv) represent interests in the SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, or the ETFS Gold Trust or

(v) represents an interest in a registered investment company (''Investment Company'') organized as an open-end management company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (''NAV''), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (''Managed Fund Share'').

In addition to the aforementioned requirements, Options 4, Section 3(h)(1) and (2) must be met to list options on ETFs.[4]

Proposal

The Exchange proposes to expand the list of ETFs that are appropriate for options trading on the Exchange in Options 3, Section 4(h)(iv) to include the Trust.[5]

Description of the Trust [6]

The Shares are issued by the Trust, a Delaware statutory trust. The Trust will operate pursuant to a trust agreement (the ''Trust Agreement'') between the Sponsor, BlackRock Fund Advisors (the ''Trustee'') as the trustee of the Trust and will appoint Wilmington Trust, National Association, as Delaware Trustee of the Trust (the ''Delaware Trustee'') by such time that the Registration Statement is effective. The Trust issues Shares representing fractional undivided beneficial interests in its net assets. The assets of the Trust will consist only of ether (''ether'' or ''ETH'') held by a custodian on behalf of the Trust, except under limited circumstances when transferred through the Trust's prime broker temporarily (described below), and cash. Neither the Trust, nor the Sponsor, nor the Ether Custodian (as defined below), nor any other person associated with the Trust will, directly or indirectly, engage in action where any portion of the Trust's ETH becomes subject to the Ethereum proof-of-stake validation or is used to earn additional ETH or generate income or other earnings. Coinbase Custody Trust Company, LLC (the ''Ether Custodian''), is the custodian for the Trust's ether holdings, and maintains a custody account for the Trust (''Custody Account''); Coinbase, Inc. (the ''Prime Execution Agent''), an affiliate of the Ether Custodian, is the prime broker for the Trust and maintains a trading account for the Trust (''Trading Account''); and The Bank of New York Mellon is the custodian for the Trust's cash holdings (the ''Cash Custodian'' and together with the Ether Custodian, the ''Custodians'') and the administrator of the Trust (the ''Trust Administrator''). Under the Trust Agreement, the Trustee may delegate all or a portion of its duties to any agent, and has delegated the bulk of the day-to-day responsibilities to the Trust Administrator and certain other administrative and record-keeping functions to its affiliates and other agents. The Trust is not an investment company registered under the Investment Company Act of 1940, as amended (the ''1940 Act'').

The investment objective of the Trust is to reflect generally the performance of the price of ether. The Trust seeks to reflect such performance before payment of the Trust's expenses and liabilities. The Shares are intended to constitute a simple means of making an investment similar to an investment in ether through the public securities market rather than by acquiring, holding and trading ether directly on a peer-to-peer or other basis or via a digital asset platform. The Shares have been designed to remove the obstacles represented by the complexities and operational burdens involved in a direct investment in ether, while at the same time having an intrinsic value that reflects, at any given time, the investment exposure to the ether owned by the Trust at such time, less the Trust's expenses and liabilities. Although the Shares are not the exact equivalent of a direct investment in ether, they provide investors with an alternative method of achieving investment exposure to ether through the public securities market, which may be more familiar to them.

Custody of the Trust's Ether and Creation and Redemption

An investment in the Shares is backed by ether held by the Ether Custodian on behalf of the Trust. All of the Trust's ether will be held in the Custody Account, other than the Trust's ether which is temporarily maintained in the Trading Account under limited circumstances, *i.e.,* in connection with creation and redemption Basket [7] activity or sales of ether deducted from the Trust's holdings in payment of Trust expenses or the Sponsor's fee (or, in extraordinary circumstances, upon liquidation of the Trust). The Custody Account includes all of the Trust's ether held at the Ether Custodian, but does not include the Trust's ether temporarily maintained at the Prime Execution Agent in the Trading Account from time to time. The Ether Custodian will keep all of the private keys associated with the Trust's ether held in the Custody Account in ''cold storage''.[8] The hardware, software, systems, and procedures of the Ether Custodian may not be available or cost-effective for many investors to access directly.

The Exchange believes that offering options on the Trust will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to spot ether as well as a hedging vehicle to meet their investment needs in connection with ether products and positions. Similar to other commodity ETFs in which options may be listed on ISE (*e.g.* SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver

[4] Options 4, Section 3(h)(1) and (2) state that the Exchange-Traded Fund Shares either (i) meet the criteria and guidelines set forth in paragraphs (a) and (b) described herein; or (ii) the Exchange-Traded Fund Shares are available for creation or redemption each business day from or through the issuing trust, investment company, commodity pool or other entity in cash or in kind at a price related to net asset value, and the issuer is obligated to issue Exchange-Traded Fund Shares in a specified aggregate number even if some or all of the investment assets and/or cash required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investment assets has undertaken to deliver them as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer of the Exchange-Traded Fund Shares, all as described in the Exchange-Traded Fund Shares' prospectus. Also, the Exchange-Traded Fund Shares based on international or global indexes, or portfolios that include non-U.S. securities, shall meet the criteria in Options 4, Section 3(h)(2)(A)–(F).

[5] Specifically, the Exchange proposes to amend Options 3, Section 4(h)(iv) to include the name of the Trust to enable options to be listed on the Trust on the Exchange.

[6] *See* SR–NASDAQ–2023–045 for a complete description of the Trust.

[7] The Trust issues and redeems Shares only in blocks of 40,000 or integral multiples thereof. A block of 40,000 Shares is called a ''Basket.'' These transactions take place in exchange for ether.

[8] The term ''cold storage'' refers to a safeguarding method by which the private keys corresponding to the Trust's ether are generated and stored in an offline manner, subject to layers of procedures designed to enhance security. Private keys are generated by the Ether Custodian in offline computers that are not connected to the internet so that they are more resistant to being hacked.

Trust, or the ETFS Gold Trust),[9] the proposed ETF is a trust that essentially offers the same objectives and benefits to investors.

Options on the Trust will trade in the same manner as options on other ETFs on the Exchange. Exchange Rules that currently apply to the listing and trading of all options on ETFs on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures, will apply to the listing and trading of options on the Trust on the Exchange. Today, these rules apply to options on the various commodities ETFs deemed appropriate for options trading on the Exchange pursuant to Options 4, Section 3(h)(iv).

The Exchange's initial listing standards for ETFs on which options may be listed and traded on the Exchange will apply to the Trust. The initial listing standard as set forth in Options 4, Section 3(a) provides that:

> Underlying securities with respect to which put or call options contracts are approved for listing and trading on the Exchange must meet the following criteria: (1) the security must be registered and be an ''NMS stock'' as defined in Rule 600 of Regulation NMS under the Exchange Act; and (2) the security shall be characterized by a substantial number of outstanding shares that are widely held and actively traded.

Pursuant to ISE Options 4, Section 3, ETFs on which options may be listed and traded must satisfy the listing standards set forth in Options 4, Section 3(h). Specifically, the Trust must meet either:

(1) the criteria and guidelines for underlying securities set forth in Options 4, Section 3(h), or

(2) it must be available for creation or redemption each business day from or through the issuing trust, investment company, commodity pool or other entity in cash or in kind at a price related to net asset value, and the issuer is obligated to issue Exchange-Traded Fund Shares in a specified aggregate number even if some or all of the investment assets and/or cash required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investment assets has undertaken to deliver them as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer of the Exchange-Traded Fund Shares, all as described in the Exchange-Traded Fund Shares' prospectus, or the Exchange-Traded Fund Shares must be based on international or global indexes, or portfolios that include non-U.S. securities, and meet other criteria.

Options on the Trust will also be subject to the Exchange's continued listing standards for options on ETFs set forth in Options 4, Section 4(g). Specifically, options approved for trading pursuant to Options 4, Section 3(h) will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such ETFs if the ETFs are delisted from trading as provided in subparagraph (b)(5) of Options 4, Section 4[10] or the ETFs are halted or suspended from trading on their primary market.[11] In addition, the Exchange shall consider the suspension of opening transactions in any series of options of the class covering ETFs in any of the following circumstances:

(1) in the case of options covering Exchange-Traded Fund Shares approved pursuant to Options 4, Section 3(h)(A)(i), in accordance with the terms of subparagraphs (b)(1), (2), (3) and (4) of Options 4, Section 4;[12]

(2) in the case of options covering Fund Shares approved pursuant to Options 4, Section 3(h)(A)(ii),[13] following the initial twelve-month period beginning upon the commencement of trading in the Exchange-Traded Fund Shares on a national securities exchange and are defined as an ''NMS stock'' under Rule 600 of Regulation NMS, there were fewer than 50 record and/or beneficial holders of such Exchange-Traded Fund Shares for 30 or more consecutive trading days;

(3) the value of the index or portfolio of securities or non-U.S. currency, portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts, options on physical commodities and/or Financial Instruments and Money Market Instruments, on which the Exchange-Traded Fund Shares are based is no longer calculated or available; or

(4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on the Trust would be physically settled contracts with American-style exercise.[14] Consistent with current Options 4, Section 5, which governs the opening of options series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month[15] for options on the Trust and may also list series of options on the Trust for trading on a weekly[16] or quarterly[17] basis. The Exchange may also list long-term equity option series (''LEAPS'')[18] that expire from twelve to thirty-nine from the time they are listed.

Pursuant to Options 4, Section 5(d), which governs strike prices of series of options on ETFs, the interval between strike prices of series of options on ETFs approved for options trading pursuant to Section 3(h) of Options 4 will be $1 or greater where the strike price is $200 or less and $5.00 or greater where the strike price is greater than $200.[19] With respect to the Short Term Options Series or Weekly Program, during the month prior to expiration of an option class that is selected for the Short Term Option Series Program, the strike price intervals for the related non-Short Term Option (''Related non-Short Term Option'') shall be the same as the strike

[9] *See* ISE Options 4, Section 3(h)(iv).

[10] Options 4, Section 4(b)(5) provides, if an underlying security is approved for options listing and trading under the provisions of Options 4, Section 3(c), the trading volume of the Original Security (as therein defined) prior to but not after the commencement of trading in the Restructure Security (as therein defined), including 'when-issued' trading, may be taken into account in determining whether the trading volume requirement of (3) of this paragraph (b) is satisfied. Options 4, Section 4(b)(3) provides, ''The trading volume (in all markets in which the underlying security is traded) has been less than 1,800,000 shares in the preceding twelve (12) months.''

[11] *See* Options 4, Section 4(g).

[12] Options 4, Section 4(b)(5)(1) through (4) provides, if: (1) there are fewer than 6,300,000 shares of the underlying security held by persons other than those who are required to report their security holdings under Section 16(a) of the Act, (2) there are fewer than 1,600 holders of the underlying security, (3) the trading volume (in all markets in which the underlying security is traded) has been less than 1,800,000 shares in the preceding twelve (12) months, or (4) the underlying security ceases to be an 'NMS stock' as defined in Rule 600 of Regulation NMS under the Exchange Act.

[13] Options 4, Section 3(h)(ii) refers to Currency Trust Shares.

[14] *See* Options 4, Section 2, Rights and Obligations of Holders and Writers, which provides that the rights and obligations of holders and writers shall be as set forth in the Rules of the Clearing Corporation. *See also* OCC Rules, Chapter VIII, which governs exercise and assignment, and Chapter IX, which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts. OCC Rules can be located at: *https://www.theocc.com/getmedia/9d3854cd-b782-450f-bcf7-33169b0576ce/occ_rules.pdf.*

[15] *See* Options 4, Section 5(b).

[16] *See* Supplementary .03 to Options 4, Section 5.

[17] *See* Supplementary .04 to Options 4, Section 5.

[18] *See* Options 4, Section 8.

[19] *See* Options 5, Section 5(d). The interval between strike prices of series of options on Exchange-Traded Fund Shares approved for options trading pursuant to Section 3(h) of this Options 4 may also be fixed at a price per share which is reasonably close to the price per share at which the underlying security is traded in the primary market at or about the same time such series of options is first open for trading on the Exchange, or at such intervals as may have been established on another options exchange prior to the initiation of trading on the Exchange. *See also* Options 4, Section 5(h). The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Quarterly Options Series Program, and the Monthly Options Series Program, Supplementary Material .03, .04 and .08 to Options 4, Section 5 specifically sets forth intervals between strike prices on Short Term Option Series, Quarterly Options Series, and Monthly Options Series, respectively.

price intervals for the Short Term Option.[20] Specifically, the Exchange may open for trading Short Term Option Series at strike price intervals of (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all option classes that participate in the Short Term Options Series Program; (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150.[21] Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[22] the $0.50 Strike Program,[23] the $2.50 Strike Price Program,[24] and the $5 Strike Program.[25] Options 3, Section 3 governs the minimum increment for bids and offers for both equity and index options. Pursuant to Options 3, Section 3, where the price of a series of options for the Trust is less than $3.00 the minimum increment will be $0.05, and where the price is $3.00 or higher, the minimum increment will be $0.10 [26] consistent with the minimum increments for options on other ETFs listed on the Exchange. Any and all new series of Trust options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Options 4, Section 5 and Options 3, Section 3, as applicable.

Position and exercise limits for options on ETFs, including options on the Trust, are determined pursuant to Options 9, Sections 13 and 15, respectively. Position and exercise limits for ETFs options vary according to the number of outstanding shares and the trading volumes of the underlying ETF over the past six months, where the largest in capitalization and the most frequently traded ETFs have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization ETFs have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market. Further, Options 6C, Section 3, which governs margin requirements applicable to the trading of all options on the Exchange including options on ETFs, will also apply to the trading of the Trust options.

The Exchange represents that the same surveillance procedures applicable to all other options on other ETFs currently listed and traded on the Exchange will apply to options on the Trust. Also, the Exchange represents that it has the necessary systems capacity to support the new option series. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading options on ETFs, including the proposed Trust options. ISE would implement any new surveillance procedures it deemed necessary to effectively monitor the trading of options on the Trust. Additionally, ISE may obtain trading information via the Intermarket Surveillance Group (''ISG'') from other exchanges who are members or affiliates of the ISG.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority or ''OPRA'' have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on the Trust up to the number of expirations currently permissible under the Exchange Rules. Because the proposal is limited to one class, the Exchange believes any additional traffic that may be generated from the introduction of the Trust options will be manageable.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[27] in general, and furthers the objectives of Section 6(b)(5) of the Act,[28] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [29] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on the Trust will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on the Trust will provide investors with a greater opportunity to realize the benefits of utilizing options on an ETF based on spot ether, including cost efficiencies and increased hedging strategies. The Exchange believes that offering options on a competitively priced ETF based on spot ether will benefit investors by providing them with an additional, relatively lower cost risk management tool allowing them to manage, more easily, their positions, and associated risks, in their portfolios in connection with exposure to spot ether. Today, the Exchange lists options on other commodity ETFs structured as a trust, which essentially offer the same objectives and benefits to investors, and for which the Exchange has not identified any issues with the continued listing and trading of options on those ETFs.

The Exchange also believes the proposal to permit options on the Trust will remove impediments to and perfect the mechanism of a free and open market and a national market system, because options on the Trust will comply with current Exchange Rules. Options on the Trust must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all ETFs, including options on other commodity ETFs already deemed appropriate for options trading on the Exchange pursuant to Options 4, Section 3(h)(iv). Further, Exchange Rules that currently govern the listing and trading of options on ETFs, including permissible expirations, strike prices, minimum increments, position and exercise limits, and margin requirements, will govern the listing and trading of options on the Trust. The Exchange represents that it has the necessary systems capacity to support options on the Trust. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing

[20] *See* Supplementary Material .03(e) to Options 4, Section 5.

[21] *Id.*

[22] *See* Supplementary Material .01 to Options 4, Section 5.

[23] *See* Supplementary Material .05 to Options 4, Section 5.

[24] *See* Supplementary Material .02 to Options 4, Section 5.

[25] *See* Supplementary Material .06 to Options 4, Section 5.

[26] Options that are eligible to participate in the Penny Interval Program have a minimum increment of $0.01 below $3.00 and $0.50 above $3.00. *See* Supplementary Material .01 to Options 3, Section 3.

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78(f)(b)(5).

and trading options on ETFs, including the Trust options.

Finally, the Commission has previously approved the listing and trading of options on other commodity ETFs structured as a trust, such as SPDR® Gold Trust,[30] the iShares COMEX Gold Trust [31] the iShares Silver Trust,[32] the ETFS Gold Trust,[33] and the ETFS Silver Trust.[34]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as options on the Trust will be subject to initial listing standards and continued listing standards the same as other options on ETFs listed on the Exchange. Further, options on the Trust will be subject to Exchange Rules that currently govern the listing and trading of options on ETFs, including permissible expirations, strike prices, minimum increments, position and exercise limits, and margin requirements. Options on the Trust will be equally available to all market participants who wish to trade such options. Also, and as stated above, the Exchange already lists options on other commodity ETFs structured as a trust.

The Exchange does not believe that the proposal to list and trade options on the Trust will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that permitting options on the Trust to trade on the Exchange may make the Exchange a more attractive marketplace to market participants, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on the Trust. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering options on the Trust for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with spot ether prices and ether related products and positions.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2024–35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2024–35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2024–35 and should be submitted on or before September 3, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–17842 Filed 8–9–24; 8:45 am]

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[30] *See* Securities Exchange Act Release No. 57897 (May 30, 2008), 73 FR 32061 (June 5, 2008) (SR–Amex–2008–15; SR–CBOE–2005–11; SR–ISE–2008–12; SR–NYSEArca–2008–52; and SR–Phlx–2008–17) (Order Granting Approval of a Proposed Rule Change, as Modified, and Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Changes, as Modified, Relating to Listing and Trading Options on the SPDR Gold Trust).

[31] *See* Securities Exchange Act Release No. 59055 (December 4, 2008), 73 FR 75148 (December 10, 2008) (SR–Amex–2008–68; SR–BSE–2008–51; SR–CBOE–2008–72; SR–ISE–2008–58; SR–NYSEArca–2008–66; and SR–Phlx–2008–58) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Changes Relating to the Listing and Trading Options on Shares of the iShares COMEX Gold Trust and the iShares Silver Trust).

[32] *Id.*

[33] *See* Securities Exchange Act Release No. 61483 (February 3, 2010), 75 FR 6753 (February 10, 2010) (SR–CBOE–2010–007; SR–ISE–2009–106; SR–NYSEAmex–2009–86; and SR–NYSEArca–2009–110) (Order Granting Approval of Proposed Rule Changes and Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to Listing and Trading Options on the ETFS Gold Trust and the ETFS Silver Trust).

[34] *Id.*

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100664; File No. SR–OCC–2024–010]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change by the Options Clearing Corporation To Establish a Margin Add-On Charge That Would Be Applied to All Clearing Member Accounts To Help Mitigate the Risks Arising From Intraday and Overnight Trading Activity

August 6, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 25, 2024, The Options Clearing Corporation (''OCC'') 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 primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would establish a margin add-on charge that would be applied to all Clearing Member accounts to help mitigate the risks arising from intraday and overnight trading activity.

Proposed changes to OCC's Rules are contained in Exhibit 5A that OCC provided as part of File No. SR–OCC–2024–010. Proposed changes to OCC's Margin Policy are contained in confidential Exhibit 5B that OCC provided as part of File No. SR–OCC–2024–010. Material proposed to be added is marked by underlining and material proposed to be deleted is marked with strikethrough text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC is the sole clearing agency for standardized equity options listed on national securities exchanges registered with the Commission. OCC also clears stock loan and futures transactions. In its role as a clearing agency, OCC guarantees the performance of its Clearing Members for all transactions cleared by OCC by becoming the buyer to every seller and the seller to every buyer (or the lender to every borrower and the borrower to every lender, in the case of stock loan transactions). These clearing activities could expose OCC to financial risks if a Clearing Member fails to fulfil its obligations to OCC. In its role as guarantor for all transactions cleared through OCC, one of the more material risks related to a Clearing Member's failure to perform is credit risk arising from the activity of the Clearing Members whose performance OCC guarantees. OCC manages these financial risks through financial safeguards, including the collection of margin collateral from Clearing Members designed to, among other things, address the market risk associated with a Clearing Member's positions during the period of time OCC has determined it would take to liquidate those positions.

At the start of each business day, OCC collects margin requirements for each marginable account calculated by OCC's proprietary System for Theoretical Analysis and Numerical Simulation (''STANS'') based on the account's end-of-day positions from the previous business day. OCC also makes intraday margin calls in defined circumstances. For example, pursuant to OCC Rule 609 and OCC's Margin Policy, which has been filed with and approved as a rule by the Commission,[4] OCC requires the deposit of intraday margin to reflect changes in the value of securities deposited by the Clearing Member as margin when certain defined thresholds are breached.[5] OCC also issues intraday margin calls when unrealized losses observed for an account based on positions from extended trading hours (''ETH'')[6] exceed certain thresholds.[7] In addition, OCC maintains broad authority under OCC Rule 609 to issue intraday margin calls or otherwise set a Clearing Member's margin requirement in other circumstances, including as a protective measure pursuant to Rule 307.[8]

Since the time these existing margin collection processes were established, OCC has observed a significant increase in contract volume and, in particular, volume in option contracts traded on the day of their expiration—so-called ''zero-days-to-expiration'' or ''0DTE'' options.[9] Currently, 0DTE option trading volume can spike to up to 40% of total trading volume on Friday expirations.[10] This increase in 0DTE options trading has coincided with the proliferation of option expiries. Traditionally, listed options expired on the third Friday of the month.[11] In 2005,

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

[4] *See* Exchange Act Release Nos. 99169 (Dec. 14, 2023), 88 FR 88163 (Dec. 20, 2023) (SR–OCC–2023–008); 98101 (Aug. 10, 2023), 88 FR 55775 (Aug. 16, 2023) (SR–OCC–2022–012); 96566 (Dec. 22, 2022), 87 FR 80207 (Dec. 29, 2022) (SR–OCC–2022–010); 91079 (Feb. 8, 2021), 86 FR 9410 (Feb. 12, 2021) (SR–OCC–2020–016); 90797 (Dec. 23, 2020), 85 FR 86592 (Dec. 30, 2020) (SR–OCC–2020–014); 87718 (Dec. 11, 2019), 84 FR 68992 (Dec. 17, 2019) (SR–OCC–2019–010); 86436 (July 23, 2019), 84 FR 36632 (July 29, 2019) (SR–OCC–2019–006); 86119 (June 17, 2019), 84 FR 29267 (June 21, 2019) (SR–OCC–2019–004); 83799 (Aug. 8, 2018), 83 FR 40379 (Aug. 14, 2018) (SR–OCC–2018–010); 82658 (Feb. 7, 2018), 83 FR 6646 (Feb. 14, 2018) (SR–OCC–2017–007).

[5] *See* OCC Rule 609(a) (''[OCC] may require the deposit of additional margin ('intra-day margin') by any Clearing Member in any account at any time during any business day to reflect changes in: . . . (3) the value of securities deposited by the Clearing Member as margin . . . .''); Exchange Act Release No. 82658, *supra* note 4, 83 FR at 6648 (''Pursuant to the Margin Policy, OCC issues margin calls during standard trading hours when unrealized losses exceeding 50% of an account's total risk charges are observed for that account based on start-of-day positions.'').

[6] ETH refers to trades executed in extended and overnight trading sessions offered by exchanges for which OCC provides clearance and settlement services. *See* Exchange Act Release No. 73343 (Oct. 14, 2014), 79 FR 62684 (Oct. 20, 2014) (SR–OCC–2014–805).

[7] *See* Exchange Act Release No. 82355 (Dec. 19, 2017), 82 FR 61060, 61064 (Dec. 26, 2017) (SR–OCC–2017–007) (codifying in the Margin Policy the ETH intraday margin call OCC would issue prior to 9:00 a.m. Central Time when: (1) unrealized losses observed for an account, based on new ETH positions, exceed 25% of that account's total risk charges and (2) the overall Clearing Member portfolio is also experiencing losses).

[8] *See* OCC Rule 307C(b) (providing for protective measures in the form of requiring Clearing Members to adjust the amount or composition of margin, including but not limited to requiring the deposit of additional margin).

[9] OCC has provided a confidential Exhibit 3A to File No. SR–OCC–2024–010 a 2023 study it conducted of its risk exposure to short-dated options.

[10] *Id.* at 3–4.

[11] Originally, options expiries occurred on the Saturday following the third Friday before the industry moved to Friday expirations in 2013. *See* Exchange Act Release No. 69772 (June 17, 2013), 78

Continued

the Chicago Board Options Exchange (''Cboe''), one of the participant exchanges for which OCC provides clearance and settlement services, began listing weekly options on the S&P 500 Index (''SPX'') expiring each Friday of the month, and subsequently introduced Monday and Wednesday weekly SPX expirations in 2016 before adding Tuesday and Thursday weekly SPX expirations in 2022.[12] Weekly and daily expiration cycles were introduced to options on other indexes, single-name stocks, and exchange traded products (*e.g.,* ETFs). As a result, options now expire every trading day of the year.

The increase in 0DTE options trading poses challenges to OCC's risk management, particularly with respect to the management of OCC's overnight and intraday risk exposure to its Clearing Members in between the collections of margin at the start of each business day. Because OCC's STANS margin calculation is based on end-of-day positions, the margin requirement may not account for 0DTE options trading activity, since the Clearing Member would have either traded out of or exercised the options position, or the option would have expired by the end of the day. In addition, OCC's portfolio revaluation process for purposes of determining intraday margin calls to address the change in value of margin collateral is based on a Clearing Member's start-of-day collateral deposits, which would not include margin for 0DTE options positions.

In order to mitigate OCC's overnight and intraday risk exposures, OCC proposes to implement a margin add-on charge (the ''Intraday Risk Charge''). OCC would calculate this charge using the system currently employed to monitor Clearing Members' overnight trading activity. Through OCC's Watch Level surveillance under its Third-Party Risk Management Framework, OCC has also used this system to identify patterns of risk increasing activity in 0DTE options for purposes of considering and calculating protective measures in the form of additional margin for particular Clearing Members when certain thresholds have been breached relative to a Clearing Member's net capital. This filing would extend that approach to all Clearing Members (without regard to net capital thresholds) and with respect to all products OCC clears.

FR 37645 (June 21, 2013) (File No. SR–OCC–2013–04).

[12] *See* Cboe, *The Rise of SPX & 0DTE Options,* at 5 (July 27, 2023), available at *https://go.cboe.com/l/77532/2023-07-27/ffc83k.*

(1) Purpose

Proposed Changes

OCC proposes to capture the risks associated with overnight and intraday activity by: (1) establishing an Intraday Risk Charge add-on, and (2) establishing monitoring and escalation criteria for Clearing Members whose intraday activity exceeds certain thresholds relative to its Intraday Risk Charge (''Intraday Monitoring Thresholds'').

1. Intraday Risk Charge Add-On

OCC proposes to establish the Intraday Risk Charge to help mitigate the increased credit exposure presented by the intraday and overnight trading activities of its Clearing Members. OCC would calculate the charge based on the increased risk identified through OCC's current intraday margin system, which recalculates the STANS margin risk using portfolio position sets updated every 20 minutes between 8:30 a.m. and 6:30 p.m. Central Time, and at-least every hour during ETH sessions.[13] OCC considers that 20 minutes is sufficient time under OCC's current system capabilities to provide consistent and reliable snapshot results at a steady cadence during regular trading hours with heavy trading activity. Outside of regular trading hours and during overnight trading, hourly intervals between snapshots were deemed more appropriate because of the significantly lower trading activity.[14] OCC currently employs and will continue to use this system for ETH monitoring, including to determine when to issue an ETH margin call. This system calculates a forecasted margin requirement as if the positions at that point in time were present during the previous night's margin calculation. Results that show an increase to the prior night's margin requirement based on the STANS expected shortfall[15] and stress test components[16] are considered risk increasing.

OCC proposes to use outputs from the previous night's daily STANS methodology calculation, incorporating current portfolio changes, to monitor that day's peak intraday risk increases (*i.e.,* an average of the largest risk increase calculated on each business day of the lookback period). The Intraday Risk Charge would be calculated monthly as at least the average of the peak intraday risk increases; provided however, that OCC may adjust the Intraday Risk Charge as described further below. The Intraday Risk Charge would be calculated on the first business day of the month and would be based on data and STANS outputs generated over the lookback period, which will be set as the previous month. OCC considers the one-month lookback period, a timeframe that includes one monthly and multiple weekly standard expirations, to be a conservative approach that would react faster to recent changes in the risk behavior of Clearing Members compared to a more extended lookback period and produces more relevant forecasts for the next monitoring cycle.

OCC proposes to use the average of the peak intraday risk increases as the baseline charge to help address certain limitations of the present system, the most impactful of which is the use of the previous day's theoretical scenarios that do not take into account new underlying prices. The calculation of the peak intraday activity would capture all products that OCC clears, including 0DTE options. The Intraday Risk Charge would apply to all margin accounts other than cross-margin accounts for OCC's cross-margining program with the Chicago Mercantile Exchange (''CME''), which do not currently support intraday position feeds. OCC would retain authority to increase the amount of the charge for a particular Clearing Member beyond the average of the peaks, either when adjusting the Intraday Risk Charge on a monthly basis or on an intra-month

[13] OCC's current ETH monitoring captures snapshots every hour for purposes of determining whether a Clearing Member's overnight activity exceeds certain defined thresholds relative to certain dollar values and a Clearing Member's net capital. *See* Exchange Act Release No. 74268, 8919 (Feb. 12, 2015), 80 FR 8917 (Feb. 19, 2015) (SR–OCC–2014–24) (describing the escalation thresholds for overnight monitoring).

[14] In relation to this proposed rule change, OCC also proposes to revise its ETH monitoring schedule to capture snapshots every 20 minutes to align risk capture intervals over the entire trading day. Specifically, when the proposal is implemented, snapshots will run every 20 minutes throughout a 24-hour cycle beginning on Sunday afternoon at approximately 4:00 p.m. and ending on Friday evening at approximately 5:50 p.m. Central Time, with no snapshots taken in between Friday evening and the following Sunday afternoon due to the lack of any clearing activity.

[15] The STANS expected shortfall component is established as the estimated average of potential losses higher than the 99% value-at-risk (''VaR'') threshold. The term ''VaR'' refers to a statistical technique that, generally speaking, is used in risk management to measure the potential risk of loss for a given set of assets over a particular time horizon.

[16] The STANS stress test component includes additional calculations related to (i) concentration, which is intended to consider extreme idiosyncratic moves in concentrated positions, and (ii) dependence, in which the expected shortfall calculations described above are performed twice again, once assuming perfect correlation among the various risk factors and once assuming no correlation among the various risk factors. After performing these concentration and dependence calculations, STANS takes the higher of the two factors and combines it with the empirical expected shortfall to create a more conservative margin requirement for the account.

basis, when conditions would warrant a different approach consistent with maintaining sufficient financial resources to cover OCC's intraday credit exposure. Conditions that would cause OCC to increase the Intraday Risk Charge above the minimum amount include when OCC determines it maintains insufficient margin resources to cover the pattern or distribution of risk increases over the previous lookback period, or in cases of an account's business expansion. OCC would also have authority to decrease the amount of the charge, which would be limited to a Clearing Member's business reduction, termination of account(s), transfer of positions to different account(s), or the imposition of protective measures under Rule 307B. Such charge adjustments may apply to particular or all Clearing Members.

OCC has reviewed the potential impact of the proposed changes on all Clearing Members over a one (1) year period. OCC has observed that the proposed add-on would have generated an average margin increase of less than 5% in the aggregate.[17] Of the ten firms that would have been most impacted, which collectively represent approximately 68% of the additional margin that would have been assessed, the average daily margin percentage increases range from approximately 3% to 35%, based on data from October 2023.

To establish this new charge, OCC proposes to amend Rule 601 by adding a new paragraph (i). OCC proposes to define the Intraday Risk Charge under proposed Rule 601(i)(1) to mean the additional margin assets required from a Clearing Member to mitigate any increased risk exposure to OCC not otherwise covered by the margin requirements already calculated in accordance with Rule 601 and OCC's policies and procedures. OCC would assess this add-on charge as needed to cover uncollateralized risk from overnight and intraday trading activities. Proposed Rule 601(i)(2) would provide the method of calculation for the proposed Intraday Risk Charge add-on, which would generally be set as the average of the peak intraday risk increases from overnight and intraday positions over the preceding month.[18] Under proposed Rule 601(i)(3), OCC would retain authority to adjust the Intraday Risk Charge if OCC determines that circumstances particular to a Clearing Member's activity would warrant a different approach consistent with maintaining sufficient financial resources to cover OCC's intraday credit exposure. Any adjustment under this Rule to decrease the amount of the Intraday Risk Charge calculated from the previous month's intraday risk increases would be limited to a Clearing Member's business reduction, termination of account(s), transfer of positions to different account(s), or the imposition of protective measures under Rule 307B. Rule 601(i)(3) would also provide that OCC retains the authority to adjust the Intraday Risk Charge more frequently than monthly.

OCC would also amend its Margin Policy to describe material aspects of the Intraday Risk Charge. The new charge would be added to the ''Add-On Charges'' section. That addition would provide that periodically throughout each trading day and during extended trading hours, OCC's systems measure the intraday exposure to each margin account for which intraday position information is available to identify intraday risk increases above the baseline STANS risk measurement. The Margin Policy would define ''risk increases'' in this context as results that show an increase to a portfolio's prior night calculated risk measurement based on the STANS expected shortfall and stress test components. Clearing Members trading during ETH hours will still be obligated to pay an ETH margin add-on charge, and any ETH related risk controls will continue to operate independently from the proposed Intraday Risk Charge changes.[19]

The Margin Policy would further provide that on at least a monthly basis, OCC's Financial Risk Management department (''FRM'') reviews and verifies the daily peak increases based on a referenced procedure maintained by FRM's Market Risk business unit.[20] This verification of risk-increasing activity is intended to address certain known limitations in OCC's existing intraday system.[21] For example, the system does not take into account options affected by corporate action adjustments and newly listed option series or strikes, which do not receive adjusted metrics until the next overnight margin calculation process. In addition, the 20-minute snapshot generated by the system may not capture a complete trade in a single snapshot, which may result in a misalignment of the peak calculation for an account. The snapshot timing may also cause collateral movements to be recorded as risk-increasing deposits instead of being risk-reducing movements. Pursuant to the referenced procedures, Market Risk would verify the peak daily results to prevent erroneous results from affecting the calculation of the Intraday Risk Charge. This verification process is similar to, and would proceed in a similar manner as, Market Risk's long-standing process for verifying results from OCC's system for monitoring a portfolio's unrealized losses based on current prices and start-of-day positions for purposes of charging intraday margin calls.[22]

With respect to governance related to imposing the monthly Intraday Risk Charge, the Margin Policy would provide that OCC may impose the Intraday Risk Charge in the amount of the average of the verified peak daily risk increases over the prior month with FRM Officer[23] approval. Adjustments to the charge can occur at the time of the monthly review or on an intramonth basis, *e.g.,* in response to the intraday monitoring thresholds discussed below. Reductions would be limited to persistent changes in clearing activity that would reduce the risk profile of the account, *e.g.,* business reduction, account terminations transfer of positions to different account(s), or the imposition of protective measures under Rule 307B. Any changes that would

[17] OCC has included as confidential Exhibit 3C to File No. SR–OCC–2024–010 assessment of the impact of the Intraday Risk Charge on OCC's Clearing Members.

[18] A lookback of one month was selected to represent a complete monthly options expiration cycle.

[19] Under OCC's current ETH procedures, any Clearing Member that clears overnight activity must pay an ETH margin add-on equal to the lesser of $10 million or 10% of the firm's net capital. See Exchange Act Release No. 74268, supra note 13, 80 FR at 8918.

[20] OCC has provided as confidential Exhibit 3B to File No. SR–OCC–2024–010 a copy of the referenced procedure, the Market Risk Monitoring Procedure, marked to indicate changes that OCC intends to implement upon regulatory approval of this proposal.

[21] As addressed in the Market Risk Monitoring Procedure, if a peak generated by the system is determined to represent non-trade activity, it would be excluded. For example, if a peak was determined to be the result of a Reg SCI system disruption, the previous month's average peak would be used as that day's peak daily increase. As another example, peaks could be excluded if they were the result of position and collateral transfers between accounts, which the system assumes are risk increasing (*e.g.,* the transfer of positions from E*Trade to Morgan Stanley resulting from the merger of those Clearing Members).

[22] OCC has provided as confidential Exhibit 3D to File No. SR–OCC–2024–010 a copy of OCC's current Portfolio Revaluation Monitoring Procedure, evidencing Market Risk's process for verifying results prior to issuing intraday margin calls when an account exhibits unrealized losses exceeding 50% of that account's total risk charges based upon start-of-day positions.

[23] Officers are identified in OCC's By-Laws. *See* OCC By-Law Art IV. In this context, an FRM Officer would include any member of FRM appointed by the Chief Executive Officer or Chief Operating Officer, including a Managing Director, Executive Director or Executive Principal. *Id.,* at § 9.

increase the charge over the minimum calculated may result from changes in the pattern or distribution of risk increases over the previous lookback period or persistent changes in clearing activity that would increase the risk profile of the account, *e.g.* business expansions. If the FRM Officer recommends any changes to an Intraday Risk Charge, the Model Risk Working Group (''MRWG'') must review and is authorized to escalate the recommendation to the Office of the Chief Executive Officer, who must review and is authorized to approve the changes.[24] The Margin Policy vests review responsibility and escalation authority to the MRWG because it is a cross-functional group responsible for assisting OCC's management in overseeing OCC's model-related risk comprised of representatives from relevant OCC business units. OCC believes that the MRWG is the appropriate decisionmaker to consider whether a higher Intraday Risk Charge is warranted because it is composed of the subject matter experts most familiar with the performance of and risks associated with OCC's margin models, including personnel in OCC's Model Risk Management business unit, who, under OCC's Risk Management Framework, are responsible for evaluating model parameters and assumptions and providing effective and independent challenge through OCC's model lifecycle.[25]

2. Intraday Monitoring Thresholds

OCC also proposes to establish monitoring and escalation criteria when a Clearing Member's intraday risk increase departs significantly from the activity that set the Intraday Risk Charge. This new monitoring regime would be separate and independent from any existing ETH-related risk controls and would be run in parallel. OCC proposes to add the new approach to the section of the Margin Policy that currently addresses margin calls and adjustments. The Margin Policy would provide that FRM would establish and maintain ''Intraday Risk Charge Monitoring Thresholds'' in referenced market risk procedures for verified intraday risk increases that are greater than statistical measures above a Clearing Member's Intraday Risk Charge. Generally, the new credit risk thresholds would be specified as a set of levels based on standard deviations from a Clearing Member's Intraday Risk Charge. The Margin Policy would further provide that on an at-least daily basis, FRM would review the intraday risk increases generated by the intraday risk system against the Intraday Risk Change Monitoring Thresholds. If a verified intraday risk increase breach is greater than the thresholds, the Margin Policy would provide that an FRM Officer may issue a margin call,[26] make a margin adjustment to lock up excess collateral, or recommend protective measures under Rule 307. The Margin Policy would further provide that any margin call would be calculated as the difference between the reviewed intraday risk increase and the Intraday Risk Charge.[27] The intraday margin calls would only be increasing financial resources to OCC. Generally, the intraday margin call would be released the next business day. Based upon a review of intraday margin runs during 2023, OCC estimates collections of approximately $80.5 million per day and issuing on average five margin calls each day for $16.1 million.

With respect to governance related to the Intraday Risk Charge Monitoring Thresholds, the Margin Policy would also provide that FRM coordinates a review of those thresholds, as well as the calculation and lookback period, on an at least annual basis, or on an ad-hoc basis, as needed. OCC retains the authority to adjust the Intraday Risk Charge Monitoring Thresholds, as well as the calculation and lookback period, based on the review of intraday risk posed by that Clearing Member's portfolio changes. Any such adjustment to the Intraday Risk Charge Monitoring Thresholds, calculation, or lookback period may apply to particular or all Clearing Members depending on an analysis of the activity generating peak intraday margin numbers, the number of breaches above the monitoring thresholds, and overall market activity and trends within the lookback period. The review would be presented to the MRWG, which must review and is authorized to escalate any recommended changes to the Office of the Chief Executive Officer, who must review and is authorized to approve them. OCC's Risk Committee will be notified of all changes. As discussed above,[28] OCC believes that the MRWG is the appropriate decisionmaker to consider any changes to the Monitoring Thresholds because it is composed of the subject matter experts most familiar with the performance of and risks associated with OCC's margin models.

Implementation Timeframe

OCC will release and implement the proposed changes into production within one hundred and twenty (120) days after the date that OCC receives all necessary regulatory approvals for the proposed changes. OCC will announce the implementation date of the proposed change by an Information Memorandum posted to its public website at least 2 weeks prior to implementation.

(2) Statutory Basis

OCC believes that the proposed changes are consistent with Section 17A(b)(3)(F) of the Exchange Act[29] and SEC Rule 17Ad–22(e)(6)(ii) thereunder.[30] Section 17A(b)(3)(F) of the Act[31] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities and derivatives transactions and, in general protect investors and the public interest. OCC proposes to introduce a new Intraday Risk Charge add-on with certain associated monitoring procedures and establish new risk-based credit risk monitoring thresholds. The proposed rule change as described above would enhance OCC's framework for measuring, monitoring, and managing its credit risk. Currently, OCC may be exposed to increased credit exposure from uncollateralized overnight and intraday trading activity, including that of 0DTE options that is not otherwise collateralized and

[24] Such changes to the Intraday Risk Charge must be based on the current charge being insufficient as defined in Exhibit 5A and confidential Exhibit 5B provided as part of File No. SR–OCC–2024–010.

[25] *See* Exchange Act Release No. 95842, 87 FR at 58416 (File No. SR–OCC–2022–010) (filing to establish OCC's Risk Management Framework). OCC Risk Management Framework is available on OCC's public website: *https://www.theocc.com/risk-management/risk-management-framework.*

[26] Margin calls in this context are demands by OCC to Clearing Members for the deposit of additional margin in immediately available funds to increase their margin resources to meet increased margin requirements. Margin calls are issued subject to OCC's policies and procedures.

[27] OCC may issue an intraday margin call if the account remains in breach of the thresholds at or around 12:00 p.m. based on the risk increase that is the difference between the reviewed intraday risk increase and the Intraday Risk Charge. OCC may determine that a margin call is not warranted if the risk increase can be attributed to one or more intraday events or actions including but not limited to portfolio level changes resulting from positive offsetting P&L amounts or positive offsetting asset values for options and collateral, or from non-risk increasing events such as the substitution of collateral or the pledging of additional valued securities within the same account. In addition, OCC may determine that a margin call is not warranted if the risk increase in the account is the result of a corporate action, or the result of position transfers between accounts such as delayed CMTA's from execution only accounts, or when a P&L unrealized loss generates a margin call that exceeds the intraday margin call.

[28] *See supra* note 25 and accompanying text.

[29] 15 U.S.C. 78q–1(b)(3)(F).

[30] 17 CFR 240.17Ad–22(e)(6)(ii).

[31] 15 U.S.C. 78q–1(b)(3)(F).

captured by OCC's current margin system at the start of each business day. OCC believes the proposed changes would enable OCC to mitigate the credit exposure resulting from the increased risk of overnight and intraday trading that includes 0DTE option contracts by using the system it currently operates to monitor overnight trading activity. The Intraday Risk Charge would provide OCC with additional margin resources to help mitigate this risk and allow OCC to continue to provide prompt and accurate clearance and settlement services of securities and derivatives transactions without disruption in the event of a Clearing Member default. Given OCC's designation as a systemically important financial market utility,[32] OCC believes that changes that promote the prompt and accurate clearance and settlement thereby is in the public interest and the interests of investors. For these reasons, OCC believes the proposed changes are designed to promote the prompt and accurate clearance and settlement of securities transactions in accordance with Section 17A(b)(3)(F) of the Exchange Act.[33]

Rule 17Ad–22(e)(6)(ii) requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily and includes the authority and operational capacity to make intraday margin calls in defined circumstances.[34] As discussed above, the Intraday Risk Charge would be applied daily to each marginable account based on that account's intraday risk increases from the previous month. Through the proposed Intraday Monitoring Thresholds, OCC would monitor accounts for intraday and overnight activity that deviates from the risk increasing activity that set the Intraday Risk Charge the previous month and would be authorized to issue a margin call or take other action to protect OCC in such defined circumstances. Accordingly, OCC believes that the proposal is consistent with Rule 17Ad–22(e)(6)(ii).[35]

For the above reasons, OCC believes that the proposed rule change is consistent with Section 17A of the Exchange Act[36] and the rules and regulations thereunder applicable to OCC.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[37] The proposed introduction of the new Intraday Risk Charge add-on and establishment of new credit risk monitoring thresholds would be used by OCC to manage its credit risk across all Clearing Members. Accordingly, OCC does not believe that the proposed rule change would unfairly hinder access to OCC's services.

While the proposed rule change may impact different accounts to a greater or lesser degree depending on each Clearing Member's trading activity, including portfolios containing a greater volume of 0DTE option positions, OCC does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. As discussed above, OCC is obligated under the Exchange Act and the regulations thereunder to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things, (i) considers, and produces margin levels commensurate with the risks and particular attributes of each relevant product, portfolio, and market, and (ii) marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily and includes the authority and operational capacity to make intraday margin calls in defined circumstances.[38] Overall, the impact analysis from the proposed baseline approach indicates there would be on average a small add-on included across all Clearing Member margin requirements, with the more significant add-on charges attributed to Clearing Members in a manner that ties with their overnight and intraday trading activities and the increased risk they present to OCC.

Moreover, the proposed rule change relates to risk management changes designed to mitigate OCC's credit exposure from the increased risk generated from Clearing Member trading activities during the overnight session and intraday trading that includes 0DTE option contracts. As noted above, the risk exposure from the significant increase in intraday trading activity of 0DTE options may not be adequately captured under OCC's current margin system. OCC believes the Intraday Risk Charge would be a risk-based approach suitable to capturing the increased intraday risk exposure presented to OCC from such trading activities. Furthermore, the proposed rule change would be applied uniformly across all Clearing Members and affect all cleared products, including 0DTE option contracts and ETH eligible products, and provide greater clarity to all market participants on margin requirements for overnight and intraday trading. Accordingly, OCC believes that the proposed rule change would not impose any burden or impact on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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:

[32] The Financial Stability Oversight Council designated OCC as a SIFMU under Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C. 5463.

[33] 15 U.S.C. 78q–1(b)(3)(F).

[34] 17 CFR 240.17Ad–22(e)(6)(ii).

[35] *Id.*

[36] 15 U.S.C. 78q–1.

[37] 15 U.S.C. 78q–1(b)(3)(I).

[38] *See* 17 CFR 240.17Ad–22(e)(6)(i)–(ii).

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–OCC–2024–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–OCC–2024–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–OCC–2024–010 and should be submitted on or before September 3, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–17847 Filed 8–9–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20490 and #20491; FLORIDA Disaster Number FL–20008]

Administrative Disaster Declaration of a Rural Area for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of Florida dated 08/06/2024.

Incident: Severe Storms, Straight-line Winds, and Tornadoes.

Incident Period: 05/10/2024.

DATES: Issued on 08/06/2024.

Physical Loan Application Deadline Date: 10/07/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/06/2025.

ADDRESSES: Visit the MySBA Loan Portal at *https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration of a rural area, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Baker, Columbia, Gadsden, Hamilton, Jefferson, Liberty, Santa Rosa, Suwannee

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20490C and for economic injury is 204910.

The State which received an EIDL Declaration is Florida.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–17863 Filed 8–9–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board

AGENCY: Small Business Administration.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The U.S. Small Business Administration SBA is announcing the date, time, location and agenda for a meeting of the National Small Business Development Center Advisory Board. Members will convene as an independent source of advice and recommendations on matters related to the Small Business Development Centers Program. The meeting will be open to the public; however, advance notice of attendance is required.

DATES: Tuesday, September 10, 2024, at 2 p.m. EDT.

ADDRESSES: Meeting will be held via Microsoft Teams and in-person located at the Marriott Marquis Atlanta, 265 Peachtree Center Avenue, Atlanta, GA 30303. The access link will be provided to attendees upon request.

FOR FURTHER INFORMATION CONTACT: Rachel Karton, Designated Federal Officer, Office of Small Business Development Centers (OSBDC), U.S. Small Business Administration, 409

[39] 17 CFR 200.30–3(a)(12).

Third Street SW, Washington, DC 20416; *Rachel.newman-karton@sba.gov;* 202–619–1816. The meeting is open to the public; however, advance notice of attendance is required. Those wishing to participate live are encouraged to RSVP, by September 3, 2024, using the contact information above.

OSBDC strongly encourages that public comments and questions pertinent to the SBDC Program be submitted in advance by August 30, 2024. Individuals may email *Rachel.newman-karton@sba.gov* with subject line—''[Name/Organization] Comment for 09/10/24 Public Meeting.'' OSBDC staff will respond to a selection of questions or statements with most relevance to the topic of small business enterprise. Please note that public comments are typically shared during the final few minutes of the meeting.

This event will be held over Microsoft Teams. For technical assistance, please visit the Microsoft Teams Support Page.

SUPPLEMENTARY INFORMATION: Pursuant to section l0(a) of the Federal Advisory Committee Act (5 U.S.C. appendix 2), the SBA announces the meeting of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers. The purpose of the meeting is to consider recommendations to SBA on matters pertaining to the SBDC Program.

Andrienne Johnson,

Committee Management Officer.

[FR Doc. 2024–17865 Filed 8–9–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice 12474]

30-Day Notice of Proposed Information Collection: Pre-Employment Medical and Driver Evaluation Forms

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to September 11, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Dr. Michael Rudisile, 2401 E Street NW, SA–1, Room H–228, Washington, DC 20522–0101, who may be reached on 202–663–1682 or at *rudisileme@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Pre-Employment Medical and Driver Evaluation Forms.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Medical Services, Office of Occupational Health and Wellness, MED/CP/HS/OH.
- *Form Number:* DS–6571, DS–6572, DS–6573, DS–6574, DS–6575, DS–6576, DS–6577.
- *Respondents:* Prospective locally employed staff employees and prospective/current employees who require a driver certificate to operate a government owned vehicle overseas.
- *Estimated Number of Respondents:* 13,000.
- *Estimated Number of Responses:* 13,000.
- *Average Time per Response:* 2.66 hours.
- *Total Estimated Burden Time:* 34,550.
- *Frequency:* Once, every two years, or every four years depending on occupation requirements.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This collection is necessary for the Department's Bureau of Medical Services to evaluate medical eligibility for employment regarding operating a government owned vehicle, and for gathering supplemental pertinent medical information regarding identified conditions that could pose a safety risk to employees and others. This collection consists of the following forms: the medical evaluation for locally employed staff non-drivers (DS–6571); a tuberculosis risk assessment (DS–6573); a driver medical evaluation for locally employed staff (DS–6572); a driver medical evaluation for U.S. Direct Hire (DS–6576); and supplemental health questionnaires. The supplemental health questionnaires are utilized for vision related (DS–6577), seizure related (DS–6574), and diabetes related diagnoses (DS–6575). These questionnaires and concurrent medical evaluations are required to make informed assessments on ability to complete required employment-related tasks; implementation of this collection is pursuant to 5 CFR 930.108, 339.301, and the Foreign Service Act of 1980, as amended, 22 U.S.C. 4084, 3901, and 3984.

Methodology

The respondent will download the forms from a Department website. The respondent will complete and submit the forms to the local Health Unit and schedule an evaluation.

Geoffrey L. Jones,

Deputy Chief Medical Officer for Clinical Programs, Bureau of Medical Services, Department of State.

[FR Doc. 2024–17894 Filed 8–9–24; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000 (NPATMA),

announce the next meeting of the National Parks Overflights Advisory Group (NPOAG). This notification provides the date, location, and agenda for the meeting.

DATES: *Date and Location:* The NPOAG will meet on September 10–11, 2024. The meeting will take place at 2 Marina Boulevard, Fort Mason Building C, Room 210, San Francisco, CA 94123. The meeting will be held from 12:00 p.m. to 5:00 p.m. on September 10, 2024, and from 8:30 a.m. to 5:00 p.m. on September 11, 2024. This NPOAG meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Sandra Fox, *sandra.y.fox@faa.gov;* (202) 267–0928; 800 Independence Ave. SW, Suite 900W, Washington, DC 20591.

SUPPLEMENTARY INFORMATION: NPATMA, enacted on April 5, 2000 as Public Law 106–181, required the establishment of the NPOAG within one year after its enactment. NPATMA requires that the NPOAG be a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairperson of the advisory group.

The duties of the NPOAG include providing advice, information, and recommendations to the FAA Administrator and the NPS Director on implementation of Public Law 106–181; quiet aircraft technology; other measures that might accommodate interests to visitors of national parks; and at the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

Agenda for the September 10–11, 2024, NPOAG Meeting

The agenda for the meeting will include, but is not limited to, an update on ongoing park specific air tour management plans or voluntary agreements, status of agency implementation of court approved plan/schedule, update on environmental review process and special purpose law consultations, and public comment review process.

Attendance at the Meeting and Submission of Written Comments

Although this is not a public meeting, interested persons may attend. Because seating is limited, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** no later than Friday August 30, 2024, if you plan to attend so that meeting space may be made to accommodate all attendees. Written comments regarding the meeting will be accepted directly from attendees or may be sent to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Record of the Meeting

If you cannot attend the NPOAG meeting, a summary of the meeting will be made available under the NPOAG section of the FAA ATMP website at: *https://www.faa.gov/about/office_org/headquarters_offices/apl/aee/air_tour_management_plan* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on August 6, 2024.

Sandra Fox,

Environmental Protection Specialist, Office of Environment and Energy.

[FR Doc. 2024–17848 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0122; FMCSA–2013–0125; FMCSA–2014–0384; FMCSA–2017–0057; FMCSA–2021–0015; FMCSA–2022–0034]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 10 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on July 11, 2024. The exemptions expire on July 11, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2013–0122, FMCSA–2013–0125, FMCSA–2014–0384, FMCSA–2017–0057, FMCSA–2021–0015, or FMCSA–2022–0034) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. 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 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On June 28, 2024, FMCSA published a notice announcing its decision to renew exemptions for 10 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (89 FR 54142). The public comment period ended on June 29, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not

less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 10 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

As of July 11, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (89 FR 54142):

Nathan Bohannon (TX)

Keith Drown (ID)

Jeremy Earl (IL)

Edison Garcia (MD)

Rodney Henley (AL)

Larry Mancill (IL)

Glenn McCormack (IL)

Bradley Sexton (OK)

Russell Smith (OH)

William Smitley (CA)

The drivers were included in docket number FMCSA–2013–0122, FMCSA–2013–0125, FMCSA–2014–0384, FMCSA–2017–0057, FMCSA–2021–0015, or FMCSA–2022–0034. Their exemptions were applicable as of July 11, 2024 and will expire on July 11, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–17802 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0024]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 11, 2024.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2024–0024 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number (FMCSA–2024–0024) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2024–0024), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/* FMCSA–2024–0024. Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2024–0024) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to

help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the ME in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication, and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a notice of final disposition titled, ''Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders,'' (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since that time, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Rosario Basone

Rosario Basone is a 25-year-old class D license holder in New York. They have a history of localization related idiopathic epilepsy and have been seizure free since 2014. They take anti-seizure medication with the dosage and frequency remaining the same since 2014. Their physician states that they are supportive of Rosario Basone receiving an exemption.

Kimberly Breker

Kimberly Breker is a 38-year-old class DM license holder in North Dakota. They have a history of epilepsy and have been seizure free since 2010. They take anti-seizure medication with the dosage and frequency remaining the same since 2012. Their physician states that they are supportive of Kimberly Breker receiving an exemption.

Ed Eskridge

Ed Eskridge is a 49-year-old regular driver's license holder in Indiana. They have a history of post-traumatic epilepsy and have been seizure free since 2002. They take anti-seizure medication with the dosage and frequency remaining the same since 2002. Their physician states that they are supportive of Ed Eskridge receiving an exemption.

David Garner

David Garner is a 73-year-old class C license holder in Iowa. They have a history of seizure disorder and have been seizure free since 2016. They take anti-seizure medication with the dosage and frequency remaining the same since February 14, 2018. Their physician states that they are supportive of David Garner receiving an exemption.

Carlos Kelly

Carlos Kelly is a 33-year-old class C license holder in North Carolina. They have a history of cryptogenic localization related epilepsy and have been seizure free since 2015. They take anti-seizure medication with the dosage and frequency remaining the same since 2018. Their physician states that they are supportive of Carlos Kelly receiving an exemption.

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

Jaxon Krisko

Jaxon Krisko is a 41-year-old class D license holder in Ohio. They have a history of generalized epilepsy and psychogenic non-epileptic seizures and have been seizure free since November 2016. They take anti-seizure medication with the dosage and frequency remaining the same since 2014. Their physician states that they are supportive of Jaxon Krisko receiving an exemption.

Justin McGinnis

Justin McGinnis is a 49-year-old class A commercial driver's license (CDL) holder in Kansas. They have a history of a single unprovoked seizure and have been seizure free since October 10, 2017. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Justin McGinnis receiving an exemption.

Dalton Nicodemus

Dalton Nicodemus is a 28-year-old class E license holder in West Virginia. They have a history of myoclonic seizures and have been seizure free since March 2014. They take anti-seizure medication with the dosage and frequency remaining the same since January 18, 2019. Their physician states that they are supportive of Dalton Nicodemus receiving an exemption.

Zachary Pfister

Zachary Pfister is a 24-year-old class A CDL holder in Indiana. They have a history of absence seizures and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since September 11, 2016. Their physician states that they are supportive of Zachary Pfister receiving an exemption.

Daniel Richey

Daniel Richey is a 53-year-old class A CDL holder in Texas. They have a history of seizure disorder and have been seizure free since 1987. They take anti-seizure medication with the dosage and frequency remaining the same since 2008. Their physician states that they are supportive of Daniel Richey receiving an exemption.

Jessica Schmit

Jessica Schmit is a 49-year-old class C license holder in Pennsylvania. They have a history of seizure disorder and have been seizure free since 1993. They take anti-seizure medication with the dosage and frequency remaining the same since 2019. Their physician states that they are supportive of Jessica Schmit receiving an exemption.

Teri Smieja

Teri Smieja is a 60-year-old class BCD CDL holder in Wisconsin. They have a history of epilepsy and have been seizure free since 1998. They take anti-seizure medication with the dosage and frequency remaining the same since 2018. Their physician states that they are supportive of Teri Smieja receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–17801 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0022]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 13 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 3, 2024. The exemptions expire on August 3, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, (FMCSA–2024–0022) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Older-Newer),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. 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 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On June 28, 2024, FMCSA published a notice announcing receipt of applications from 13 individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (89 FR 54145). The public comment period ended on July 29, 2024, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely

to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received one comment in this proceeding. The commenter stated they believe persons who have a history of seizures or have a diagnosis of epilepsy should not be permitted to hold an exemption based on an increased risk for a car accident. They indicated that they would consider supporting the exemption if a significant amount of time has passed since the applicant's last seizure but still remain cautious due to the increased risk of these applicants.

As stated below in the next section of this notice, the Agency conducts an individualized assessment of each applicant considering multiple medical factors to include the length of time since the applicant's last seizure and the stability of their condition overall.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes allow the Agency to renew exemptions at the end of the 5-year period. However, FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel. The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. A summary of each applicant's seizure history was discussed in the June 28, 2024, **Federal Register** notice (89 FR 54145) and will not be repeated in this notice.

These 13 applicants have been seizure-free over a range of 32 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: (1) each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5T; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 13 exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition in § 391.41(b)(8), subject to the requirements cited above:

Joshua Amos (OH)
Kyle Batts (CT)
Roberto DeLeon (CO)
Jonathan Heaps (UT)
Dale Koehler (CO)
Demon Lowe (NC)
Lamar Mapp (OH)
Todd Medsker (ID)
John Pyne (FL)
William Santini (TN)
Mitchell Secrist (CA)
Joseph Tembo (MD)
Joseph Travagliato (NY)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–17800 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0109; FMCSA–2015–0116; FMCSA–2015–0323; FMCSA–2015–0326; FMCSA–2018–0050; FMCSA–2018–0051; FMCSA–2019–0206; FMCSA–2020–0046; FMCSA–2020–0047; FMCSA–2022–0043]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov*. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2013–0109, FMCSA–2015–0116, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2018–0050, FMCSA–2018–0051, FMCSA–2019–0206, FMCSA–2020–0046, FMCSA–2020–0047, or FMCSA–2022–0043) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On June 28, 2024, FMCSA published a notice announcing its decision to renew exemptions for 12 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (89 FR 54123). The public comment period ended on July 29, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 12 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of July 1, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (89 FR 54123):

David Bigler (MN)
Michael Davis (ME)
Daniel Dellasera (CA)
John Johnson (WI)
Nathan Kanouff (GA)
Sean Moran (MA)
Stephen Soden (LA)
Kevin Sprinkle (NC)
Michael Vitch (MA)

The drivers were included in docket number FMCSA–2013–0109, FMCSA–2015–0116, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2018–0050, FMCSA–2018–0051, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2022–0043. Their exemptions were applicable as of July 1, 2024 and will expire on July 1, 2026.

As of July 21, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (89 FR 54123):

Sonny Chase (MN); Jason Miller (NE); and Michael Morris (OR).

The drivers were included in docket number FMCSA–2020–0047. Their exemptions were applicable as of July 21, 2024 and will expire on July 21, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–17803 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—Medical Advisory Criteria, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2024–0006]

Agency Information Collection Activity Under OMB Review: Survey of FTA Stakeholders

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the

Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an existing information collection: Survey of FTA Stakeholders.

DATES: Comments must be submitted before October 11, 2024.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: https://www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at *https://www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

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

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *https://www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *https://www.regulations.gov.*

Docket: For access to the docket to read background documents and comments received, go to *https://www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alexandra Galanti at 202–366–5129 or *alexandra.galanti@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for

OMB approval of this information collection.

Title: Survey of FTA Stakeholders.

OMB Number: 2132–0564.

Background: The Federal Transit Administration (FTA) is requesting an extension without change to the customer service survey of its stakeholders. FTA is required to identify its stakeholders and address how the agency will provide services in a manner that seeks to streamline service delivery and improve the experience of its customers. FTA is seeking a three-year approval of an existing information collection that will allow FTA to collect data from transit agencies, states, tribal governments, and metropolitan planning organizations. FTA will utilize the survey to assess how its services are perceived by its customers, learn about opportunities for improvement and establish goals to measure results. The data captured from the survey will provide this information and enable FTA to make improvements where necessary. The survey will be limited to data collections that solicit voluntary opinions and will not involve information that is required by regulations. Respondents are split into two groups. Group A includes Chief Executive Officers (CEOs) and other executive leaders of transit agencies, state DOTs, and other FTA stakeholders. Group B includes unit supervisors and professional staff such as engineers, urban planners and budget analysts from the same organizations. FTA will utilize the survey to assess how its services are perceived by its customers, learn about opportunities for improvement and establish goals to measure results. The information obtained from the survey will provide insights into customer or stakeholder perceptions, experiences and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training or changes in operations might improve delivery of products or services.

Respondents: State Departments of Transportation (DOTs), Metropolitan Planning Organizations (MPOs), Transit Authorities, States, and Local Government Units, Indian Tribes.

Estimated Total Number of Respondents: 8,177.

Estimated Total Number of Responses: 8,177.

Estimated Total Annual Burden: 1,022 hours.

Frequency: Biennial.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2024–17850 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0095, Notice 2]

Grant of Petitions for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petitions.

SUMMARY: Ricon Corporation (Ricon), determined that certain Mirage, S-Series, and K-Series wheelchair lifts do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 403, *Platform Lift Systems for Motor Vehicles.* Because of Ricon's determination, various vehicle manufacturers who installed the S-Series, and K-Series wheelchair lifts in their motor vehicles determined that their motor vehicles do not comply with FMVSS No. 404, *Platform Lift Installation in Motor Vehicles.* Ricon and the various vehicle manufacturers, collectively referred to as the ''the petitioners,'' filed the appropriate noncompliance reports and subsequently petitioned NHTSA for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of the petitioners' petitions.

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), (202) 366–7236 *Ahmad.Barnes@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview: Ricon determined that certain Mirage, S-Series, and K-Series wheelchair lifts do not fully comply

with paragraph S6.10.2.6 of FMVSS No. 403, *Platform Lift Systems for Motor Vehicles* (49 CFR 571.403) and filed noncompliance reports, dated May 15, 2018, and May 25, 2018, (and later amended their May 15, 2018, noncompliance report on June 12, 2019) pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Ricon subsequently petitioned NHTSA on June 13, 2018, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 contending that the noncompliance is inconsequential as it relates to motor vehicle safety pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Because of Ricon's determination, the following vehicle manufacturers who installed the S Series, and K Series wheelchair lifts in their motor vehicles determined that their motor vehicles do not fully comply with paragraph S4.1.1 of FMVSS No. 404, *Platform Lift Installation in Motor Vehicles* (49 CFR 571.404). The various vehicle manufacturers also filed noncompliance reports, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* and subsequently petitioned NHTSA, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

ElDorado Mobility, Inc. (ElDorado) determined that certain model year (MY) 2014–2018 Revability Advantage Ram Promaster 1500 and 2500 motor vehicles do not fully comply with paragraph S4.1.1 of FMVSS No. 404. ElDorado filed a noncompliance report dated July 3, 2018, and later amended it on August 11, 2018. ElDorado petitioned NHTSA on August 6, 2018.

Champion Bus, Inc. (Champion) determined that certain MY 2012–2018 Champion buses do not fully comply with paragraph S4.1.1 of FMVSS No. 404. Champion filed a noncompliance report dated July 5, 2018, and later amended that report on August 11, 2018. Champion petitioned NHTSA on August 8, 2018.

Collins Bus Corporation (Collins) determined that certain MY 2012–2018 Collins school buses do not fully comply with paragraph S4.1.1 of FMVSS No. 404. Collins filed a noncompliance report dated July 10, 2018, and later amended it on August 11, 2018. Collins petitioned NHTSA on August 7, 2018.

ElDorado National Kansas (ENC) determined that certain MY 2012–2018 ENC buses do not fully comply with paragraph S4.1.1 of FMVSS No. 404. ENC filed a noncompliance report on July 3, 2018, and later amended it on August 11, 2018. ENC petitioned NHTSA on August 6, 2018.

Daimler Trucks North America, LLC (DTNA) determined that certain MY 2013–2019 Thomas Built Buses do not fully comply with paragraph S4.1.1 of FMVSS No. 404. DTNA filed two noncompliance reports, both dated July 18, 2018, and later amended both reports on August 15, 2018. DTNA petitioned NHTSA on August 15, 2018.

Navistar, Inc. (Navistar) determined that certain MY 2013–2019 IC buses do not fully comply with paragraph S4.1.1 of FMVSS No. 404. Navistar filed two noncompliance reports both dated June 20, 2018, and both were later amended on August 17, 2018. Navistar petitioned NHTSA on July 19, 2018, and amended the petition on September 24, 2018.

Notice of receipt of Ricon's and the vehicle manufacturers' petitions was published with a 30-day public comment period, on April 30, 2021, in the **Federal Register** (86 FR 23038). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2018–0095.''

II. Equipment and Vehicles Involved: On May 15, 2018, Ricon submitted a noncompliance report stating that approximately 29,245 S-Series and K-Series wheelchair lifts, manufactured between May 7, 2012, and May 9, 2018, were potentially involved. In conjunction with its May 15, 2018, noncompliance report, Ricon submitted a second noncompliance report on May 25, 2018, reporting approximately 2,454 Mirage wheelchair lifts, manufactured between October 2, 2012, and May 18, 2018, were also potentially involved. On June 13, 2018, Ricon filed an inconsequential noncompliance petition reporting 23,379 S-Series and K-Series wheelchair lifts and 2,454 Mirage wheelchair lifts were involved. NHTSA contacted Ricon to inquire about the differences in the number of S-Series and K-Series wheelchair lifts potentially involved as reported in its petition and noncompliance report. This led to Ricon amending their May 15, 2018, noncompliance report on June 12, 2019, changing the number of S-Series and K-Series wheelchair lifts potentially involved from 29,245 to 23,379 and the production dates from May 7, 2012, through May 9, 2018, to October 2, 2012, through May 9, 2018.

In concert with Ricon's filings, 6 original equipment manufacturers (OEMs) who Ricon sold lifts to and who installed the S-Series and K-Series lifts in its vehicles also filed noncompliance reports and inconsequential noncompliance petitions. Appropriately, ElDorado, Champion, Collins, ENC, DTNA, and Navistar determined the following vehicles are potentially involved:

Approximately 42 MY 2014–2018 Eldorado Revability Advantage Ram Promaster 1500/2500 motor vehicles, manufactured between September 1, 2014, and June 30, 2018.

Approximately 1,500 MY 2012–2018 Champion Challenger, Defender, Crusader, American, American Coach, American Crusader, CTS–FE, CTS–RE, HC American, Platinum Shuttle, and Stacked Rail Impulse buses, manufactured between May 7, 2012, and May 9, 2018.

Approximately 1,947 MY 2012–2018 Collins multi-function school activity buses (MFSAB) and Commercial buses, manufactured between May 1, 2012, and June 1, 2018.

Approximately 1,447 MY 2012–2018 Eldorado, Aerotech, Aerolite, Aero Elite, Transtech, Advantage, World Trans, and Impulse buses, manufactured between May 1, 2012, and June 1, 2018.

Approximately 31 MY 2013–2019 Thomas Built Buses Saf-T-Liner C2, Saf-T-Liner EFX, and Saf-T-Liner HDX commercial buses, manufactured between July 21, 2012, and April 4, 2018, and approximately 3,834 MY 2013–2019 Thomas Built Buses Saf-T-Liner C2, Saf-T-Liner EFX, and Saf-T-Liner HDX school buses, manufactured between May 5, 2012, and July 4, 2018.

Approximately 2,892 MY 2013–2014 IC Bus AE, MY 2013–2015 IC Bus BE, MY 2013–2019 IC Bus CE, MY 2013–2014 IC Bus RE, and 2016–2017 IC Bus RE school buses, manufactured between May 10, 2012, and May 2, 2018, and approximately 29 MY 2013–2018 IC Bus CE and RE commercial buses, manufactured between May 10, 2012, and November 7, 2017.

Ricon reported that 2,454 Mirage wheelchair lifts and 23,379 S-Series and K-Series wheelchair lifts are potentially involved while the OEMs reported, in total, 11,722 vehicles with the noncompliant S-Series and K-Series wheelchair lifts are potentially involved. To date, no OEMs have filed for the Mirage wheelchair lifts. On multiple occasions, NHTSA made inquiries to Ricon to reconcile the

difference in the number of lifts Ricon reported as containing the noncompliance versus the number of vehicles equipped with these lifts. On June 10, 2020, Ricon provided a table reporting that 30,127 S-Series and K-Series wheelchair lifts were produced, with 7,055 going to dealers, 22,850 going to OEMs, and 222 to its parent company Wabtec Corporation (Wabtec). Below is a table that outlines the different numbers as reported by Ricon, by date, for the S-Series and K-Series wheelchair lifts and the total number of vehicles as reported by the OEMs.

RICON S-SERIES AND K-SERIES WHEELCHAIR LIFTS POTENTIALLY INVOLVED

	Ricon 5/15/18 reporting	Ricon 6/12/19 reporting	Ricon 6/10/20 reporting	Total OEM 573 reporting
DEALERS	.....	.....	7,055	.....
OEMs	.....	.....	22,850	.....
WABTEC *	.....	.....	222	.....
Total	29,245	23,379	30,127	11,722

* Ricon is a subsidiary of WABTEC.

The total number of vehicles reported by the OEMs has not changed and the number S-Series and K-Series wheelchair lifts as reported by Ricon on June 10, 2020, are the most up-to-date numbers. Based on current numbers as shown in the table above, there are still 18,405 lifts that have not been accounted for. Despite several meetings and communication with Ricon aimed at identifying the distribution and disposition of lifts not sold directly to vehicle manufacturers NHTSA has not been able to obtain additional information about those lifts.

NHTSA also feels it is prudent to emphasize that filing a petition for inconsequential noncompliance does not relieve vehicle or equipment distributors and dealers from the prohibition on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant lifts and vehicles under their control after the petitioners notified them that the subject noncompliance existed.

III. Noncompliance: Ricon explains that its S-Series and K-Series platform lifts and its Mirage platform lifts do not comply with the outer barrier interlock requirements of FMVSS No. 403, S6.10.2.6 when tested in accordance with the test procedure at S7.5.1.1 and S7.5.1.2. As a consequence, certain commercial buses and school buses equipped with the subject lifts do not comply with paragraph S4.1.1 of FMVSS No. 404.

IV. Rule Requirements: FMVSS No. 403 contains a number of interlock requirements that prohibit movement of a lift under circumstances that could result in death or injury. Among these requirements paragraph S6.10.2.6 of FMVSS No. 403, sets forth limitations on permissible vertical movement of a platform lift with an undeployed outer barrier when that barrier is occupied by a passenger's body or mobility aid. Under these interlock requirements, the lift must stop, and the vertical change in distance of the horizontal plane (passing through the point of contact between the wheelchair test device wheel(s) and the upper surface of the outer barrier) must not be greater than 13 mm (0.5 in).

Paragraph S4.1.1 of FMVSS No. 404 requires lift-equipped buses, school buses, and MPVs other than motor homes with a GVWR greater than 4,536 kg (10,000 lbs.) to be equipped with a public-use lift certified as meeting FMVSS No. 403.

V. Summary of Petitions: The petitioners described the subject noncompliance and stated their belief that the noncompliance is inconsequential as it relates to motor vehicle safety. In support of their petitions, the petitioners submitted the following arguments:

1. *The petitioners believe that the performance of the Ricon lifts does not create an increased risk to safety:*

S-Series and K-Series Lifts

(a) Per the petitioners, the S-Series and K-Series lifts are used as both public-use and private-use lifts. The petitioners explain that the subject lifts are designed with a durable webbing retention belt, ''which is attached to and when belted, extends across each of the handrails.'' The petitioners believe that the retention belt serves two purposes and is a redundant safety feature. First, the petitioners state that the retention belt is a means to physically secure an occupant within the lift.'' Furthermore, the petitioners state that the retention belt acts as an electrical interlock that is linked to the operation of the lift because buckling the retention belt closes an electrical circuit which, if open, prevents lift operation. If the belt is not buckled, the platform cannot move and the outer barrier will not move up or down.

(b) The petitioners contend that the subject noncompliance ''arises only when the unit is tested to the directions provided in the test procedure itself, when the retention belt is buckled and the wheelchair test device attempts to access the outer barrier.'' However, the petitioners contend that outside of the test environment, the retention belt would not be buckled (and the lift would not be powered at any time an occupant is attempting to traverse the outer barrier).

(c) The petitioners state that under the test conditions described in S7.5.1.1 of FMVSS No. 403, once the platform lift is at the ground level loading position with the outer barrier fully deployed, the wheelchair test device is placed on the platform. However, the petitioners maintain that an occupant secured by the buckled retention belt, the belt itself would prevent contact between the occupant or mobility device with the outer barrier. The petitioners reiterate that no power is sent to either the lift or the outer barrier when the belt is unbuckled, therefore, the petitioners claim that any time an occupant is present on the platform portion of the lift, the belt interlock protects occupants from inadvertent movement of the outer barrier.

(d) Alternatively, the petitioners note that the test procedure provides that if the wheelchair test device cannot access the outer barrier because of a belt retention type device, the test may alternatively be conducted with the wheelchair test device on the ground facing the entrance to the lift. In this case, the petitioners contend that, if an occupant were attempting to access the platform from ground level outside the vehicle, the outer barrier would not be able to move unless the belt was buckled. As a buckled retention belt would stretch across the entrance to the lift the lift attendant or private individual operator would have to unbuckle the belt to allow access to the platform. As an unbuckled belt would

prevent lift or outer barrier movement and eliminate risk to the occupant accessing the lift.

(e) The petitioners also argue that S7.5.1.1 of the test procedure, which provides that the wheelchair test device should be placed on the ground facing the entrance to the lift when loading from the ground, is contrary to normal practice and the Ricon operator's manual instructions. According to the petitioners, the industry standard practice is to load wheelchair occupants onto a lift with their back to the vehicle to minimize the risk of injury to the feet and lower extremities stemming from contact with the vehicle.[1]

(f) The petitioners also state that the operator's manual and Ricon-provided decals facing outward on the vertical arms of the lift reinforce that the correct loading procedure is to have the lift rider face outward from the vehicle.

Mirage Lifts

(a) Per the petitioners, the Mirage lifts are public-use lifts. The Mirage lifts also incorporate a belt retention device into its design, but the belt interlock functions somewhat differently than the S-Series and K-Series lifts. The petitioners explain that the belts on the Mirage lifts act as an interlock sensor that detects whether the outer barrier is in a vertical (closed) position. When the outer barrier is closed and the retention belt is buckled, the platform can operate. If the belt is unbuckled, the outer barrier can move from horizontal (open) to vertical (closed), but the platform itself cannot operate.

(b) The petitioners state that as with the S-Series and K-Series lifts, when an occupant is on the platform, the occupant is to be secured by the restraint belt. To exit the lift and cross the outer barrier, the belt must be unbuckled. Unbuckling the retention belt eliminates power sent to the platform.

(c) The petitioners argue that NHTSA's concern in adopting the outer barrier interlock in 2007 was that occupants could be pitched from the lift if the lift moved when the outer barrier was occupied. The petitioners claim that this concern does not exist in Ricon's design. The petitioners explain that when the belt is unbuckled, as it would be anytime a person is entering or exiting the lift, the platform is not powered and cannot move. If the belt is buckled and the lift is powered, the retention belt blocks access to the outer barrier if the occupant is present on the platform.

2. *NHTSA has previously granted petitions where wheelchair lifts did not meet the performance requirements of FMVSS No. 403.*

(a) The petitioners say that the Agency has granted inconsequentiality petitions where the manufacturer has not met the performance requirements of FMVSS No. 403, finding that the noncompliance did not pose an increased risk to safety as the lift is used in the real world. The petitioners believe that the performance of Ricon's platform lifts is consistent with this precedent.

(b) For example, the petitioners contend the Agency granted a petition for decision of inconsequential noncompliance submitted by The Braun Corporation (Braun) where the lift handrails did not meet the values for deflection force.[2] The petitioners say that the noncompliance, in that case, is that the handrails collapsed when exposed to forces above the threshold requirement. However, the handrail did not collapse or fail catastrophically. The petitioners state that the Agency explained its concern in instituting the deflection force requirement was that the possibility of a catastrophic failure of the handrails would expose the occupant to a risk of injury. The petitioners say that the Agency anticipated that future tests would specify placement and direction of forces that will be more focused to address worst-case handrail displacement and real-world safety problems. The Agency, in the petitioners' view, recognized that the noncompliance in this case did not pose a safety concern that the handrail requirements were intended to address.

(c) The petitioners note that, similar to the noncompliance in the Braun petition, the subject noncompliance in the Ricon outer barrier emerges only because of the revisions to the test procedure implemented in 2012. The petitioners claim that in actual use and consistent with the operator's manual, the retention belt should never be buckled when an occupant is attempting to traverse the outer barrier. Therefore, the petitioners claim the noncompliance does not create significant safety concern.

(d) The petitioners state that NHTSA has also granted an inconsequentiality petition submitted by Maxon Industry Inc. (Maxon) where the deployed wheelchair retention device was unable to withstand the required 1,600 pounds of force.[3] In that case, the petitioners explain that the Maxon lifts included some designs where the outer barrier served as the wheelchair retention device and other designs with both a belt retention device and an outer barrier. The belt retention device also served as an electronic interlock that precluded the lift from moving up or down unless buckled.[4] Per the petitioners, the Agency granted the petition as to the units which incorporated the retention belt and noncompliant outer barrier, finding that such a design did not create an increased risk to safety since the belt's operation precluded the lift from moving and prevented the stated safety concern. The petitioners contend that the Agency denied the petition as to those units without the retention belt, reasoning that the lift occupant would only be relying upon a noncompliant outer barrier for protection.

(e) The petitioners also state that Ricon lifts incorporate a retention belt that operates in the same manner as the belt described in the Maxon petition. In both cases, the belt precludes the lift from operating unless it is buckled. In granting the Maxon petition, the petitioners argue the Agency recognized the belt acted as a redundant safety feature (along with the technically noncompliant outer barrier) that precluded any safety risk. The petitioners state that the belt interlock in the Ricon lifts as well as the operator's manual instructions create similar redundancies and offer equivalent protection to occupants.

(f) Finally, the petitioners state the environment in which these lifts are used diminishes any potential risk to safety. When operated as a public use lift, the petitioners say there will be a lift attendant present to monitor the lift to ensure the occupant enters and exits

[1] During the FMVSS No. 403 rulemaking process, the petitioners state, a manufacturer noted that portions of the rule had testing conducted in one direction when the owner's manual provided for a different loading direction. *See* 67 FR 425–26. The petitioners explain that the manufacturer took the position that such inconsistencies were contrary to the requirements of the ADA. In response, the petitioner states that NHTSA concluded that since the ADA does not apply to private use lifts, the loading requirements were not inconsistent with the ADA. Here, however, the Ricon lifts are used as public use lifts. Although the ADA states that the lift shall permit for boarding and unboarding in both directions, the petitioners argue that the industry practice and Ricon's (and other manufacturers) instructions provide for boarding in the reverse as an added level of occupant protection.

[2] *See* The Braun Corporation, Grant of Petition for Decision of Inconsequential Noncompliance; 72 FR 19754 (April 19, 2007).

[3] *See* Maxon Industry, Inc. DBA Maxonlift Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance; 72 FR 28759 (May 22, 2007).

[4] Ricon is aware of multiple manufacturers that use a belt interlock that functions in the same or similar manner to restrict the operation of the platform lift.

the lift safely. When the lift attendant or private individual is following the operator's manual, the petitioners claim, there should not be an instance where the lift platform is powered and the occupant is unrestrained. Ricon has used this same design lift since the start of production for decades and without incident as it relates to the performance of the outer barrier interlock.

The petitioners conclude by expressing their belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that their petitions to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

The petitioners' petitions and all supporting documents are available through the Federal Docket Management System (FDMS) website at *https://www.regulations.gov* by following the online search instructions to locate the docket number as listed in the title of this notice.

VI. NHTSA's Analysis: The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in an FMVSS—as opposed to a *labeling requirement with no performance implications*—is more substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[5]

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[6] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[7] Further, because each inconsequential noncompliance petition must be evaluated on its own facts and determinations are highly fact-dependent, NHTSA does not consider prior determinations as binding precedent. Petitioners are reminded that they have the burden of persuading NHTSA that the noncompliance is inconsequential to safety.

The purpose of this standard is to prevent injuries and fatalities to passengers and bystanders during the operation of platform lifts installed in motor vehicles. Compliance with the outer barrier interlock requirements in section S6.10.2.6 is determined by using the test procedure in section S7.5. In that test, a mobility device simulator is placed such that a wheel or wheels are on the outer barrier and the interlock must prevent vertical movement of the lift from the ground level loading position within prescribed limits. As described by the petitioners, the retention belt interlock on the subject lifts is the functional equivalent of the interlock mechanism meeting S6.10.2.6 and provided the same level of safety. If the retention belt is buckled, the electrical circuit is closed and the platform and outer barrier can operate when the buttons on the operator's pendant are pressed. If the belt is un-buckled, the electrical circuit is broken and there is no power to the lift and the platform cannot move and the outer barrier will not deploy in either direction.

NHTSA agrees that the use and location of the retention belt on Ricon lifts, along with the operator's manual and instruction labels provided on the lifts provide a sufficient level of safety such that the noncompliance present in this case is inconsequential to safety. In so doing, the agency notes that it is unlikely that an operator or user of the subject lifts would attempt to load the lift with the restraint belt still buckled, particularly when the normal practice of loading the lift with the occupant facing outward is followed. If an occupant began to back onto the lift platform, access would be prevented by the forward location of the belt and the belt's contact with the wheelchair back. It is therefore certain that a lift operator would unbuckle the belt before attempting to load the passenger. Although there is the possibility of lift users tampering with or defeating a belt interlock to avoid using the belt restraint, NHTSA is not aware that this is a significant problem that should be factored into the agency's consideration of the subject Ricon petition.

As stated by the petitioners, NHTSA has previously granted similar petitions for inconsequential noncompliance for performance requirements of FMVSS No. 403. Specifically, in the Maxon petition[8] referenced by the petitioners, NHTSA determined that Maxon adequately demonstrated that, under the specific facts and circumstances in that case, the noncompliance with FMVSS No. 403 in the affected lifts *with restraint belts* was inconsequential to motor vehicle safety. However, NHTSA also denied Maxon's petition in part because the noncompliance in the lifts *without restraint belts* was deemed to be consequential because the absence of belts or other secondary wheelchair retention devices meant that lift users' safety was dependent entirely on the noncompliant outer barrier.

Despite the previous response to the Maxon petition, NHTSA's current view is that a belt interlock could protect wheelchair occupants despite a noncompliant outer barrier if operated as Ricon describes. NHTSA's previous statements about platforms that include belt-type restraints (see Final Rule 77 FR 20558, at 20561–62) only addressed very specific test procedure issues and did not address whether an interlock-equipped restraint-belt can satisfy the interlock requirements of S6.10.2.5 and S6.10.2.6. The agency has never intended to limit the use of restraint belts and continues to allow them as a useful safety feature. (Although there may at one time have been a concern about belt misuse in the case of private-use lifts, *i.e.,* lift users intentionally bypassing the belt interlock to avoid using a belt, the agency is not aware of any data suggesting that misuse is a significant concern.) In the case of the present Ricon lifts, by use of professional operators and forward-facing wheelchair seated occupants, NHTSA is persuaded that a belt interlock, because it completely disables operation of the lift, serves the required safety function of the barrier interlock. Furthermore, the subject Ricon lifts meet all other FMVSS No. 403 outer barrier requirements, particularly the structural strength of the impact requirements, so they provide effective

[5] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[6] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[7] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

[8] *See* Maxon Industry, Inc. DBA Maxonlift Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance; 72 FR 28759 (May 22, 2007).

containment of wheelchairs and other users on the subject lifts, and thus meet the intended safety need.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA finds that the petitioners have met their burden of persuasion that the subject FMVSS No. 403 and FMVSS No. 404 noncompliance in the affected vehicles and equipment is inconsequential to motor vehicle safety. Accordingly, the petitioners' petitions are hereby granted and Ricon and the various vehicle manufacturers are consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject lifts and buses that the petitioners no longer controlled at the time it determined that the noncompliance existed. However, the granting of these petitions does not relieve vehicle or equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant lifts and buses under their control after the petitioners notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2024–17818 Filed 8–9–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modification to Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

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

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 2, 2024.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
16172–M	Entegris, Inc.	173.301(f)	To modify the special permit to authorize an additional hazardous material. (mode 1)

[FR Doc. 2024–17922 Filed 8–9–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before September 11, 2024.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 2, 2024.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA—GRANTED

Application	Applicant	Regulation(s) affected	Nature of the Special Permits thereof
15322–M	Hexagon Digital Wave LLC	172.203(a), 172.301(c), 173.302a, 180.205, 180.209, 180.213.	To modify the special permit to authorize agents of Hexagon Digital Wave, LLC to perform inspection and testing of cylinders.
20396–M	Hexagon Digital Wave LLC	180.205(g)	To modify the special permit to authorize agents of Hexagon Digital Wave, LLC to perform inspection and testing of cylinders.
21380–M	Tesla, Inc	173.21(c), 173.185(b)(1), 173.185(b)(2)(iii), 173.185(b)(4)(ii).	To modify the special permit to authorize an additional energy storage system.
21408–M	GFS Chemicals, Inc	173.158(f)(3)	To modify the special permit to authorize an alternative manufacturer for the 500 mL and 2.5 L inner packagings.
21640–M	Mark Rite Lines Equipment Company, Inc.	173.5a(c)(2)(ii)	To modify the special permit to authorize an additional hazardous material.
21708–M	Loft Orbital Solutions Inc	173.27(b)(2), 173.301(f), 173.302a, 173.304a, 171.23(a)(2)(iv).	To modify the special permit to authorize additional outer packagings.
21736–N	Woodward FST Inc	178.705(d)	To authorize the transportation in commerce of metal intermediate bulk containers that are smaller than the minimum 450 L size requirement.
21745–N	Exosent Engineering, LLC	173.315	To authorize the manufacture, mark, sale, and use of non-DOT specification cargo tanks that conform with all regulations applicable to a DOT Specification 331 except that they are manufactured to ASME Section XII and stamped with a ''T'' Stamp.
21750–N	New Leaf, LLC	173.166	To authorize the transportation in commerce of recalled airbag inflators or modules from storage facilities to facilities for the purpose of collection, processing, and disposal.
21754–N	Little Kamper, L. P	173.157(a), 173.157(b)	To authorize the transportation in commerce of used 16-ounce DOT Specification 4BA240 cylinders containing the hazardous materials identified in paragraph 6. in accordance with the reverse logistics provisions of § 173.157 and the conditions stated herein.
21773–N	Kidde Technologies Inc	172.203(a), 172.301(c), 173.309(c)	To authorize the transportation in commerce of certain Division 2.2 materials in non-DOT specification cylinders.
21783–N	J & M Alaska Air Tours, Inc	172.101(j), 175.310(c)	To authorize the transportation in commerce of certain Class 3 fuels in non-DOT specification bulk packaging aboard cargo-only aircraft to remote areas of Alaska

SPECIAL PERMITS DATA—GRANTED—Continued

Application	Applicant	Regulation(s) affected	Nature of the Special Permits thereof
21793–N	Space BD Inc	173.185(a)(1)	To authorize the transportation in commerce of prototype and low production lithium ion batteries contained in equipment.
21798–N	Korean Air Lines Co., Ltd	172.101(j), 175.30(a)(1)	To authorize the transportation in commerce of certain explosives that are forbidden for transportation aboard cargo-only aircraft.
21804–N	Lucid USA, Inc	172.101(j), 173.220(d), 173.185(a)(1), 173.185(b)(6)	To authorize the transportation of low production lithium ion batteries exceeding 35 kg and battery-powered vehicles containing low production lithium ion batteries aboard cargo-only aircraft.
21815–N	HeliService USA	172.204(c)(3), 172.101(j), 173.27(b)(2), 175.75(b), 175.30(a)(1).	To authorize the transportation in commerce of certain Class 1 materials by 14 CFR Part 133 cargo-only aircraft (rotorcraft external load operations) that transport hazardous materials attached to or suspended from the aircraft.

SPECIAL PERMITS DATA—DENIED

Application No.	Applicant	Regulation(s) affected	Nature of the Special Permits thereof

SPECIAL PERMITS DATA—WITHDRAWN

Application No.	Applicant	Regulation(s) affected	Nature of the Special Permits thereof

[FR Doc. 2024–17921 Filed 8–9–24; 8:45 am]
BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before September 11, 2024.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 2, 2024.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	*Applicant*	*Regulation(s) Affected*	*Nature of the Special Permits thereof*
21812–N	PolyPetroChem, LLC	172.203(a), 178.345–1, 180.413.	To authorize the manufacture, mark, sale, and use of manway assemblies constructed from stabilized polyethylene for installation on certain DOT specification cargo tank motor vehicles used in transporting certain hazardous materials. (mode 1)
21813–N	Norsk, Inc	172.200	To authorize the transportation in commerce of lithium batteries exceeding 300 Wh by motor vehicle without shipping papers. (mode 1)
21814–N	Bren-Tronics, Inc	172.101(j)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft. (mode 4)
21820–N	Reynolds Systems, Inc ..	172.320, 173.54, 173.56, 173.57, 173.58.	To authorize the shipment of new detonators without an EX-approval in a 4-inch x 14-inch schedule 80 seamless steel pipe closed at both ends with 3,000-psi forged steel end caps per ASTM 105 or in a 6-inch x 14-inch schedule 80 seamless steel pipe closed at both ends with iron end caps with a minimum strength of 250 psi. (modes 1, 4)
21821–N	Sandvik, Inc	172.101(j)	To authorize the transportation in commerce of lithium-ion batteries exceeding 35 kg by cargo-only aircraft. (mode 4)

[FR Doc. 2024–17920 Filed 8–9–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Application and Renewal Fees Imposed on Surety Companies and Reinsuring Companies; New Fee Categories Added

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Notice of fees imposed on surety companies and reinsuring companies.

SUMMARY: The Department of the Treasury, Bureau of the Fiscal Service, is updating the schedule of fees it imposes on and collects from surety companies and reinsuring companies, effective August 9, 2024.

FOR FURTHER INFORMATION CONTACT: Melvin Saunders, at (304) 480–5108 or *melvin.saunders@fiscal.treasury.gov;* or Bobbi McDonald, at (304) 480–7098 or *bobbi.mcdonald@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION: The Independent Offices Appropriations Act of 1952 (IOAA), codified at 31 U.S.C. 9701, authorizes Federal agencies to establish fees for a service or thing of value provided by the agency to members of the public. Office of Management and Budget Circular A–25 allows agencies to impose user fees for services that confer a special benefit to identifiable recipients beyond those accruing to the general public. Pursuant to 31 CFR 223.22, Treasury imposes fees on surety companies and reinsuring companies seeking to obtain or renew certification or recognition from Treasury. The fees imposed and collected cover the costs incurred by the Government for services performed reviewing, analyzing, and evaluating the companies' applications, financial statements, and other information. Treasury determines the amount of fees in accordance with the IOAA and the Office of Management and Budget Circular A–25, as amended. The change in fees is the result of adding application processing fees for two new categories of reinsuring companies to the corporate federal surety bond program. The fees in the other categories are unchanged from the notice published in the **Federal Register** December 8, 2023.

The new fee rate schedule is as follows:

(1) Examination of a company's application for a Certificate of Authority as an acceptable surety or as an acceptable reinsuring company on Federal bonds: $12,400.

(2) Determination of a company's continued qualification for annual renewal of its Certificate of Authority: $8,000.

(3) Examination of a company's application for recognition as an Admitted Reinsurer: $4,500.

(4) Determination of a company's continued qualification for annual renewal of its authority as an Admitted Reinsurer: $3,200.

(5) Examination of a company's application for recognition as an Alien Reinsurer: $4,500.

(6) Examination of a company's application for recognition as a Complementary Reinsurer: $4,500.

Questions concerning this notice should be directed to the Surety Bond Branch, Special Assets and Liabilities Division, Bureau of the Fiscal Service, Surety Bonds (A–1G), 257 Bosley Industrial Drive, Parkersburg, WV 26106, Telephone (304) 480–6635.

Timothy E. Gribben,

Commissioner, Bureau of the Fiscal Service.

[FR Doc. 2024–17884 Filed 8–9–24; 8:45 am]

BILLING CODE 4810–AS–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 U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Associate Director for Sanctions Enforcement, Compliance & Analysis, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*ofac.treasury.gov*).

Notice of OFAC Action(s)

On March 31, 2023, OFAC identified the following person as an entity that is owned, directly or indirectly, 50 percent or more by CARTES JARA, Horacio Manuel, a person whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13818, and therefore that the property and interests in property subject to U.S. jurisdiction of the following person are blocked pursuant to E.O. 13818. On August 6, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are no longer blocked as identified property of CARTES JARA, Horacio Manuel.

Entity

1. TABACALERA DEL ESTE S.A. (a.k.a. TABESA), Ybyra Pyta s/n Esquina Mandarinas, Villa Conavi II, Hernandarias 7220, Paraguay; Calle Yvyra Pyta y Mandarinas, Barrio Santa Teresa, Ciudad Hernandarias, Alto Parana, Paraguay; Organization Established Date 1994; Organization Type: Wholesale of food, beverages and tobacco; Tax ID No. 80008790–9 (Paraguay) [GLOMAG] (Linked To: CARTES JARA, Horacio Manuel).

On August 6, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Entity

1. TABACALERA DEL ESTE S.A. (a.k.a. TABESA), Ybyra Pyta y Mandarinas, Barrio Santa Teresa, Hernandarias, Alto Parana 7220, Paraguay; website *www.tabesa.com.py;* Organization Established Date 24 Mar 1994; Organization Type: Wholesale of food, beverages and tobacco; Tax ID No. 80008790–9 (Paraguay) [GLOMAG] (Linked To: CARTES JARA, Horacio Manuel).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of CARTES JARA, Horacio Manuel, a person whose property and interests in property are blocked pursuant to E.O. 13818.

Dated: August 6, 2024.

Lawrence M. Scheinert,

Acting Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–17814 Filed 8–9–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, September 12, 2024.

FOR FURTHER INFORMATION CONTACT: Ann Tabat at 1–888–912–1227 or (602) 636–9143.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Thursday, September 12, 2024, at 2:30 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Ann Tabat. For more information, please contact Ann Tabat at 1–888–912–1227 or (602) 636–9143, or write TAP Office, 4041 N. Central Ave Phoenix, AZ 85012 or contact us at the website: *http://www.improveirs.org*. The agenda will include TAP 2024 committee project focus areas.

Dated: August 1, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–17807 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference through the Microsoft Teams Platform.

DATES: The meeting will be held Thursday, September 26, 2024.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1–888–912–1227 or 214–413–6550.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, September 26, 2024, at 3 p.m. eastern time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information, please contact Conchata Holloway at 1–888–912–1227 or 214–413–6550, or write TAP Office, 1114 Commerce St. MC 1005, Dallas, TX 75242 or contact us at the website: *http://www.improveirs.org.*

The agenda will include the potential project referrals from the committees, and discussions on priorities the TAP will focus on for the 2024 year. Public input is welcomed.

Dated: August 1, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–17812 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, September 12, 2024.

FOR FURTHER INFORMATION CONTACT: Jose Cintron-Santiago at 1–888–912–1227 or 787–522–8607.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, September 12, 2024, at 1 p.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Jose Cintron-Santiago. For more information, please contact Jose Cintron-Santiago at 1–888–912–1227 or 787–522–8607, or write TAP Office, 48 Carr 165 Suite 2000, Guaynabo, PR 00968–8000 or contact us at the website: *http://www.improveirs.org.* The agenda will include TAP 2024 committee project focus areas.

Dated: August 1, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–17815 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, September 11, 2024.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, September 11, 2024, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include TAP 2024 committee project focus areas.

Dated: August 1, 2024.

Shawn Collins,

Director. Taxpayer Advocacy Panel.

[FR Doc. 2024–17816 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, September 18, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Wednesday, September 18, 2024, at 11 a.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information, please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include TAP 2024 committee project focus areas.

Dated: August 1, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–17811 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements (TAC) Project Committee will be held Tuesday, September 10, 2024, at 3 p.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include TAP 2024 committee project focus areas.

Dated: August 1, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–17808 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, September 12, 2024.

FOR FURTHER INFORMATION CONTACT: Kelvin Johnson at 1–888–912–1227 or 504–202–9679.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Thursday, September 12, 2024, at 4 p.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Kelvin Johnson. For more information, please contact Kelvin Johnson at 1–888–912–1227 or 504–202–9679, or write TAP Office, 1555 Poydras Street, Suite 12 New Orleans, LA 70112 or contact us at the website: *http://www.improveirs.org.* The agenda will include TAP 2024 committee project focus areas.

Dated: August 1, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–17809 Filed 8–9–24; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: August 15, 2024, 12:00 p.m. to 4:00 p.m., Eastern Time.

PLACE: The meeting will take place at the Hotel Indigo Traverse City 263 W Grandview Parkway, Traverse City, MI 49684. The meeting will also be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll), Meeting ID: 973 8008 2585, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/meeting/register/tJMuf-mopjkvEtGCoVMWN3tQ6EmUCVXWOmkD.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email, followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Board Action

The proposed Agenda will be reviewed. The Board will consider action to adopt.

Ground Rules

➢ Board actions taken only in designated areas on the agenda

IV. Approval of Minutes of the June 6, 2024, UCR Board Meeting—UCR Board Chair

For Discussion and Possible Board Action

Draft Minutes from the June 6, 2024, UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant agency activity.

VI. Next Steps in Amending the UCR Agreement Including the Possible Formation of an Amendments Subcommittee—UCR Legal Counsel and UCR Board Chair

For Discussion and Possible Board Action

UCR Legal Counsel will discuss some of the more significant proposed changes to the UCR Agreement. The UCR Board Chair will discuss the formation and composition of an Amendments Subcommittee to consider these and other proposed amendments to the UCR Agreement. These proposed amendments will be considered in a manner which is in accordance with the Procedure for Amending the Unified Carrier Registration Plan Agreement (the ''Procedure''). This Procedure was adopted by the UCR Board at its June 6, 2024, UCR Board meeting. The Board may consider action to approve the formation of an Amendments Subcommittee to consider proposed amendments to the UCR Agreement pursuant to the Procedure.

VII. UCR Penetration Test—Kellen Representative

For Discussion and Possible Board Action

Kellen's Chief Technology Officer will provide an update on relevant activity, to include a multi-year penetration testing proposal. The Board may consider action to approve a multi-year penetration testing proposal.

VIII. Subcommittee Reports

Finance Subcommittee

A. Distribution From the UCR Depository for Under-Cap States—UCR Finance Subcommittee Chair and UCR Depository Manager

The UCR Finance Subcommittee Chair and the UCR Depository Manager will provide an update on the distribution of fees from the UCR Depository to the participating states for the 2024 registration year.

B. UCR Administrative Fund Update—UCR Depository Manager

The UCR Depository Manager will provide an update on the financial status of the administrative fund for the 6 months ended June 30, 2024.

C. The Finance Subcommittee Recommendation to the Board Based on a 2026 Registration Fee Analysis To Notify FMCSA That the UCR Plan Registration Fee Schedule Will Remain Unchanged for 2026—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and UCR Depository Manager will provide an analysis pertaining to the setting 200E; of 2026 registration fees. The Board may authorize and direct notification to the FMCSA that the UCR Plan registration fee schedule will remain unchanged for 2026.

D. The Finance Subcommittee Recommendation To Move UCR Plan Bank Accounts—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The Finance Subcommittee Chair and UCR Depository Manager will discuss moving UCR Plan bank accounts from Truist Bank to a different bank. The Board may take action to approve the move of UCR Plan bank accounts from Truist Bank to a different bank.

Audit Subcommittee

A. The Audit Subcommittee Recommendation to the UCR Board That the UCR Plan Board Remake Existing Audit Compliance Initiatives and Annual State Audit Evaluation Criteria—UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair

For Discussion and Possible Board Action

The UCR Audit Subcommittee Chair and Vice-Chair will summarize the recommendations made by the Audit Subcommittee at its July 25, 2024, meeting to remake the existing compliance initiatives applicable to all UCR Plan participating States. The revised compliance initiatives would instead require, beginning with the 2025 registration/audit year, that all participating States meet 3 out of the following 4 compliance initiatives as follows:

1. Previous or Reporting Year Unregistered Motor Carrier Audits for Tiers 4, 5, and 6 and requiring 100% closure;
2. Tying Retreat Audits to Inspections that occurred within the previous year or reporting year and requiring 100% closure;
3. Making FARs Audits applicable to the current year (October–June) in Tiers 4, 5, and 6 and requiring 100% closure; and,
4. Previous or Reporting Year UCR Violations Audits and requiring 100% closure. The Board may consider action to approve (1) replacing the current compliance initiatives with the new compliance initiatives described above, and (2) revising the Annual State Audit Reporting Evaluation Process to require participating states to meet 3 out 4 of the new compliance initiatives beginning with the 2025 registration/audit year.

B. Discussion of Retreat Audit Program and Possible Options Under Consideration for the Program During Motor Carrier UCR Registration/Renewal—UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice Chair, DSL Transportation and Seiko Soft Representative

The Subcommittee Chair, Vice Chair, DSL Transportation and Seiko Soft will lead a discussion on the status of the new Retreat Audit Program. The new Program utilizes roadside inspection data to conduct real-time automated audits of both non-IRP and IRP-plated commercial motor vehicles (CMVs). At least three possible choices will be presented for Board discussion tying inspection data to a CMVs' UCR registration/renewal:

- Stopping the registration/renewal transaction if the CMV does not agree with the vehicle count.
- Interrupting the registration/renewal transaction by showing inspection data to the CMV and sending the renewal to support for assistance.
- Allowing for normal CMV registration/renewal but with the creation of a Retreat Audit.

Education and Training Subcommittee

The UCR Education and Training Subcommittee Chair will discuss the development of key projects. The projects that will be discussed include the development of the educational audit certificate program, the optimization and redesign of the UCR Plan website, and the creation of a video explaining the importance of the UCR Plan and the National Registration System.

Industry Advisory Subcommittee

The UCR Industry Advisory Subcommittee Chair will provide an update on current and planned initiatives, to include the development of a video series intended to increase participation in the UCR focused on brokers, motor carriers, and bus operators.

Enforcement Subcommittee

The UCR Enforcement Subcommittee Chair will provide an update on current and planned initiatives to include an update on PowerPoint training, the creation of standards for annual UCR enforcement awards and recognition, and the upcoming awareness initiative.

Dispute Resolution Subcommittee

No significant action to report.

IX. Amendment of ''Professional Services Agreement'' and ''Additional Professional Services Agreement'' Between the UCR Plan and DSL Transportation Services, Inc.—UCR Board Chair and UCR Executive Director

For Discussion and Possible Board Action

The UCR Board Chair and the UCR Executive Director will present proposed amendments to the ''Professional Services Agreement'' and ''Additional Professional Services Agreement'' between the UCR Plan and DSL Transportation Services, Inc. The proposed amendments would change the scope of both contracts. One proposed amendment would also change the term of the ''Additional Professional Services Agreement'' should the Board approve Audit Subcommittee Report Item A regarding the remake of compliance initiatives and annual state audit evaluation criteria. The Board may consider action to approve the proposed amendments to both agreements.

X. Contractor Reports

UCR Executive Director Report

The UCR Executive Director will provide a report covering his recent activity for the UCR Plan including any changes in the dates of UCR meetings in 2024.

UCR Administrator Report (Kellen)

The UCR Chief of Staff will provide a management update covering recent activity for the Depository, Operations, and Communications.

DSL Transportation Services, Inc.

DSL Transportation Services, Inc. will report on the latest data from the FARs program, Tier 5 and 6 unregistered motor carriers, and other matters.

Seikosoft

Seikosoft will provide an update on its recent/new activity related to the UCR's National Registration System.

XI. Other Business—UCR Board Chair

The UCR Board Chair will call for any other business, old or new, from the floor.

XII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, August 7, 2024, at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2024–18033 Filed 8–8–24; 4:15 pm]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation, Notice of Meeting

Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that the Veterans' Advisory Committee on Rehabilitation (hereinafter the Committee) will meet on Wednesday, August 28, 2024. The meeting session will begin and end as follows:

Date	Time	Location	Open session
August 28, 2024	11:00 a.m.–3:00 p.m. Eastern Standard Time	Veteran Readiness and Employment Service, 1800 G St. NW, Washington, DC 20006; and also Virtually via Microsoft Teams.	Yes.

The Committee session is open to the public.

The purpose of the Committee is to advise the Secretary of VA on the rehabilitation needs of Veterans with disabilities and the administration of VA's rehabilitation programs.

During the open session, the Committee will receive briefings on various Veterans Health Administration and Veterans Benefits Administration (VBA) programs designed to enhance the rehabilitative potential of Veterans with disabilities.

Members of the public may submit written statements until Friday, August 23, 2024, for the Committee's review to Ms. Latrese Thompson, Designated Federal Officer, VBA (28), 1800 G Street NW, Washington, DC 20006, or at *VACOR.VBACO@va.gov*. In the communication, writers must identify themselves and state the organization, association, or person(s) they represent.

Members of the public may attend in person or virtually using the following Microsoft Teams link by computer or mobile app:

Join the Meeting Now

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDVhNjZmZGQtY2U5NS00NjM3LTk4ZTEtZjY5MDhiM2ViOGEy%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%22c392d3a0-a06e-41a2-bbcd-b0d7bfd785dd%22%7d.

Meeting ID: 274 411 049 012

Passcode: R6peyT

Join by phone: 1–205–235–3524

Phone Conference ID: 815047066#

Dated: August 7, 2024.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2024–17873 Filed 8–9–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0740]

Agency Information Collection Activity: Request for Substitution of Claimant Upon Death of Claimant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, 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 11, 2024.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy 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: Request for Substitution of Claimant Upon Death of Claimant.

OMB Control Number: 2900–0740 *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: Revision of a previously approved collection.

Abstract: VA Form 21P–0847, will be used to allow claimants to request a substitution for a claimant who passed away prior to VA processing a claim to completion. This is only allowed when a claimant dies while a claim or appeal for any benefit under a law administered by the VA is pending. The substitute claimant would be eligible to receive accrued benefits due to a deceased claimant under Section 5121(a). The substitute claim must be filed no later than one year after the claimant's death date. By law, VA must have a claimant's or beneficiary's written permission (an ''authorization'') to be a substitute claimant. The claimant or beneficiary may revoke the authorization at any time, except if VA has already acted based on the permission.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,200 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 15,000.

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. 2024–17868 Filed 8–9–24; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 89 Monday,

No. 155 August 12, 2024

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

Medicare Program; Transitional Coverage for Emerging Technologies; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3421–FN]

Medicare Program; Transitional Coverage for Emerging Technologies

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

ACTION: Final notice.

SUMMARY: This final notice finalizes the process and procedures for the Transitional Coverage for Emerging Technologies (TCET) pathway and provides our responses to the public comments received.

DATES: This final notice is effective August 12, 2024.

FOR FURTHER INFORMATION CONTACT: Lori Ashby, (410) 786–6322.

SUPPLEMENTARY INFORMATION:

I. Background

This notice describes the method we will use to provide transitional coverage for emerging technologies (TCET) through the national coverage determination (NCD) process. The TCET pathway is designed to deliver transparent, predictable, and expedited national coverage for certain eligible Breakthrough Devices that are Food and Drug Administration (FDA) market authorized. It builds upon CMS' experience with the Parallel Review program and the Coverage with Evidence Development (CED) pathway. Additionally, the TCET pathway reflects the feedback received from interested parties, including beneficiaries, patient groups, medical professionals and societies, medical device manufacturers, other Federal partners, and others involved in developing innovative medical devices. This feedback was obtained from informal and formal meetings, the comments we received as we conducted rulemaking for the Medicare Coverage of Innovative Technology (MCIT) pathway (referenced later in this section), and during the two listening sessions that were held following the repeal of the January 14, 2021 MCIT/''Reasonable and Necessary (R&N)'' final rule (86 FR 2987). Additionally, feedback was obtained from public comments and one listening session following publication of the June 28, 2023, **Federal Register** notice (88 FR 41633) announcing the TCET pathway. The TCET pathway described in this notice is intended to balance multiple considerations when making coverage determinations: (1) facilitating early, predictable, and safer beneficiary access to new technologies; (2) reducing uncertainty about coverage by evaluating early the potential benefits and harms of technologies with manufacturers; and (3) encouraging evidence development if notable evidence gaps exist for coverage purposes.

The Medicare program serves over 66.7 million beneficiaries [1] and is the largest single healthcare purchaser in the U.S. Currently, approximately 51 percent of the total Medicare beneficiary population, or 34 million Medicare beneficiaries, receive coverage through Medicare fee-for-service (FFS). More than 1.1 billion Medicare FFS claims were processed in fiscal year (FY) 2023, comprised of approximately 192 million Part A claims (such as inpatient care in hospitals, skilled nursing facility care, hospice care, and home health care) and 950 million Part B claims (such as doctor and other health care services and outpatient care, durable medical equipment, and some preventive services), providing approximately $431.5 billion in Medicare FFS benefits.[2]

Medicare Part A and Part B cover a wide range of items and services but may not cover every item or service that a physician or healthcare practitioner prescribes or orders. In general, for an item or service to be covered under Medicare, it must meet the standard described in section 1862(a)(1)(A) of the Social Security Act (the Act)—that is, it must be reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member. CMS makes reasonable and necessary coverage decisions through various pathways to facilitate expeditious beneficiary access to items and services that meet the statutory standard for coverage.

We believe that new approaches could help make coverage decisions on certain new items and services, such as medical devices, more quickly and provide expedited access to new and innovative medical technologies. On November 15, 2021 (86 FR 62944), CMS published a final rule that repealed the MCIT rule before it was legally effective and, thus, was never implemented.[3] As promised in the repeal, CMS provided additional opportunities to engage with the public. We have incorporated that input, along with input gathered in MCIT rulemaking, as we have developed the TCET pathway to make decisions on certain emerging technologies at the national level.

We believe that the TCET pathway balances the needs of beneficiaries, patient groups, medical professionals and societies, medical device manufacturers, and others involved in developing innovative medical devices.

A. Current Medicare Coverage Mechanisms

Items and services, including medical devices, are currently covered under Part A or Part B in one of three ways, presented here for context. The TCET pathway described in this notice will leverage the existing NCD pathway, and CED in particular, to provide a streamlined coverage pathway for emerging technologies. We note that the TCET pathway does not alter the existing standards for these coverage mechanisms.

1. Claim-by-Claim Adjudication

In the absence of an NCD or a local coverage determination (LCD), Medicare Administrative Contractors (MACs) make coverage decisions under section 1862(a)(1)(A) of the Act and may cover items and services on a claim-by-claim basis if the MAC determines them to be reasonable and necessary for individual patients. Though claims may be denied if they are not determined to be reasonable and necessary, the claim-by-claim adjudication pathway remains the fastest path to potential coverage. The majority of all Medicare Parts A and B claims have coverage determined through the claim-by-claim adjudication process.

2. Local Coverage Determinations (LCDs)

MACs develop LCDs under section 1862(a)(1)(A) that apply only within their geographic jurisdictions (see sections 1862(l)(6)(B) and 1869(f)(2)(B) of the Act). LCDs govern only the issuing MAC's claims adjudication and are not controlling authorities for qualified independent contractors or administrative law judges in the claims adjudication process.

The MACs follow specific guidance for developing LCDs for Medicare coverage as outlined in the CMS Program Integrity Manual (PIM), Chapter 13. LCDs generally take 9 to 12 months to develop. MACs are expected to finalize proposed LCDs within 365 days from opening, per Chapter 13.5.1-Local Coverage of the PIM.[4] That

[1] *https://www.cms.gov/oact/tr/2024.*

[2] *https://www.cms.gov/Medicare/Medicare-Contracting/Medicare-Administrative-Contractors/What-is-a-MAC.*

[3] *https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24916.pdf.*

[4] CMS Program Integrity Manual, Chapter 13 Local Coverage Determinations, available at *https://*

chapter will continue to be used in making determinations under section 1862(a)(1)(A) of the Act for items and services at the local level.

3. National Coverage Determinations (NCDs)

The term ''national coverage determination'' is defined in section 1862(l)(6)(A) of the Act and means a determination by the Secretary of the Department of Health and Human Services (the Secretary) with respect to whether or not a particular item or service is covered nationally under Title XVIII of the Act. In general, NCDs are national policy statements published to identify the circumstances under which a particular item or service will be considered covered (or not covered) by Medicare. NCDs serve as generally applicable rules to ensure that similar claims for items or services are covered in the same manner. Often, an NCD is written in terms of defined clinical characteristics that identify a population that may or may not receive Medicare coverage for a particular item or service. Traditionally, CMS relies heavily on health outcomes data to make NCDs.

Most NCDs have involved determinations under section 1862(a)(1)(A) of the Act, but NCDs can be made based on other provisions of the Act, such as section 1862(a)(1)(E) of the Act. Under section 1862(a)(1)(E) of the Act, Medicare has provided coverage for certain promising technologies with a limited evidence base on the condition that they are furnished in the context of approved clinical studies or with the collection of additional clinical data. CMS has used section 1862(a)(1)(E) of the Act to support the ''Coverage with Evidence Development'' or ''CED'' policy since July 12, 2006, and the most recent CED policy is described in the 2024 guidance document.[5] In general, CED enables providers and suppliers to perform high-quality studies that we expect will produce evidence that may lead to positive national coverage determinations under section 1862(a)(1)(A) of the Act.

The Agency for Healthcare Research and Quality (AHRQ) reviews all CED NCDs established under section 1862(a)(1)(E) of the Act. Consistent with section 1142 of the Act, AHRQ collaborates with CMS to define standards for the clinical research studies to address the CED questions and support and endorse the general standards for CED studies (*https://www.cms.gov/Medicare/Coverage/Coverage-with-Evidence-Development*).

NCDs also include a determination on whether the item or service under consideration has a Medicare benefit category under Part A or Part B,[6] such as inpatient hospital services, physicians' services, durable medical equipment, or others. All items and services coverable by Medicare must fall within the scope of a statutory benefit category, and many of these specific terms are defined under section 1861 of the Act and in implementing regulations. While benefit category determinations (BCDs) may often be completed within 3 months, in some cases BCDs may take considerably longer. While CMS is working to align the coverage and BCD review processes better, manufacturers should be aware that, in some cases, benefit category reviews may not be completed within the accelerated timeframes needed for the TCET pathway. In addition, to be covered, the item or service must not be excluded from coverage by statute or our regulations at 42 CFR part 411, subpart A. The NCD pathway, which has statutorily prescribed timeframes, generally takes 9 to 12 months to complete from the opening of the tracking sheet.[7]

In addition to these coverage pathways, CMS has established a Clinical Trial Policy (CTP) NCD 310.1. The CTP policy is applied when Medicare covers routine care items and services (but generally not the technology under investigation) in a clinical study that is supported by certain Federal agencies. The CTP coverage policy was developed in 2000.[8] We note that coverage under CED and the CTP may not occur simultaneously.

Lastly, CMS has established the Parallel Review program. In the September 17, 2010, **Federal Register** (75 FR 57045), FDA and CMS announced their intention to initiate a Parallel Review pilot program in an effort to increase the quality of patient health care by facilitating earlier access to innovative medical technologies for Medicare beneficiaries. In the October 24, 2016, **Federal Register** (81 FR 73113), FDA and CMS published a joint notice that announced and described the processes for the fully implemented Program for Parallel Review of Medical Devices.

Parallel Review is a mechanism for FDA and CMS to simultaneously review the clinical data submitted by a manufacturer about a medical device to help decrease the time between FDA's approval of an original or supplemental premarket approval (PMA) application or granting of a de novo classification request (De Novo request) and the subsequent CMS proposed NCD. Parallel Review has two stages: (1) FDA and CMS meet with the manufacturer to provide feedback on the proposed pivotal clinical trial, and (2) FDA and CMS concurrently review (''in parallel'') the clinical trial results submitted in the PMA application, or De Novo request. FDA and CMS independently review the data to determine whether it meets their respective Agency's standards and communicate with the manufacturer during their respective reviews. This program relies upon a technology having a comprehensive evidence base to support the clinical analysis for the NCD.

B. Differences Between FDA and CMS Review

While FDA and CMS have a well-established history of collaboration in the review of evidence for emerging medical technologies, FDA and CMS must consider different legal authorities and apply different statutory standards when making marketing authorization and coverage decisions, respectively, for medical devices. Generally, FDA makes marketing authorization decisions based on whether the relevant statutory standard for safety and effectiveness is met, while CMS generally makes NCDs based on whether an item or service is reasonable and necessary for the diagnosis or treatment of an illness or injury for individuals in the Medicare population. These two reviews are separate and are conducted independently by the two agencies. The FDA review of devices does not require a focus specifically on the Medicare population.

Among other objectives, FDA conducts a premarket review of certain devices to evaluate their safety and effectiveness and determine if they meet the applicable standard to be marketed in the United States. FDA approval or clearance alone does not entitle that technology to Medicare coverage, given separate Medicare statutory coverage requirements. While FDA reviews devices to ensure they meet applicable safety and effectiveness standards, there is often limited evidence regarding whether the device is clinically beneficial for Medicare patients. Of

www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/pim83c13.pdf.

[5] The most recent CED guidance document is available at *https://www.cms.gov/medicare/coverage/evidence.*

[6] *Note:* Medicare does not develop NCDs for Part D.

[7] Section 1862(l) of the Act.

[8] CMS, National Coverage Determination for Routine Costs in Clinical Trials available at *https://www.cms.gov/medicare-coverage-database/details/ncd-details.aspx?NCDId=1&fromdb=true.*

note, individuals representative of the Medicare population are often excluded from the studies used to generate the evidence reviewed by FDA. This is an important consideration for manufacturers and other interested parties seeking the most appropriate coverage pathway under Medicare. Where there is limited evidence on the health outcomes for individuals in the Medicare population, there may be insufficient evidence to support a full coverage national coverage determination under section 1862(a)(1)(A) of the Act.

In general, as discussed, under section 1862(a)(1)(A) of the Act, Congress required CMS to determine whether items and services are reasonable and necessary to diagnose or treat an illness or injury or to improve the functioning of a malformed body member for an individual with Medicare. For CMS, the evidence base underlying FDA's decision to approve or clear a device for particular indications for use has often been crucial for determining Medicare coverage through the NCD process. CMS looks to the evidence supporting FDA market authorization and the device's approved or cleared indications for use for evidence generalizable to the Medicare population, data on improvement in health outcomes, and the durability of those outcomes. If there is no data on those elements in the Medicare population, it is difficult for CMS to make an evidence-based decision on whether the device is reasonable and necessary for the Medicare population.

CMS considers whether the evidence shows that the item or service will improve the health of Medicare patients recognizing that Medicare beneficiaries are often older, have multiple comorbidities, and are often underrepresented or not represented in many clinical studies.[9] According to a recent study,[10] [11] approximately 50 percent of Medicare patients have two or more diseases. Clinical studies that are conducted to gain FDA market authorization are not necessarily required to include participants with similar demographics and characteristics of the Medicare population. To demonstrate the safety and effectiveness of a device as clearly as possible, many studies impose stringent exclusion criteria that disqualify individuals with characteristics that may make it harder to ascertain a device's effects, such as comorbidities and concomitant treatment. Consequently, a device's potential benefits and harms for older patients with more comorbidities may not be well understood at the time of FDA market authorization.

C. FDA Breakthrough Devices Program

Under the TCET coverage pathway, CMS will coordinate with FDA and manufacturers of Breakthrough Devices as those devices move through the FDA premarket review processes to ensure timely Medicare coverage decisions following any FDA market authorization, as described in detail later in this section. The FDA Breakthrough Devices Program is an evolution of the Expedited Access Pathway Program and the Priority Review Program. See section 515B of the FD&C Act, 21 U.S.C. 360e–3; see also final guidance for industry entitled, ''Breakthrough Devices Program.'' [12]

FDA's Breakthrough Devices Program is not for all new medical devices; rather, it is only for those that FDA determines meet the standards for Breakthrough Device designation. In accordance with section 515B of the FD&C Act (21 U.S.C. 360e–3), the Breakthrough Devices Program is for medical devices and device-led combination products [13] that meet two criteria. The first criterion is that the device provides for more effective treatment or diagnosis of life-threatening or irreversibly debilitating human disease or conditions. The second criterion is that the device must satisfy one of the following elements: It represents a breakthrough technology; no approved or cleared alternatives exist; it offers significant advantages over existing approved or cleared alternatives, including the potential, compared to existing approved alternatives, to reduce or eliminate the need for hospitalization, improve patient quality of life, facilitate patients' ability to manage their own care (such as through self-directed personal assistance), or establish long-term clinical efficiencies; or device availability is in the best interest of patients (see 21 U.S.C. 360e–3(b)(2)). These criteria make Breakthrough designated devices unique. Devices meeting these criteria are also likely to be highly relevant to the needs of the Medicare population who may not have other treatment options.

FDA has explained in guidance that because decisions on requests for Breakthrough designation will be made prior to marketing authorization, FDA considers whether there is a ''reasonable expectation that a device could provide for more effective treatment or diagnosis relative to the current standard of care (SOC) in the U.S'' for purposes of the designation. This reasonable expectation can be supported by sources including ''literature or preliminary data (bench, animal, or clinical)''.[14]

II. Summary of Proposed Provisions and CMS Responses to Public Comments on the Proposed Notice

In the June 28, 2023, **Federal Register** (88 FR 41633), we published a proposed notice to establish the TCET pathway. We received approximately 150 timely pieces of correspondence in response to the publication of the June 28, 2023, proposed notice. Commenters included a broad range of interested parties, including physicians, professional societies, manufacturers, manufacturer associations, venture capital firms, health plans, and patient advocates. Some comments addressed issues or expressed concerns that were beyond the scope of our proposals in the proposed notice or were not relevant and will not be summarized and included in our responses below. Revisions made to the TCET pathway in response to specific comments are noted in the applicable response to comments, and a listing of changes from proposed to final is included in section III. of this final notice. Additionally, clarifying edits have been made, as appropriate. The following is a summary of the public comments that we received related to the proposed notice, and our responses to the public comments.

[9] Davide L Vetrano, MD, Katie Palmer, Ph.D., Alessandra Marengoni, MD, Ph.D., Emanuele Marzetti, MD, Ph.D., Fabrizia Lattanzio, MD, Ph.D., Regina Roller-Wirnsberger, MD, MME, Luz Lopez Samaniego, Ph.D., Leocadio Rodríguez-Mañas, MD, Ph.D., Roberto Bernabei, MD, Graziano Onder, MD, Ph.D., Frailty and Multimorbidity: A Systematic Review and Meta-analysis, The Journals of Gerontology: Series A, Volume 74, Issue 5, May 2019, Pages 659–666, *https://doi.org/10.1093/gerona/gly110.*

[10] Tan, Y.Y., Papez, V., Chang, W.H., Mueller, S.H., Denaxas, S., & Lai, A.G. (2022). Comparing clinical trial population representativeness to real-world populations: an external validity analysis encompassing 43 895 trials and 5 685 738 individuals across 989 unique drugs and 286 conditions in England. The Lancet Healthy Longevity, 3(10), e674–e689.

[11] Varma T, Mello M, Ross JS, et al Metrics, baseline scores, and a tool to improve sponsor performance on clinical trial diversity: retrospective cross sectional study BMJ Medicine 2023;2:e000395. doi: 10.1136/bmjmed–2022–000395.

[12] *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/breakthrough-devices-program.*

[13] Information on device-led combination products can be accessed here: *https://www.fda.gov/media/119958/download.*

[14] Food and Drug Administration, Breakthrough Devices Program Guidance for Industry and Food and Drug Administration Staff, available at: *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/breakthrough-devices-program.*

A. Overarching Comments Regarding CMS' Proposal To Establish the TCET Pathway

CMS proposed that the TCET pathway use the NCD and CED processes to expedite Medicare coverage of certain Breakthrough Devices. Our proposal noted that the TCET pathway would be voluntary and stated that the goal of the pathway is to reduce uncertainty about coverage options through a pre-market evaluation of potential harms and benefits of technologies while identifying any important evidence gaps. Additionally, CMS' proposal for the TCET pathway provided an evidence development framework to provide manufacturers with opportunities for increased pre-market engagement with CMS and, to reduce manufacturer burden, increased flexibility to address evidence gaps to support Medicare coverage. In the proposed notice, CMS stated that we anticipate accepting up to five TCET candidates annually.

1. General Concerns

Comment: Many commenters generally supported the TCET concept, expressing that it could result in faster access to newly FDA market-authorized technologies for Medicare beneficiaries. Commenters appreciated that TCET will bring closer collaboration between FDA and CMS. Those who were supportive also stated their belief that the proposal would promote innovation, decrease uncertainty and delays in coverage, and improve beneficiary access to cutting-edge treatments. The majority of commenters expressed support for the TCET proposal in principle, noting that it is a ''good first step,'' and provided suggested modifications to improve the pathway.

Response: We appreciate the comments supporting the TCET proposal. We also appreciate the suggestions provided by commenters to improve the pathway. The modifications suggested by commenters and CMS' responses to those suggestions are provided throughout this section.

Comment: Some commenters do not believe CMS' proposal goes far enough and refer to it as ''flawed'' and a ''missed opportunity.'' Several commenters expressed concerns that the TCET pathway is limited in scope in that it only applies to ''certain FDA-designated Breakthrough Devices that fall within a Medicare benefit category.'' Some of these commenters expressed support for automatic, immediate coverage upon FDA market authorization. A commenter expressing a preference for immediate or near-immediate coverage referred to TCET as a ''partial solution'' to providing timely access to innovative devices as the pathway will be further limited by CMS resource constraints.

Response: We appreciate the public comments but do not agree that the TCET proposal is flawed or was a missed opportunity to provide better access to Breakthrough Devices for Medicare beneficiaries. We also disagree that it is a ''partial solution.''

While the FDA reviews devices to ensure they meet applicable safety and effectiveness standards, there is often limited evidence regarding whether the device is clinically beneficial to Medicare patients at the time of FDA market authorization. As such, we do not believe that it is appropriate to grant all FDA market authorized Breakthrough Devices automatic coverage solely based on their Breakthrough Designation. Furthermore, when there is a lack of evidence specific to the Medicare population, it makes it difficult for CMS to ensure that devices are not posing additional risks in the Medicare population. Continuing to develop evidence generalizable to the Medicare population is important not only to payers, but is critical for patients, their caregivers, and their treating clinicians to make the most informed decisions for their treatment. We believe that it is important to require manufacturers participating in any innovative coverage pathway, such as TCET, to produce evidence that demonstrates the health benefit of the device and the related services for patients with demographics similar to that of the Medicare population.

Our proposal centered on Breakthrough Devices because we believe this is the area with the most immediate need, particularly considering the unique FDA criteria for Breakthrough designation status. We agree with commenters about the importance of promoting innovation across all items and services covered under Medicare. However, because we have consistently heard from interested parties about the need for more rapid coverage for Breakthrough Devices, we are focusing on Breakthrough Devices in this final notice.

The TCET pathway will result in a more transparent, predictable, and efficient Medicare coverage pathway that balances multiple competing interests. Coverage under CED can expedite beneficiary access to innovative technologies (and result in improved health outcomes) by ensuring that systematic patient safeguards—including assurance that the technology is provided to clinically appropriate patients—are in place that reduce the risks inherent to new technologies, or to new applications of older technologies. In the absence of CED, technologies with limited evidence would likely not be covered. Further, TCET represents a substantial transformation of how CMS conducts coverage reviews and is responsive to extensive feedback from interested parties. The pathway has broad support from the vast majority of commenters and CMS views this as the best option to provide coverage for emerging technologies for which the available evidence is insufficient to support broad national coverage at the time of FDA market authorization. As we gain experience with the TCET pathway, we may consider expanding its application to other items and services.

Comment: A commenter questioned CMS' legal authority to use CED and expressed opposition to CMS' use of it. This commenter noted past communications from their organization, including some previously shared with CMS, that ''have, among other things, questioned CMS's reliance upon uncertain legal grounds for utilizing CED.'' One of the examples provided by this commenter is the white paper, ''Façade of Evidence: How Medicare's Coverage with Evidence Development Paradigm Rations Care and Exacerbates Inequity'' [15] which cites an Advisory Opinion from the former General Counsel for HHS that ''support'' is usually used to mean funding.

Response: We disagree with the commenter's assertion that CMS does not have statutory authority for CED. Advisory Opinion 21–03 was issued by the past administration on January 14, 2021. It has been removed from the HHS website. Advisory opinions do not grant rights or impose obligations and the opinions can be revised, modified, or eliminated as necessary to reflect changing circumstances.

Congress has established an exception in section 1862(a)(1)(E) of the Act that authorizes the Medicare program to pay for items and services in the case of research conducted pursuant to section 1142 of the Act, so long as the items or services are reasonable and necessary to carry out the purposes of that section. Section 1142(a)(1)(A) of the Act authorizes the Secretary, acting through the AHRQ Director, to ''conduct and

[15] Alliance for Aging Research, FAÇADE OF EVIDENCE: HOW MEDICARE'S COVERAGE WITH EVIDENCE DEVELOPMENT PARADIGM RATIONS CARE AND EXACERBATES INEQUITY (Feb. 13, 2023), available at *https://www.agingresearch.org/wp-content/uploads/2023/02/Facade-of-Evidence-CED-2-13-2023.pdf.*

support research with respect to the outcomes, effectiveness, and appropriateness of health care services and procedures in order to identify the manner in which diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically[.]'' In this subsection the word ''support'' is not necessarily limited to financial backing. ''Support'' pursuant to this subsection may also take the form of an appropriate AHRQ endorsement.

Under CED, AHRQ has endorsed and supported research for various items and services that were of particular importance to the Medicare population, but where the existing medical evidence was not sufficient to permit coverage under section 1862(a)(1)(A) of the Act. AHRQ's endorsement has occurred when AHRQ officials have used staff resources to identify the general characteristics and attributes that are necessary for any Medicare sponsored clinical trial. The general AHRQ recommendations have been included in current and prior CED guidance documents. AHRQ officials have also reviewed each NCD where CED has been proposed or finalized, focusing on the specific methodological approach that would be necessary for coverage in each specific CED NCD. AHRQ's support has been documented and included in the record for each CED NCD. AHRQ's expertise has been essential to support CED under sections 1142 and 1862(a)(1)(E) of the Act.

Additionally, HHS has recognized that AHRQ's endorsement of standards for qualifying clinical trials under section 1142 of the Act can provide the statutory authority for Medicare coverage for items and services under the Medicare program in circumstances outside of the CED policy. The Medicare clinical trial policy, now established at section 310 of the Medicare National Coverage Determinations Manual, relies on the same statutory authority and has been effective since September 19, 2000.

Subsequently, CMS, then known as the Health Care Financing Administration, requested AHRQ convene a multi-agency Federal group to develop readily verifiable criteria by which to identify trials that meet an appropriate standard of quality. On October 20, 2000, AHRQ held a public meeting to gather pertinent information and views that would contribute to defining the qualifying criteria used to identify sound clinical trials appropriate for Medicare coverage. The qualifying criteria was developed under the authority to support health care research in section1142 of the Act.

Comment: A commenter stated that TCET is not genuinely voluntary and restricts access. This commenter asserts that ''CMS downplays the reality that manufacturers who do not follow through with the TCET pathway and subject themselves to CED requirements are virtually excluded from Medicare coverage altogether without regard to the implications for beneficiaries resulting from lack of access.''

Response: We disagree. Coverage under CED can expedite beneficiary access to innovative technologies (and result in improved health outcomes) while ensuring that systematic patient safeguards—including assurance that the technology is provided to clinically appropriate patients—are in place that reduce the risks inherent to new technologies, or to new applications of older technologies. CMS may cover certain items and services under the CED pathway that would otherwise not satisfy the reasonable and necessary standard. In the absence of CED, technologies with limited evidence could be noncovered. Participation is voluntary for beneficiaries in CED studies. Receipt of an item or service under a CED NCD is voluntary.

Comment: A commenter asserted that CMS' use of the NCD process, and CED more specifically, to establish coverage under TCET interferes with the practice of medicine. This commenter cited section 1801 of the Act and stated that ''CMS' attempt to supervise or control healthcare provider qualifications, healthcare settings, and recipients of healthcare services violates the statute.''

Response: We acknowledge that under section 1801 of the Act Federal officers and employees are not authorized to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee of any institution, agency, or person providing health services; or to exercise any supervision or control over the administration or operation of any such institution, agency, or person. We disagree, however, with commenter's suggestion that NCDs, CED, and the TCET proposal interfere in the practice of medicine.

As noted previously, the Medicare statute includes a number of restrictions that limit payment for items and services under Part A and Part B of Title XVIII. Medicare does not cover every item or service just because it was recommended by a physician or healthcare practitioner. Moreover, NCDs do not restrict the practice of medicine, but do inform beneficiaries and practitioners in advance when particular items and services will be covered (or not covered) nationally under Title XVIII. NCDs are binding authorities for Medicare contractors and adjudicators, but not medical practitioners (see 42 CFR 405.1060). NCDs ensure that similar claims are processed and paid in a uniform manner. Physicians can still prescribe or order other services that will not be paid by Medicare, and the beneficiary may agree to pay for items or services that Medicare does not cover. CMS' role in making NCDs is consistent with the agency's statutory authority.

Comment: A commenter questioned if obtaining an NCD without CED would be possible under TCET.

Response: Yes, an NCD without CED is an option if there is sufficient evidence to support Medicare coverage under section 1862(a)(1)(A) of the Act.

Comment: A commenter claimed that CMS' proposal for the TCET pathway undermines FDA's Breakthrough Devices Program and postmarket requirements.

Response: We do not agree that CMS is undermining FDA's Breakthrough Devices Program and postmarket requirements. When we find that the medical evidence is insufficient to permit Medicare payment under section 1862(a)(1)(A) of the Act, we often consider whether an item or service may still be clinically beneficial to patients within the Medicare population. The limited coverage that we provide to those beneficiaries that elect to participate in clinical studies through CED does not interfere with FDA's role under that agency's separate statutory authority. Further, there is opportunity under TCET to leverage an FDA-required postmarket study, if any, to address specific evidence gaps for Medicare beneficiaries.

Comment: Some commenters expressed that CMS should have issued the proposal as a proposed rule rather than a notice to facilitate meaningful changes and address key issues that hinder beneficiary access.

Response: We do not agree that a proposed rule is required to establish a procedural rule. The TCET pathway establishes procedures for the effective and efficient operations of the agency designed to expedite national coverage of Breakthrough Devices. The notice does not establish or change a substantive legal standard but establishes a process to identify specific evidence gaps and creates a framework to fill those missing evidentiary gaps. Establishing TCET through a proposed procedural notice enabled CMS to consider public comments but also has

the advantage that the procedures may be modified as necessary as the Agency, manufacturers, and the public gain experience using the process. The procedural notice is important to explain how the public and TCET sponsors can work with CMS with respect to coverage for certain Breakthrough Devices and addresses key issues that may have hindered beneficiary access in the past. The TCET pathway is intended to balance multiple considerations when making coverage determinations: (1) facilitating early, predictable, and safer beneficiary access to new technologies; (2) reducing uncertainty about coverage by evaluating early the potential benefits and harms of technologies with manufacturers; and (3) encouraging evidence development if evidence gaps exist. Further, the TCET pathway aims to coordinate benefit category determination, coding, and payment reviews and to allow any evidence gaps to be addressed through fit-for-purpose (FFP) studies. The anticipated result of the new coverage pathway would be faster access to technologies within a predictable coverage framework that generates clinical evidence for the Medicare population.

Comment: Several commenters urged CMS to finalize the TCET pathway quickly and commit to periodic refinements as needed as experience is gained.

Response: We appreciate these comments. CMS has moved as quickly as possible to review and respond to the 150 comments received on the proposed notice and issue a final notice. We acknowledge that refinements to the TCET pathway may be needed as CMS, manufacturers, and other interested parties gain more experience.

2. TCET Timelines

Comment: Several commenters noted CMS' ambitious timelines for the TCET pathway and questioned whether CMS' timelines are realistic. Some of these commenters encouraged CMS to be forthcoming with realistic timelines. A few commenters suggested that CMS provide coverage for Breakthrough Devices sooner than the timeline proposed. Some commenters requested that CMS provide more definitive timelines.

Response: We appreciate these comments. We agree that it is important to provide reasonable and realistic timelines. In general, we believe our timelines are reasonable and realistic based on our experience and input from interested parties. While we understand that some would like faster and more definitive timelines, we have also heard that we should provide as much flexibility as possible, given that all interested parties may experience unanticipated obstacles and delays as they gain experience with TCET. We are making one specific timeline update in the final notice to specify that we will consider TCET nominations on a quarterly basis, rather than acting upon them within 30 days of submission. This additional time provides a more realistic timeframe for CMS to coordinate with the manufacturer and, as appropriate, FDA on any outstanding issues and to begin internal discussions within CMS regarding operational issues. It will also allow CMS to prioritize between eligible devices and provide a fairer opportunity for participation in the TCET pathway, regardless of the anticipated timing of FDA's decision on market authorization. Additional information regarding this change is detailed below in this section under ''C. Nominations.''

Comment: Some commenters questioned whether CMS could adhere to the timelines considering CMS' long-standing resource constraints. These commenters cited the potential for delays. A few of these commenters expressed that CMS should be held accountable for meeting all timelines indicated in the notice.

Response: CMS expects to adhere to the timelines outlined in the notice barring unexpected complications based on current resources, and we expect that manufacturers will do the same or at least provide as much notice as possible when complications are encountered. We have built in flexibility for all parties to help ensure the success of the new TCET pathway. We do not believe that imposing consequences on the Agency or manufacturers for missed deadlines would be helpful. As we gain more experience, we may modify aspects of the TCET pathway, including timelines, in the future.

3. Limiting the TCET Pathway to Five Candidates Yearly

Comment: Many commenters expressed concerns with the potential limit to five TCET candidates yearly. Some commenters contend that the limitation is arbitrary and would like CMS to clarify how this number was derived.

Response: We appreciate these comments. Based on our multiple periodic assessments of Breakthrough Devices, we anticipate that we will receive approximately eight nominations for the TCET pathway per year. Most Breakthrough Devices are not appropriate for TCET because they are not appropriate for Medicare beneficiaries (for example, pediatric technologies not indicated for use in children with ESRD). NCDs are limited to particular items or services but it is possible that more than one device could fall under the same NCD because it addresses the same indication. Based on current resources, we do not anticipate being able to accept more than five candidates into the TCET pathway per year. As we gain more experience with TCET, we will re-evaluate and adjust if we can do so within our available resources.

Comment: A commenter stated that CMS does not have statutory authority to limit the number of nominations. The commenter noted that they are unaware of any other coverage, coding or payment mechanisms that have instituted limits. The commenter also noted that MCIT had no limitation to the number of technologies to be approved or considered.

Response: There is no statute that establishes a fixed limit on the number of NCDs that CMS might issue per year; neither is there a statute that requires CMS to issue an unlimited number of NCDs. The anticipated number of TCET NCDs is based on current resources. As we gain more experience with TCET, we will re-evaluate and adjust as appropriate.

We note that MCIT was repealed before it became effective. As we noted in the November 2021 final rule,[16] MCIT had significant limitations. For example, the MCIT pathway did not require evidence development and did not include a mechanism to coordinate benefit category, coding, and payment reviews. Additionally, MCIT did not include beneficiary safeguards beyond limiting coverage to the FDA approved or cleared indication(s) for use.

There are a number of ways in which TCET is different, and in fact improves upon, MCIT. The TCET pathway is intended to balance multiple considerations when making coverage determinations: (1) facilitating early, predictable, and safer beneficiary access to new technologies; (2) reducing uncertainty about coverage by evaluating early the potential benefits and harms of technologies with manufacturers; and (3) encouraging evidence development if notable evidence gaps exist for coverage purposes. Further, the TCET pathway aims to coordinate benefit category determination, coding, and payment reviews and to allow any evidence gaps to be addressed through fit-for-purpose studies.

[16] *https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24916.pdf.*

Comment: Commenters noted that the demand for TCET may outpace available resources. Numerous commenters expressed that resources should not hinder TCET and that all eligible devices should be accepted into the pathway. Several commenters stated that the limitation would constrain the pathway's potential and that TCET can be more impactful if additional technologies can be accommodated. A few of these commenters noted that CMS' limitation may create potential access issues for beneficiaries and market disruption. A commenter suggested CMS should consider how resources can be aligned to support a higher number accepted into TCET and reevaluate the number annually. Another commenter suggested that perhaps more devices can pursue TCET once efficiencies can be realized. A commenter suggested that if CMS needs to limit the number of technologies accepted into the pathway, CMS should wait 2 years before creating a cap.

Response: We anticipate no more than five per year because that is the largest number that we believe we can address within current resources. As we gain more experience with TCET, we will re-evaluate and adjust as appropriate based on available resources.

Comment: Numerous commenters expressed concerns with CMS' limited resources within and beyond the TCET pathway. Some commenters questioned how the NCD backlog would impact TCET. A commenter cautioned that an excessive emphasis on coverage review for TCET devices could delay consideration of important non-Breakthrough NCD requests.

Response: In addition to the TCET NCDs, we intend to continue issuing our typical number of non-TCET NCDs. As we gain more experience with TCET, we will re-evaluate and adjust our volumes as appropriate within our available resources.

Comment: Some commenters expressed concerns that AHRQ's resources are even more limited than CMS'. A commenter requested that AHRQ and CMS resources be assessed to support the manufacturer feedback needed for the Evidence Preview (EP) and Evidence Development Plan (EDP).

Response: A budget analysis for this activity is beyond the scope of this notice.

Comment: Several commenters stated that CMS should clarify how additional resources can expand the scope and breadth of the pathway.

Response: The proposal was based on current resources. As we gain experience with the process, including any efficiencies that may emerge over time, we will use that information to make adjustments as appropriate.

Comment: A commenter stated that CMS needs sufficient resources to ensure TCET is more utilized than Parallel Review has been to date.

Response: We continue to pursue the necessary resources to do our work.

Comment: A commenter expressed appreciation for CMS' acknowledgment of resource constraints and noted that TCET does not preclude coverage of Breakthrough Devices through existing coverage mechanisms such as claim-by-claim adjudication by MACs, LCDs, and the Parallel Review Program.

Response: We appreciate this comment and acknowledge that existing coverage mechanisms remain available for manufacturers of Breakthrough Devices to pursue Medicare coverage.

4. Operational Issues

Comment: Numerous commenters expressed concerns that the proposed procedural notice did not adequately address the operational issues (*e.g.,* coding and payment issues) that could inhibit the successful implementation of the TCET pathway and would still need to be addressed. Commenters indicated that the goals of TCET cannot be achieved until these operational issues are resolved. Some commenters requested that CMS provide more specifics on the coding and payment processes. Numerous commenters cited the necessity of alignment among coverage, coding, and payment. They requested that CMS provide more specific information on how these processes will be coordinated under TCET and include timelines. A commenter encouraged CMS to collaborate internally to improve alignment among these processes.

Response: We appreciate these comments and agree that coordination of coverage, coding, and payment processes supporting the TCET pathway is important. We have established new internal collaborations to improve coordination going forward. CMS recently released the CMS Guide for Medical Technology Companies and Other Interested Parties website, which provides interested parties, including, but not limited to, medical device, pharmaceutical, and biotechnology companies, with information about Medicare's processes for determining coding, coverage, and payment as well as other key considerations. The Guide will be updated to include information related to TCET in the near future. This resource can be accessed here: *https://www.cms.gov/medicare/coding-billing/guide-medical-technology-companies-other-interested-parties.*

Comment: Some commenters suggested that CMS begin discussions regarding operational issues when a technology is accepted into TCET. A commenter recommended that CMS offer a system readiness meeting within 45 days of acceptance that discusses coverage, BCD, coding, and payment considerations to ensure overall alignment. A second system readiness meeting could be scheduled following the EP meeting and the manufacturer's decision to continue in the pathway. The timing for this meeting can be flexible depending on factors such as EDP development progress, FDA decision timing, and potential NCD opening date. The recommended meeting could also be an opportunity to discuss the EDP.

Response: While we appreciate the suggestion to incorporate a specific systems readiness meeting into the TCET process, we have not added it as a formal step at this time . Instead, we believe that a more informal approach will provide more flexibility and be less burdensome for manufacturers since each technology and manufacturer may have unique circumstances that could impact the timing of these discussions. We continue to explore opportunities to better align coverage, coding, and payment considerations for devices in the TCET pathway.

B. Appropriate Candidates

CMS proposed to limit the TCET pathway to certain eligible FDA-designated Breakthrough Devices, since we believe that this is the area with the most immediate need. In our proposal, we stated that appropriate candidates for the TCET pathway would include those devices that are—

- Certain FDA-designated Breakthrough Devices;
- Determined to be within a Medicare benefit category;
- Not already the subject of an existing Medicare NCD; and
- Not otherwise excluded from coverage through law or regulation.

CMS also indicated that the majority of coverage determinations for diagnostic laboratory tests granted Breakthrough designation status should continue to be determined by the MACs through existing pathways.

1. Scope of Pathway and FDA-Designated Breakthrough Devices

Comment: Commenters provided varied suggestions regarding which technologies should be eligible for the TCET pathway. Some commenters offering general support stated that the TCET pathway should be limited to a subset of technologies, specifically, as

we proposed, to FDA-designated Breakthrough Devices. A few commenters stated that TCET should be limited to Breakthrough Devices to ensure it is unique from existing processes. Other commenters suggested that non-Breakthrough Devices should be eligible for TCET or similar coverage pathways because non-Breakthrough items and services also improve patient health outcomes. These commenters pointed out that there may be innovative technologies that they believe should be covered by Medicare that choose not to use FDA's Breakthrough Devices Program or may be an innovative technology that may not qualify for the designation. A few commenters provided recommendations for CMS to consider if the TCET pathway were to be expanded, including eligibility for FDA-designated Regenerative Medicine Advanced Therapy products and FDA's Safer Technologies for Medical Devices Program. They also recommended that CMS align the TCET pathway with the Cancer Moonshot.

Response: We appreciate these comments and the suggestions for expanding eligibility for the TCET pathway. Over the last several years, we have heard concerns that there is more uncertainty surrounding coverage of devices than for other items and services, such as drugs and biologics. For this reason, our proposal centered on Breakthrough Devices since we believed this was the area with the most immediate need, particularly considering the unique FDA criteria for Breakthrough designation status. We agree with commenters about the importance of promoting innovation across all items and services covered under Medicare. However, because we have consistently heard from interested parties about the need for more rapid coverage for Breakthrough Devices, we are focusing on Breakthrough Devices in this final notice. As the TCET pathway develops and proves successful, we may consider expanding its application to other items and services, contingent on sufficient available resources.

Comment: Some commenters expressed that Breakthrough Devices have very little evidence at the time of FDA market authorization to support Medicare coverage. A commenter encouraged caution in allocating Medicare resources for coverage of Breakthrough Devices under TCET, considering what the commenter described as the relatively low threshold of evidence required for Breakthrough Device designation. It was also noted that if Breakthrough Device coverage is expanded, coverage for other evidence-based and effective interventions could be reduced. Several commenters noted potential safety concerns with Breakthrough Devices. Multiple commenters recommended that CMS maintain rigorous evidence development standards. Commenters stressed the need to monitor the use and outcomes of these devices and build a mechanism to trigger an NCD reconsideration if FDA withdraws approval or there are postmarket safety concerns.

Response: We appreciate the comments. Please note that Medicare coverage of Breakthrough-designated devices would only occur if the device gains FDA marketing authorization. Breakthrough Devices are held to the same safety and effectiveness standards to receive FDA market authorization as other medical devices that do not have Breakthrough Device designation; Breakthrough Device designation does not represent a market authorization from FDA. Further, for CMS to provide coverage for Breakthrough Devices, there must be sufficient evidence to conclude that the evidence is promising, and that the device is potentially important for the Medicare population even if the available evidence is insufficient to satisfy the reasonable and necessary standard. Coverage in these circumstances would be contingent on further evidence generation under sections 1862(a)(1)(E) and 1142 of the Act. We believe the TCET evidence generation framework will facilitate the development of reliable evidence for patients and their physicians. It also provides safeguards to ensure that Medicare beneficiaries are protected and continue receiving high-quality care. Coverage under CED can expedite earlier beneficiary access to innovative technology while ensuring that systematic patient safeguards—including assurance that the technology is provided to clinically appropriate patients—are in place to reduce the potential risks associated with new technologies, or to new applications of older technologies.

We agree that CMS should reconsider an NCD for Breakthrough Devices if safety concerns arise. We noted in the proposed procedural notice and reiterate in this final notice that CMS retains the right to reconsider an NCD at any point in time. If an NCD is repealed, MACs could deny coverage for particular devices. CMS may also issue a national non-coverage NCD that would bar all coverage for the device.

2. Necessity of Falling Into an Existing Benefit Category

Comment: CMS proposed that a Breakthrough Device must fall into an existing benefit category to be included under TCET. In general, commenters supported this proposal. However, several commenters recommended the inclusion of Breakthrough Devices that do not fall within an existing benefit category, for example, many digital health technologies. Several commenters requested CMS review and update current benefit category definitions to reflect technological advances. These commenters requested that CMS create new benefit categories or make a determination that an item or service (for example, software or other digital technologies) falls within a benefit category. Numerous commenters noted that CMS' current approach to benefit category determinations is limited and requested that CMS be more flexible in its approach, including modifying existing benefit categories to include these devices. A commenter requested that CMS provide clear direction on how TCET can support AI and software technologies for which no clear benefit category exists. A commenter suggested that CMS ensure prescription digital therapeutics (PDTs) are eligible for TCET even though there is no benefit category for them.

Response: CMS does not have authority to establish new Part B benefit categories; benefit categories are statutory and established by Congress. Consequently, some Breakthrough Devices will not fall within a Medicare benefit category and cannot be covered or paid by Medicare.

3. Limitation for Devices Already the Subject of an Existing NCD

Comment: Many commenters requested that CMS eliminate the limitation for devices already the subject of an existing Medicare NCD. These commenters noted that there may be a situation where an NCD was broadly written, and the new product was not specifically mentioned. Commenters requested that CMS expand TCET eligibility criteria to include technologies with an existing NCD that receive Breakthrough designation from FDA for a novel indication that is non-covered under an existing NCD or unrelated to the existing NCD. A commenter provided an example of a device that received Breakthrough designation for what the commenter described as very different indications with different evidence and research needs.

Response: We appreciate these comments. However, we will maintain the limitation. If devices are subject to an existing NCD, a reconsideration of the NCD may be required to establish coverage.

4. Diagnostic Laboratory Tests

Comment: Numerous commenters disagreed with CMS' proposal that coverage determinations for Breakthrough-designated diagnostic laboratory tests should continue to be made by Medicare Administrative Contractors under existing coverage mechanisms. Several commenters claimed that diagnostic laboratory tests are subject to the same coverage rules and regulations as other medical devices and are no more specific than other areas of medicine. These commenters further asserted that it may not be appropriate to defer coverage determinations to the MACs for these tests. A few commenters noted CMS' past precedent of issuing NCDs for diagnostic laboratory tests and cited examples. Some commenters stated that not providing Medicare coverage for some Breakthrough Devices, including diagnostics, under TCET may limit the options that a physician can recommend for a patient. A commenter claimed that the justifications CMS offers for its general exclusion of diagnostic laboratory tests from eligibility for the TCET coverage pathway do not adequately support exclusion from TCET eligibility and may delay Medicare beneficiary access to innovative tests. Some commenters requested that CMS permit diagnostic laboratory tests to be eligible for TCET or provide a similar pathway.

Response: We appreciate these comments and acknowledge that the Medicare coverage statute (section 1862(a)(1)(A) of the Act) applies to clinical diagnostic laboratory tests just like other items and services under Part A and Part B. While the TCET pathway is open to FDA Breakthrough-designated devices, CMS expects the majority of coverage determinations for Breakthrough-designated diagnostic laboratory tests will continue to be made by Medicare Administrative Contractors. We acknowledge there may be instances where manufacturers and CMS agree that an NCD is appropriate for a diagnostic laboratory test. In those instances where manufacturers believe that additional evidence generation may be needed to satisfy the Medicare coverage standard, we encourage manufacturers to contact CMS to discuss options for their specific technology.

Comment: Some commenters who disagreed with CMS' proposal noted that existing pathways, specifically the Molecular Diagnostic Services (MolDx) Program,[17] have limitations and cannot be viewed as an alternative mechanism to TCET to accelerate Medicare coverage. These commenters stated that MolDx is not a national program and that CMS' proposal to leave the majority of coverage decisions for diagnostic laboratory tests to the MACs through existing pathways would limit access to care in regions that do not participate in the program. In addition, some of these commenters noted that the MolDx program reviews only nucleic-acid (DNA or RNA)-based tests performed by clinical laboratories in 28 states within Palmetto's jurisdiction, so it is not relevant to non-molecular tests nor clinical laboratories in states located outside of the MolDx jurisdiction. Furthermore, a commenter noted that MolDx reviews only tests with existing local coverage determinations and is not authorized to impose CED requirements. A commenter noted that the current coverage pathway for diagnostic laboratory tests is fragmented and burdensome and results in unequal Medicare beneficiary access, particularly when the tests are provided by the manufacturers to laboratories nationwide.

Response: MolDx was not specifically mentioned in the proposed notice when we stated that we have historically delegated review of many diagnostic laboratory tests to specialized MACs and proposed that coverage should continue to be determined by the MACs through existing pathways.

Under MolDx, a program developed by the Palmetto MAC, the MAC determines coverage for molecular diagnostic tests and other molecular pathology services. Several other MACs have implemented the MolDx program as part of their operations. In the MolDx program, the MACs review all evidence that a manufacturer produces to determine whether an item or service meets the reasonable and necessary standard.

We note that Congress in section 1834A(g)(2) of the Act specifically granted the Secretary the authority to designate one or more MACs to establish coverage policies for clinical diagnostic laboratory tests and did not specify any exceptions for certain tests.

We acknowledge there may be instances where manufacturers and CMS agree that an NCD is appropriate for a diagnostic laboratory test. In those instances where manufacturers believe that additional evidence generation may be needed to satisfy the Medicare coverage standard, we encourage manufacturers to contact CMS to discuss options for their specific technology.

Comment: Several commenters requested that CMS clarify whether the TCET pathway excludes diagnostic laboratory tests and diagnostic tests generally. They also noted that CMS did not expressly reference in vitro diagnostic (IVD) products and seemingly omitted them from TCET.

Response: We appreciate these comments. The TCET pathway is limited to Breakthrough Devices meeting the eligibility criteria outlined in this notice. While we continue to believe that the majority of coverage determinations for diagnostic laboratory tests granted Breakthrough Designation should continue to be determined by the Medicare Administrative Contractors through existing pathways, we acknowledge there may be instances where manufacturers and CMS agree that an NCD is appropriate for a diagnostic laboratory test. In those instances where manufacturers believe that additional evidence generation may be needed to satisfy the Medicare coverage standard, we encourage manufacturers to contact CMS to discuss options for their specific technology.

In response to public comments seeking clarification regarding the scope of the references to diagnostic laboratory tests in the proposed notice, we have added language to clarify that we intend to refer to IVDs, including diagnostic laboratory tests, in the discussion of appropriate candidates. Other non-IVD diagnostic devices, such as diagnostic imaging devices, may be considered for TCET.

Comment: A few commenters noted that the scope of CMS' proposed exclusion of diagnostic laboratory tests in the TCET pathway is unclear. These commenters stated that CMS did not articulate criteria for determining which diagnostic laboratory tests would be eligible for TCET. They requested that CMS clearly define TCET eligibility criteria for certain diagnostic laboratory tests. A commenter stated that the existing process likely remains appropriate for most laboratory tests but requested that CMS confirm that it will consider nominations of diagnostic laboratory tests and other diagnostic technologies when the TCET pathway would ensure timely beneficiary access and support further evidence generation. This commenter also encouraged CMS to consider how collaboration with the specialized

[17] *https://www.palmettogba.com/moldx.*

MACs could provide the expertise and resources needed to develop a CED NCD under the TCET pathway for a particular diagnostic technology.

Response: We appreciate these comments. We continue to believe that that the majority of coverage determinations for IVD products, including diagnostic laboratory tests, granted Breakthrough Designation should continue to be determined by the Medicare Administrative Contractors through existing pathways. We acknowledge there may be instances where manufacturers and CMS agree that an NCD is appropriate for an IVD product. In addition to TCET, if a manufacturer of a Breakthrough-designated IVD product wishes to seek national coverage, they may submit an NCD request as outlined in 78 FR 48164. Other, non-IVD diagnostic devices may be considered for TCET, contingent on there being an applicable benefit category.

C. Nominations

CMS proposed that the appropriate timeframe for manufacturers to submit TCET pathway nominations is approximately 12 months prior to the anticipated FDA decision on a submission as determined by the manufacturer. In the proposal, CMS stated that manufacturers of certain FDA-designated Breakthrough Devices may self-nominate to participate in the TCET pathway. The proposed notice outlined the information that manufacturers should include in the self-nomination packet. CMS' proposal explained how CMS intended to consider nominations, including a meeting with the manufacturer to discuss the technology and a CMS–FDA meeting to learn more information about the technology. The proposal also noted that a technology may undergo a benefit category review as part of the nomination review process.

Comment: Commenters generally agreed with our proposal that nominations be submitted approximately 12 months before anticipated FDA marketing authorization. Some noted that early engagement between CMS and manufacturers before FDA authorization can inform and enable a more efficient and effective evidence-generation strategy.

Response: We appreciate these supportive comments and agree that early engagement between CMS and manufacturers is important.

Comment: Commenters encouraged CMS to be flexible with the timeframe for submitting nominations and expressed various timeframes for CMS to consider. A commenter suggested a 6-month timeframe is more realistic for nominations to ensure manufacturers can provide CMS with robust data. Other commenters encouraged CMS to provide an earlier self-nomination timeframe. These commenters suggested that CMS build in additional time ''to align trial design requirements'' and establish BCD, coding, and payment amounts. Another commenter recommended that nominations be accepted ''following FDA approval into the Breakthrough Device status program'' to provide more time to obtain feedback to inform EDP development. Several commenters suggested that CMS align nomination timing to an FDA milestone.

Response: We appreciate these suggestions. We agree with commenters that providing some flexibility in terms of nomination timeframes is important. However, CMS believes that 12 months prior to anticipated FDA market authorization is the appropriate timeframe that allows for TCET procedural steps to be completed and for better coordination of coding and payment. In this final notice we have modified the TCET pathway procedures to include an opportunity for a manufacturer to submit a non-binding letter of intent to nominate a potentially eligible device approximately 18 to 24 months before the manufacturer anticipates FDA marketing authorization. While formal nominations will still be considered approximately 12 months prior to anticipated market authorization, the submission of a non-binding letter of intent will improve CMS' ability to track potential candidates, coordinate with FDA, and make operational adjustments.

Comment: A commenter recommended that CMS build a meeting at ''the pivotal trial milestone'' into the process, which the commenter stated often occurs earlier than 12 months before FDA market authorization.

Response: While we are not incorporating a meeting into the process at a milestone tied to initiation or completion of certain clinical trials, meetings may occur between CMS and manufacturers in instances where manufacturers have chosen to submit a non-binding letter of intent approximately 18 to 24 months prior to FDA market authorization.

Comment: A commenter asserted that CMS' proposed nomination timelines might be a significant burden on clinical teams building an evidence strategy that satisfies both FDA and CMS and requested that CMS consider ways to improve the nomination submission timelines to minimize burden for manufacturers.

Response: We disagree. We believe our proposal for nominations to be submitted approximately 12 months before anticipated FDA marketing authorization is minimally burdensome and provides adequate flexibility for manufacturers to: (1) provide supportive evidence for their technology; (2) develop an EDP to address material evidence gaps for CMS coverage; and (3) coordinate BCD, coding, and payment processes. There is opportunity under TCET to leverage FDA-required postmarket studies, if any, to address specific evidence gaps for Medicare beneficiaries.

Comment: Some commenters provided feedback regarding specific timeframes in the TCET nomination process. A few commenters supported CMS' proposal to respond to nominations within 30 days. Another commenter requested that CMS extend the nomination review period to 60 days rather than 30 to ensure rigorous evaluation and selection of the most promising technologies for the TCET pathway.

Response: We appreciate these comments. We agree it is important to provide timely feedback to manufacturers on whether their technology is a suitable candidate for TCET. CMS is clarifying that suitable candidates will be approved for the TCET pathway on a quarterly basis. Consideration of TCET nominations on a quarterly basis will allow CMS to prioritize the most promising devices, will facilitate TCET implementation, and will establish a fair opportunity for eligible devices to be considered, regardless of the timing of FDA market authorization.

Comment: Many commenters recommended that CMS provide a lookback period, meaning that Breakthrough Devices that are nearing an FDA decision on market authorization (that is, less than 12 months) or those recently achieving authorization would be eligible for the TCET pathway. Several commenters recommended that a 3-year lookback period would be appropriate.

Response: We disagree and did not include a lookback period in the proposed notice. While we appreciate the substantial interest in the TCET pathway, it is designed to expedite national coverage through extensive premarket engagement. Developing an evidence development plan (EDP) generally takes considerable time, and absent an adequate lead time during the pre-market period, devices already available in the market are more

appropriate for an NCD outside of the TCET pathway or for MAC determinations under section 1862(a)(1)(A) of the Act.

Comment: A commenter requested that CMS provide specific nomination guidance.

Response: We appreciate this comment. CMS will consider releasing more specific nomination information in the future.

Comment: Some commenters requested that CMS provide additional guidance on how it will treat nominations equitably when it receives many more than anticipated and/or an irregular pattern of nominations. For example, a commenter questioned how CMS would proceed when five candidates have already been accepted for the year and additional nominations come in. A commenter suggested that CMS define a set number of application cycles per year to limit first-come-first-served application bias.

Response: We appreciate these comments and acknowledge the importance of providing more transparency to the public on how CMS will prioritize TCET nominations. In this final notice, we are clarifying that suitable candidates will be approved for the TCET pathway on a quarterly basis. If a nomination is not accepted into the pathway in one quarterly review cycle, it may be considered again in the following quarterly review cycle. Manufacturers will not need to resubmit a nomination for it to be considered in a subsequent quarter. Since TCET is forward-looking and extensive pre-market engagement is essential, nominations for Breakthrough devices anticipated to receive an FDA decision on market authorization within 6 months may not be accepted since CMS will be unable to reach a final NCD within the expedited timeframes.

To provide greater transparency, consistency, and predictability we intend to release proposed prioritization factors for TCET nominations in the near future. We look forward to communicating additional details on our planned approach in the near future and will provide an opportunity for public comment.

Comment: A commenter requested that in instances where CMS declines a nomination, it should provide a rationale and feedback mechanism for the manufacturer. Another commenter stated that applicants should be permitted to reapply.

Response: CMS will provide a justification and contact information for additional information if we decline a nomination. CMS is clarifying in this final notice that eligible nominations will be considered for the TCET pathway on a quarterly basis. If not accepted into the TCET pathway in one quarter, nominations may be considered again in the subsequent quarter. Manufacturers will not need to resubmit a nomination to be considered in a subsequent quarter. However, since TCET is forward-looking and extensive pre-market engagement is essential, nominations for Breakthrough Devices anticipated to receive an FDA decision on market authorization within 6 months may not be accepted since CMS will be unable to reach a final NCD within the expedited timeframes.

Comment: A commenter noted that it would be helpful if CMS could create a TCET submission web page like the IDE Category A and B submission web page and include instructions, application questions, and a TCET checklist.

Response: We appreciate this comment. We intend to create several web pages to support the TCET procedural pathway and provide important process-related information to interested parties.

Comment: Several commenters requested that CMS streamline the TCET nomination process by eliminating or combining some steps.

Response: We appreciate these comments. However, we believe all steps of the TCET nomination process are important to successfully implementing the pathway. However, as we gain experience with TCET, we will consider revising the process as appropriate.

Comment: A commenter recommended that CMS permit manufacturers to provide information on how their devices promote health equity.

Response: We welcome and strongly encourage any information manufacturers wish to provide regarding how their devices promote health equity.

D. Coordination With FDA

Comment: Many commenters expressed their support for enhanced FDA–CMS collaboration to support the TCET pathway, and more specifically, to foster alignment between FDA and CMS evidence development needs to ensure CMS evidence development requirements are not duplicative or contradictory with FDA requirements. Further, commenters stated that FDA and CMS should provide early clarity about postmarket evidence generation requirements to minimize provider and product developer burden.

Response: We appreciate these comments. CMS and FDA have taken a number of concrete steps to enhance alignment that will support the TCET pathway. For example, CMS and FDA intend to collaborate in identifying therapeutic areas where CMS clinical endpoint guidance would be most impactful. Additionally, by CMS articulating material evidence gaps for CMS coverage prior to FDA market authorization of devices, manufacturers will be better positioned to efficiently satisfy FDA and CMS requirements.

Comment: Some commenters would like additional information on how and when CMS will collaborate with FDA specific to the TCET pathway. Some commenters sought clarity as to whether manufacturers would be permitted to participate in meetings between FDA and CMS. It was suggested that CMS should provide a transcript to manufacturers if they are not allowed to participate in the meetings with FDA. A few commenters recommended that manufacturers be able to participate in the first meeting with FDA and for subsequent meetings only when there are specific questions that need to be addressed that the manufacturer is better positioned to answer so as not to hold up timelines.

Response: We appreciate these comments. As we outlined in the proposed notice and consistent with the FDA–CMS MOU, CMS may meet with FDA when considering a TCET nomination submitted for CMS review so CMS can learn more about the technology, including potential timing considerations. Some of these meetings may be deliberative and not appropriate for manufacturers or any other non-governmental parties to participate. However, similar to meetings conducted for parallel review, there may be occasions where it will be helpful to have CMS, FDA, and manufacturers participate in a meeting, and CMS will consider these requests on a case-by-case basis.

E. BCD Reviews

Comment: Commenters requested additional clarification regarding the process and timeline for benefit category determination reviews. These commenters note that the lack of an integrated, transparent, expedited BCD process will limit TCET's impact. A commenter sought additional information on how CMS will determine the devices that will undergo a BCD review and whether there will be an appeal mechanism.

Response: We note that new products may fall within one or more benefit categories or no benefit category at all. As stated in the proposed notice, if CMS believes that the device, prior to a decision on market authorization by

FDA, is likely to be payable through one or more benefit categories, the device may be accepted into the TCET pathway. This is an interim step that is subject to change upon FDA's decision regarding market authorization of the device. Acceptance into TCET should not be viewed as a final determination that a device fits within a benefit category.

When CMS issues the proposed NCD following approval or clearance of the Breakthrough Device by FDA, the proposed NCD will include one or more benefit categories to which CMS has determined the Breakthrough Device falls. CMS will review and consider public comment on the proposed NCD before reaching a final determination on the BCD(s).

Comment: A commenter recommended that CMS provide a benefit category review for any FDA-designated Breakthrough Device earlier in the process, possibly when FDA is meeting with manufacturers of these devices regarding the design of their clinical trials to support FDA marketing authorization.

Response: The BCD may rely on information generated during the process to obtain FDA market authorization, making an earlier BCD infeasible. Additionally, not all devices achieve marketing authorization, so conducting a BCD review earlier would be inefficient and potentially waste CMS resources.

Comment: A few commenters expressed that BCDs can be made quickly and should not delay access. A commenter indicated that CMS should commit to making BCD decisions no later than 30 days after the nomination submission.

Response: CMS aims to make all BCD decisions expeditiously. CMS is unable to commit to making all BCD decisions within 30 days of nomination submission because the BCD may rely on information generated during the process to obtain FDA market authorization making an earlier BCD infeasible.

Comment: A commenter stated that when there is an issue in determining the BCD, a meeting between CMS' Center for Medicare and the manufacturer should be scheduled immediately.

Response: We appreciate these comments and agree that it is important for CMS to provide timely communication to the manufacturer when there are issues in determining the BCD.

F. Evidence Preview

CMS' proposal introduced the Evidence Preview (EP) concept, which is a focused literature review that would provide early feedback on the strengths and weaknesses of the available evidence, including any evidence gaps, for a specific item or service. It is intended to inform judgments by CMS and manufacturers about the best available coverage options for an item or service and offers greater efficiency, predictability and transparency to manufacturers and CMS on the state of the evidence and any notable evidence gaps. In the proposed notice, CMS expressed the intent for EPs to be supported by a contractor using standardized evidence grading, risk of bias assessment, and applicability assessment. CMS proposed that the EP would be made publicly available on the CMS website when a tracking sheet is posted announcing the opening of the NCD. Additionally, CMS proposed to share the EP with the Medicare Administrative Contractors following a manufacturer's decision to withdraw from the TCET pathway.

Comment: Some commenters requested that CMS provide more transparency regarding the evidence review contractor. Specifically, these commenters requested that CMS provide more information on the processes used to select and monitor the evidence review contractor and information regarding qualifications, safeguards, conflicts of interest, and how the contractor will be evaluated. Some of these commenters requested that CMS publish a list of contractors used for conducting evidence reviews on its website.

Response: The Secretary has broad authority to contract out functions under Title XVIII. CMS, in collaboration with AHRQ, established rigorous review criteria that have undergone detailed testing during the past year and are reflected in the 2024 CMS National Coverage Analysis (NCA) Evidence Review guidance.[18] The contractor's role is to conduct a rapid systematic literature review and summarize the evidence based on a modified Grading of Recommendations, Assessment, Development, and Evaluations (GRADE) methodology. CMS and the contractor have also begun recruiting and incorporating clinical subject matter experts into the review process. All external subject matter experts are carefully assessed for their expertise, screened for conflicts of interest, and bound by non-disclosure agreements. The contractor supports and accelerates CMS reviews, but CMS performs extensive quality assurance on contracted reviews, contributes substantial portions of the EP independently, and ultimately determines policy. If an NCD is opened, an evidence summary will be included with the tracking sheet for full public comment, including which contractor completed the review.

Comment: Several commenters sought clarity on how the contractor will perform evidence reviews under TCET, specifically the criteria that the contractor will use to do the evidence preview. Some commenters requested that CMS specify whether these standards are the same or different from current processes. Commenters also asked that CMS define the evidence grading system used and what kind of evidence review conclusions are possible.

Response: We appreciate these comments. When nominating devices for the TCET pathway, manufacturers should submit a comprehensive bibliography of published studies for their device. For some devices, studies will not yet be published in the peer-reviewed literature, and CMS will instead review unpublished reports of clinical studies intended to support the FDA marketing application provided by the manufacturer. The contractor will supplement these materials with a focused search of published peer-reviewed literature. The contractor will use standardized tables to summarize the characteristics of each study included in their focused literature review. These tables provide information about each study's design, quality, interventions assessed, target population, and outcomes assessed.

The methodological quality, or risk of bias, for randomized and nonrandomized individual study designs will be assessed using a components approach, considering each study for specific aspects of design or conduct (such as allocation concealment for randomized controlled trials (RCTs) or use of methods to address potential confounding), as detailed in AHRQ's *Methods Guide.*[19] Studies of different designs are graded within the context of their respective designs. Thus, RCTs are graded as good, fair, or poor, and observational studies are separately graded as good, fair, or poor.

The contractor will also assess the applicability of the included studies to

[18] CMS' guidance documents can be accessed here: *https://www.cms.gov/medicare-coverage-database/reports/national-coverage-medicare-coverage-documents-report.aspx?docTypeId=1#.*

[19] *https://effectivehealthcare.ahrq.gov/products/collections/cer-methods-guide.*

the Medicare population. Specifically, we plan to use the PICOTS (population, intervention, comparator, outcomes, timing, and setting) format to organize information relevant to applicability. The most important issue concerning applicability is whether the outcomes are different across studies that recruited diverse populations (for example, age groups, exclusions for comorbidities) or used different methods to implement the interventions of interest; that is, important characteristics are those that affect baseline (control group) rates of events, intervention group rates of events, or both.

Lastly, the contractor will identify and list any relevant evidence-based guidelines, specialty society recommendations, consensus statements, or appropriate use criteria that apply to the item or service addressed by the Evidence Preview (EP). The reviewed evidence is then qualitatively synthesized by the contractor. There are strict non-disclosure agreements in place with the contractor to ensure the protection of proprietary information.

Comment: Some commenters expressed concerns that CMS was ceding decision-making to the evidence review contractor. These commenters noted that the evidence review contractor should be prohibited from making qualitative assessments of the literature and providing any statements regarding medical necessity. Further, these commenters stated that CMS should maintain ultimate decision-making responsibility and CMS staff should be fully engaged to ensure that feedback among all participants is transparent and timely.

Response: All decision-making resides with CMS. CMS does not delegate the Secretary's authority to establish NCDs to a contractor. The role of the evidence review contractor is to support the CMS review team by summarizing the available evidence in a standardized format. CMS staff specify the review requirements, supervise the contractor, and conduct extensive quality assurance of all reviews. Additionally, one of the benefits of utilizing an evidence review contractor is that it will enhance CMS' ability to recruit specialized clinical expertise. Lastly, CMS contributes substantial portions independently and maintains ultimate decision-making responsibility. Any formal determination regarding whether an item or service meets the reasonable and necessary statutory standard will be made by CMS and completed using the NCD process, which includes at least one public comment period.

Comment: Some commenters stated that manufacturers should be able to communicate directly with the evidence review contractor during the development of the EP. Several commenters suggested that CMS establish contact points to facilitate dialogue between the manufacturer and the contractor responsible for conducting the EP. Some commenters recommended that manufacturers should have an opportunity to provide feedback on the literature search strategy, correct errors, and/or discuss interpretations of data in the EP. Commenters encouraged CMS to hold meetings before the EP to ensure appropriate search terms were incorporated and to discuss results after the EP. A commenter stated that CMS should allow manufacturers 30 days to return comments on the EP.

Response: We disagree that manufacturers should be able to contact the contractors that the government has engaged to summarize the scientific evidence on its behalf. CMS notes that manufacturers must submit a full bibliography of published studies with their TCET nomination. Much of the EP is written directly by CMS staff, and manufacturers have an opportunity to provide feedback on a draft of the EP before it is finalized.

CMS will establish CMS-staff-level contact points to facilitate timely communication with manufacturers, but CMS disagrees with having manufacturers communicate directly with the evidence review contractor. The contractor is performing work on CMS' behalf, and CMS needs to be involved in all discussions. Manufacturers are encouraged to review and provide feedback to CMS on the EP as soon as possible, ideally within 30 days. CMS believes it is important to provide flexibility especially as manufacturers gain experience with the TCET pathway and is not incorporating a specific timeframe in the final notice for manufacturers to submit feedback on an EP.

Comment: A commenter noted that truly novel devices might have completed only one study when applying for TCET, and ''in some cases, the only published or presented data will be from the first in man or preliminary FDA safety studies.'' The commenter expressed the position that devices with minimal data should not be excluded from TCET, and for devices with little published data, CMS should focus on ''FDA pivotal trial results'' in the EP even if those results are not published.

Response: The EP is a focused literature review summarizing the strengths and weaknesses of the available clinical evidence supporting a review request. The EP is not a national coverage analysis (NCA) and is not a commitment to coverage. The EP is intended to inform decisions about the best available coverage options for the nominated device. Further, a broader range of studies may be included in a full national coverage analysis (NCA) if one is opened. The EP reflects the best available information at the time it is conducted, but multiple elements of the EP may evolve during the review process.

When developing a literature search, we will carefully review the bibliography that manufacturers provide in their nomination. CMS recognizes that the most crucial study data from pivotal trial(s) may not yet be published in the pre-market stage. If unpublished studies are included in the review, the evidence review in the NCA, if one is opened, will reflect the final labeling of the FDA market authorized device and supplemental analyses and/or published, peer-reviewed report of the clinical study.

Comment: Several commenters requested that CMS clarify that the EP is a summary of the published peer-reviewed literature in the relevant clinical space and an examination of the outcomes of interest to CMS, associated endpoints, and clinically meaningful differences for the target disease or condition. These commenters further noted that the EP should not extend to include a gap analysis for the specific nominated technology. Additionally, some commenters requested that the EP explicitly state that it is not a coverage determination and should not be interpreted as a reasonable and necessary determination. A commenter noted that the EP, as currently constructed, will provide limited insight into device performance. Some commenters requested that the EP meeting between the manufacturer and CMS avoid bias toward additional data collection, especially when a device has robust clinical evidence.

Response: The EP is a focused literature review that summarizes the strengths and weaknesses of the available clinical evidence, including any evidence gaps for CMS coverage for a specific item or service. It offers greater efficiency, predictability, and transparency to manufacturers and CMS on the state of the evidence and any notable evidence gaps. It is intended to inform judgments by CMS and manufacturers about the best available coverage options for an item or service.

We disagree with commenters that an evidence preview should not be specific to a particular technology. We believe it is important to understand any material evidence gaps for CMS coverage for a particular technology as early as possible so that manufacturers can develop a plan to address them so that the device might be eligible for future Medicare coverage under section 1862(a)(1)(A) of the Act.

Comment: A commenter suggested that CMS clarify circumstances where they can convene a Medicare Evidence Development and Coverage Advisory Committee (MEDCAC) or otherwise solicit broad public input to align on evidence gaps in the evidence preview stage and explain how this might affect evidence review timelines.

Response: We appreciate this comment. If a MEDCAC is needed to clarify the appropriate clinical endpoints for a particular device, the TCET review timeframes could be substantially delayed. The need for MEDCACs during a TCET review may be mitigated by identifying potential TCET candidates earlier in the review cycle than the timeframe we proposed in the June 2023 notice. When CMS is aware that manufacturers intend to pursue the TCET pathway for devices and appropriate clinical endpoints are uncertain, we may preemptively conduct a clinical endpoints review and may convene a MEDCAC. A CMS decision to initiate a clinical endpoint review or a MEDCAC does not imply that a benefit category exists for a particular device or make a commitment to make a local or national coverage determination. We clarify in the final notice how a MEDCAC may affect evidence review timelines and how submitting a non-binding letter of intent can help alleviate potential delays if a clinical endpoints review and/or MEDCAC is needed.

Comment: A commenter suggested that CMS reconsider the evidence preview process, which they believe should also include other considerations, such as shifts in the market, health equity, population considerations, accessibility, usability, and other metrics.

Response: While we acknowledge those factors may be important, the purpose of the evidence preview is to provide early feedback on the strengths and weaknesses of the available clinical evidence, including any evidence gaps, for a specific item or service. It is intended to inform judgments by CMS and manufacturers about the best available coverage options for an item or service. It offers greater efficiency, predictability, and transparency to manufacturers and CMS by clarifying the state of the evidence and any notable evidence gaps.

Comment: Many commenters disagreed with CMS' proposal to share the Evidence Preview with the Medicare Administrative Contractors following a manufacturer's decision to withdraw from the TCET pathway. These commenters expressed concerns with how the MACs would use this information, specifically that it would lead to de facto noncoverage without going through the full national coverage process. While commenters were generally opposed to CMS sharing this information, they provided some recommendations. They suggested alternatives if CMS chose to proceed, including obtaining manufacturer consent before sharing with MACs, updating the Program Integrity Manual to describe the appropriate use of EPs as MACs make coverage decisions, as well as scaling back the evidence preview so it is not specific to a particular technology.

Response: As we noted in the proposed notice, the EP represents a substantial investment of public resources, and CMS wants to ensure we use taxpayer dollars wisely. The EP includes a summary of the available evidence for an FDA Breakthrough-designated device; manufacturers can correct any errors and provide feedback before finalization. While CMS believes the EP will be a fair reflection of the strength of the available evidence to support Medicare coverage, CMS acknowledges that manufacturers may withdraw from the TCET pathway for reasons unrelated to the evidence. Based on the previous considerations and in response to public comments, CMS will publish an evidence summary without the evidence gap analysis if a manufacturer withdraws from the TCET pathway. Similarly, only a summary of the evidence would be posted with a tracking sheet if a national coverage analysis is opened. We believe this approach offers transparency, makes judicious use of public resources, and does not signal a specific conclusion about whether an item or service satisfies the reasonable and necessary standard.

Comment: A few commenters supported CMS sharing the evidence preview with the MACs. A commenter recommended that not only should the MACs receive the EPs but that they should be shared with Medicare Advantage Organizations as well. Another commenter suggested that these EPs be shared publicly.

Response: We appreciate these comments. After considering all public comments received on this issue, CMS has decided to publish an evidence summary without the evidence gap analysis rather than sharing the full EP with the MACs as we proposed.

G. Manufacturer Decision To Continue or Discontinue

CMS' proposal stated that upon finalization of the EP, the manufacturer may decide to pursue national coverage under the TCET pathway or to withdraw from the pathway. CMS proposed that if the manufacturer decided to continue, the next step would include a manufacturer's submission of a formal NCD letter expressing the manufacturer's desire for CMS to open a TCET NCD analysis. We stated in the proposal that most, if not all, of the information needed to begin the TCET NCD would already be included in the TCET pathway nomination and the EP, but we invited the manufacturer to submit any additional materials the manufacturer believed would support the TCET NCD request.

Comment: A commenter stated that it is unclear whether the manufacturer or CMS would initiate an NCD.

Response: If a manufacturer decides to continue pursuing coverage under the TCET pathway upon finalization of the EP, the next step is for the manufacturer to provide a formal NCD letter to CMS expressing the manufacturer's desire for CMS to open an NCA. The manufacturer would initiate the NCD request.

Comment: A commenter requested confirmation that CMS will not issue a non-coverage NCD if a manufacturer withdraws from TCET.

Response: There could be rare instances where a non-coverage NCD would be in the best interest of Medicare beneficiaries, such as when the evidence points to potential serious beneficiary harm. CMS can conduct a national coverage analysis at any time to swiftly act in those circumstances.

H. Evidence Development Plans

CMS' proposal introduced the Evidence Development Plan (EDP) concept. CMS proposed that EDPs would be developed by the manufacturer to address any evidence gaps identified in the EP. In the proposal, CMS indicated that EDPs may include fit-for-purpose (FFP) study designs, including traditional clinical study designs and those that rely on secondary use of real-world data, provided that those study designs follow all applicable CMS guidance documents. CMS proposed that the development of an EDP would include CMS–AHRQ collaboration to evaluate the EDP to ensure that it meets

established standards of scientific integrity and relevance to the Medicare population. Additionally, CMS proposed that the EDP process will include CMS engagement with the manufacturer to provide feedback and discuss any recommended refinements. The proposal stated that elements of the EDP, specifically the non-proprietary information, would be made publicly available on the CMS website when a proposed NCD is posted.

Comment: Many commenters supported TCET's evidence development framework, specifically CMS' inclusion of a more flexible approach that allows for FFP studies. However, some commenters noted that CMS should maintain rigorous evidence development standards. Commenters pointed out that any evidence development framework should be patient-centered, and high-quality evidence should be required to protect beneficiaries.

Response: We appreciate these comments and agree that including a more flexible approach that allows for FFP studies is important. We believe that the evidence development framework for TCET outlined in this notice accomplishes that goal while also being patient-centered and facilitating the generation of high-quality evidence to support Medicare coverage. CMS expects to propose FFP study guidance in the future, with a particular emphasis on study designs that make secondary use of real-world data.

Comment: Commenters generally supported CMS' proposal regarding evidence development plans. Some commenters encouraged CMS to work with manufacturers to develop a reasonable, mutually agreed upon data collection and review period in the EDP. A commenter suggested that CMS consider structuring evidence development around achievement of milestones rather than time. A commenter recommended that the EDP be updated annually. The commenter recommended that CMS assign dedicated staff to work collaboratively with the manufacturer when developing the EDP. Some commenters cited that considerable time may be required to develop and negotiate an EDP. Another commenter expressed that an NCD should not be opened until an EDP is approved.

Response: We appreciate the supportive comments. For devices where the evidence is promising but does not yet satisfy the reasonable and necessary standard for Medicare coverage, the EDP intends to articulate how material evidence gaps will be addressed during transitional coverage so that the evidence may show that the device satisfies the reasonable and necessary standard when a CED NCD is reconsidered. Manufacturers often plan multiple studies for devices that are newly in the market. For example, they may plan conventional clinical studies in non-US markets, or conventional studies that test modifications to an existing device. If generalizability to the Medicare population is an important limitation of the existing evidence base, manufacturers may submit an FFP study protocol that relies on secondary use of real-world data as a component of their EDP. The EDP will describe the overall portfolio of planned studies and identify the appropriate timing of a future CED NCD reconsideration. We agree that providing enhanced engagement and flexibility is important during EDP development, and we are exploring ways that CMS can support manufacturers in efficiently developing FFP protocols, but manufacturers are responsible for developing their own EDPs. CMS agrees that a CMS and AHRQ-approved EDP should be in place prior to opening an NCD. We note that prolonged delays by manufacturers in drafting EDPs may substantially delay the finalization of a CED NCD under the TCET pathway.

We are finalizing our proposal to have EDPs include a schedule of updates and interim analyses along with a projected NCD reconsideration window. CMS continues to believe that a core purpose of the EDP is to anticipate the appropriate timing of reconsideration, but we recognize that timelines may in some cases need to be revised. Particularly for EDPs that propose longer CED timeframes, CMS agrees that they should include plans for interim reporting to ensure adequate progress and timely completion. Interim reports should also disclose any meaningful changes to prespecified study protocols, which are essential to transparency. These updates are in the interest of CMS, manufacturers, and the public because they provide early feedback on the viability of planned studies that use real-world data and offer early feedback on real-world outcomes. Any changes to the anticipated NCD reconsideration window will be reflected on the CED website.

Comment: Commenters encouraged CMS to be transparent and recommended that as much of the EDP as possible be made publicly available. Some commenters asked that CMS clarify what parts of the EDP will be publicly posted. It was recommended that the technical information regarding a device remain confidential. It was also suggested that the status of CED studies under TCET be updated in a publicly available manner.

Response: We appreciate these comments and agree that providing as much transparency as possible for EDPs and the studies conducted as part of them is important. To that end, a summary of the EDP, a linkage to CMS-approved CED studies on clinicaltrials.gov, and the anticipated CED NCD reconsideration window will be posted on the CMS website. We also recognize that manufacturers want to preserve confidentiality around their evidence-generation plans and product development strategies. CMS is actively developing guidance on the level of detail necessary to establish that a proposed study is FFP; while manufacturers may be able to demonstrate that these elements establish the scientific validity of a proposed study, it may not be necessary to make all details public.

Comment: A commenter suggested that CMS clearly and rigorously define what benchmarks will be considered ''clinically meaningful'' to its beneficiary population. A commenter requested that CMS clarify the meaning and significance of a post-market FFP study's potential to ''demonstrate[e] external validity'' concerning an EDP submission and whether such potential is a criterion for the protocol.

Response: We generally look to the published literature when assessing which clinical endpoints are important. In some instances, there is limited published literature to address minimal clinically important differences (MCIDs). Where appropriate clinical endpoints and MCIDs are uncertain, CMS may refer a topic to the MEDCAC to help CMS define evidence expectations through an open and transparent process. We are also developing a series of Clinical Endpoint Guidance documents to improve the predictability and transparency of our reviews.[20] The Knee Osteoarthritis Clinical Endpoint Guidance document is the first in this series.

A concern about generalizability depends on whether a new technology's effectiveness would reasonably be expected to vary between the populations studied in clinical trials and Medicare recipients, who are often older and have more comorbidities. If an Evidence Preview identifies generalizability as a material evidence deficiency, postmarket FFP studies may be used to confirm that expected

[20] The clinical endpoints guidance can be accessed here upon release: *https://www.cms.gov/medicare-coverage-database/reports/national-coverage-medicare-coverage-documents-report.aspx?docTypeId=1#*.

benefits and harms extend to the applicable Medicare population and the context in which they receive care.

Comment: A commenter questioned how CMS will determine that an EDP is ''sufficient'' and how that sufficiency standard is related to the reasonable and necessary standard.

Response: The development of an EDP will include CMS–AHRQ collaboration to evaluate the EDP to ensure that it meets established standards of scientific integrity and relevance to the Medicare population. As with all technologies seeking Medicare coverage, CMS evaluates the available evidence when assessing whether an item/service satisfies the reasonable and necessary standard for coverage through the open and transparent NCD process.

Supportive clinical evidence that a device is reasonable and necessary in the Medicare population, including evidence regarding the device's safety and effectiveness for the Medicare population, is crucial to approve coverage for a device under section 1862(a)(1)(A) of the Act. Such evidence is used to determine whether a new technology meets the appropriateness criteria of the longstanding Medicare Program Integrity Manual Chapter 13 definition of reasonable and necessary.[21] We believe it is important for manufacturers participating in TCET to produce evidence demonstrating the health benefits of the device and the related services for patients with demographics similar to that of the relevant Medicare population.

Comment: A commenter sought clarification on CMS' and AHRQ's specific roles in reviewing the EDP and which Agency has ultimate approval.

Response: As we noted in the proposed notice and this subsequent notice, ''Since we anticipate that many of the NCDs conducted under the TCET pathway will result in CED decisions, AHRQ will continue to review all CED NCDs consistent with current practice. Additionally, AHRQ will collaborate with CMS as appropriate, to evaluate the EP and EDP and will have opportunities to offer feedback throughout the process that will be shared with manufacturers. AHRQ will partner with CMS as the EP and EDP are being developed, and approvals for these documents will be a joint CMS–AHRQ decision.''

Comment: Several commenters expressed that manufacturers should be required to ensure diversity in clinical trials across a wide range of patient characteristics. A commenter stated that guidance from CMS is necessary to assist manufacturers in clinical trial designs that address access issues (specifically guidance on trial design for diversity and equitable access). They noted that research has demonstrated a lack of equitable representation in clinical trials.

Response: When reviewing evidence to assess whether items/services are reasonable and necessary, CMS must have a basis to conclude that the available evidence is generalizable to the intended Medicare population(s). The NIH, FDA, and CMS have long stressed the broad inclusion of diverse patient groups in clinical studies. Despite these efforts, pre-market studies frequently lack adequate inclusion of important patient subgroups, which limits their generalizability to the intended Medicare population(s). CMS agrees that post-market FFP studies may be necessary to address this common limitation of pre-market RCTs. The final CED guidance clarifies that CED studies should include specific patient groups that are essential to ensure the study is representative of the Medicare population when there is good clinical or scientific reason to expect that the results observed in premarket studies might not be observed in older adults or subpopulations identified by other clinical or demographic factors.

Comment: A commenter recommended that CMS should conduct regular audits on EPs and EDPs.

Response: We appreciate this comment; however, it is beyond the scope of this document.

Comment: A commenter recommended that CMS clarify that when the available evidence is promising but is insufficient to satisfy the reasonable and necessary standard for the Medicare population, CMS may extend coverage under the TCET pathway conditioned on completion of an FFP study that may convincingly address an evidence deficiency identified in the EP. Additionally, some commenters recommended that CMS acknowledge the dynamic nature of FFP studies and adopt documentation best practices for study design and analysis changes to ensure transparent study conduct and rigorous evidence development.

Response: We appreciate these comments and have clarified in the final notice that EDPs must address material evidence deficiencies identified in the EP. FFP studies addressing specific evidence deficiencies identified in the EP may be proposed as part of a broader EDP. CMS agrees that FFP studies, especially those that make secondary use of real-world data, may require modifications to the pre-specified protocol for various reasons. Thus, CMS agrees that EDPs should incorporate interim reporting to ensure adequate progress and timely completion. Interim reports should also disclose any meaningful changes to prespecified study protocols, which are essential to transparency. These updates are in the interest of CMS, manufacturers, and the public because they provide early confirmation of the viability of planned studies that use real-world data and early feedback on real-world outcomes. CMS expects to publish detailed guidance on acceptable FFP studies in the coming months.

Comment: A commenter noted that FFP evidence generation will likely require new data sources and methods of data collection, which may be particularly problematic for some Breakthrough Devices where the primary benefit to Medicare beneficiaries may be improvements in a patient-reported outcome (PRO). This commenter further stated that a clear definition of acceptable alternative evidence-generation methods and sources would be important since PROs are difficult to ascertain from administrative claims data or electronic health records. The commenter encouraged CMS to consider the balance between collecting data on outcomes that are important to patients and caregivers and minimizing the increased burden on providers, ideally by prioritizing outcomes that address patient priorities and are easy to collect as a part of routine care. This commenter suggested that a system that allows CMS claims data to be linked with other data sources is important for TCET to work effectively. The commenter suggested that accessing and working with Medicare claims data is difficult and burdensome. They recommended that CMS facilitate linkages to Medicare claims to facilitate evidence generation under the TCET pathway. Another commenter noted that CMS should ensure postmarket study designs support efficient acquisition and linkage of data sources data so studies can be efficiently completed.

Response: We appreciate these recommendations. We agree that patient-reported outcomes are often unavailable from claims or electronic health records (EHR) data sources. The real-world data (RWD)/real world evidence (RWE) field is rapidly developing, and new mechanisms for efficiently collecting supplemental data like PROs may emerge. CMS agrees that

[21] CMS, Medicare Program Integrity Manual, Chapter 13, 13.5.4, *available at https://www.cms.gov/regulations-and-guidance/guidance/manuals/downloads/pim83c13.pdf.*

easier linkages between multiple data sources would simplify conduct of studies using real-world data. While indirect matching strategies are available, they may be cumbersome to implement.

CMS expects to publish detailed guidance on acceptable FFP studies in the coming months. CMS is closely tracking developments in this emerging field.

I. CMS NCD Review and Timing

CMS proposed that if a device that is accepted into the TCET pathway receives FDA marketing authorization, CMS will initiate the NCD process by posting a tracking sheet following FDA market authorization (that is, the date the device receives PMA approval; 510(k) clearance; or the granting of a De Novo request) pending a CMS and AHRQ-approved Evidence Development Plan (in cases where there are evidence gaps as identified in the Evidence Preview). In the proposal CMS stated that the goal is to have a finalized EDP no later than 90 business days after FDA market authorization.

CMS' proposal stated that the process for Medicare coverage under the TCET pathway would follow the NCD statutory timeframes in section 1862(l) of the Act. CMS would start the process by posting a tracking sheet and elements of the finalized Evidence Preview, specifically the non-proprietary information, which would initiate a 30-day public comment period. Following further CMS review and analysis of public comments, CMS would issue a proposed TCET NCD and EDP within 6 months of opening the NCD. There would be a 30-day public comment period on the proposed TCET NCD and EDP, and a final TCET NCD would be due within 90 days of the release of the proposed TCET NCD.

Comment: Some commenters requested that the proposed decision memo for an initial TCET NCD should be posted at the same time as a tracking sheet, similar to what has previously been done for Parallel Review NCDs. These commenters note that this would help streamline the process since there would be only one 30-day public comment period.

Response: While we appreciate the suggestions to streamline the TCET process by providing for only one public comment period, we believe posting a tracking sheet with a proposed NCD is operationally impractical for CMS and provides insufficient opportunity for public feedback on the coverage conditions that optimize patient outcomes. The evidence base for emerging technologies is often incomplete, and practice guidelines are not yet established, so we believe input from interested parties is critical to ensure that Medicare is providing appropriate coverage for new, innovative technologies that balance access with beneficiary safeguards.

Comment: Several commenters noted inconsistencies in the proposed TCET process timeline. They noted CMS' stated goal of finalizing an NCD within 6 months of FDA marketing authorization and pointed out that we also state that there would be a tracking sheet posted with a 30-day comment with a proposed NCD posted 6 months after that (~7 months) and a final NCD statutorily due a few months later. Another commenter noted that the Timeline Diagram has a stakeholder meeting and evidence preview meeting listed, but the stakeholder meeting is not described in the notice.

Response: We appreciate the feedback. CMS notes that if material evidence deficiencies for Medicare coverage are identified in an evidence preview, manufacturers must have an approved evidence development plan before CMS will initiate a national coverage analysis. Delays in drafting an approvable evidence development plan may make it impossible to achieve coverage within 6 months of FDA authorization. Nonetheless, the final notice clarifies that the initial 30-day comment period is concurrent with the national coverage analysis, and CMS aims to shorten the NCD review by initiating our evidence review in the premarket period. We have removed the ''stakeholder meeting'' from the Timeline Diagram in the final notice since it is synonymous with the evidence preview meeting in the notice.

J. Input From Interested Parties

CMS stated in its proposal that feedback from the relevant specialty societies and patient advocacy organizations, in particular, their expert input and recommended conditions of coverage (with special attention to appropriate beneficiary safeguards), is especially important for technologies covered through the TCET pathway. In the proposal, CMS strongly encourages these organizations to provide specific feedback on the state of the evidence and their recommended best practices for the emerging technologies under review upon opening a national coverage analysis. We noted that while we prefer to have this information during the initial public comment period upon opening the NCD, we realize that, in many cases, it may take longer for these organizations to provide their collective perspectives to CMS since these technologies will have only recently received FDA market authorization. Further, we stated that since CMS may consider any information provided in the public domain while undertaking an NCD, CMS encourages these organizations to publicly post any additional feedback, including relevant practice guidelines, within 90 days of CMS' opening of the NCD. We specified that information considered by CMS to develop the proposed TCET NCD will become part of the NCD record and will be reflected in the bibliography as is typical for NCDs.

Comment: Numerous commenters agreed that engagement with all interested parties, particularly specialty societies, is important. Some commenters encouraged CMS to maintain close relationships with specialty societies and engage them as soon as an NCD is open. A few commenters suggested that CMS be flexible regarding the timeframe for developing consensus documents, as these documents may take an extended time to develop. Several commenters recommended that CMS be transparent when specialty society feedback is received outside a public comment period and suggested that CMS acknowledge receipt of the information and notify the manufacturer, post the information on the CMS website, and provide an opportunity for manufacturer feedback. Another commenter requested that CMS have a vetting process to ensure these sources of information are legitimate. It was noted that more formal public engagement mechanisms, like those used by FDA, are needed. A commenter suggested that CMS establish a Network of Experts like FDA's Center for Devices and Radiological Health (CDRH) and Center for Drug Evaluation and Research (CDER).

Response: We agree that engagement with specialty societies is important, and we intend to maintain our collaborative relationships with them to facilitate timely coverage and provide appropriate beneficiary access to promising new technologies. We believe that TCET includes adequate flexibility for specialty societies to provide important input. As is current practice, information sources that inform an NCD are documented in the decision memo and the bibliography of the proposed and final NCD. CMS carefully evaluates evidence and public comment when proposing and finalizing NCDs. While establishing more formal public engagement mechanisms is beyond the scope of this notice, we appreciate the suggestions commenters offered.

Comment: Several commenters requested that CMS establish a formal and robust patient engagement process. A few commenters stated that patients and patient organizations should be consulted regarding how CED affects access, outcomes, and caregiver experiences. They also stated that patient groups should be consulted to discuss study protocols and clinical endpoints. A commenter stated that CMS should agree to timely meetings with all interested parties.

Response: We routinely meet with interested parties about coverage requests for new technologies and reconsiderations of NCDs for existing technologies. CMS also regularly attends public meetings to discuss new technologies and to gather input from multiple perspectives. Furthermore, most NCDs allow two opportunities for public comment: when a national coverage analysis is initiated and when an NCD is proposed. Therefore, we believe the current process allows the public to express their views. CMS notes that additional public engagement requirements will increase coverage review costs and slow the initiation and completion of NCDs. CMS also solicits patient input on clinical endpoints that are relevant for coverage decisions and their minimally clinically meaningful differences through the Clinical Endpoints Guidance series.

J. Coverage of Similar Devices

In our proposal we noted that FDA market-authorized Breakthrough Devices are often followed by similar devices that other manufacturers develop. Additionally, we expressed that we believe it is important to let physicians and their patients make decisions about the best available treatment depending upon the patient's individual situation. We proposed that to be eligible for coverage under a TCET NCD, similar devices would be subject to the same coverage conditions, including a requirement to propose an EDP. CMS sought public comment on whether similar devices to the Breakthrough Device should be addressed under a separate NCD or should be subject to the same coverage conditions as the Breakthrough Device, including a requirement to propose an EDP.

Comment: Commenters generally supported CMS' proposal to cover similar devices under NCDs. Some commenters noted that NCDs have generally covered a particular class of technologies and supported a similar approach in the TCET pathway.

Response: We appreciate these comments. NCDs are limited to particular items or services, but some NCDs apply to products for the same indication. In these instances, CMS will follow the existing NCD process detailed in section 1862(l) of the Act. We recognize that some differences may exist for technologies in a class that may result in a distinct benefit/risk profile, and each will be evaluated on its own merit.

Comment: A few commenters disagreed with CMS' proposal, citing concerns that covering similar devices undercuts the voluntary nature of TCET. These commenters stated that Breakthrough Devices are unique and should be individually addressed.

Response: We appreciate the commenter's concern. We believe that it is important for the TCET pathway to foster innovation and not limit access to competitive devices. In some cases, providing coverage using a class approach may be appropriate and could avoid delays in access that would occur if a separate NCD were required to ensure coverage and would also provide more treatment options for patients and their physicians. We recognize that some differences may exist for technologies in a class that may result in a distinct benefit/risk profile, and each will be evaluated on its own merit.

Comment: Several commenters requested that CMS define ''similar devices.'' For example, a commenter suggested that CMS define similar devices as either: (1) those with the same or similar intended use as the initial product; or (2) devices with the same FDA product code. A commenter noted that it may be unclear whether two devices are in ''the same category.''

Response: To preserve flexibility for manufacturers and CMS, we have not defined ''similar devices'' in the final notice. If the similarity of two or more devices is uncertain, CMS will consult with FDA and the manufacturer(s), as appropriate, when determining whether a device could be considered individually or as part of a class of similar devices for coverage purposes.

Comment: Some commenters requested that CMS clarify how coverage for similar devices will be handled under TCET. Commenters expressed mixed opinions and offered various suggestions as to how CMS could provide coverage under TCET for follow-on devices. Many commenters indicated that follow-on devices should be subject to the same coverage conditions and evidence standards and should be required to develop a comparable EDP to the original device. Several commenters recommended that CMS set clear expectations for evidence development for second and third devices to market. Some commenters encouraged CMS to be flexible in its approach to providing coverage for similar devices under TCET. A commenter suggested that CMS should require one EDP for all devices in the class. A commenter recommended that CMS require the same nomination and evidence preview processes for follow-on devices as for the first device to ensure that sponsors and CMS are aware of the available evidence. Another commenter suggested that CMS should require follow-on device manufacturers to submit an EDP but noted that existing endpoint guidance and the available data standards and infrastructure may reduce the cost of CED studies for follow-on devices with similar evidentiary questions.

Response: We appreciate these comments and agree with commenters that providing flexibility regarding coverage for follow-on devices is important. We do not believe that a one-size-fits-all approach to evidence development is appropriate since evidence gaps are specific to each device, and therefore, the evidence development needed to meet the reasonable and necessary standard may differ. In some cases, second and third follow-on devices may have fewer or different material evidence deficiencies. We recognize that each technology in a class may have differences that result in a distinct benefit/risk profile, and each will be evaluated on its own merit.

Comment: Some commenters recommended that the first device to market should have privileged status, such as a 1-year coverage exclusivity period. These commenters suggested that CMS should balance rewarding the first-to-market device with granting coverage to follow-on devices.

Response: We do not believe that a coverage exclusivity period for the first-to-market device is necessary and note that it would considerably complicate TCET implementation. Further, we believe that granting privileged status to the first-to-market device could impede Medicare beneficiary access to the best available device for their circumstances.

Comment: A commenter requested clarification on whether NCD reconsiderations would be delayed if two devices have EDPs with different timelines. Another commenter suggested that when a positive NCD is issued at the conclusion of a TCET NCD, CMS and the manufacturer of the follow-on device should discuss whether the agreed-upon evidence development should continue. Another commenter noted that a post-TCET NCD should apply to follow-on devices.

Response: We appreciate these comments. We believe it is important to provide flexibility so that a post-TCET NCD can apply to follow-on devices under appropriate circumstances. We do not anticipate a situation where we would delay an NCD reconsideration when two devices have EDPs with different timelines. Some studies in an EDP may continue beyond the pre-specified NCD reconsideration date. In this case, CMS strongly encourages manufacturers to complete these studies even if further evidence development is voluntary. CMS will engage with manufacturers when these situations are encountered to ensure the least burdensome approach is utilized while ensuring adequate evidence is collected to support Medicare coverage.

Comment: Several commenters requested that CMS clarify whether the follow-on devices would be required to have FDA Breakthrough designation to seek coverage under a TCET NCD. Some commenters expressed that follow-on devices should be required to have Breakthrough designation to receive coverage under TCET.

Response: We appreciate these comments. We believe that it is important for the TCET pathway to foster innovation and not limit access to competitive devices. To apply for the TCET pathway, the device must have FDA Breakthrough designation. All NCDs, whether through the TCET pathway or other, must follow the statutory process detailed in section 1862(l) of the Act which includes a public comment period.

Comment: Many commenters supported coverage of similar devices but recommended that follow-on devices not count against the annual cap of devices accepted into the TCET pathway.

Response: The final notice clarifies that follow-on devices will not count against the limit on TCET reviews.

Comment: A commenter questioned how CMS would address a situation where one device covered under the NCD has a safety concern, and other devices are covered under that NCD.

Response: CMS action would depend on the specific situation. CMS could reconsider a TCET NCD if safety concerns arise. We noted in the proposed procedural notice and reiterate in this final notice that CMS retains the right to reconsider an NCD at any point in time. Any reconsideration undertaken by CMS would be informed by the relevant evidentiary and safety information available at the time.

Comment: A commenter recommended that CMS solicit further feedback regarding coverage of similar devices under TCET and reassess after a year.

Response: CMS may reassess our approach as we gain more experience with the TCET pathway.

K. Duration of Coverage

CMS proposed that the duration of transitional coverage through the TCET pathway would be time-limited and be tied to the CMS- and AHRQ-approved Evidence Development Plan (EDP). The proposal stated that the review date specified in the EDP will provide 1 additional year after study completion to allow manufacturers to complete their analysis draft one or more reports and submit them for peer-reviewed publication. In the proposed notice, we stated that we anticipate the transitional coverage period would last for 3 to 5 years as evidence is generated to address evidence gaps identified in the Evidence Preview.

Comment: Many commenters supported CMS' proposal for time-limited coverage under TCET with the coverage period specified in the EDP. Some commenters suggested a 3- to 5-year timeframe may not be sufficient as it may take longer for some studies to be completed and published, and encouraged CMS to be flexible, especially if a manufacturer acted in good faith or extenuating circumstances occurred. They noted that 3 to 5 years may be insufficient to gather all the necessary data and to ensure safety. A commenter encouraged CMS to remain flexible since cancer studies often use 5-year outcomes. Some commenters stated that CMS should establish a series of touch points where CMS and manufacturer can discuss progress and adjust the EDP as needed.

Response: We appreciate the supportive comments. CMS agrees that the duration of transitional coverage should be tied to an EDP that sufficiently addresses the material evidence gaps identified in the EP, and we will work with manufacturers to define an appropriate NCD reconsideration window. Particularly where longer periods of transitional coverage are anticipated, CMS agrees that EDPs should incorporate interim reporting to ensure adequate progress, public transparency, and timely completion. These updates are in the interest of CMS, manufacturers, and the public because they provide early confirmation of the viability of planned studies that use real-world data and early feedback on real-world outcomes. As noted in the proposed and final notice, we will be flexible when working with manufacturers if unavoidable delays occur.

Comment: Commenters offered support for sufficient time and flexibility to ensure seamless coverage following the TCET coverage period. Many commenters encouraged CMS to stipulate there would be no gap in coverage upon study completion and the time to reconsider the NCD. Others requested clarification on the timeline for using ''continued access'' to better ensure clarity for manufacturers participating in TCET. Some commenters suggested that CMS allow less burdensome alternatives (for example, literature review, claims data analysis) for data collection for the continued access study.

Response: We appreciate these comments. The inclusion of a continued access study in the EDP is intended to provide seamless coverage. As we noted in the proposed notice and are finalizing in this notice, ''Manufacturers should conceive a continued access study that maintains market access between the period when the primary EDP is complete, the evidence review is refreshed, and a decision regarding post-TCET coverage is finalized. The continued access study may rely on a claims analysis, focusing on device utilization, geographic variations in care, and access disparities for traditionally underserved populations.''

Comment: A commenter requested clarification regarding the purpose and requirements of the continued access study.

Response: Under CED NCDs, coverage is granted for items and services provided within a clinical study. Evidence development requirements remain in place until an NCD reconsideration that removes them is finalized. Continued access studies maintain market access during the period beginning when the last patient is enrolled in a CED study until an NCD reconsideration that removes CED requirements is finalized. A discussion of requirements for continued access studies are beyond the scope of this document.

Comment: A commenter expressed that data collection should continue until an NCD reconsideration is conducted.

Response: An NCD with CED requirements remains in place until an NCD reconsideration without CED requirements is finalized. CMS has published details of the NCD process at 78 FR 48164.

Comment: A commenter suggested that CMS consider including in the original TCET NCD, when appropriate, automatic termination of CED evidence

collection requirements and conversion of the policy to a regular NCD in situations where all endpoints are met, and there are no serious adverse events or other significant problems during the CED study.

Response: We appreciate the suggestion, but an NCD with CED requirements remains in place until an NCD reconsideration is finalized. We are unable to include an automatic termination provision in the original TCET NCD. CMS has published details of the NCD process at 78 FR 48164.

Comment: Some commenters expressed that if a study has met the endpoints, a change in coverage status should proceed without delay, and peer-reviewed publication should not be required.

Response: We disagree with the commenter regarding peer-reviewed publication. CMS believes that rigorous and publicly available evidence is necessary to inform beneficiaries, the clinical community, and the public about the benefits and harms of available treatment options. CMS generally considers peer-reviewed evidence of higher quality and evidentiary value than study results that are not peer-reviewed. Published studies are also necessary for devices to be included in evidence-based guidelines, which feature heavily in CMS' assessment of accepted standards of medical practice. Therefore, it is essential that evidence is published in the peer-reviewed clinical literature, and CMS applies rigorous methodologic standards in evidence review supporting local or national coverage analyses. CMS may sometimes review pre-publication evidence to accelerate our reviews. Nonetheless, the national coverage analysis process is open and transparent, and the evidence considered must be in the public domain. To judge whether CMS' analysis is appropriate, the public must also have access to the information that CMS relied on to conduct its evidence review. The 2024 CED guidance document states, ''If peer-reviewed publication is not possible, results may also be published in an online publicly accessible registry dedicated to the dissemination of clinical trial information such as ClinicalTrials.gov, or in journals willing to publish in abbreviated format (for example, for studies with incomplete results).''

Comment: A commenter suggested that CMS ensure that studies are published in well-respected journals. This commenter also recommended naming specific examples to ensure scientific rigor.

Response: We appreciate these comments, but CMS does not believe it would be appropriate to name specific examples. As previously described, it is in the manufacturer's best interest to have their studies published in peer-reviewed journals.

L. Transition to Post-TCET Coverage

CMS proposed to conduct an updated evidence review within 6 calendar months of the review date specified in the EDP. Additionally, as part of this process, CMS would review applicable practice guidelines and consensus statements and consider whether the conditions of coverage remain appropriate. CMS proposed that based upon this assessment, when appropriate, CMS would open an NCD reconsideration by posting a proposed decision that includes one of the following outcomes: (1) an NCD without evidence development requirements; (2) an NCD with continued evidence development requirements; (3) a non-coverage NCD; or (4) Medicare Administrative Contractor (MAC) discretion.

Comment: Commenters generally supported CMS' proposal to conduct an updated evidence review and an NCD reconsideration to facilitate the transition to post-TCET coverage.

Response: We appreciate these comments.

Comment: A few commenters stated that 6 months may not be enough time to complete the updated evidence review, and one of these commenters recommended 12 months. As in other TCET phases, some commenters suggested that CMS maintain flexibility.

Response: We agree with commenters that flexibility is important in the NCD reconsideration phase of the TCET pathway. Projected timeframes for the completion of real-world studies are estimated, and defining a precise date for a future NCD reconsideration is impossible. In this final notice, CMS clarifies that we intend to initiate an updated evidence review within 6 calendar months of the date specified in the EDP.

Comment: Additionally, several commenters requested that CMS clarify the manufacturer's role in the updated evidence review process and allow manufacturers to have a dialogue with the evidence review contractor to provide feedback on the evidence review findings.

Response: We disagree that manufacturers should be able to contact the contractors that the government has engaged to conduct an unbiased and neutral review of the scientific evidence. CMS has established rigorous review criteria that were developed in collaboration with AHRQ, have undergone detailed testing during the past year, and are reflected in the CMS NCA Evidence Review guidance. The contractor's role is to conduct a systematic literature review and summarize the evidence based on a modified GRADE methodology. The contractor supports and accelerates CMS reviews, but CMS performs extensive quality assurance on contracted reviews, contributes substantial portions of the NCA independently, and ultimately determines policy. Further, we believe there are ample opportunities for manufacturers to provide feedback throughout the process.

Comment: A commenter recommended that CMS look for opportunities to streamline the reconsideration process to preserve resources so that more technologies can be considered under the TCET pathway. This commenter suggested that CMS could eliminate the initial 30-day comment period for the NCD reconsideration and post a proposed decision along with the tracking sheet.

Response: We appreciate this comment and note that we stated in the proposed notice and reiterate in this final notice that we would open a TCET NCD reconsideration with a proposed NCD.

Comment: A commenter encouraged CMS to remain transparent and consider comments from interested parties on the reconsidered NCDs.

Response: We agree and will consider comments from interested parties during the NCD reconsideration process.

M. TCET and Parallel Review

In the proposed notice, CMS noted that other potential expedited coverage mechanisms, such as Parallel Review, remain available. CMS stated in the proposal that eligibility for the Parallel Review program is broader than for the TCET pathway and could facilitate expedited CMS review of non-Breakthrough Devices. Further, CMS' proposal expressed CMS' intent to work with FDA to consider updates to the Parallel Review program and other initiatives to align procedures, as appropriate.

Comment: Several commenters stated that Parallel Review has yielded few results and noted many features of TCET have wide overlap with the Parallel Review Program. A commenter recommended that more technologies be accepted into the Parallel Review Program. Another commenter supported expanding the Parallel Review Program

to accommodate devices that are ineligible for TCET.

Response: We appreciate these comments and will consider them as we move forward in conjunction with FDA to consider updates to the Parallel Review Program.

Comment: A commenter requested that CMS clarify whether technologies already accepted into parallel review are eligible for TCET.

Response: Technologies accepted into the Parallel Review Program may be considered for TCET if they align with the criteria for the TCET pathway.

N. Prioritizing Requests

CMS proposed to respond to TCET nominations within 30 days. Additionally, CMS' proposal indicated our intent to accept up to five candidates into the pathway annually. (We note that our responses to comments received regarding TCET timeframes, as well as the annual number of candidates accepted into the TCET pathway, are addressed in section II.A.3. of the notice.) CMS stated in the proposed notice that we intend to prioritize innovative medical devices that, as determined by CMS, have the potential to benefit the greatest number of individuals with Medicare.

Comment: Several commenters recommended that CMS establish and make public the prioritization factors used to triage TCET nominations when there are many candidates at a given time.

Response: We appreciate these comments and acknowledge the importance of clarifying how we will prioritize TCET nominations. To provide greater transparency, consistency, and predictability, we intend to release proposed prioritization factors for TCET nominations in the near future. We look forward to public comment on our proposed approach.

Comment: Some commenters disagreed with CMS' intention of prioritizing TCET candidates based on the overall impact on the Medicare population. These commenters noted that prioritizing based on overall impact will not address issues with underserved populations with limited or no treatment options. Commenters suggested that CMS should consider using the following factors when prioritizing NCD requests: making significant improvements to patients' lives; underserved populations; augmenting population health management practices; advancing the Quadruple Aim; potentially lifesaving; utilizing a more novel approach than current options, serving an unmet need, having a significant impact on patients and caregivers, addressing orphan diseases, and contributing to advancing health equity, access and improved health outcomes. Additionally, commenters requested that CMS provide consideration for special patient populations, including the needs of people with disabilities under age 65. A commenter suggested that CMS consider implementing well-established measures of healthcare benefits (for example, Quality- Adjusted Life Years (QALYs) and Disability-Adjusted Life Years (DALYs)) alongside measures that account for innovative benefits not traditionally derived from current standards-of-care (for example, procedure efficiency, treatment invasiveness, and Patient-Reported Outcome Metrics (PROMs)). Several commenters stated that CMS should not prioritize those technologies with the largest evidence bases.

Response: We appreciate these suggestions and will consider them when we propose TCET prioritization factors in the future. In the meantime, we will prioritize TCET candidates based upon the language from the August 7, 2013, **Federal Register** notice (78 FR 48164) stating that in the event we have a large volume of NCD requests for simultaneous review, we prioritize these requests based on the magnitude of the potential impact on the Medicare program and its beneficiaries and staffing resources. We note that section 1182(e) of the Act prohibits the Secretary from using QALYs or similar measures to determine coverage, reimbursement, or incentive programs under Medicare.

O. TCET Transparency

Comment: Several commenters requested that CMS be transparent regarding devices in the TCET pathway. Suggestions for more transparency included publicly posting information such as the number of devices in the TCET pathway, the date of nomination, the date of acceptance, and the date the NCD process is initiated. A commenter also recommended that information regarding TCET NCDs be included in the annual Report to Congress on NCDs.

Response: We appreciate these comments and recognize the importance of transparency regarding the TCET pathway. In response to public comments, we agree that including the number of devices in the TCET pathway, the date of nomination, the date of acceptance, and the date the NCD process is initiated would be helpful and we will incorporate this information into future iterations of the NCD Dashboard (available here: *https://www.cms.gov/Medicare/Coverage/DeterminationProcess*). We intend to update the NCD Dashboard every quarter. Since we will use the NCD process to provide coverage under the TCET pathway, TCET NCDs will be reflected in the annual Report to Congress.

P. Miscellaneous Comments

Comment: Several commenters suggested that CMS create a similar but separate pathway for technologies that meet the reasonable and necessary standard, but with limited context on real-world use in the Medicare population. This suggested pathway would offer temporary transitional national coverage and would not rely on the CED statutory authority; instead, these technologies could be covered under section 1862(a)(1)(A) of the Act. These commenters noted that this ''limited context'' pathway would accelerate beneficiary access to these technologies and promote the collection and assessment of real-world evidence to support the development of a long-term national coverage policy.

Response: These comments are outside the scope of the TCET notice. However, we will consider them in the future as we consider providing additional coverage pathways. In general, CED is not required for items and services that meet the reasonable and necessary standard. CED is an important option when the evidence is promising but does not yet satisfy the reasonable and necessary standard. CED relies primarily on the statutory exception in section 1862(a)(1)(E) of the Act, which effectively permits Medicare payment in the case of research conducted pursuant to section 1142 of the Act for items and services that are reasonable and necessary to carry out that section.

In some cases, the available evidence may satisfy the reasonable and necessary standard only within a narrow context and be appropriate for coverage on an individual claim determination basis. However, broad local or national coverage requires evidence generalizable to the intended Medicare beneficiary population.

Comment: A commenter requested that Medicare Advantage plans should be required to cover TCET technologies without prior authorization.

Response: This comment is out of scope as we are unable to impose new requirements on Medicare Advantage plans in this notice.

Comment: Some commenters requested that CMS build a CMS Office of the Actuary (OACT) determination into whether a Breakthrough Device in the TCET pathway triggers the

significant cost threshold as soon as possible after an NCD.

Response: We do not believe building an OACT significant cost threshold determination into the TCET pathway is necessary. Significant cost threshold determinations for TCET NCDs will be handled consistent with the existing process we use for all NCDs.

Comment: A commenter recommended that CMS explain how the Clinical Endpoints Guidance documents will interact with and facilitate the TCET pathway and clarify whether CMS will prioritize TCET candidates in disease areas for which Clinical Guidance Documents have already been developed. This commenter also noted that through the FFP and Clinical Endpoints guidance documents, CMS can provide recommendations on the type of data collection best suited for given therapeutic areas, including guidance on data sources and data infrastructures. This commenter further stated that CMS could support better evidence development infrastructure by aligning TCET activities with its overall strategy to advance the use of interoperable electronic health data.

Response: We appreciate these comments. We intend to develop clinical endpoint guidance documents in therapeutic areas with a great deal of active research and development or in areas with considerable uncertainty about appropriate outcomes. The decision to develop a Clinical Endpoints Guidance (CEG) document is unrelated to our evaluation of a specific TCET nomination, and we may develop CEGs unrelated to the TCET pathway. Publication of a CEG does not imply that CMS intends to open an NCD. The RWD/RWE field is rapidly evolving, and CMS is closely tracking developments. CMS appreciates the suggestions for improving CEG documents by incorporating recommendations for data sources and infrastructures. CMS expects to publish detailed guidance on acceptable FFP studies in the coming months.

Comment: Commenters generally supported CMS collaboration with other HHS Agencies and encouraged further collaboration with FDA, NIH, and ARPA–H.

Response: We appreciate these comments. CMS intends to continue its collaboration with our fellow HHS sister agencies.

Comment: A commenter requested that CMS clarify the following sentence from the proposed notice: ''We note that many Breakthrough Devices are currently coverable without the TCET pathway because they are not separately payable (that is, the device may be furnished under a bundled payment, such as payment for a hospital stay) or they are addressed by an existing NCD.'' The commenter stated that it seems a device always used in the inpatient hospital setting would never need a coverage determination at the national or local level since it is part of a bundled payment. The commenter requested confirmation of the assumption that CMS would cover new devices for existing inpatient-only procedures, such as transcatheter aortic valve replacement since it would eliminate the need for many devices paid as part of a bundled payment to request coverage through the TCET pathway.

Response: We acknowledge this sentence has caused unintended confusion. It was not intended to communicate a universal statement regarding Medicare coverage. We have deleted the sentence from the final notice.

Comment: A commenter expressed concerns about accelerating the integration of 510(k) devices into practice since, as the commenter stated, 510(k) devices must prove ''substantial equivalence'' to a device that is already on the market and are not designed to demonstrate ''safety and effectiveness'' like the ''Pre-Market Authorization'' process. This commenter requested clarification on how an EDP would address devices without clinical evidence before clearance.

Response: In general, for an item or service to be covered under Medicare, it must meet the standard described in section 1862(a)(1)(A) of the Act—that is, it must be reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member. In contrast, CED relies primarily on the statutory exception in section 1862(a)(1)(E) of the Act, which effectively permits Medicare payment when that bar has not yet been met, in order to support research conducted pursuant to section 1142 of the Act for items and services that are reasonable and necessary to carry out that section. CED is an important option when the evidence is promising but does not yet satisfy the reasonable and necessary standard under 1862(a)(1)(A).

In general, clinical evidence relevant to the Medicare population is necessary to achieve a favorable Medicare coverage decision. We anticipate that most TCET nominations will be for Breakthrough Devices where robust Medicare beneficiary protections and evidence generation are important to achieving optimal health outcomes. Additionally, CMS anticipates that most devices considered for the TCET pathway will be devices reviewed under a De Novo request or PMA submission. However, we note that devices subject to the 510(k) clearance pathway may qualify for Breakthrough designation (see 21 U.S.C. 360e–3(c)). Although the 510(k) review standard is substantial equivalence of a new device to a legally marketed device, the principles of safety and effectiveness underlie the substantial equivalence determination in every 510(k) review.[22]

Comment: A commenter requested clarification as to who would be responsible for maintaining the integrity of an evidence development plan, particularly for FFP designs using real-world data. This commenter also questioned if CMS would consider a support mechanism if registries were required.

Response: It is the manufacturer's responsibility to maintain the integrity of an EDP. In approving EDPs, CMS, in collaboration with AHRQ, has agreed that the proposed studies are likely to substantially address material evidence gaps identified in the EP if faithfully executed. CMS' 2024 CED guidance document states that changes to approved study protocols must be justified and publicly reported. It also states that sponsors/investigators commit to making study data publicly available by sharing data, methods, analytic code, and analytical output with CMS or with a CMS-approved third party. The ultimate value of approved CED studies will be assessed when CED studies are completed, and the results are known.

CMS intends to issue FFP study guidance soon. We believe the guidance will clarify CMS' expectations for FFP studies, particularly those that rely on the secondary use of real-world data.

A discussion of CMS payment for data submission into registries is beyond the scope of this document.

Comment: A commenter requested that CMS clarify how upcoming pilots will relate to the TCET pathway and timing.

Response: We are currently testing aspects of the TCET process, specifically, the EP and EDP concepts within the existing NCD review process. More information will be provided as these NCDs are opened. We cannot provide information on the timing for opening any of these pilots.

Final Decision: After review of the public comments received, we are

[22] *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/510k-program-evaluating-substantial-equivalence-premarket-notifications-510k.*

finalizing the TCET pathway with the modifications and clarifications noted previously in our responses to public comments. The following section lists our changes between the proposed and final notice.

III. Provisions of the Final Notice

The final notice incorporates many of the provisions of the proposed notice and revises some of the provisions as proposed in response to issues raised by commenters. Based on CMS' analysis of the topics raised during the public comment period, CMS made several changes between the proposed notice and final notice, specifically the following:

- Nominations:

++ We incorporate an opportunity for manufacturers to submit a non-binding letter of intent to nominate a potentially eligible device approximately 18 to 24 months before they anticipate FDA market authorization.

++ We clarify that when CMS is aware that manufacturers will likely pursue the TCET pathway for devices where appropriate clinical endpoints are uncertain, we may preemptively conduct a clinical endpoints review and may convene a MEDCAC. We note that submission of a non-binding letter of intent may avoid delays in TCET reviews.

++ We have revised the timeframe for reviewing TCET nominations. We will review nominations on a quarterly basis.

++ CMS clarifies that nominations for devices that are already FDA market authorized or those anticipated to receive an FDA decision on market authorization within 6 months of nomination will not be accepted for TCET because TCET relies on extensive pre-market engagement to expedite coverage reviews. CMS notes that if the timelines for this pre-market engagement are shortened, it is unlikely that an NCD will be finalized within 6 months of FDA market authorization. We note that pursuing an NCD outside of TCET or MAC discretion is also available.

- Evidence Preview (EP):

++ We clarify that the evidence review contractor's role is to support the CAG staff by conducting a rapid systematic literature review and summarizing the evidence based on a modified GRADE methodology. We further clarify that the contractor's role is to support and accelerate CMS reviews, but we will perform extensive quality assurance on contracted reviews, independently complete substantial portions of the EP, and determine coverage policy.

++ We state that if an NCD is opened, an evidence summary, including a disclosure of which contractor completed the review, will be posted with the tracking sheet on the CMS website for public comment.

++ We have changed our position on sharing the full EP with the MACs if a manufacturer withdraws from the TCET pathway. While we believe that an EP will be a fair reflection of the strength of evidence available at that time to support Medicare coverage, we acknowledge that manufacturers may withdraw from the TCET pathway for reasons unrelated to the strength of evidence. Nonetheless, EPs represent a substantial investment of public resources, and we will publicly post an evidence summary for devices that are withdrawn from the TCET pathway without an evidence gap assessment.

- Evidence Development Plans (EDPs):

++ We state that EDPs should incorporate interim reporting to ensure adequate progress and timely completion. Interim reports should also disclose any meaningful changes to prespecified study protocols, which are essential to transparency.

++ We note that the forthcoming FFP guidance will provide information on study designs and analysis methods that are FFP. We expect TCET CED studies to be registered and listed on the clinicaltrials.gov website. Additionally, we specify that a summary of the EDPs and the anticipated CED NCD reconsideration window will be posted on the CMS website so the public can stay informed throughout the process.

- Coverage of Similar Devices:

++ We clarify that NCDs are limited to particular items or services, but note that some NCDs apply to products for the same indication. In these instances, we will follow the existing NCD process detailed in section 1862(l) of the Act. We recognize that some differences may exist for technologies in a class that may result in a distinct benefit/risk profile, and each will be evaluated on its own merit.

++ We clarify that any follow-on devices in the TCET pathway will not count toward CMS' annual limit.

- Prioritizing Requests—We express our intent to release proposed prioritization factors for TCET nominations soon to provide greater transparency, consistency, and predictability.

- TCET Transparency—We indicate that information on TCET devices will be added to the NCD Dashboard, including the number of devices in the TCET pathway, the date of nomination, the date of acceptance, and the date the NCD process was initiated.

All other provisions are being finalized as proposed. The Addendum that follows provides the updated process and procedures for the TCET pathway that reflect the changes made in response to public comments.

IV. Collection of Information Requirements

Based on our initial assessment of Breakthrough Devices applying the characteristics we list in section I.C. of the Addendum to this notice regarding appropriate candidates for the TCET pathway, we anticipate receiving approximately eight nominations for the TCET pathway per year. Based on current resources, we do not anticipate the TCET pathway will accept more than five candidates per year. Since we estimate fewer than 10 respondents, the information collection requirements are exempt in accordance with the implementing regulations of the PRA at 5 CFR 1320.3(c). As we gain experience with the TCET pathway, we will provide an updated analysis if we receive a higher number of respondents than anticipated.

Chiquita Brooks-LaSure, Administrator of the Centers for Medicare & Medicaid Services, approved this document on August 2, 2024.

Xavier Becerra,

Secretary, Department of Health and Human Services.

I. Addendum—Process and Procedures for the TCET Pathway

We describe in this Addendum the process and procedures for how interested parties and the public may engage with CMS to facilitate the TCET pathway. The topics addressed in the notice include the following: (1) TCET general principles; (2) appropriate candidates for the TCET pathway; (3) procedures for the TCET pathway; and (4) general roles.

We continue to work with various sectors of the scientific and medical communities to develop and publish guidance documents on our website that describe our approach when analyzing scientific and clinical evidence when developing NCDs. In response to feedback from interested parties, the 2024 CED and Evidence Review guidance documents incorporate recommendations for when FFP studies may be used to close material evidence gaps. FFP studies are those where the study design, analysis plan, and study data can credibly answer the research question. Additionally, CMS intends to

publish a series of guidance documents that review health outcomes and their clinically meaningful differences within priority therapeutic areas. The public will have an opportunity to provide comments on these guidance documents available on the CMS coverage website. The website may be accessed at *http://www.cms.gov/Medicare/Coverage/CoverageGenInfo/index.html.*

A. TCET Pathway—An Opportunity To Accelerate Patient Access to Promising Medical Products While Generating Evidence

Since CMS started covering technology in the context of clinical studies almost two decades ago, the timing of evidence development and the stages of the technology development lifecycle have evolved. Over the past few years, innovative technologies have come on the market earlier in the technology development lifecycle and reached the market with limited or developing evidence for coverage purposes. CMS has received inquiries for coverage of new technologies that are early in the product lifecycle, which means the clinical evidence is just starting to accumulate. For new technologies, there is often insufficient clinical evidence to support broad national coverage at this point.

In general, CMS relies heavily on health outcomes data, especially as it relates to the Medicare population when proposing an NCD. Early in the product lifecycle, there is usually evidence about whether the product is safe and may produce the intended result: for example, a laboratory measurement, radiographic image, physical sign, or other measure that is believed to predict clinical benefit but is not itself a measure of clinical benefit. However, there is often little evidence in the early stages of the product lifecycle regarding health outcomes (for example, mortality, disease progression, or impact on a patient's quality of life). When premarket, pivotal clinical study data is collected to support an application to FDA for market authorization, it provides clinical evidence for a defined population enrolled in the study.

If there is health outcome evidence for a new technology, it may not be generalizable to the Medicare population if Medicare beneficiaries are insufficiently represented in pivotal clinical studies.[23] Medicare beneficiaries have been historically underrepresented in pivotal studies due to age, access, multiple comorbidities, and concurrent treatments. When there is little or limited evidence, CMS may not have enough information to make a favorable NCD due to gaps in research about health outcomes, including potential safety risks to the Medicare population.

While CMS has attempted to streamline the NCD process with the Parallel Review program, we recognize that most emerging technologies are likely to have limited or developing bodies of clinical evidence that may not have included the Medicare population (that is, individuals over age 65, people with disabilities, and those with end-stage renal disease). Many Medicare beneficiaries have comorbid medical conditions, and those factors may have limited their participation in certain clinical trials. Additionally, we recognize the importance that applicable clinical trials reflect the demographic and clinical diversity among the Medicare beneficiaries who are the intended users of the intervention. At a minimum, this requires the availability of data on, and attention to, the intended users' racial and ethnic backgrounds, sex and gender, age, disabilities, important comorbidities, and relevant social determinants of health. We believe that the TCET pathway can support manufacturers that are interested in working with CMS to generate additional evidence that is applicable to Medicare beneficiaries and that may demonstrate improved health outcomes in the Medicare population to support more expeditious national Medicare coverage. While we believe that leveraging the statutorily established NCD process will allow us to responsibly cover new, innovative technologies with limited or developing evidence, it is important that we provide an evidence generation framework that, when appropriate, not only develops reliable evidence for patients and their physicians but also provides safeguards to ensure that Medicare beneficiaries are protected and continue to receive high-quality care.

Specifically, CED has been used to support evidence development for certain innovative technologies that are likely to show benefit for the Medicare population when the available evidence is not sufficient to demonstrate that the technologies are reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member under section 1862(a)(1)(A) of the Act. In instances where there is limited evidence, CED may be an option for Medicare beneficiaries seeking earlier coverage for promising technologies. CED has been a pathway whereby, after a CMS and AHRQ review, Medicare covers items and services on the condition that they are furnished in the context of approved clinical studies or with the collection of additional clinical data. Participation in a CED trial is voluntary, but beneficiaries are protected by separate regulations, including those at 45 CFR part 46 related to the protection of human research subjects.

With respect to evidence generation, the TCET pathway will build upon CMS and AHRQ's ongoing collaboration on the CED NCD process. We anticipate that many NCDs conducted under the TCET pathway will result in CED decisions, and AHRQ will continue to review all CED NCDs consistent with current practice. Additionally, AHRQ will collaborate with CMS as appropriate on evidence development activities, such as the EP and EDP, conducted to support Medicare coverage under the TCET pathway and will have opportunities to offer feedback throughout the process that will be shared with manufacturers. Approvals related to evidence development will be a joint CMS–AHRQ decision.

With respect to beneficiary safeguards, the NCD process allows for coverage with appropriate safeguards for Medicare beneficiaries, including coverage criteria based on evidence regarding eligibility, frequency, provider experience, site of service, or availability of supporting services. Specifically, CMS develops clinician and institutional requirements after careful review of expert physicians' specialty society guidelines and clinical study results. These guidelines and recommendations are often part of NCDs. Unless these coverage criteria are established within coverage determinations, devices could be provided by unqualified individuals, offered at inappropriate facilities, and utilized by patients who may be unlikely to benefit or likely to experience adverse effects.

Coverage under a CED NCD can expedite earlier beneficiary access for individuals who volunteer to participate in the clinical studies of innovative technologies while ensuring that systematic patient safeguards, including assurance that the technology is provided to clinically appropriate patients, are in place to reduce the potential risks of new technologies, or to new applications of older technologies. CMS' 2024 CED guidance document includes specific patient protections

[23] *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/design-considerations-pivotal-clinical-investigations-medical-devices.*

under CED.[24] Because the TCET pathway described in this document would utilize the existing CED NCD process, all these safeguards would apply.

Input from interested parties is important to CMS, and we are particularly interested in engagement with patient advocacy organizations and medical specialty societies as they have valuable expertise and first-hand experience in the field that will help CMS develop Medicare coverage policies. Because the TCET pathway would utilize the current NCD process, these opportunities for engagement with interested parties are also available in TCET.

B. TCET General Principles

CMS is committed to ensuring Medicare beneficiaries have access to promising emerging, technologies. CMS' goal is to finalize an NCD for technologies accepted into and continuing in the TCET pathway, within 6 months after FDA market authorization. The TCET pathway builds on prior initiatives, including CED. The TCET pathway will meet the following principles:

- Medicare coverage under the TCET pathway is limited to certain Breakthrough Devices that receive market authorization for one or more indications for use covered by the Breakthrough Device designation when used according to those indications for use. Manufacturers of FDA-designated Breakthrough Devices that fall within a Medicare benefit category may self-nominate to participate in the TCET pathway on a voluntary basis.
- CMS may conduct an early evidence review (Evidence Preview, more details can be found in section. I.D.1.h. of this Addendum) before FDA decides on marketing authorization for the device and discuss with the manufacturer the best available coverage pathways depending on the strength of the evidence.
- Prior to FDA marketing authorization, CMS and manufacturers may discuss any evidence gaps for coverage purposes and the types of studies that may need to be completed to address the gaps, which could include the manufacturer developing an evidence development plan and confirming that there are appropriate safeguards for Medicare beneficiaries.
- If CMS determines that further evidence development (that is, CED) is the best coverage pathway, CMS will work with the manufacturers to reduce the burden on manufacturers, clinicians, and patients while maintaining rigorous evidence requirements. CMS will work to ensure we are not requiring duplicative or conflicting evidence development with any FDA postmarket requirements for the device.
- CMS does not believe that an NCD that requires CED as a condition of coverage should last indefinitely, including under the TCET pathway. If the evidence supports a favorable coverage decision under CED, coverage will be time-limited to facilitate the timely generation of sufficient evidence to inform patient and clinician decision making and to support a Medicare coverage determination under section 1862(a)(1)(A) of the Act.
- Manufacturers and CMS have the option to withdraw from the pathway up until CMS opens the NCD by posting a tracking sheet. CMS will not publicly disclose participation of a manufacturer in the TCET pathway prior to CMS' posting of an NCD tracking sheet unless the manufacturer consents or has already made this information public or disclosure is required by law. CMS requests that a manufacturer who wishes to withdraw from the TCET pathway notify CMS by email.

C. Appropriate Candidates

Appropriate candidates for the TCET pathway would include those devices that are—

- FDA-designated Breakthrough Devices;
- Determined to be within a Medicare benefit category; [25]
- Not already the subject of an existing Medicare NCD; and
- Not otherwise excluded from coverage through law or regulation.[26]

In section 201(h)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)(1)), the definition of device includes IVD products, such as diagnostic laboratory tests. See 21 CFR 809.3. IVDs, including diagnostic laboratory tests, are a highly specific area of coverage policy development, and CMS has historically delegated review of many of these products to specialized MACs. We believe that the majority of coverage determinations for IVDs granted Breakthrough designation should continue to be determined by the MACs through existing pathways.

D. Procedures for the TCET Pathway

The TCET pathway has three stages: (1) premarket; (2) coverage under the TCET pathway; and (3) transition to post-TCET coverage.

1. Premarket

a. Non-Binding Letter of Intent for the TCET Pathway

Manufacturers may submit a non-binding letter of intent to nominate a potentially eligible device for the TCET pathway approximately 18 to 24 months before anticipated FDA marketing authorization as determined by the manufacturer.

The letter of intent to nominate a device for the TCET pathway may be submitted electronically via the Coverage Center Website using the ''Contact Us'' link at *http://www.cms.gov/Medicare/Coverage/InfoExchange/contactus.html.* The following information will assist CMS in processing and responding to letters of intent:

- Name of the manufacturer and relevant contact information (name of contact person, address, email, and telephone number).
- Name of the product.
- Succinct description of the technology and the disease or condition the device is intended to diagnose or treat.
- Date of FDA Breakthrough Device Designation.
- Expected regulatory pathway (for example, PMA, De Novo, 510(k)).
- Expected completion date for pivotal clinical study.

CMS will email the manufacturer to confirm that a submitted letter of intent has been received by CMS.

b. Nominations for the TCET Pathway

The appropriate timeframe for manufacturers to submit nominations to CMS is approximately 12 months prior to when the manufacturer anticipates an FDA decision on a submission. Manufacturers are generally aware of when they intend to submit their application, and the FDA has agreed to review time goals as part of its device user fee program.[27] CMS encourages manufacturers not to delay submitting nominations to facilitate alignment among CMS benefit category determination, and coverage, coding,

[24] *https://www.cms.gov/medicare-coverage-database/reports/national-coverage-medicare-coverage-documents-report.aspx?docTypeId=1&status=all.*

[25] For more information on benefit category determinations see the CMS Guide for Medical Technology Companies and Other Interested Parties: *https://www.cms.gov/medicare/coding-billing/guide-medical-technology-companies-other-interested-parties.*

[26] Information on coverage exclusions can be accessed here: *https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/bp102c16.pdf.*

[27] For more information on the specific review time goals that apply to different types of device premarket submissions, see MDUFA Performance Goals and Procedures, Fiscal Years 2023 Through 2027 (*https://www.fda.gov/media/158308/download*).

and payment considerations. Additionally, when CMS is aware that manufacturers will likely pursue the TCET pathway for devices where appropriate clinical endpoints are uncertain, we may preemptively conduct a clinical endpoints review and may convene a MEDCAC at a later date. In these instances, there may be a delay of several months due to the logistics involved in conducting these activities so the submission of a non-binding letter of intent may avoid potential delays.

Under the TCET pathway, CMS will conduct extensive work in the pre-market period to shorten coverage review timeframes after devices are FDA market-authorized. Since TCET is forward-looking and extensive pre-market engagement is essential, CMS will not accept nominations for already FDA market authorized devices or those anticipated to receive an FDA decision market authorization within 6 months of nomination. CMS may be unable to reach a final NCD within the expedited timeframes for TCET nominations submitted or accepted less than 12 months before anticipated FDA market authorization. We note that the option to pursue an NCD or LCD outside of the TCET pathway is available for these technologies.

The manufacturer may submit a nomination for the TCET pathway electronically via the Coverage Center website using the ''Contact Us'' link at *http://www.cms.gov/Medicare/Coverage/InfoExchange/contactus.html.* CMS will acknowledge receipt of nominations by email. The following information will assist CMS in processing and responding to nominations:

- Name of the manufacturer and relevant contact information (name of contact person, address, email, and telephone number).
- Name of the product.
- Succinct description of the technology and disease or condition the device is intended to diagnose or treat.

++ Description of the product, including components (for example, single-use catheter, power source, charger system, etc.)

++ Description of the use context (for example, inpatient, ASC, outpatient clinic, home)

++ Description of the disease or condition that the product is intended to treat or diagnose and mechanism of action for the product

- State of development of the technology (that is, in pre-clinical testing, in clinical trials, currently undergoing premarket review by FDA). The submission of a copy of FDA's letter granting Breakthrough Device Designation and the PMA application, De Novo request or premarket notification (510(k)) submission, if available, is preferred.

++ Date of FDA Breakthrough Device Designation

++ Expected regulatory pathway (for example, PMA, De Novo, 510(k))

++ Current development status (for example, pre-clinical testing, in clinical trials, under FDA premarket review, post-market)

- A brief statement explaining why the device is an appropriate candidate for the TCET pathway as described under section I.C. of this Addendum (''C. Appropriate Candidates'').

++ Rationale for Breakthrough Designation

++ Unmet need the product addresses

- A statement describing how the medical device addresses the health needs of the Medicare population.

++ Description of the condition with respect to the full US population (for example, incidence, prevalence, significance)

++ Description of the applicable Medicare population(s) (for example, estimated population size, other considerations specific to the Medicare beneficiary population)

++ Description of the magnitude of the expected benefit from the product

- A statement that the medical device is not excluded by statute from Part A or Part B Medicare coverage or both, and a list of Part A or Part B or both Medicare benefit categories, as applicable, into which the manufacturer believes the medical device falls. Additionally, manufacturers are encouraged to provide additional specific information to help facilitate benefit category determinations.

++ Product not excluded from Medicare coverage by statute

++ Most likely benefit categories (for example, inpatient, physician services, DME, etc.)

++ A comprehensive list of peer-reviewed, English-language publications that are relevant to the nominated Breakthrough Device as applicable/available.

++ Relevant background literature (for example, important publications CMS should review for context).

++ Relevant unpublished clinical studies regarding the safety/efficacy of the product, with the expected publication date for each.

++ Relevant published clinical studies regarding the safety/efficacy of the product.

Two good sources of information to facilitate the development of nomination submissions are the CMS Coverage website (*https://www.cms.gov/Center/Special-Topic/Medicare-Coverage-Center*) and the CMS Guide for Medical Technology Companies and Other Interested Parties (*https://www.cms.gov/cms-guide-medical-tech-companies-other-parties*), which provide information that may facilitate durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) BCDs, along with coverage, coding and payment processes and considerations.

CMS will email the manufacturer to confirm that a submitted nomination appears to be complete and is under review. This email will include the date that CMS initiated the review of the complete nomination. CMS will contact the manufacturer for more information if the nomination is incomplete.

c. CMS Nomination Cycles and Consideration of Nominations

CMS will accept suitable TCET candidates quarterly. If a suitable nomination is not selected in the first review, it will be automatically considered in the subsequent quarter. Manufacturers will not need to resubmit to be considered in a subsequent quarter. Since TCET is forward-looking and extensive pre-market engagement is essential, nominations for Breakthrough Devices anticipated to receive an FDA decision on market authorization within 6 months may not be accepted since CMS will be unable to reach a final NCD within the expedited timeframes. It is possible that a nominated device that is not accepted in a first review may be accepted during a subsequent review even though FDA's decision on market authorization is anticipated within 6 months. If this occurs, CMS will work with the manufacturer to expedite the review as practically achievable.

CMS may contact the manufacturer to request supplemental information to ensure a timely review of the nomination. Once CMS decides to provisionally accept or decline a nomination, CMS will communicate their decision to the manufacturer by email with their designated point of contacts. Acceptance into TCET should not be viewed as a final determination that a device fits within a benefit category. When CMS issues the proposed NCD for a Breakthrough Device that has received FDA marketing authorization, the proposed NCD will include one or more benefit categories to which CMS has determined the Breakthrough Device falls. CMS will review and consider public comment on the proposed NCD before reaching a final determination on the BCD(s).

d. Intake Meeting

Following the submission of a complete TCET nomination, CMS will offer an initial meeting with the manufacturer to review the nomination within 20 business days of receipt of a complete nomination. In this initial meeting, the manufacturer is expected to describe the device, its intended application, place of service, a high-level summary of the evidence supporting its use, and the anticipated timeframe for FDA review. CMS will answer any questions about the TCET process. CMS intends for these meetings to be held remotely to reduce travel burden on manufacturers and expeditiously meet these timeframes. These meetings will have a duration of 30 minutes. If a manufacturer declines to meet or if there is difficulty finding a mutually convenient time for the meeting, then CMS action on the nomination may be delayed.

e. Coordination With FDA

After CMS initiates review of a complete, formal nomination, representatives from CMS will meet with their counterparts at FDA to learn more information about the technology in the nomination to the extent the Agencies have not already done so. These discussions may help CMS gain a better understanding of the device and potential FDA review timing.

As noted in the Memorandum of Understanding [28] between FDA and CMS, FDA and CMS recognize that the following types of information transmitted between them in any medium and from any source must be protected from unauthorized disclosure: (1) trade secret and other confidential commercial information that would be protected from public disclosure pursuant to Exemption 4 of the Freedom of Information Act (FOIA); (2) personal privacy information, such as the information that would be protected from public disclosure pursuant to Exemption 6 or 7(c) of the FOIA; or (3) information that is otherwise protected from public disclosure by Federal statutes and their implementing regulations (for example, the Trade Secrets Act (18 U.S.C. 1905), the Privacy Act (5 U.S.C. 552a), the Freedom of Information Act (5 U.S.C. 552), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*), and the Health Insurance Portability and Accountability Act (HIPAA), Pub. L. 104–191).

[28] *https://www.fda.gov/about-fda/domestic-mous/mou-225-10-0010.*

f. Benefit Category Review

Following discussions with FDA, CMS may initiate a benefit category review if all other pathway criteria have been met. Emerging devices may fit within a Medicare benefit category, but that does not mean all medical devices will fall within a benefit category. If CMS believes that the device, before a decision on market authorization by FDA, is likely to be payable through one or more benefit categories, the device may be accepted into the TCET pathway. This is an interim step that is subject to change upon FDA's decision regarding market authorization of the device. Acceptance into TCET should not be viewed as a final determination that a device fits within a benefit category. However, if it appears that a device, before a decision on market authorization by FDA, will not fall under an existing benefit category, the TCET nomination will be denied, and the rationale will be discussed in the denial letter. CMS will likely not assess every submitted application for a benefit category review, as the TCET pathway is limited in size per the discussion in section I.G. of this Addendum.

g. Manufacturer Notification

As noted previously, upon completion of CMS' review of the nomination, including the initial meeting with the manufacturer, discussions with FDA, and benefit category determination, CMS will notify the manufacturer by email whether the product has been accepted into the TCET pathway. In instances where CMS does not accept a nomination, CMS will offer a virtual meeting with the manufacturer to answer any questions and discuss other potential coverage pathways.

h. Evidence Preview (EP)

Following acceptance into the TCET pathway, CMS will initiate an Evidence Preview, which is a systematic literature review that would provide early feedback on the strengths and weaknesses of the publicly available evidence for a specific item or service. The EP will be a focused, but not necessarily exhaustive, review that will help CMS to identify any material evidence shortfalls. We believe the review conducted for the Evidence Preview will offer greater predictability and transparency to manufacturers and CMS on the state of the evidence and any notable evidence gaps for coverage purposes. It is intended to efficiently inform judgments by CMS and manufacturers about the best available coverage options for an item or service. CMS intends for the EP to be supported by a contractor using established rigorous review criteria that were developed in collaboration with AHRQ, have undergone detailed testing during the past year, and are reflected in the CMS NCA Evidence Review guidance. The contractor's role is to conduct a rapid systematic literature review and summarize the evidence based on a modified GRADE methodology. The contractor supports and accelerates CMS reviews, but CMS performs extensive quality assurance on contracted reviews, independently contributes substantial portions of the EP, and ultimately determines appropriate coverage policy. To initiate an EP, CMS will request written permission from the manufacturer to share any confidential commercial information (CCI) included in the nomination submission with the contractor. CMS anticipates that the EP will take approximately 12 weeks to complete once the review is initiated, following acknowledgment of an accepted nomination in the TCET pathway. More time may be needed to complete the review in the event the product is novel, has conflicting evidence, or other unanticipated issues arise.

i. Evidence Preview Meeting

CMS will share the EP with the manufacturer via email and will offer a meeting to discuss it. The EP will have been previously shared with AHRQ and may also be shared with FDA to obtain their feedback, as relevant. Representatives from those Agencies may participate in the EP meeting at their discretion. Manufacturers will have an opportunity to propose corrections to any errors, contribute supplemental materials, and raise any important concerns with the EP before it is finalized.

CMS will review the manufacturer feedback on the EP and work with our contractor to revise the draft, as appropriate, prior to finalization. Upon finalizing the EP, manufacturers may request a meeting to discuss the strengths and weaknesses of the evidence and discuss the available coverage pathways (examples include an NCD, which could include CED, or seeking coverage decisions made by a MAC). These meetings to discuss the EP may be conducted virtually or in person and will be scheduled for 60 minutes. If an NCD is opened, an evidence summary, including a disclosure of which contractor completed the review, will be posted with the tracking sheet on the CMS website for public comment.

There will be no publicly posted tracking sheet for manufacturers who withdraw from the TCET pathway after the completion of an EP. While CMS believes the EP will be a fair reflection of the strength of evidence available at that time to support Medicare coverage, CMS acknowledges that manufacturers may withdraw from the TCET pathway for reasons unrelated to the strength of evidence. Since the development of an EP review represents a substantial investment of public resources in a thorough evidence review for pre-market devices, CMS will publicly post a summary of the evidence. This summary will not include an evidence gap assessment.

j. Manufacturer's Decision To Continue or Discontinue With the TCET Pathway

Upon finalization of the EP, the manufacturer may decide to pursue national coverage under the TCET pathway or to withdraw from the pathway. If the manufacturer decides to continue, the next step will include submitting a formal NCD request cover letter expressing the manufacturer's desire for CMS to open a TCET NCD analysis. Most, if not all, of the information needed to begin the TCET NCD would be included in the initial TCET pathway nomination and the EP. However, CMS invites the manufacturer to submit any additional materials the manufacturer believes would support the TCET NCD request.

k. Evidence Development Plan (EDP)

If CMS and/or AHRQ identifies evidence gaps during the EP, the manufacturer should also submit an evidence development plan (EDP) to CMS that sufficiently addresses the evidence gaps identified in the EP. The EDP should be submitted to CMS simultaneously with the formal NCD request cover letter. The EDP may include fit-for-purpose (FFP) study designs including traditional clinical study designs and those that rely on secondary use of real-world data, provided that those study designs follow all applicable CMS guidance documents. Additional information can be found here: *https://www.cms.gov/Medicare/Coverage/DeterminationProcess/Medicare-Coverage-Guidance-Documents-*.

An FFP study is one where the study design, analysis plan, and study data are appropriate for the question the study aims to answer. FFP study designs, which include traditional clinical study designs as well as those that rely on secondary use of real-world data, align sample size, duration, study type, analytic methods, etc., based on the utilization and risk profile of the item or service. We believe that permitting FFP study designs will be less burdensome for manufacturers and address the public's concerns that CED should be time-limited to facilitate the timely generation of evidence that can inform patient and clinician decision making and lead to predictable Medicare coverage.

Postmarket FFP study proposals, particularly those that rely on real world data, have the potential to generate evidence that complements tightly controlled premarket traditional clinical trials by demonstrating external validity. Nonetheless, manufacturers should be aware that these studies require considerable planning in data validation, linkage, and transformation; specification of the study protocol and documentation of any changes; data analysis; and reporting. The study design, patient inclusion criteria, primary and secondary endpoints, treatment setting, analytic approaches, timing of outcome assessment, and data sources should be fully pre-specified in the submitted protocol. CMS notes that though FFP studies that use real-world data may be less burdensome in terms of data collection, they may take more time to complete due to lags in the availability of administrative claims needed for the analysis. When writing EDPs, manufacturers should propose clinically meaningful benchmarks for each study outcome and provide supporting evidence. FFP studies addressing specific evidence deficiencies identified in the EP may be proposed as part of a broader EDP.

Manufacturers should incorporate a continued access study into their EDP to maintain market access between the completion of the primary EDP, the refresh of the evidence review, and the finalization of a decision regarding post-TCET coverage. The continued access study may rely on a claims analysis, focusing on device utilization, geographic variations in care, and access disparities for traditionally underserved populations.

l. EDP Submission Timing

Because of the tight timeframes needed to effectuate CMS' goal of finalizing a TCET NCD within 6 months after FDA market authorization, manufacturers are strongly encouraged to begin developing a rigorous proposed EDP as soon as possible after receiving the finalized EP. To meet the goal of having a finalized EDP within approximately 90 business days after FDA market authorization, the manufacturer is encouraged to submit an EDP to CMS as soon as possible after FDA market authorization.

m. EDP Meeting and Finalization of the EDP

Once CMS receives the EDP from the manufacturer, CMS will have 30 business days to review the proposed EDP and provide written feedback to the manufacturer. During this time, CMS will collaborate with AHRQ to evaluate the EDP to ensure that it addresses the material evidence gaps identified in the EP and meets established standards of scientific integrity and relevance to the Medicare population. CMS will incorporate AHRQ's feedback on the EDP and will email the consolidated feedback to the manufacturer. Soon after providing written feedback, CMS will schedule a meeting with the manufacturer, which may also include AHRQ, to discuss any recommended refinements and address any questions.

In the EDP meetings, the manufacturer should be prepared to demonstrate: (1) a compelling rationale for its evidence development plan; (2) the study design, analysis plan, and data for any CED studies are all fit for purpose; and (3) any CED studies sufficiently addresses threats to internal validity. The EDP should include clear enrollment, follow-up, study completion dates for included studies, and the timing and content of scheduled updates to CMS on study progress. For FFP studies with expected completion timeframes longer than 5 years, EDPs should incorporate interim reporting to ensure adequate progress and timely completion. Interim reports should also disclose any meaningful changes to prespecified study protocols, which are essential to transparency. Manufacturers should present and justify their study outcomes and performance benchmarks.

Following the EDP meeting, the manufacturer and CMS will have another 60 business days to make any adjustments to the EDP. We recognize that, in some instances, manufacturers may require additional time to develop and refine their EDP. In these instances, CMS may provide additional time to manufacturers, but we note that delays in submitting and revising an EDP may substantially impact the overall timeline for providing coverage under the TCET pathway. Elements of the CMS and AHRQ approved EDPs, specifically the non-proprietary information, will be made publicly available on the CMS website upon posting of the proposed TCET NCD. In addition, the anticipated CED NCD reconsideration window will also be posted. The forthcoming FFP guidance will provide information on the level of detail necessary to establish

that a proposed study is fit for purpose; while manufacturers should demonstrate all these elements to establish the scientific validity of a proposed study, not all details need to be public.

In instances where the manufacturer's EDP is insufficient to meet CMS' and AHRQ's established standards and cannot be approved, CMS may exercise its option to withdraw acceptance into the TCET pathway as noted in section I.B. of this Addendum. We anticipate this will be a rare occurrence as CMS will make every effort to provide flexibility and information to manufacturers to facilitate the development of EDPs.

2. Coverage Under the TCET Pathway

CMS follows applicable statutory requirements when developing coverage policy at the national level, which includes an open and transparent process. Though some elements of coverage review can be accelerated, gathering and reviewing meaningful public comment takes time. When CMS undertakes an NCD, we draw upon our analysis of the available evidence to identify the specific beneficiaries and conditions of coverage that are appropriate for the item or service. CMS also strongly considers information from patient advocacy organizations, specialty society guidance, expert consensus and recommendations for beneficiary selection, provider training and certification requirements, and facility requirements.

a. CMS NCD Review and Timing

If a device that is accepted into the TCET pathway receives FDA market authorization, CMS will initiate the NCD process by posting a tracking sheet following FDA market authorization (that is, the date the device receives PMA approval; 510(k) clearance; or the granting of a De Novo request) pending a CMS and AHRQ-approved Evidence Development Plan (in cases where there are evidence gaps as identified in the Evidence Preview). The manufacturer may also withdraw from the TCET pathway at this stage in the process, in which case CMS would not proceed with the NCD review described in this section. As previously noted, the goal is to have a finalized EDP no later than 90 business days after FDA market authorization.

The process for Medicare coverage under the TCET pathway would follow the NCD statutory timeframes in section 1862(l) of the Act. CMS would start the process by posting a tracking sheet and an evidence summary from the finalized Evidence Preview, specifically the non-proprietary information, which would initiate a 30-day public comment period. Following further CMS review and analysis of public comments, CMS would issue a proposed TCET NCD and EDP within 6 months of opening the NCD. There would be a 30-day public comment period on the proposed TCET NCD and EDP, and a final TCET NCD would be due within 90 days of the release of the proposed TCET NCD. Our goal is to release the proposed and final NCD before the statutory deadline that applies to all NCDs. More information on the NCD process is outlined in the August 7, 2013 **Federal Register** notice (78 FR 48164).

b. Request for Specific Input on the Evidence Base and Conditions of Coverage

Since the evidence base for these emerging technologies will likely be incomplete and practice standards not yet established, we believe that feedback from the relevant specialty societies and patient advocacy organizations, in particular, their expert input and recommended conditions of coverage (with special attention to appropriate beneficiary safeguards), is especially important for technologies covered through the TCET pathway.

Upon opening an NCD analysis, CMS strongly encourages these organizations to provide specific feedback on the state of the evidence and their suggested approaches to best practices for the emerging technologies under review. While CMS prefers to have this information during the initial public comment period upon opening the NCD, we realize that in many cases, it may take longer for these organizations to provide their collective perspectives to CMS since these technologies will have only recently received FDA market authorization. Since CMS may consider any information provided in the public domain while undertaking an NCD, CMS encourages these organizations to publicly post any additional feedback, including relevant practice guidelines, within 90 days of CMS' opening of the NCD. These organizations are encouraged to notify CMS when recommendations have been posted. All information considered by CMS to develop the proposed TCET NCD will become part of the NCD record and will be reflected in the bibliography as is typical for NCDs.

c. Coverage of Similar Devices

FDA market-authorized Breakthrough Devices are often followed by similar devices that other manufacturers develop. We believe that it is important to let physicians and their patients make decisions about the best available treatment, depending upon each patient's situation. NCDs are limited to particular items or services but it is possible that more than one device could fall under the same NCD because it addresses the same indication. We recognize that some differences may exist for technologies in a class that may result in a distinct benefit/risk profile, and each will be evaluated on its own merit.

In these instances, CMS will follow the existing NCD process detailed in section 1862(l) of the Act.

d. Duration of Coverage Under the TCET Pathway

The duration of transitional coverage through the TCET pathway will be tied to the CMS- and AHRQ-approved EDP. CMS expects that TCET CED studies will be listed on the clinicaltrials.gov website, and a summary of the EDPs as well as the anticipated CED NCD reconsideration window will be posted on the CMS website so the public can stay informed throughout the process. The review date specified in the EDP will provide 1 additional year after study completion to allow manufacturers to complete their analysis, draft one or more reports, and submit them for peer-reviewed publication. Given the short timeframes in the TCET pathway, an unpublished publication draft that a journal has accepted may also be acceptable. CMS will consider the minimum period of transitional coverage necessary to address the evidence gaps identified in the EP. In general, we anticipate this transitional coverage period may last for 5 or more years as evidence is generated to address evidence gaps. However, CMS retains the right to reconsider an NCD at any point in time.

3. Transition to Post-TCET Coverage

TCET provides time-limited coverage for devices with the potential to deliver improved outcomes to the Medicare population but do not yet meet the reasonable and necessary standard for coverage under section 1862(a)(1)(A) of the Act. Consequently, TCET coverage is conditioned on further evidence development as agreed in a CMS- and AHRQ-approved EDP.

a. Updated Evidence Review

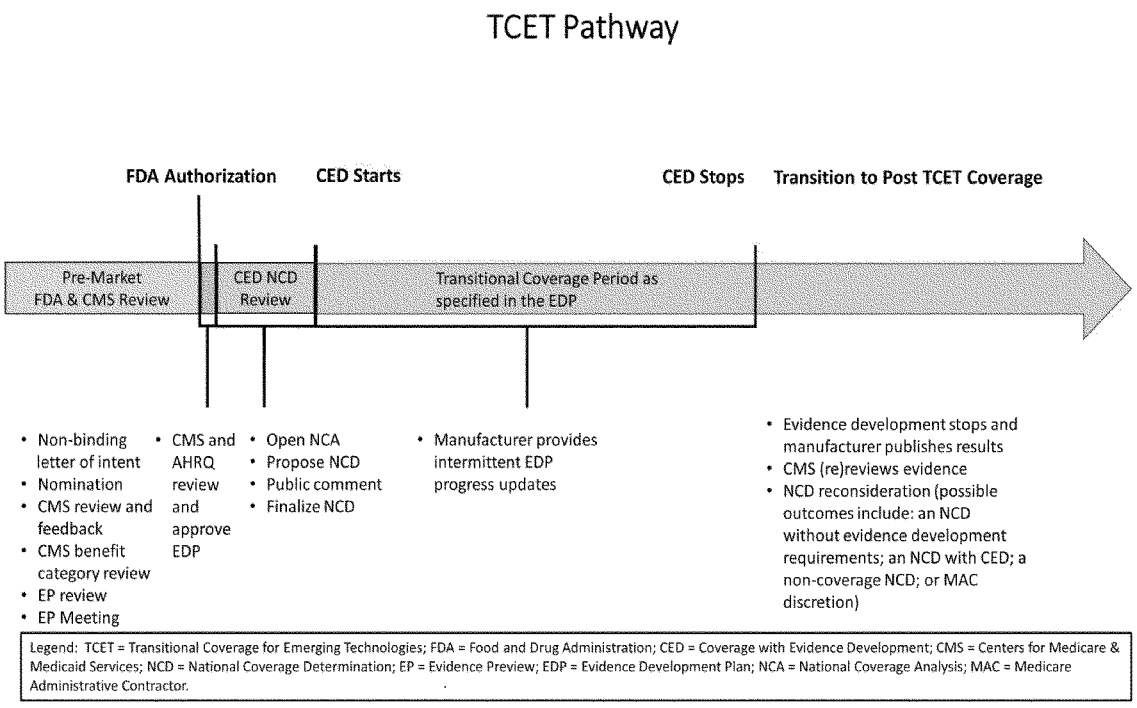
CMS intends to initiate an updated evidence review within 6 calendar months of the review date specified in the EDP. CMS intends to engage a third-party contractor to conduct a systematic literature review using detailed requirements that CMS developed in collaboration with AHRQ. The

contractor will then perform a qualitative evidence synthesis and compare those findings against the benchmarks for each outcome specified in the original NCD. After conducting quality assurance on the contractor review, CMS will assess whether the evidence is sufficient to reach the reasonable and necessary standard. CMS will also review applicable practice guidelines and consensus statements and consider whether the conditions of coverage remain appropriate. CMS will collaborate with AHRQ and FDA as appropriate as the updated Evidence Review is conducted and will share the updated review with them.

b. NCD Reconsideration

Based upon the updated evidence review and consideration of any applicable practice guidelines, CMS, when appropriate, will open an NCD reconsideration by posting a proposed decision that proposes one of the following outcomes: (1) an NCD without evidence development requirements; (2) an NCD with continued evidence development requirements; (3) a non-coverage NCD; or (4) permitting local MAC discretion under section 1862(a)(1)(A) of the Act. Neither an FDA market authorization nor a CMS approval of an Evidence Development Plan guarantees a favorable coverage decision. Standard NCD processes and timelines will continue to apply, and following a 30-day public comment period, CMS will have 60 days to finalize the NCD reconsideration.

The steps previously described for the TCET process and for obtaining a CMS coverage determination are illustrated in the diagram:



E. Roles

CMS has outlined the general roles of each participant in the TCET pathway.

1. Manufacturer

The manufacturer may voluntarily choose to email a non-binding letter of intent to CMS to express intent to nominate a device for the TCET pathway. The manufacturer initiates formal consideration for TCET by voluntarily submitting a complete nomination as outlined previously under ''1. b. Nominations for the TCET Pathway,'' of section I.D. of this Addendum titled ''Procedures for the TCET Pathway.'' In the interest of expediting CMS decision making, the manufacturer should be prepared to quickly and completely respond to all issues and requests for information raised by the CMS reviewers. If CMS does not receive information from manufacturers in a timely fashion, CMS review timelines will be lengthened, potentially significantly. Manufacturers are encouraged to submit any materials they plan to present during meetings with CMS at least 7 days in advance of the scheduled meeting. Manufacturers should be prepared with the resources and skills to successfully develop, conduct, and complete the studies included in the EDP.

2. CMS

CMS will provide a secure and confidential nomination and review process as outlined previously in section I.D. of this Addendum. CMS will initiate review of nominations for the TCET pathway by retrieving applications from the secure mailbox and communicating with FDA regarding Breakthrough Devices seeking coverage under the TCET pathway. CMS will also oversee the work of the contractor conducting evidence reviews and will perform extensive quality assurance on contracted reviews, independently contribute substantial portions of the EP, and ultimately determine appropriate coverage policy. Along with AHRQ, CMS will review and make decisions regarding EDPs. Throughout all stages of the TCET pathway, CMS intends to maintain open communication channels with FDA, AHRQ, and the relevant manufacturer and fulfill its statutory obligations concerning the NCD process.

3. FDA

FDA will keep open lines of communication with CMS on Breakthrough Devices seeking coverage under the TCET pathway as resources permit. Participation in the TCET pathway does not change the review standards for FDA market authorization of a device, which are separate and

distinct from the standards governing a CMS NCD.

4. AHRQ

Currently, AHRQ reviews all CED NCDs established under section 1862(a)(1)(E) of the Act. Consistent with section 1142 of the Act, AHRQ collaborates with CMS to define standards for clinical research studies to address the CED questions and meet the general standards for CED studies (*https://www.cms.gov/Medicare/Coverage/Coverage-with-Evidence-Development*). Since we anticipate that many NCDs conducted under the TCET pathway will result in CED decisions, AHRQ will continue to review all CED NCDs to ensure they are consistent with current practice. Additionally, AHRQ will collaborate with CMS as appropriate, to evaluate the EP and EDP and will have opportunities to offer feedback throughout the process that will be shared with manufacturers. AHRQ will partner with CMS as the Evidence Preview and EDP are being developed, and approvals for these documents will be a joint CMS-AHRQ decision.

F. TCET and Parallel Review

While the TCET pathway will be limited to Breakthrough Devices, other potential expedited coverage mechanisms, such as Parallel Review, remain available. Eligibility for the Parallel Review program is broader than for the TCET pathway and could facilitate expedited CMS review of non-Breakthrough Devices. To achieve greater efficiency and to simplify the coverage process generally, CMS intends to work with FDA to consider updates to the Parallel Review program and other initiatives to align procedures, as appropriate.

G. Prioritizing Requests

CMS intends to review TCET pathway nominations on a quarterly basis. CMS anticipates accepting up to five TCET candidates annually based on current resources. Any follow-on devices in the TCET pathway will not count toward CMS' annual limit. To provide greater transparency, consistency, and predictability, we intend to release proposed prioritization factors in the near future. The public will have an opportunity to provide comment on CMS' proposed prioritization factors. In the interim, CMS intends to prioritize innovative medical devices that, as determined by CMS, have the potential to benefit the greatest number of individuals with Medicare.

H. TCET Transparency

While CMS will not divulge the identity of specific manufacturers or devices in the TCET pathway prior to the opening of an NCD, we believe it is important to provide transparency regarding the devices accepted into the pathway. Specifically, CMS will include information such as the number of devices in the TCET pathway, the date of nomination, the date of acceptance, and the date the NCD process is initiated into future iterations of the NCD Dashboard. We intend to update the NCD Dashboard quarterly.

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