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DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 622

[Docket ID NRCS–2023–0020]

RIN 0578–AA72

Tribe or Tribal Organization Sponsor Option for Watershed Projects

AGENCY: Natural Resources Conservation Service, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Natural Resources Conservation Service (NRCS) is amending its regulations for watershed projects to allow Indian Tribes or Tribal organizations to sponsor needed watershed projects. While federally recognized Tribes generally maintain regulatory jurisdiction over their land and can therefore exert eminent domain, Alaska Native Corporations and Tribal organizations do not have eminent domain authority, which has been one of the requirements to be a watershed project sponsor. This rule change will provide an option to better allow federally recognized Tribes, Alaska Native Corporations, or Tribal organizations to become watershed project sponsors.

DATES:

Effective date: August 14, 2024.

Comment date: We will consider comments that we receive by September 13, 2024.

ADDRESSES: We invite you to submit comments in response to this rule. You may submit your comments through one of the following methods below:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and search for Docket ID NRCS–2023–0020. Follow the instructions for submitting comments.

All comments received will be made publicly available on *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ralph Smith; telephone: (202) 819–6587; email: *ralph.smith@usda.gov.* Individuals who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

Watershed projects are authorized under the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83–566, 16 U.S.C. 1001–1008), as amended, and the Flood Control Act of 1944 (Pub. L. 78–534, 33 U.S.C. 701b–1). Public Law 83–566 and Public Law 78–534 authorize the Secretary of Agriculture to cooperate with State and local agencies, federally recognized Tribes, Alaska Native Corporations, and Tribal organizations in the planning and carrying out of works of improvement for flood prevention; for the conservation, development, utilization, and disposal of water; and for the conservation and proper use of land. NRCS administers these authorities for watershed projects for USDA. NRCS provides technical and financial assistance for watershed projects. Participation in watershed projects is voluntary.

NRCS is amending its regulations for watershed projects to allow more Indian Tribes or Tribal organizations to sponsor needed watershed projects.

While federally recognized Tribes generally maintain regulatory jurisdiction over their land and can therefore exert eminent domain, Alaska Native Corporations and Tribal organizations do not have eminent domain authority, which has been one of the requirements to be a watershed project sponsor. This requirement is not necessary when the Tribe or Tribal organization has already acquired the necessary real property interests needed in connection with the works of improvement.

Through the Watershed and Flood Prevention Operations Program, NRCS provides technical and financial assistance to entities of State and local governments, federally recognized Tribes, Alaska Native Corporations, and Tribal Organizations in need of help with protecting and restoring small watersheds for multiple purposes including, but not limited to, flood prevention, watershed protection, and agricultural water management. These locally sponsored projects are highly coordinated between sponsoring and regulatory agencies and involve detailed studies before design and implementation can begin.

Exemption for Tribes or Tribal Organizations To Become Watershed Project Sponsors

This rule change will provide an option to allow more Indian Tribes, defined under the legislative authorization to include Alaska Native Corporations (25 U.S.C. 5304), or Tribal organizations to become watershed project sponsors.

This rule will modify the sponsorship requirements to increase Indian Tribes or Tribal organizations ability to be a sponsor for watershed projects to:

(1) Prevent damage from erosion, floodwater, and sediment;

(2) Further the conservation, development, utilization, and disposal of water; and

(3) Further the conservation and proper utilization of land.

Specifically, the rule will revise the regulation in 7 CFR 622.10 to add an exemption for applicable Indian Tribes and Tribal organizations from the requirement to have eminent domain in order to be a watershed project sponsor.

NRCS must revise its current regulations to modify the power of eminent domain requirement for watershed project sponsors. While federally recognized Tribes generally maintain regulatory jurisdiction over their land and can therefore exert eminent domain, Alaska Native Corporations and Tribal organizations do not have eminent domain authority. Still, many Indian Tribes and Tribal organizations have expressed the need to sponsor watershed projects. As noted above, the rule change will exempt Indian Tribes or Tribal organizations from that requirement.

NRCS currently has requests from approximately 30 Indian Tribes or Tribal organizations for watershed projects in 9 states.

The change in the regulation will help to ensure that Indian Tribes or Tribal organizations have the opportunity to sponsor watershed projects if there is a need.

Being a sponsor of a watershed project is voluntary. There are no anticipated changes to the current overall watershed project costs or benefits to customers, NRCS or others. The change is relatively minor in the overall scope of the Public Law 83–566 and Public Law 78–534 watershed projects.

Notice and Comment, Effective Date, and Exemptions

The Administrative Procedure Act (5 U.S.C. 553) provides that the notice and comment and 30-day delay in the effective date provisions do not apply when the rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. This rule involves matters relating to financial assistance, which is considered a benefit.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

For major rules, the Congressional Review Act requires a delay in the effective date for 60 days from the date of publication to allow for Congressional review. This rule is not a major rule under the Congressional Review Act, as defined by 5 U.S.C. 804(2). Therefore, this rule is effective upon publication in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The assessment should include potential economic, environmental, public health and safety effects, distributive impacts, and equity. Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, ''Regulatory Planning and Review,'' and therefore, OMB has not reviewed this rule.

Environmental Review

The environmental impacts of this rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500 through 1508), and the NRCS regulations for compliance with NEPA (7 CFR parts 1b and 650).

This rule makes a minor discretionary amendment to improve administration of the program and clarify existing program requirements. The discretionary change will not alter any environmental impacts resulting from implementing the change for watershed projects. Accordingly, the discretionary change is covered by the USDA Categorical Exclusion for policy development, planning, and implementation that relates to routine activities (7 CFR 1b.3(a)(1)).

Through this review, NRCS determined that the discretionary change in this rule is within the categorical exclusion listed above. Categorical exclusions apply when no extraordinary circumstances exist (7 CFR 650.6(c)(2)). The amendment will not have an adverse impact on the human environment, individually or cumulatively. Therefore, NRCS will not prepare an environmental assessment or environmental impact statement for this rule.

Executive Order 12988

This rule has been reviewed under E.O. 12988 on ''Civil Justice Reform.'' This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. This rule will not have a retroactive effect.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of E.O. 13175, ''Consultation and Coordination with Indian Tribal Governments.'' E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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.

NRCS developed the rule changes in response to requests from Tribes and Alaska Native Corporations seeking greater flexibility in the administration of USDA programs. Tribes have suggested this change as a means of removing a barrier to their participation in the Watershed and Flood Prevention Operations Program. If a Tribe requests consultation, the USDA Office of Tribal Relations (OTR) will ensure meaningful consultation is provided where changes, additions, and modifications are not expressly mandated by law.

The Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefits analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in title II of UMRA, for State, local, and Tribal governments, or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act

This rule has been reviewed in compliance with the Paperwork Reduction Act (44 U.S.C. 3501–3520). This rule does not have any information collection requirements. NRCS neither collects information from the public nor sponsors the collection of information from the public for the watershed programs.

USDA Non-Discrimination Policy

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

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responsible agency or the USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

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List of Subjects in 7 CFR Part 622

Flood control, Grant programs—natural resources, Loan programs—natural resources, Soil conservation, Technical assistance, Watersheds.

For the reasons discussed above, NRCS amends 7 CFR part 622 as follows:

PART 622—WATERSHED PROJECTS

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1001–1012a, and 33 U.S.C. 701b–1.

Subpart B—Qualifications

■ 2. In § 622.10, revise paragraph (a) to read as follows.

§ 622.10 Sponsors.

(a) Watershed projects are sponsored by one or more local organizations qualifying as sponsors. All watershed plans must be sponsored by entities legally organized under State law or by any Indian Tribe or Tribal organization having the authority to carry out, operate, and maintain works of improvement.

(1) *In General.* Those plans that incorporate the use of nonstructural or structural measures must be sponsored by organizations that, individually or collectively, have:

(i) The power of eminent domain, except as provided in paragraph (a)(2) of this section; and

(ii) The authority to levy taxes or use other adequate funding sources, to finance their share of the watershed project cost and all operation and maintenance costs.

(2) *Exception.* Paragraph (a)(1)(i) of this section does not apply to Indian Tribes or Tribal organizations.

* * * * *

Terry Cosby,

Chief, Natural Resources Conservation Service.

[FR Doc. 2024–17819 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA1258]

Schedules of Controlled Substances: Placement of Zuranolone in Schedule IV

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, an interim final rule with request for comments published in the **Federal Register** on October 31, 2023, placing zuranolone (chemically known as 1-[2-[(3*R*,5*R*,8*R*,9*R*,10*S*,13*S*,14*S*,17*S*)-3-hydroxy-3,13-dimethyl-2,4,5,6,7,8,9,10,11,12,14,15,16,17-tetradecahydro-1*H*-cyclopenta[*a*]phenanthren-17-yl]-2-oxoethyl]pyrazole-4-carbonitrile) and its salts in schedule IV of the Controlled Substances Act. With the issuance of this final rule, the Drug Enforcement Administration maintains zuranolone, including its salts, in schedule IV of the Controlled Substances Act.

DATES: Effective September 13, 2024.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Chief, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Background and Legal Authority

Under the Controlled Substances Act (CSA), as amended in 2015 by the Improving Regulatory Transparency for New Medical Therapies Act (section 2(b) of Pub. L. 114–89), when the Drug Enforcement Administration (DEA) receives notification from the Department of Health and Human Services (HHS) that the Secretary has approved a certain new drug and HHS recommends control in the CSA schedule II–V, DEA is required to issue an interim final rule (IFR), with opportunity for public comment and to request a hearing, controlling the drug within a specified 90-day timeframe and subsequently to issue a final rule.[1] When controlling a drug pursuant to subsection 811(j), DEA must apply the scheduling criteria of 21 U.S.C. 811(b) through (d), and 812(b).[2]

On August 4, 2023, the U.S. Food and Drug Administration (FDA) approved the New Drug Application (commonly referred to as NDA) for zuranolone to be marketed as a prescription drug (ZURZUVAE, capsule) for the treatment of post-partum depression. DEA received notification that FDA approved the NDA on the same date. Pursuant to its FDA-approved prescription drug labeling, ZURZUVAE, 50 mg, is to be administered orally once in the evening with fat-consuming food for 14 days. The dose may be reduced for patients who cannot tolerate 50 mg. In addition, on July 12, 2023, HHS recommended that DEA place zuranolone and its salts in schedule IV of the CSA.

On October 31, 2023, DEA, pursuant to 21 U.S.C. 811(j), published an IFR in the **Federal Register** to make zuranolone (including its salts) a schedule IV controlled substance.[3] The IFR provided an opportunity for interested persons to submit comments, as well as file a request for a hearing or waiver of a hearing, on or before November 30, 2023. DEA did not receive any requests for a hearing or waiver of a hearing.

Comment Received

DEA received one comment on the IFR to control zuranolone in schedule IV of the CSA. The commenter briefly expressed that schedule IV was the appropriate schedule for zuranolone based on the similarity of this substance to substances in schedule IV and requested information on what surveillance and reporting systems exist to ensure proper use of zuranolone due to its documented abuse potential.

DEA Response: DEA determined in the IFR, and re-affirms in this final rule, that zuranolone meets the criteria under 21 U.S.C. 812(b)(4) for schedule IV control. As described by HHS, and in DEA's September 2023 eight-factor analysis, zuranolone demonstrated abuse potential similar to schedule IV

[1] 21 U.S.C. 811(j).

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

[3] *Schedules of Controlled Substances: Placement of Zuranolone in Schedule IV,* 88 FR 74347 (Oct. 31, 2023).

depressants. DEA appreciates the support for this rulemaking.

In response to the request of information regarding surveillance and reporting systems in place, DEA notes that diversion and illicit trafficking of zuranolone will be monitored by DEA's National Forensic Laboratory Information System (NFLIS)-Drug.[4] NFLIS-Drug is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States.

DEA also notes that the monitoring of adverse effects for any new drug products, including abuse potential, largely falls under the purview of HHS, including FDA. FDA monitors the adverse events for all drugs through a postmarketing pharmacovigilance program.[5]

DEA is aware that in the publicly available NDA letter,[6] FDA noted reporting information under sections ''Reporting Requirements'' and ''Requested Pharmacovigilance.'' Specifically, the sponsor of the zuranolone drug product ZURZUVAE must follow standard reporting guidance as described in 21 CFR 314.80(c)(1) (*e.g.,* 15-day alert reports), submit standard periodic (including quarterly) adverse drug experience reports as described in 21 CFR 314.80(c)(2), and submit standard annual reports as described in 21 CFR 314.81(b)(2). Further, the sponsor must submit additional reports as described in the letter, including ''all serious and nonserious domestic and foreign adverse drug experience reports of Central Nervous System (CNS) depressant effects including adverse sequelae of the CNS depressant effects, such as motor vehicle accidents, falls, loss of consciousness, respiratory depression, or impairment of the ability to care for a child as a 15-day 'Alert report' (described under 21 CFR 314.80(c)(1)), from any source, including information derived from reports in the scientific literature and postmarketing studies (whether or not conducted under an investigational new drug application), through the 5th year following initial U.S. approval.'' DEA notes that additional information about published alerts, as well as the drug labeling and approval process, can be found at ''Drugs@FDA: FDA-Approved Drugs'' on FDA's website.[7] Importantly, drug labeling is used to communicate to both healthcare providers and patients any potential risks associated with the product, including abuse-related risks, if any, and is updated over time.

Additionally, adverse effects can be reported to FDA's Adverse Event Reporting System (FAERS). FDA has a publicly available FAERS dashboard,[8] which states ''[t]he intention of this tool is to expand access of FAERS data to the general public to search for information related to human adverse events reported to the FDA by the pharmaceutical industry, healthcare providers and consumers.''

Based on the rationale set forth in the IFR, DEA adopts the IFR, without change.

Requirements for Handling Zuranolone

As indicated above, zuranolone has been a schedule IV controlled substance by virtue of an IFR issued by DEA in October 2023. Thus, this final rule does not alter the regulatory requirements applicable to handlers of zuranolone that have been in place since that time. Nonetheless, for informational purposes, we restate here those requirements. Zuranolone is subject to the CSA's schedule IV regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distributing, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) zuranolone must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. These registration requirements, however, are not applicable to patients (end users) who possess zuranolone pursuant to a lawful prescription.

2. *Disposal of Stocks.* Any person unwilling or unable to obtain a schedule IV registration must surrender all quantities of currently held zuranolone, or may transfer all quantities of currently held zuranolone to a person registered with DEA. Zuranolone is required to be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Security.* Zuranolone is subject to schedule III–V security requirements for DEA registrants and must be handled and stored in accordance with 21 CFR 1301.71–1301.77. Non-practitioners handling zuranolone must also comply with the employee screening requirements of 21 CFR 1301.90–1301.93. These requirements, however, are not applicable to patients (end users) who possess zuranolone pursuant to a lawful prescription.

4. *Labeling and Packaging.* All labels and packaging for commercial containers of zuranolone must comply with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

5. *Inventory.* Since October 31, 2023, every DEA registrant who possesses any quantity of zuranolone must have an initial inventory of all stocks of controlled substances (including zuranolone) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

Any person who registers with DEA to handle zuranolone must take an initial inventory of all stocks of controlled substances (including zuranolone) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take inventory of all controlled substances (including zuranolone) on hand every two years, pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. These requirements, however, are not applicable to patients (end users) who possess zuranolone pursuant to a lawful prescription.

6. *Records and Reports.* DEA registrants must maintain records and submit reports for zuranolone, pursuant to 21 U.S.C. 827, 832(a), and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and in accordance with 21 CFR 1301.74(b) and

[4] NFLIS-Drug represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS is a comprehensive information system that includes data from forensic laboratories that handle more than 96 percent of an estimated 1 million distinct annual state and local drug analysis cases. NFLIS includes drug chemistry results only from completed analyses. Although NFLIS-Drug data are not direct evidence of abuse, they can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV,* 76 FR 77330, 77332 (Dec. 12, 2011).

[5] *https://www.fda.gov/drugs/surveillance/postmarketing-adverse-event-reporting-compliance-program.*

[6] *https://www.accessdata.fda.gov/drugsatfda_docs/appletter/2023/217369Orig2s000Corrected_ltr.pdf.*

[7] *https://www.accessdata.fda.gov/scripts/cder/daf/index.cfm.*

[8] *https://www.fda.gov/drugs/questions-and-answers-fdas-adverse-event-reporting-system-faers/fda-adverse-event-reporting-system-faers-public-dashboard.*

(c), and 1301.76(b), and parts 1304, 1312, and 1317.

7. *Prescriptions.* All prescriptions for zuranolone, or products containing zuranolone, must comply with 21 U.S.C. 829, and be issued in accordance with 21 CFR parts 1306 and 1311, subpart C.

8. *Manufacturing and Distributing.* In addition to the general requirements of the CSA and DEA regulations that are applicable to manufacturers and distributors of schedule IV controlled substances, such registrants should be advised that (consistent with the foregoing considerations) any manufacturing or distribution of zuranolone may only be for the legitimate purposes consistent with the drug's labeling, or for research activities authorized by the Federal Food, Drug, and Cosmetic Act (FDCA), as applicable, and the CSA.

9. *Importation and Exportation.* All importation and exportation of zuranolone must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving zuranolone not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Administrative Procedure Act

This final rule, without change, affirms the IFR that is already in effect. Section 553 of the APA (5 U.S.C. 553) generally requires notice and comment for rulemakings. However, 21 U.S.C. 811(j) provides that in cases where a certain new drug is (1) approved by HHS, under section 505(c) of the FDCA, and (2) HHS recommends control in CSA schedule II–V, DEA shall issue an IFR scheduling the drug within 90 days. Additionally, subsection 811(j) specifies that the rulemaking shall become immediately effective as an IFR without requiring DEA to demonstrate good cause. DEA issued an IFR on October 31, 2023, and solicited public comments on that rule. Subsection (j) further provides that after giving interested persons the opportunity to comment and to request a hearing, the Attorney General, as delegated to the Administrator of DEA, shall issue a final rule in accordance with the scheduling criteria of 21 U.S.C. 811(b) through (d) and 812(b). As stated above, DEA received one comment and no requests for a hearing or waiver of a hearing. DEA is now issuing the final rule in accordance with subsection (j).

Executive Orders 12866, 13563, and 14094, Regulatory Review

In accordance with 21 U.S.C. 811(a), this scheduling action is subject to formal rulemaking procedures performed ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563. E.O. 14094 modernizes the regulatory review process to advance policies that promote the public interest and address national priorities.

Executive Order 12988, Civil Justice Reform

This meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of E.O. 13175. It does not 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.

Paperwork Reduction Act

This proposed action does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under section 553(b) of the APA. As noted in the above discussion regarding the applicability of the APA, DEA is not required to publish a general notice of proposed rulemaking. Consequently, the RFA does not apply to this final rule.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined and certifies that this proposed action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year * * *.'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of this final rule to both Houses of Congress and to the Comptroller General.

Signing Authority

This document of the Drug Enforcement Administration was signed on August 6, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

List of Subjects in 21 CFR Part 1308

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

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ Accordingly, the interim rule amending 21 CFR part 1308, published October 31, 2023, at 88 FR 74347, is adopted as a final rule without change.

Heather Achbach,

Federal Register Liaison Officer Drug Enforcement Administration.

[FR Doc. 2024–18087 Filed 8–13–24; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 6D, 8J, 25D, 98, 99, and 100

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing six general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs 6D, 8J, 25D, 98, 99, and 100, each of which were previously made available on OFAC's website.

DATES: GLs 6D, 8J, 25D, 98, 99, and 100 were issued on June 12, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *https://ofac.treasury.gov.*

Background

On June 12, 2024, OFAC issued GLs 6D, 8J, 25D, 98, 99, and 100 to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. GL 8J has an expiration date of November 1, 2024; GL 98 has an expiration date of July 27, 2024; and GLs 99 and 100 have an expiration date of August 13, 2024. GLs 6D, 8J and 25D superseded GLs 6C, 8I, and 25C, respectively. Each GL was made available on OFAC's website (*www.treas.gov/ofac*) when it was issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations 31 CFR part 587

GENERAL LICENSE NO. 6D

Transactions Related to Agricultural Commodities, Medicine, Medical Devices, Replacement Parts and Components, or Software Updates, the Coronavirus Disease 2019 (COVID–19) Pandemic, or Clinical Trials

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587, related to: (1) the production, manufacturing, sale, transport, or provision of agricultural commodities, agricultural equipment, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices; (2) the prevention, diagnosis, or treatment of COVID–19 (including research or clinical studies relating to COVID–19); or (3) clinical trials and other medical research activities are authorized.

(b) For the purposes of this general license, agricultural commodities, medicine, and medical devices are defined as follows:

(1) *Agricultural commodities.* For the purposes of this general license, agricultural commodities are products that fall within the term ''agricultural commodity'' as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) and are intended for use as:

(i) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(ii) Seeds for food crops;

(iii) Fertilizers or organic fertilizers; or

(iv) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

(2) *Medicine.* For the purposes of this general license, medicine is an item that falls within the definition of the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) *Medical devices.* For the purposes of this general license, a medical device is an item that falls within the definition of ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(c) This general license does not authorize:

(1) The opening or maintaining of a correspondent account or payable-through account for or on behalf of any entity subject to Directive 2 under Executive Order (E.O.) 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any debit to an account on the books of a U.S. financial institution of the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, or the Ministry of Finance of the Russian Federation; or

(3) Transactions prohibited by E.O. 14066, E.O. 14068, or E.O. 14071, except for transactions prohibited by the determination of May 8, 2022, made pursuant to section 1(a)(ii) of E.O. 14071, ''Prohibitions Related to Certain Accounting, Trust and Corporate Formation, and Management Consulting Services,'' or the determination of June 12, 2024, made pursuant to section 1(a)(ii) of E.O. 14071, ''Prohibition on Certain Information Technology and Software Services.''

(d) Effective June 12, 2024, General License No. 6C, dated January 17, 2023, is replaced and superseded in its entirety by this General License No. 6D.

Note 1 to General License No. 6D. Transactions prohibited by E.O. 14066, E.O. 14068, and E.O. 14071 include new investment in the Russian Federation and the importation into the United States of certain products of Russian Federation origin, such as alcoholic beverages and fish, seafood, or preparations thereof.

Note 2 to General License No. 6D. Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies.

Bradley T. Smith,
Director, Office of Foreign Assets Control

Dated: June 12, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations 31 CFR part 587

GENERAL LICENSE NO. 8J

Authorizing Transactions Related to Energy

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 involving one or more of the following entities that are related to energy are authorized, through 12:01 a.m. eastern daylight time, November 1, 2024:

(1) State Corporation Bank for Development and Foreign Economic Affairs Vnesheconombank;

(2) Public Joint Stock Company Bank Financial Corporation Otkritie;

(3) Sovcombank Open Joint Stock Company;

(4) Public Joint Stock Company Sberbank of Russia;

(5) VTB Bank Public Joint Stock Company;

(6) Joint Stock Company Alfa-Bank;

(7) Public Joint Stock Company Rosbank;

(8) Bank Zenit Public Joint Stock Company;

(9) Bank Saint-Petersburg Public Joint Stock Company;

(10) National Clearing Center (NCC);

(11) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest; or

(12) the Central Bank of the Russian Federation.

(b) For the purposes of this general license, the term ''related to energy'' means the extraction, production, refinement, liquefaction, gasification, regasification, conversion, enrichment, fabrication, transport, or purchase of petroleum, including crude oil, lease condensates, unfinished oils, natural gas liquids, petroleum products, natural gas, or other products capable of producing energy, such as coal, wood, or agricultural products used

to manufacture biofuels, or uranium in any form, as well as the development, production, generation, transmission, or exchange of power, through any means, including nuclear, thermal, and renewable energy sources.

(c) This general license does not authorize:

(1) Any transactions prohibited by Directive 1A under E.O. 14024, *Prohibitions Related to Certain Sovereign Debt of the Russian Federation;*

(2) The opening or maintaining of a correspondent account or payable-through account for or on behalf of any entity subject to Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(3) Any debit to an account on the books of a U.S. financial institution of the Central Bank of the Russian Federation; or

(4) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

(d) Effective June 12, 2024, General License No. 8I, dated April 29, 2024, is replaced and superseded in its entirety by this General License No. 8J.

Note to General License No. 8J. This authorization is valid until November 1, 2024, unless renewed.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Dated: June 12, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 25D

Authorizing Transactions Related to Telecommunications and Certain internet-Based Communications

(a) Except as provided in paragraph (d) of this general license, all transactions ordinarily incident and necessary to the receipt or transmission of telecommunications involving the Russian Federation that are prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), are authorized.

(b) Except as provided in paragraph (d) of this general license, the exportation or reexportation, sale, or supply, directly or indirectly, from the United States or by U.S. persons, wherever located, to the Russian Federation of services incident to the exchange of communications over the internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, blogging, social media platforms, collaboration platforms, video conferencing, e-gaming, e-learning platforms, automated translation, web maps, user authentication services, web hosting, and domain name registration services, that is prohibited by the RuHSR, is authorized.

(c) Except as provided in paragraph (d) of this general license, the exportation or reexportation, sale, or supply, directly or indirectly, from the United States or by U.S. persons, to the Russian Federation of software, hardware, or technology incident to the exchange of communications over the internet is authorized, provided that:

(i) If the software, hardware, or technology is subject to the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR), the exportation, reexportation, sale, or supply to the Russian Federation of such software, hardware, or technology is licensed or otherwise authorized by the Department of Commerce pursuant to the EAR; and

(ii) If the software, hardware, or technology is not subject to the EAR, the exportation, reexportation, sale, or supply to the Russian Federation of such software, hardware, or technology would be eligible for a license exception or otherwise authorized by the Department of Commerce if it were subject to the EAR.

(d) This general license does not authorize:

(1) The opening or maintaining of a correspondent account or payable-through account for or on behalf of any entity subject to Directive 2 under Executive Order (E.O.) 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any debit to an account on the books of a U.S. financial institution of the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, or the Ministry of Finance of the Russian Federation;

(3) Any transactions prohibited by E.O. 14066 or E.O. 14068; or

(4) Any transactions involving Joint Stock Company Channel One Russia, Joint Stock Company NTV Broadcasting Company, Television Station Russia-1, Limited Liability Company Algoritm, New Eastern Outlook, Oriental Review, or Garantex Europe OU, unless separately authorized.

(e) Effective June 12, 2024, General License No. 25C, dated July 14, 2022, is replaced and superseded in its entirety by this General License No. 25D.

Note to General License No. 25D. Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies, including export, reexport, and transfer (in-country) licensing requirements maintained by the Department of Commerce's Bureau of Industry and Security under the EAR.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Dated: June 12, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 98

Authorizing the Wind Down of Transactions Involving Certain Entities Blocked on June 12, 2024

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked entities are authorized through 12:01 a.m. eastern daylight time, July 27, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) Aviatech FZC

(2) Beijing Deepcool Industries Co., Ltd.

(3) Guangdong Pratic CNC Technology Co., Ltd.

(4) Joint Stock Company Uralredmet

(5) Joint Stock Company Goznak

(6) Limited Liability Company Elga Stroy Mining Services

(7) Limited Liability Company Elgaugol

(8) Limited Liability Company Management Company Elga

(9) Limited Liability Company Koulstar

(10) Max Jet Service Limited Liability Company

(11) Mile Hao Xiang Technology Co., Ltd.

(12) Platin Group Machine Manufacturing International Company Limited

(13) Public Joint Stock Company Seligdar

(14) Shandong Oree Laser Technology Co., Ltd.

(15) Wuhan Tianyu Information Industry Co., Ltd; or

(16) Any entity in which one or more one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,
Director, Office of Foreign Assets Control.

Dated: June 12, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 99

Authorizing the Wind Down of Transactions and Certain Transactions Related to Debt or Equity of, or Derivative Contracts Involving, MOEX, NCC, or NSD

(a) Except as provided in paragraph (f) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to

the wind down of any transaction involving one or more of the following blocked entities are authorized through 12:01 a.m. eastern daylight time, August 13, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) Moscow Exchange (MOEX);

(2) National Clearing Center (NCC);

(3) Non-Bank Credit Institution Joint Stock Company National Settlement Depository (NSD); and

(4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) Except as provided in paragraphs (e) and (f) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the divestment or transfer, or the facilitation of the divestment or transfer, of debt or equity issued or guaranteed by any of the blocked entities identified in paragraph (a) (''Covered Debt or Equity'') to a non-U.S. person are authorized through 12:01 a.m. eastern daylight time, August 13, 2024, 2024:

(c) Except as provided in paragraph (f) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to facilitating, clearing, and settling trades of Covered Debt or Equity that were placed prior to 4:00 p.m. eastern daylight time, June 12, 2024 are authorized through 12:01 a.m. eastern daylight time, August 13, 2024, 2024.

(d) Except as provided in paragraph (f) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. eastern daylight time June 12, 2024 that (i) include a blocked person described in paragraph (a) of this general license as a counterparty or (ii) are linked to Covered Debt or Equity are authorized through 12:01 a.m. eastern daylight time August 13, 2024, provided that any payments to a blocked person are made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

(e) Paragraph (b) of this general license does not authorize:

(1) U.S. persons to sell, or to facilitate the sale of, Covered Debt or Equity to, directly or indirectly, any person whose property and interests in property are blocked; or

(2) U.S. persons to purchase or invest in, or to facilitate the purchase of or investment in, directly or indirectly, Covered Debt or Equity, other than purchases of or investments in Covered Debt or Equity ordinarily incident and necessary to the divestment or transfer of Covered Debt or Equity as described in paragraph (b) of this general license.

(f) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: June 12, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 100

Authorizing Certain Transactions Related to Debt or Equity or the Conversion of Currencies Involving MOEX, NCC, or NSD

(a) Except as provided in paragraph (c) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the divestment of debt or equity to a non-U.S. person, who is not a person whose property or interests in property are blocked, or the conversion of currencies, involving one or more of the following blocked entities that is acting solely as a securities, trade, or settlement depository, central counterparty or clearing house, or public trading market, are authorized through 12:01 eastern daylight time August 13, 2024:

(1) Moscow Exchange (MOEX);

(2) National Clearing Center (NCC);

(3) Non-Bank Credit Institution Joint Stock Company National Settlement Depository (NSD); and

(4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(c) This general license does not authorize:

(1) Any transactions prohibited by Directive 2 under E.O. 14024, *Prohibitions Related to Correspondent or Payable-Through Accounts and Processing of Transactions Involving Certain Foreign Financial Institutions;*

(2) Any transactions prohibited by Directive 4 under E.O. 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation;* or

(3) Any transactions otherwise prohibited by the RuHSR, including transactions involving any person blocked pursuant to the RuHSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: June 12, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–17804 Filed 8–13–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2024–0642]

Special Local Regulations; Marine Events Within the Seventh Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the Alligator Reef Lighthouse Swim on September 7, 2024, to provide for the safety of life on the navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District identifies the regulated area for this event in Islamorada, FL. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in 33 CFR 100.701 will be enforced for the Alligator Reef Lighthouse Swim regulated area listed in item 4, in Table 1 to § 100.701 paragraph (b), from 7:30 a.m. until 4 p.m., on September 7, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Hayden Hunt, Sector Key West Waterways Management Department, Coast Guard; telephone 305–292–8823; email *Hayden.B.Hunt@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.701 for the Alligator Reef Lighthouse Swim regulated area identified in Table to § 100.701, paragraph (b), item (4), from 7:30 a.m. through 4 p.m. on September 7, 2024. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events, within the Seventh Coast Guard District Table to § 100.701, paragraph (b), item (4), specifies the location of the regulated area for the Alligator Reef Lighthouse Swim. Under the provisions of § 100.100(c), no person or vessel may enter, transit through, anchor in, or

remain within the established regulated areas without approval from the Captain of the Port Key West or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

The Coast Guard will provide notice of the regulated area by Local Notice to Mariners and Broadcast Notice to Mariners. If the Captain of the Port Key West determines that the regulated area need not be enforced for the full duration stated in this publication, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: August 9, 2024.

Jason. D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2024–18163 Filed 8–13–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0094]

RIN 1625–AA00

Safety Zone; Kentucky River, Frankfort, KY

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing an emergency temporary safety zone for all navigable waters of the Kentucky River extending from mile marker (MM) 65.5 to MM 66 near Frankfort, KY. This emergency safety zone is needed to protect life, vessels, and the marine environment due to stability concerns of the Broadway Bridge near MM 65.5. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

DATES: This rule is effective without actual notice from August 14, 2024, until September 6, 2024. For the purposes of enforcement, actual notice will be used from August 9, 2024, until August 14, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0094 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 Petty Officer Dalton Johnson, Sector Ohio Valley, U.S. Coast Guard; telephone 812–249–2619, email *SECOHV-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. On August 5, 2024, a 50-foot section of concrete walkway from the Broadway Bridge near MM 65.5 fell into the river, and continues to deteriorate, causing a hazard to navigation. The safety zone must be established immediately (as of August 9, 2024) to protect people and vessels from the concerns of further falling debris. Insufficient time exists to provide a reasonable comment period and then consider those comments before issuing the rule. This safety zone may include closures and/or navigation restrictions and requirements that are vital to maintaining safe navigation on the Kentucky River during response efforts and the hazards of falling debris. Therefore, delaying the effective date for this emergency safety zone to complete the NPRM process would also be contrary to the public interest as it would delay the safety measures vital to safe navigation.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to protect personnel, vessels, and the marine environment from potential hazards created by the unstable bridge and falling debris.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with falling debris from the Broadway Bridge, as is currently occurring, along with repairs and potential demolition activities beginning immediately, will be a safety concern for anyone within MM 65.5 to MM 66 on the Kentucky River. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the threat of continued falling debris exists and repairs or demolition activities exist.

IV. Discussion of the Rule

The Coast Guard is establishing a temporary emergency safety zone for all navigable waters on the Kentucky River from Mile Marker (MM) 65.5 and MM 66, extending the entire width of the Kentucky River. Transit into and through this area is prohibited for all traffic beginning August 9, 2024, and will continue through September 6, 2024, or until the hazard has been mitigated. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the threat of continued falling debris exists and repairs or demolition activities exist. The COTP will terminate the enforcement of this safety zone before September 6, 2024, if the bridge has been demolished. Entry into this safety zone is prohibited unless specifically authorized by the COTP or their designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Ohio Valley.

Requests for entry will be considered and reviewed on a case-by-case basis. The COTP may be contacted by telephone at 502–779–5422 or can be reached by VHF–FM channel 16. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

V. Regulatory Analyses

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

Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. This safety zone will restrict vessel traffic from entering or transiting within a 0.5 mile area of navigable waterways on the Kentucky River between MMs 65.5 and 66. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guides 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 24 hours a day for 28 days that will prohibit entry within a half mile stretch of the Kentucky River. This rule is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We will prepare a Record of Environmental Consideration supporting this determination. It will be 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.T08–0094 to read as follows:

§ 165.T08–0094 Safety Zone; Kentucky River, Frankfort, KY.

(a) *Location.* The following area is a safety zone: All navigable waters of the Kentucky River from Mile Marker (MM) 65.5 to MM 66, extending the entire width of the river.

(b) *Enforcement period.* This section will be enforced from August 9, 2024, and will continue through September 6, 2024.

(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 Captain of the Port Sector Ohio Valley (COTP) or the COTP's designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Ohio Valley.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the COTP's representative by telephone at 502–779–5422 or on VHF–FM channel 16.

(3) Persons and vessels permitted to enter the safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of any changes in the planned schedule.

Dated: August 9, 2024.

M.D. Winland,

Commander, U.S. Coast Guard, Acting Captain of the Port Sector Ohio Valley.

[FR Doc. 2024–18176 Filed 8–9–24; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 672

[Docket No. FTA–2023–0025]

RIN 2132–AB43

Public Transportation Safety Certification Training Program

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Federal Transit Administration (FTA) is publishing a final rule for the Public Transportation Safety Certification Training Program (PTSCTP). This final rule clarifies voluntary PTSCTP participation and sets administrative requirements for communication processes between FTA and FTA recipients subject to the requirements of this rule. This final rule also adds new definitions and revises existing definitions to coordinate and align with other FTA programs and safety rulemakings.

DATES: The effective date of this final rule is November 1, 2024.

ADDRESSES: FTA's Office of Transit Safety and Oversight (TSO) will host a webinar to discuss the requirements of the PTSCTP final rule.

Please visit *https://www.transit.dot.gov/regulations-and-guidance/safety/safety-training* to register for webinars and for information about future webinars. FTA is committed to providing equal access for all webinar participants. If you need alternative formats, options, or services, contact *FTA-Knowledge@dot.gov* at least three business days prior to the event. If you have any questions, please email *FTA-Knowledge@dot.gov*.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Jeremy Furrer, Office of Transit Safety and Oversight (TSO), (202) 366–8929 or *jeremy.furrer@dot.gov*. For legal matters, contact Mark Montgomery, Office of Chief Counsel, (202) 366–1017 or *mark.montgomery@dot.gov*.

Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

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III. Section-by-Section Analysis

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I. Executive Summary

This final rule amends the PTSCTP regulation at 49 CFR part 672 with new administrative requirements for recipients that are subject to the requirements of the rule. The final rule maintains the existing minimum training requirements for State Safety Oversight Agency (SSOA) employees and contractors who conduct reviews, inspections, examinations, and other safety oversight activities of public transportation systems and employees and contractors who are directly responsible for the safety oversight of a rail fixed guideway public transportation system.

A. Statutory Authority

Congress directed FTA to establish a comprehensive Public Transportation Safety Program, one element of which is the requirement for a PTSCTP in the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141), which was reauthorized by the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94). To implement the requirements of 49 U.S.C. 5329(d), FTA issued a final rule on July 19, 2018, that added part 672, ''Public Transportation Safety Certification Training Program,'' to title 49 of the Code of Federal Regulations (83 FR 34053). Subsequently, the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117–58), established new requirements for FTA's Public Transportation Safety Program that will be addressed in the PTSCTP curriculum.

B. Summary of Key Provisions

This final rule implements discretionary updates, including:

- Addition of new definitions and revisions of existing definitions that do not change existing requirements and that were added to provide clarity and consistency across FTA programs and rulemakings.
- Requirement for SSOAs and rail transit agencies to establish a point of contact for communication with FTA regarding PTSCTP participation and enrollment.
- Requirement for SSOA and rail transit agency points of contact to provide semiannual reports to FTA regarding the status of their participants and agency-defined recertification training.
- Clarification of voluntary participation in the PTSCTP.
- Removal of Appendix A to allow flexibility in PTSCTP curriculum revision.

In response to comments, FTA revised the term ''refresher training'' to ''recertification training'' in the final rule to clarify the applicability of the training required to maintain PTSCTP certification. Recertification requirements only apply to the ''designated personnel'' identified in § 672.11(a) and § 672.13(a).

C. Benefits and Costs

The final rule adds administrative and training requirements for SSOAs and rail transit agencies subject to the PTSCTP. The rule would lead to increased compliance with PTSCTP

requirements and cost savings for FTA staff; it would also result in increased costs for SSOAs and rail transit agencies. Table 1 summarizes the economic effects of the final rule over the first ten years from 2024 to 2033 in 2022 dollars. On an annualized basis, the rule would have net costs of $318,000 at a 2 percent discount rate, $321,000 at a 3 percent rate, and $334,000 at a 7 percent rate, discounted to 2024.

TABLE 1—SUMMARY OF ECONOMIC EFFECTS, 2024–2033

[2022 Dollars, discounted to 2023]

Item	Annualized (2%)	Annualized (3%)	Annualized (7%)
Benefits:			
Cost savings for FTA staff	$6,022	$6,081	$6,317
Costs:			
Staff enrollment	70,574	71,266	74,034
Point of contact identification	11,762	11,878	12,339
Point of contact responsibilities	130,903	132,187	137,320
Semi-annual reporting	23,525	23,755	24,678
Refresher training	87,316	88,172	91,596
Total costs	324,080	327,258	339,967
Net costs	318,059	321,177	333,650

II. Notice of Proposed Rulemaking and Response to Comments

FTA issued a notice of proposed rulemaking (NPRM) for the PTSCTP on October 26, 2023 (88 FR 73573).[1] The public comment period for the NPRM closed on December 26, 2023. FTA received 15 comment submissions to the rulemaking docket. Commenters included States, transit agencies, industry associations, individuals, and a nonprofit organization. FTA has considered these comments and addresses them in the corresponding sections below. Some comments were outside the scope of this rulemaking, and FTA does not respond to comments in this final rule that were outside the scope.

FTA reviewed all relevant comments and took them into consideration when developing the final rule. Below, the NPRM comments and responses are subdivided by the corresponding sections of the proposed rule and subject matter.

A. Section 672.3—Scope and Applicability

1. General

Comments: Several commenters offered comments related to the PTSCTP curriculum. One nonprofit organization stated that given current safety concerns, the PTSCTP training curriculum is still relevant. One individual encouraged FTA to ensure training availability is appropriate to meet the industry's demand, given the rate of turnover within agencies. A transit agency and one individual requested that the Transportation Safety Institute (TSI) course *Transit Safety and Security Audits* be added to the PTSCTP training curriculum for rail transit agencies and SSOAs, arguing that audits and reviews are activities required by FTA and that it is critical for safety professionals to be trained and qualified to perform audit/review/inspections activities. An industry association requested that FTA provide a timeline for any changes to the PTSCTP training curriculum to provide time for transit agencies to address any changes.

Other commenters requested broad changes to the PTSCTP requirements. One nonprofit organization requested that FTA require all designated personnel to complete the entire curriculum annually. An industry association requested that FTA merge the PTSCTP and the Transit Safety and Security Program (TSSP) into one certification program.

Response: FTA appreciates the commenter who confirmed the continued relevance of the PTSCTP curriculum. FTA acknowledges the two commenters that suggested the addition of specific courses to the required PTSCTP curriculum. FTA appreciates the feedback regarding the importance of auditing and review skills for certain SSOA and transit agency personnel. This final rule does not alter the existing PTSCTP curriculum. FTA notes that it has removed the required PTSCTP curriculum from the appendix of the regulation to afford FTA additional flexibility to address curriculum updates.

FTA acknowledges the commenter that suggested FTA require all required participants to complete the entire PTSCTP curriculum annually. FTA believes that such a change would be overly burdensome for transit agencies and SSOAs by requiring designated individuals to complete over 140 hours of PTSCTP training annually. FTA declines to implement this change and confirms that this final rule requires designated individuals to complete the PTSCTP curriculum within three years of designation to receive certification and to complete applicable recertification requirements every two years thereafter to maintain this certification.

FTA acknowledges the comment requesting FTA merge the PTSCTP with the TSSP administered by the Transportation Safety Institute. FTA notes that the TSSP is outside the scope of this final rule. FTA notes that this final rule does not alter the existing PTSCTP curriculum. Further, FTA will coordinate with the industry in the future regarding any curriculum changes to ensure sufficient time to comply with requirements.

2. Bus Applicability

In the NPRM, FTA did not propose extending mandatory PTSCTP applicability to the bus transit industry. However, FTA sought industry input on whether mandatory PTSCTP participation should extend to bus transit agencies and personnel. FTA received nine responses offering input on whether the requirements should extend to bus transit.

Comments: Three commenters recommended extending the requirements to bus transit. A nonprofit organization argued it should be mandatory due to the number of bus

[1] Public Transportation Safety Certification Training Program, 88 FR 73573 (October 26, 2023). *https://www.federalregister.gov/documents/2023/10/26/2023-23515/public-transportation-safety-certification-training-program.*

collisions. A labor union argued to extend PTSCTP requirements due to the nature of safety responsibilities and to ensure consistent safety standards across all modes of public transportation. A transit agency supported extending requirements to bus transit only if applicable ''bus safety oversight personnel'' are narrowly defined and requested that FTA clarify the anticipated operational and financial impact on large bus transportation agencies compared with small and medium-sized bus agencies.

Three commenters argued against extending PTSCTP requirements to bus transit. An individual argued against extending requirements to bus transit, citing challenges such as limited course availability and additional burden to bus agency resources. An industry association argued against expansion, noting limited course availability, limited bus agency resources, and a lack of oversight structure such as the State Safety Oversight (SSO) program in place for rail transit. A transit agency argued that bus agencies should monitor their own performance under the Public Transportation Agency Safety Plan (PTASP) requirements and determine if additional training is needed. The agency also argued that the additional burden would be too much given limited bus agency resources. This bus agency also raised concerns regarding applicability to contractors that support bus operations.

Three commenters expressed neutral positions regarding expansion of PTSCTP requirements to bus transit. One SSOA recommended FTA seek input directly from bus transit stakeholders regarding the expansion of PTSCTP applicability beyond SSOAs and rail transit agencies. Two transit agencies did not express a clear position for or against expansion but noted that training availability would be a significant challenge. One of these transit agencies also noted that if applicability was expanded to bus transit, FTA may need to consider modifying the three-year requirement to allow ample time for bus personnel to take required courses.

Response: FTA appreciates the feedback received regarding the expansion of PTSCTP applicability to bus transit. FTA will not expand the applicability of this regulation to the bus transit industry through this rulemaking. The final rule will apply only to those agencies, personnel, and contractors identified in § 673.3(b). FTA will use this information to inform any future action related to PTSCTP applicability and associated requirements.

B. Section 672.5—Definitions

1. Directly Responsible for Safety Oversight

Comments: One rail transit agency commented on the definition of ''directly responsible for safety oversight,'' arguing that implementation of the agency safety plan (ASP) is a responsibility broadly shared throughout a transit agency and that without additional clarification, the number of affected individuals would be so large that agencies may choose to define those directly responsible for safety based on the practical limitations of training access.

Response: FTA acknowledges the concern raised by the commenter. FTA agrees that a significant number of transit agency workers may have roles in which they carry out activities defined by the ASP and that safety is a shared responsibility. The use of the word ''implementation'' in the definition of ''directly responsible for safety oversight'' is intended to include individuals whose primary job function is ensuring that the ASP is carried out. FTA notes that the definition is intended to identify transit agency workers with safety oversight roles. The definition is not intended to include every worker that may follow a policy defined in the ASP. FTA also notes that the definition in the final rule establishes minimum requirements, and as such, a transit agency may go beyond these when designating which individuals are directly responsible for safety oversight.

2. Rail Fixed Guideway Public Transportation System

Comments: One transit agency asked FTA to clarify if the definition of ''rail fixed guideway transportation system'' would supersede the definition of this term in other regulations.

Response: FTA appreciates the comment and the importance of definitional consistency across FTA programs. The definition in the final rule is consistent with other recent regulatory actions, including 49 CFR parts 673 and 674.

3. Safety Oversight Training

Comments: One transit agency asked FTA to consider defining ''safety oversight training.''

Response: FTA has considered the commenter's suggestion to add a definition for safety oversight training. FTA notes that this final rule maintains the flexibility for transit agencies and SSOAs to identify the recertification training courses or activities their designated participants must complete for recertification. Further, FTA notes that the definition of ''directly responsible for safety oversight'' clarifies FTA's understanding of the safety oversight role, including ASP development and the SSOA requirements for rail transit agencies pursuant to 49 CFR part 674. FTA declines to add a separate definition for ''safety oversight training.''

C. Section 672.11—State Safety Oversight Agency Employees and Contractors Who Conduct Reviews, Inspections, Examinations, and Other Safety Oversight Activities of Rail Fixed Guideway Public Transportation Systems

1. General

Comments: A nonprofit organization supported the requirement for SSOAs to identify their designated personnel and to ensure they are enrolled in the PTSCTP within 30 days of designation.

Response: FTA appreciates the commenter's support for the proposed requirement.

2. PTSCTP Recertification

Comments: One SSOA expressed concern with the addition of a refresher training element defined by FTA and recommended that FTA provide additional details on what the PTSCTP refresher training element would include. This commenter encouraged FTA to coordinate with SSOAs and other professional organizations in the development of this refresher training element.

Response: As noted in response to comments on § 672.17 (Voluntary Participants), FTA has revised the term ''refresher training'' to ''recertification training.'' FTA has not yet developed specific PTSCTP recertification training for SSOA personnel beyond the requirement at § 673.11(d)(2). FTA appreciates the commenter's suggestion and notes that it will consider multiple forms of input to support FTA's development of required recertification training, including input from SSOAs.

D. Section 672.13—Rail Transit Agency Employees and Contractors Who Are Directly Responsible for the Safety Oversight of a Rail Fixed Guideway Public Transportation System

1. Designated Personnel

Comments: One labor union requested FTA to consider extending the applicability of the final rule to agency personnel that serve on the Safety Committee required by the PTASP Regulation (49 CFR part 673).

Response: PTSCTP participation is mandatory for rail transit agency

employees and contractors whose primary job function includes safety oversight, including the development, implementation and review of the ASP, and/or the SSOA requirements for the rail fixed guideway public transportation system pursuant to 49 CFR part 674. A rail transit agency may determine that certain individuals who serve on a rail transit agency's Safety Committee meet this description and may designate them as mandatory PTSCTP participants. However, FTA notes that individuals whose primary job function is not safety oversight may serve on the Safety Committee and, as such may not be designated by the transit agency. Further, FTA intends to develop and facilitate additional technical assistance and training focused on Safety Committee requirements and member roles and responsibilities.

2. PTSCTP Recertification

Comments: One transit agency and one industry association opposed the addition of a refresher training element defined by FTA without FTA providing additional details on what the refresher training element would include. Another transit agency requested FTA define the refresher training element identified by FTA in the final rule and requested FTA provide more information on the refresher training element, including the length of the training and how the training would be delivered. One transit agency requested that FTA continue to allow agencies to determine their own refresher training requirements that are most relevant to their own unique operating environments and characteristics.

One industry association requested FTA specify courses that are acceptable to meet the PTSCTP refresher training requirement. One transit agency requested FTA clarify the consequences of a participant not completing refresher training by the required completion date.

Response: FTA acknowledges the concerns commenters raised regarding the final rule's requirement for a refresher training element defined by FTA. As noted in response to comments on § 672.17 (Voluntary Participants), FTA has revised the term ''refresher training'' to ''recertification training.'' FTA has not yet defined a recertification element for rail transit agencies beyond the requirement at § 672.13(d)(2). FTA-defined recertification training may provide agencies with relevant updates regarding FTA regulations, notices, directives, and best practices, and will be delivered in a format designed to minimize burden on the industry.

FTA appreciates the comment that agencies should be able to identify refresher training requirements that best suit their needs. The final rule maintains this requirement for recertification in §§ 672.11(d)(2) and 672.13(d)(2) while adding an additional recertification element identified by FTA.

FTA acknowledges the comment that requested FTA specify the courses or activities that meet the refresher training requirement established under the final rule at §§ 672.11(d)(2) and 672.13(d)(2). FTA declines to provide an exhaustive list of courses or activities that meet the recertification requirement in the final rule, as such a list would evolve as additional training courses and activities are made available by FTA and the industry. FTA has published a technical assistance fact sheet (*https://www.transit.dot.gov/regulations-and-programs/safety/ptsctp-refresher-training-overview-fact-sheet*) to help agencies determine what courses or activities may best suit their agency's needs.

FTA acknowledges the comment requesting FTA clarify the consequences of a participant not completing PTSCTP refresher training. A recipient that does not ensure its designated participants complete PTSCTP recertification within the required two-year period is subject to FTA enforcement action in accordance with FTA's authorities under 49 U.S.C. 5329.

E. Section 672.17—Voluntary Participants

1. PTSCTP Recertification

Comments: One transit agency requested FTA provide an explanation of why voluntary participants would not be required to complete PTSCTP refresher training. One industry association opposed the removal of refresher training requirements for voluntary participants. This commenter, and one transit agency, also requested clarification on how the refresher training requirement would apply to a voluntary participant who later became ''designated'' by an SSOA or rail transit agency.

Response: FTA acknowledges the commenters who opposed the removal of refresher training requirements for voluntary participants and the commenter who requested more information on this proposed change. The mandatory requirements of the final rule only apply to those ''designated personnel'' identified in §§ 672.11(a) and 672.13(a). To clarify the applicability of the training required to maintain PTSCTP certification, FTA has revised the term ''refresher training'' to ''recertification'' where applicable. Voluntary participants may choose to complete PTSCTP-related training courses to maintain their knowledge and skills related to the PTSCTP, but voluntary participants are not required to complete recertification requirements to maintain their PTSCTP certification. FTA does not have the legal authority to require voluntary participants to complete the initial safety training requirements of the PTSCTP or recertification.

FTA acknowledges the commenters who requested clarification of the refresher training requirements for a voluntary participant who later becomes a designated participant of an SSOA or rail transit agency. Upon designation, a participant must complete the initial safety training requirements of the PTSCTP within three years. If a voluntary participant who has already completed the initial safety training requirements of the PTSCTP is later ''designated'' by a rail transit agency or SSOA, the individual would need to complete applicable recertification requirements within two years of their designation.

F. Section 672.21—Records

1. Point of Contact

Comments: Six commenters supported the establishment of a point of contact (POC) at each applicable agency. Commenters included three transit agencies, a nonprofit organization, a labor union, and an industry association. One transit agency was not opposed to the establishment of a POC but suggested FTA provide guidance on the type of communication and documentation the POC will be required to provide. One transit agency recommended FTA require a secondary POC.

One transit agency stated that the POC should not be required to track voluntary participants from their agency until such time the participant becomes a ''designated'' participant of the agency.

One transit agency requested that FTA clarify whether the POC would be responsible for tracking completion of the recertification element defined by FTA.

Response: FTA appreciates the comments supporting the establishment of a POC to streamline communication between FTA and the applicable SSOAs and rail transit agencies. In response to the comment requesting guidance on the type of communication and documentation the POC will be required to provide, FTA notes that it will

develop and distribute technical assistance as needed to support SSOA and rail transit agency compliance with the final rule.

FTA acknowledges the commenter who suggested FTA add a requirement for agencies to establish a secondary POC in the final rule. FTA agrees this may be a good practice for some agencies to adopt but is declining to impose this as a requirement in the final rule to limit any additional administrative burden.

FTA acknowledges the commenter who suggested the agency POC would not be required to track voluntary participants unless they become ''designated'' by the agency. FTA agrees that agency POCs should not be required to track their agency personnel and contractors who are voluntarily participating in the PTSCTP. However, as part of the semiannual reporting requirement, FTA may request the POC to confirm whether a voluntary participant has been designated by the agency or is still participating on a voluntary basis.

In response to the comment requesting FTA clarify if the agency POC would be responsible for tracking completion of the recertification element defined by FTA, FTA expects agencies to monitor and track their designated participants' completion of all applicable training requirements, including recertification requirements.

2. Semiannual Reporting

Comments: Four commenters supported the semiannual reporting requirement, including one individual, one labor union, and two transit agencies. The individual also recommended that FTA set specific dates for the semiannual reporting requirement and requested additional information on how FTA will facilitate the semiannual reporting and whether FTA will send out reminders to affected agencies.

One industry association recommended that FTA give rail transit agencies and SSOAs flexibility in how they report semiannually. This commenter and a transit agency suggested FTA provide a template that the agencies may choose to use.

One SSOA agreed that recertification and training compliance should be monitored but expressed concern the proposed changes are burdensome. The commenter suggested that semiannual reporting should be completed annually through the State Safety Oversight Reporting (SSOR) tool and that FTA can monitor training compliance through the State Safety Oversight (SSO) audit program.

Response: FTA appreciates the four commenters who expressed support for the semiannual reporting requirements. FTA declines to establish specific reporting dates in this final rule in order to provide reporting process development flexibility. Upon identification, FTA will communicate any specific reporting deadlines to the SSOA and rail transit agency community.

FTA acknowledges the commenter who expressed concern related to the potential reporting burden associated with the semiannual reporting requirements. FTA has established these new reporting requirements to help control the burden associated with ad-hoc requests and inconsistencies in agencies' processes for tracking PTSCTP information. FTA plans to develop a process and mechanism that will control burden and establish information consistency across the industry.

FTA appreciates the commenter's suggestion regarding specific data collection platforms but notes that the SSOR tool is not accessible by rail transit agencies and is not designed to support semiannual PTSCTP reporting. FTA also acknowledges the commenter's suggestion that FTA can monitor PTSCTP compliance through the SSO audit program. FTA notes that the SSO audit program audits compliance with 49 CFR part 674. To the extent that any PTSCTP-related requirements are established by part 674, the SSO audit program will ensure compliance with such requirements.

III. Section-by-Section Analysis

Subpart A—General Provisions

Section 672.1—Purpose

This section defines the purpose of this rule, which is to implement a uniform safety certification training program and to enhance the technical proficiency of individuals who conduct safety reviews, inspections, examinations, and other safety oversight activities of public transportation systems operated by public transportation agencies and those who are directly responsible for safety oversight of public transportation agencies. This section clarifies that the final rule does not preempt any safety certification training requirements required by a State for public transportation agencies within its jurisdiction.

Section 672.3—Scope and Applicability

This section sets forth the applicability of the PTSCTP regulation. The regulation applies to all recipients of Federal financial assistance under 49 U.S.C. chapter 53. This section specifies that PTSCTP requirements only apply to SSOAs and their employees and contractors that conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems and to rail transit agencies and their employees and contractors who are directly responsible for the safety oversight of a recipient's rail fixed guideway public transportation systems.

Section 672.5—Definitions

This section sets forth the definitions of key terms used in the regulation. Notably, readers should refer to new definitions for terms such as ''initial training,'' ''safety review,'' ''designated personnel,'' and ''voluntary participant.'' In addition, readers should refer to new definitions for ''recertification'' and ''recertification training'' related to the replacement of the term ''refresher training.''

Subpart B—Training Requirements

Section 672.11—State Safety Oversight Agency Employees and Contractors Who Conduct Reviews, Inspections, Examinations, and Other Safety Oversight Activities of Rail Fixed Guideway Public Transportation Systems

Section 672.11(a) establishes requirements for SSOAs to designate certain SSOA employees and contractors that must comply with PTSCTP requirements. This includes employees and contractors that conduct reviews, inspections, examinations, and other safety oversight activities of public transportation systems, including appropriate managers and supervisors of such personnel.

Section 672.11(b) requires SSOAs to ensure that designated personnel are enrolled in the PTSCTP within 30 days of designation and that designated participants comply with PTSCTP requirements.

Section 672.11(c) establishes a three-year deadline for designated SSOA participants to complete the applicable training requirements of part 672.

Section 672.11(d) establishes two recertification requirements which must be completed by designated SSOA participants every two years following completion of the PTSCTP curriculum, including recertification requirements defined by FTA and recertification requirements defined by the SSOA, which must include one hour of safety oversight training.

Section 672.13—Rail Transit Agency Employees and Contractors Who Are Directly Responsible for the Safety Oversight of a Rail Fixed Guideway Public Transportation System

Section 672.13(a) establishes requirements for rail transit agencies to designate certain rail transit agency employees and contractors who must comply with PTSCTP requirements. This includes employees and contractors who are directly responsible for safety oversight of rail modes.

Section 672.13(b) requires rail transit agencies to ensure that designated personnel are enrolled in the PTSCTP within 30 days of designation and that designated participants comply with PTSCTP requirements.

Section 672.13(c) establishes a three-year deadline for designated rail transit agency participants to complete the applicable training requirements of part 672.

Section 672.13(d) establishes two recertification requirements which must be completed by designated rail transit agency participants every two years following completion of the PTSCTP curriculum, including recertification requirements defined by FTA and recertification requirements defined by the rail transit agency, which must include one hour of safety oversight training.

Section 672.15—Evaluation of Prior Certification and Training

Section 672.15(a) clarifies the process for requesting a course equivalency evaluation from FTA.

Section 672.15(b) clarifies requirements for requesting a course equivalency evaluation from FTA.

Section 672.15(c) defines how FTA may make determinations for requested course equivalency evaluations.

Section 672.17—Voluntary Participants

This section establishes that individuals not designated by an SSOA or rail transit agency may voluntarily participate in the program.

Section 672.17(a) defines the requirements for receiving a certificate of completion as a voluntary participant and clarifies that the recertification requirement does not apply to voluntary participants and that FTA will not recertify voluntary participants.

Section 672.17(b) clarifies that if a voluntary participant has received PTSCTP certification and is subsequently designated by an SSOA or rail transit agency as a PTSCTP participant, the individual would then need to meet the established recertification requirements for designated PTSCTP participants within two (2) years of designation.

Subpart C—Administrative Requirements

Section 672.21—Records

This section establishes new administrative requirements for recipients subject to the requirements of the rule, including SSOAs and rail transit agencies.

Section 672.21(a) clarifies an applicable grantee's responsibilities for ensuring its designated personnel meet the requirements established by this part. These responsibilities include ensuring designated personnel are enrolled in the PTSCTP, ensuring designated personnel complete the initial training within three years of enrollment, and ensuring designated personnel complete recertification every two years upon completion of the initial PTSCTP curriculum.

Section 672.21(b) establishes the requirement for SSOAs and rail transit agencies to identify a single point of contact (POC) at the agency who will serve as a liaison with FTA regarding PTSCTP records. FTA expects recipients to provide FTA with standard contact information for the identified PTSCTP POC, including name, title, phone number, and email address.

Section 672.21(c) establishes the responsibilities of the identified PTSCTP POC, including informing FTA of changes in enrolled PTSCTP participants, enrolling new PTSCTP participants, and confirming recertification requirements and completion for participants. FTA expects to conduct PTSCTP-related communication with recipients through email (*FTASafetyPromotion@dot.gov*) until such time as FTA defines an alternative method for information submission.

Section 672.21(d), FTA establishes a semiannual reporting requirement for the PTSCTP. This section sets the requirement for the identified PTSCTP POC to submit a current list of individuals designated as required PTSCTP participants, and the course or courses that that agency has identified as required for PTSCTP recertification. For recertification requirement documentation, the PTSCTP POC must report the specific name and length of each course, as well as the name of the course training provider or developer.

Section 672.21(e) clarifies the existing requirement for SSOAs to submit a technical training plan to FTA as part of its annual reporting requirements established at § 674.39 of this chapter. FTA has also replaced the reference to ''System Safety Program Plan'' in Appendix A of the current rule with ''Agency Safety Plan'' in § 672.21(e)(3). This section also sets the requirement for training records to include the minimum passing scores for proficiency tests. This provides FTA with the parameters for designated personnel to pass or fail the subject proficiency test and enables FTA to interpret proficiency test scores.

Section 672.23—Availability of Records

This final rule does not amend this section.

Subpart D—Administrative Requirements

Section 672.31—Requirement To Certify Compliance

The final rule does not amend this section.

IV. Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Order 12866 (''Regulatory Planning and Review''), as supplemented by Executive Order 13563 (''Improving Regulation and Regulatory Review'') and Executive Order 14094 (''Modernizing Regulatory Review''), directs Federal agencies to assess the benefits and costs of regulations, to select regulatory approaches that maximize net benefits when possible, and to consider economic, environmental, and distributional effects. It also directs the Office of Management and Budget (OMB) to review significant regulatory actions, including regulations with annual economic effects of $200 million or more. OMB has determined the final rule is not significant within the meaning of Executive Order 12866.

Updates From the NPRM

The analysis for the final rule adds calculations using a discount rate of 2 percent, following guidance in the November 2023 update to OMB Circular A–4.[2] The analysis also updates the assumed effective date for the rule to 2024.

Overview and Need for Regulation

The final rule would add administrative and training requirements for SSOAs and rail transit agencies subject to the requirements of the PTSCTP. The rule would require each agency to establish a point of

[2] Office of Management and Budget (2023). ''Circular No. A–4.'' *https://www.whitehouse.gov/wp-content/uploads/2023/11/CircularA-4.pdf.*

contact who would enroll designated personnel and submit proof of their training. SSOAs and rail transit agencies (RTAs) would also provide semiannual documentation to FTA. Finally, the rule would require designated personnel to complete FTA-defined recertification training every two years.

Benefits

The final rule would lead to increased agency compliance with PTSCTP requirements. This analysis does not estimate benefits from increased compliance, however, because the economic analysis for the PTSCP rule that established the requirements assumed that agencies would have full compliance. Estimating benefits would therefore lead to double counting.

The final rule would also lead to minor cost savings for FTA staff and contractors, who would need to spend less time verifying that agency employees met training requirements. To estimate cost savings, FTA used time and wage estimates for federal employees and contractors currently supporting the PTSCP program. In 2022 dollars, the rule would have an estimated annual cost savings of $5,900 (Table 2).

TABLE 2—ANNUAL COST SAVINGS

[2022 Dollars]

Staff	Annual hours	Wages or rates	Cost savings
FTA program manager	40	$93.56	$2,428
Contractor program manager	12	179.32	2,152
Contractor analyst	12	110.34	1,324
Total	64		5,904

Costs

To estimate the costs of meeting the new requirements, FTA estimated the number of entities affected, the number and type of staff involved, and the time needed (Table 3). The requirements would affect 31 SSOAs and 64 rail transit agencies in operation as of March 1, 2023.[3] [4]

TABLE 3—ANNUAL STAFF AND HOURS NEEDED TO MEET REQUIREMENTS

Requirement	Affected entities	Annual hours	Total hours
Staff enrollment	31 SSOAs; 64 rail transit agencies	12	1,140
Point of contact identification	31 SSOAs; 64 rail transit agencies	2	190
Point of contact responsibilities	31 SSOAs; 64 rail transit agencies	24	2,280
Semi-annual reporting	31 SSOAs; 64 rail transit agencies	4	380
Refresher training	175 SSOA employees; 439 rail transit agency employees.	4 (8 hours every 2 years).	2,456
Total			6,446

To estimate the value of staff time spent on the requirements, FTA used May 2022 occupational wage data from the Bureau of Labor Statistics, the latest available as of March 2024, in the ''Transit and Ground Passenger Transportation'' industry (North American Industry Classification System code 485000).[5] The ''General and Operations Managers'' (code 11–1021) was used to represent the wages of SSOA and rail transit agency points of contact. For SSOA and rail transit agency personnel completing training, the ''Transportation Inspectors'' (code 53–6051) occupational category was used. FTA used median hourly wages as a basis for the estimates, multiplying the wages by 1.62 to account for employer benefits.[6]

TABLE 4—OCCUPATIONAL CATEGORIES AND WAGES USED TO VALUE STAFF TIME

[2022 Dollars]

Staff	Occupational category	Code	Median hourly wage	Wage with benefits
SSOA and RTA POCs	General and Operations Managers	11–1021	$37.63	$60.69
SSOA and RTA personnel	Transportation Inspectors	53–6051	21.61	34.86

[3] Federal Transit Administration. March 19, 2024. ''State Safety Oversight Contacts.'' *https://www.transit.dot.gov/regulations-and-guidance/safety/state-safety-oversight-contacts.*

[4] Federal Transit Administration. 2023. ''National Transit Database: 2022 Annual Database Service.'' *https://www.transit.dot.gov/ntd/data-product/2022-annual-database-service.*

[5] Bureau of Labor Statistics. 2023. ''May 2022 National Occupational Employment and Wage Estimates: United States: NAICS 485000—Transit and Ground Passenger Transportation.'' *https://www.bls.gov/oes/current/naics3_485000.htm.*

[6] Multiplier derived using Bureau of Labor Statistics data on employer costs for employee compensation in December 22 (*https://www.bls.gov/news.release/ecec.htm*). Employer costs for state and local government workers averaged $57.60 an hour, with $35.69 for wages and $21.95 for benefit costs. To estimate full costs from wages, one would use a multiplier of $57.60/$21.95, or 1.62.

The administrative and reporting requirements of the proposed rule have estimated annual costs of $318,000 (Table 5). The largest annual costs are for point of contact responsibilities ($128,000) and refresher training ($86,000). FTA would also incur minimal one-time costs to develop the refresher training materials.

TABLE 5—ANNUAL COSTS FOR ADMINISTRATIVE AND TRAINING REQUIREMENTS

[2022 Dollars]

Requirement	Annual costs
Staff enrollment	$69,191
Point of contact identification	11,532
Point of contact responsibilities	128,337
Semi-annual reporting	23,064
Refresher training	85,603
Total	317,726

Summary

Table 6 summarizes the economic effects of the proposed rule over the first ten years of the rule from 2024—the assumed effective date of the rule—to 2033 in 2022 dollars. On an annualized basis, the rule would have net costs of $318,000 at a 2 percent discount rate, $321,000 at a 3 percent rate, and $334,000 at a 7 percent rate, discounted to 2024.

TABLE 6—SUMMARY OF ECONOMIC EFFECTS, 2024–2033

[2022 Dollars, discounted to 2023]

Item	Annualized (2%)	Annualized (3%)	Annualized (7%)
Benefits:			
Cost savings for FTA staff	$6,081	$6,317	
Costs:			
Staff enrollment	70,574	71,266	74,034
Point of contact identification	11,762	11,878	12,339
Point of contact responsibilities	130,903	132,187	137,320
Semi-annual reporting	23,525	23,755	24,678
Refresher training	87,316	88,172	91,596
Total costs	324,080	327,258	339,967
Net costs	318,059	321,177	333,650

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines that the regulation is not expected to have a significant economic impact on a substantial number of small entities.

The final rule requires SSOAs and rail transit agencies to meet additional administrative requirements. Under the Regulatory Flexibility Act, local governments and other public-sector organizations qualify as small entities if they serve a population of less than 50,000. State agencies do not qualify, and no rail transit agency serves an urbanized area with a population of less than 50,000. FTA has therefore determined that the final rule would not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FTA has determined that this rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532). This rule does not include a Federal mandate 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 for inflation) in any one year. Additionally, the definition of ''Federal mandate'' in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal Transit Act permits this type of flexibility.

Executive Order 13132 (Federalism Assessment)

Executive Order 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may 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. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) and the White House Office of Management and Budget's

(OMB) implementing regulation at 5 CFR 1320.8(d), FTA is seeking approval from OMB for a currently approved information collection that is associated with a notice of proposed rulemaking. The information collection (IC) was previously approved on October 4, 2022. However, this submission includes administrative requirements that will impact the information collected and the responding burden hours and costs to recipients.

Type of Collection: Operators of public transportation systems.

Type of Review: OMB Clearance. Previously Approved Information Collection Request.

Summary of the Collection: The information collection (IC) provides minimum training requirements for Federal and State personnel and contractors who conduct safety audits and examinations of transit systems and for transit agency personnel and contractors who are directly responsible for safety oversight to enhance the technical proficiency.

Need for and Expected Use of the Information to be Collected: Collection of information for this program is necessary to ensure FTA grantees subject to the PTSCTP regulation certify compliance with training and recertification training requirements and allow FTA to monitor ongoing PTSCTP participation and compliance. The program establishes a uniform curriculum for safety training that consists of minimum requirements to enhance the technical proficiency of transit safety personnel.

Respondents: Respondents include State Safety Oversight Agency personnel and contractors who conduct safety audits and examinations of rail transit systems, rail transit agency personnel and contractors who are directly responsible for safety oversight, and bus transit agency personnel and contractors who are directly responsible for safety oversight.

Frequency: Annual, Periodic.

National Environmental Policy Act

Federal agencies are required to adopt implementing procedures for the National Environmental Policy Act (NEPA) that establish specific criteria for, and identification of, three classes of actions: (1) Those that normally require preparation of an Environmental Impact Statement, (2) those that normally require preparation of an Environmental Assessment, and (3) those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). This rule qualifies for categorical exclusions under 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction). FTA has evaluated whether the rule will involve unusual or extraordinary circumstances and has determined that it will not.

Executive Order 12630 (Taking of Private Property)

FTA has analyzed this rule under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. FTA does not believe this rule affects a taking of private property or otherwise has taking implications under Executive Order 12630.

Executive Order 12988 (Civil Justice Reform)

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

FTA has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. FTA certifies that this action will not cause an environmental risk to health or safety that might disproportionately affect children.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this rule under Executive Order 13175, dated November 6, 2000, and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FTA has determined that this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Executive Orders 14096, 12898 (Environmental Justice)

Executive Order 14096 (Revitalizing Our Nation's Commitment to Environmental Justice for All)(April 21, 2023)(which builds upon Executive Order 12898) and DOT Order 5610.2(a) (77 FR 27534)[7] require DOT agencies to achieve environmental justice (EJ) as part of their mission consistent with statutory authority by identifying, analyzing, and addressing, as appropriate, disproportionate and adverse human health or environmental effects, including those related to climate change and cumulative impacts of environmental and other burdens on communities with EJ concerns. All DOT agencies seek to advance these policy goals and to engage in this analysis as appropriate in all rulemaking activities. On August 15, 2012, FTA's Circular 4703.1 became effective, which contains guidance for recipients of FTA financial assistance to incorporate EJ principles into plans, projects, and activities.[8]

FTA has evaluated this action under its environmental justice policies and FTA has determined that this action will not cause disproportionate and adverse human health and environmental effects on communities with EJ concerns.

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

List of Subjects in 49 CFR Part 672

Mass transportation, Reporting and recordkeeping requirements, Safety.

Veronica Vanterpool,

Acting Administrator.

■ In consideration of the foregoing, and under the authority of 49 U.S.C. 5329 and 5334, and the delegation of authority at 49 CFR 1.91, the Federal Transit Administration revises 49 CFR part 672 to read as follows:

[7] Department of Transportation Updated Environmental Justice Order 5610.2(a): Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 77 FR 27534 (May 10, 2012). *https://www.transportation.gov/transportation-policy/environmental-justice/department-transportation-order-56102a.*

[8] Federal Transit Administration (February 2020). ''Environmental Justice Policy Guidance for Federal Transit Administration Recipients.'' *https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit.*

PART 672—PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM

Subpart A—General Provisions

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672.15 Evaluation of prior certification and training.
672.17 Voluntary participants.

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Subpart D—Compliance and Certification Requirements

672.31 Requirement to certify compliance.

Authority: 49 U.S.C. 5329, 5334; 49 CFR 1.91.

Subpart A—General Provisions

§ 672.1 Purpose.

(a) This part implements a uniform safety certification training curriculum and requirements to enhance the technical proficiency of individuals who conduct safety reviews, inspections, examinations, and other safety oversight activities of public transportation systems operated by public transportation agencies and those who are directly responsible for safety oversight of public transportation agencies.

(b) This part does not preempt any safety certification training requirements required by a State for public transportation agencies within its jurisdiction.

§ 672.3 Scope and applicability.

(a) In general, this part applies to all recipients of Federal financial assistance under 49 U.S.C. chapter 53.

(b) The requirements of this part apply only to:

(1) State Safety Oversight Agencies (SSOAs) and their employees and contractors that conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems, and

(2) Rail transit agencies and their employees and contractors who are directly responsible for the safety oversight of a recipient's rail fixed guideway public transportation systems.

(c) Voluntary participants may complete the Public Transportation Safety Certification Training Program curriculum in accordance with this part.

§ 672.5 Definitions.

As used in this part:

Administrator means the Federal Transit Administrator or the Administrator's designee.

Contractor means an entity that performs tasks on behalf of the Federal Transit Administration (FTA), a State Safety Oversight Agency (SSOA), or public transportation agency through contract or other agreement.

Designated personnel means:

(1) Employees and contractors identified by a recipient whose job function is directly responsible for safety oversight of the public transportation system of the public transportation agency; or

(2) Employees and contractors of a State Safety Oversight Agency (SSOA) whose job function requires them to conduct reviews, inspections, examinations, and other safety oversight activities of the rail fixed guideway public transportation systems subject to the jurisdiction of the agency.

Directly responsible for safety oversight means public transportation agency personnel whose primary job function includes the development, implementation, and review of the agency's safety plan and/or the State Safety Oversight Agency (SSOA) requirements for the rail fixed guideway public transportation system pursuant to 49 CFR part 674.

Examination means a process for gathering or analyzing facts or information related to the safety of a public transportation system.

FTA means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Initial training means the group of specific courses an individual must complete within three (3) years of enrollment in the Public Transportation Safety Certification Training Program to receive their first program certificate.

Public transportation agency means an entity that provides public transportation service as defined in 49 U.S.C. 5302 and that has one or more modes of service not subject to the safety oversight requirements of another Federal agency.

Public Transportation Safety Certification Training Program curriculum means the initial training designated personnel or voluntary participants must complete to receive the Public Transportation Safety Certification Training Program certificate of completion.

Rail fixed guideway public transportation system means any fixed guideway system, or any such system in engineering or construction, that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration. These systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail transit agency means any entity that provides services on a rail fixed guideway public transportation system.

Recertification means the process of renewing an individual's Public Transportation Safety Certification Training Program certification for two years.

Recertification training means the training courses or activities designated personnel must complete within two (2) years of completing the Public Transportation Safety Certification Training Program curriculum to maintain certification and every two (2) years thereafter.

Recipient means a State or local governmental authority or any other operator of a public transportation system receiving financial assistance under 49 U.S.C. chapter 53.

Safety review means a review or analysis of safety records and related materials.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State Safety Oversight Agency (SSOA) means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and (k) and the regulations set forth in 49 CFR part 674.

Voluntary participant means an individual participating in the Public Transportation Safety Certification Training Program that is not subject to the requirements of this part, including:

(1) Employees and contractors of an applicable recipient that have not been designated under § 672.11(a) or § 672.13(a), and

(2) Individuals who are not employees or contractors of an applicable recipient.

Subpart B—Training Requirements

§ 672.11 State Safety Oversight Agency employees and contractors who conduct safety reviews, inspections, examinations, and other safety oversight activities of rail fixed guideway public transportation systems.

(a) Each SSOA shall designate its employees and contractors that must comply with the applicable training requirements of this part and the Public Transportation Safety Certification Training Program (PTSCTP) curriculum. Each SSOA must designate employees and contractors who conduct reviews, inspections, examinations, and other safety oversight activities of public transportation systems, including appropriate managers and supervisors of such personnel.

(b) Each SSOA shall ensure that each designated individual is enrolled in the PTSCTP within 30 days of the individual's designation. Each SSOA shall ensure the compliance of designated participants with the applicable training requirements of this part and the PTSCTP curriculum.

(c) Employees and contractors designated under paragraph (a) of this section shall complete applicable training requirements of this part and the PTSCTP curriculum within three (3) years of their initial PTSCTP enrollment.

(d) Thereafter, upon completion of the PTSCTP curriculum, designated personnel shall complete recertification every two (2) years. Required recertification training shall consist of two elements:

(1) Element 1: Recertification training defined by FTA, and

(2) Element 2: Recertification training defined by the SSOA, which must include, at a minimum, one (1) hour of safety oversight training.

§ 672.13 Rail transit agency employees and contractors who are directly responsible for the safety oversight of a rail fixed guideway public transportation system.

(a) Each rail transit agency shall designate its employees and contractors who must comply with the applicable training requirements of this part and the PTSCTP curriculum. Each rail transit agency must designate employees and contractors who are directly responsible for safety oversight of rail modes.

(b) Each rail transit agency shall ensure that each designated individual is enrolled in the PTSCTP within 30 days of the individual's designation. Each rail transit agency shall ensure the compliance of designated participants with the applicable training requirements of this part and the PTSCTP curriculum.

(c) Employees and contractors designated under paragraph (a) of this section shall complete applicable training requirements of this part and the PTSCTP curriculum within three (3) years of their initial PTSCTP enrollment.

(d) Thereafter, upon completion of the PTSCTP curriculum, designated personnel must complete recertification every two (2) years. Required recertification training shall consist of two elements:

(1) Element 1: Specific recertification training defined by FTA, and

(2) Element 2: Recertification training defined by the rail transit agency, which must include, at a minimum, one (1) hour of safety oversight training.

§ 672.15 Evaluation of prior certification and training.

(a) PTSCTP participants or an identified point of contact described in § 672.21(b) may request that FTA evaluate safety training or certification previously obtained from another entity to determine if the training satisfies an applicable training requirement of this part.

(b) Individuals requesting FTA evaluation of previously obtained training or certification must provide FTA with an official transcript or certificate of the training, a description of the curriculum and competencies obtained, and a brief statement detailing how the training or certification satisfies the applicable requirements of this part. The required information must be submitted using an equivalency credit request via electronic means defined by FTA.

(c) FTA will evaluate the submission and determine if a training requirement of this part may be waived. If a waiver is granted, designated personnel are responsible for completing all other applicable requirements of this part.

§ 672.17 Voluntary participants.

(a) Individuals not subject to the requirements of this part may participate voluntarily. To receive a certificate of completion as a voluntary participant, individuals must complete the PTSCTP curriculum within three (3) years of their enrollment. Voluntary participants are not required to complete recertification. FTA will not recertify voluntary participants.

(b) If a voluntary participant has received a PTSCTP certificate of completion and is subsequently designated by an SSOA or rail transit agency as a PTSCTP participant, the individual will need to complete required recertification training within two (2) years of designation.

Subpart C—Administrative Requirements

§ 672.21 Records.

(a) *General requirement.* Each recipient subject to the requirements of this part shall ensure that its designated personnel:

(1) Are enrolled in the PTSCTP;

(2) Complete the initial training specified in the PTSCTP curriculum within three (3) years of their enrollment as a designated participant; and

(3) Complete required recertification every two (2) years upon completion of the PTSCTP curriculum.

(b) *Point of contact identification.* Each recipient, subject to the requirements of this part, shall identify a single point of contact (POC) for communication with FTA regarding PTSCTP information. The recipient shall provide FTA, via electronic method defined by FTA, at a minimum, the POC's name, title, phone number, and email address.

(c) *Point of contact responsibilities.* Each POC will serve as a liaison between the recipient and FTA to inform FTA of changes in designated personnel participating in the PTSCTP, enroll new participants, submit proof of recertification for the recipient's designated personnel, and address any other program documentation or communications needs.

(d) *Semiannual reporting.* Semiannually, between January 1st and January 31st and between July 1st and July 31st of each calendar year, the identified POC must submit documentation to FTA, via electronic method defined by FTA, that identifies:

(1) All employees and contractors of the recipient who are designated as PTSCTP participants; and

(2) The course or courses the recipient has identified as required recertification training for their designated personnel. The agency identified recertification training must include, at a minimum, one (1) hour of safety oversight training. The documentation must include the complete name and length of each course, as well as the name of the course training provider.

(e) *SSOA requirement.* (1) Each SSOA shall retain a record of the technical training completed by its designated personnel in accordance with the technical training requirements of this part. SSOAs shall retain training records for at least five (5) years from the date the record is created.

(2) Each SSOA shall develop and maintain a technical training plan for

designated personnel who perform reviews, inspections, examinations, and other safety oversight activities. The SSOA will submit its technical training plan to FTA for review and evaluation as part of its annual reporting to FTA as required under § 674.39 of this chapter. This review process will support the consultation required between FTA and SSOAs regarding the staffing and qualification of the designated personnel in accordance with 49 U.S.C. 5329(e)(3)(D).

(3) Each SSOA shall identify the tasks related to reviews, inspections, examinations, and other safety oversight activities requiring SSOA approval, which must be performed by the SSOA to carry out its safety oversight requirements, and identify the skills and knowledge necessary to perform each oversight task at that system. At a minimum, the technical training plan will describe the process for receiving technical training in the following competency areas appropriate to the specific rail fixed guideway public transportation system(s) for which reviews and inspections conducted:

(i) Agency organizational structure.

(ii) Agency Safety Plan.

(iii) Knowledge of agency:

(A) Territory and revenue service schedules.

(B) Current bulletins, general orders, and other associated directives that ensure safe operations.

(C) Operations and maintenance rule books.

(D) Safety rules.

(E) Standard Operating Procedures.

(F) Roadway Worker Protection.

(G) Employee Hours of Service and Fatigue Management program.

(H) Employee Observation and Testing Program (Efficiency Testing).

(I) Employee training and certification requirements.

(J) Vehicle inspection and maintenance programs, schedules, and records.

(K) Track inspection and maintenance programs, schedules and records.

(L) Tunnels, bridges, and other structures inspection and maintenance programs, schedules, and records.

(M) Traction power (substation, overhead catenary system, and third rail), load dispatching, inspection and maintenance programs, schedules, and records.

(N) Signal and train control inspection and maintenance programs, schedules, and records.

(4) The SSOA will determine the length of time for the technical training based on the skill level of the designated personnel relative to the applicable rail transit agency(s). FTA will provide a template as requested to assist the SSOA with preparing and monitoring its technical training plan and will provide technical assistance as requested. Each SSOA technical training plan that is submitted to FTA for review will:

(i) Require designated personnel to successfully:

(A) Complete training that covers the skills and knowledge needed to effectively perform the tasks.

(B) Pass a written and/or oral examination covering the skills and knowledge required for the designated personnel to effectively perform their tasks.

(C) Demonstrate hands-on capability to perform their tasks to the satisfaction of the appropriate SSOA supervisor or designated instructor.

(ii) Establish equivalencies or written and oral examinations to allow designated personnel to demonstrate that they possess the skill and qualification required to perform their tasks.

(iii) Require biennial recertification training to maintain technical skills and abilities, which includes classroom and hands-on training, as well as testing. Observation and evaluation of actual performance of duties may be used to meet the hands-on portion of this requirement, provided that such testing is documented.

(iv) Require that training records be maintained to demonstrate the current qualification status of designated personnel assigned to carry out the oversight program. Records may be maintained either electronically or in writing and must be provided to FTA upon request. Records must include the following information concerning each designated personnel:

(A) Name;

(B) The title and date each training course was completed, the proficiency test score(s), and the minimum passing score of the test, where applicable;

(C) The content of each training course successfully completed;

(D) A description of the designated personnel's hands-on performance applying the skills and knowledge required to perform the tasks that the employee will be responsible for performing and the factual basis supporting the determination;

(E) The tasks the designated personnel are deemed qualified to perform; and

(F) Provide the date that the designated personnel's status as qualified to perform the tasks expires, and the date in which biennial recertification training is due.

(v) Ensure the qualification of contractors performing oversight activities. SSOAs may use demonstrations, previous training and education, and written and oral examinations to determine if contractors possess the skill and qualification required to perform their tasks.

(vi) Periodically assess the effectiveness of the technical training. One method of validation and assessment could be efficiency tests or periodic review of employee performance.

§ 672.23 Availability of records.

(a) Except as required by law, or expressly authorized or required by this part, a recipient may not release information pertaining to employees and contractors that is required by this part without the written consent of the individual.

(b) Individuals are entitled, upon written request to the recipient, to obtain copies of any records pertaining to their training required by this part. The recipient shall promptly provide the records requested by personnel and access shall not be contingent upon the recipient's receipt of payment for the production of such records.

(c) A recipient shall permit access to all facilities utilized and records compiled in accordance with the requirements of this part to the Secretary of Transportation, the Federal Transit Administration, or any State agency with jurisdiction over public transportation safety oversight of the recipient.

(d) When requested by the National Transportation Safety Board as part of an accident investigation, a recipient shall disclose information related to the training of employees and contractors.

Subpart D—Compliance and Certification Requirements

§ 672.31 Requirement to certify compliance.

(a) A recipient of FTA financial assistance under 49 U.S.C. chapter 53 that is subject to the requirements of this part as specified in § 672.3(b) shall annually certify compliance with this part in accordance with FTA's procedures for annual grant certification and assurances.

(b) A certification must be authorized by the recipient's governing board or other authorizing official and must be signed by a party specifically authorized to do so.

[FR Doc. 2024–18097 Filed 8–13–24; 8:45 am]

BILLING CODE 4910–57–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1145

[Docket No. EP 711 (Sub-No. 2)]

Reciprocal Switching for Inadequate Service; Correction

AGENCY: Surface Transportation Board.

ACTION: Final rule; correction.

SUMMARY: This document corrects a printing error in the preamble of a final rule that appeared in the **Federal Register** on May 7, 2024.

DATES: Effective September 4, 2024.

FOR FURTHER INFORMATION CONTACT: Valerie Quinn at (202) 740–5567. If you require accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION:

Correction

In FR Doc. 2024–09483 appearing on page 38665 in the issue of May 7, 2024, in the second and third columns, make the following corrections:

1. Remove ''The railroads have pushed our sites to take on more expense and change operations to match the new process and operating strategies. We have had to increase our railcar fleet by over 10 percent in the past couple of years solely due to inconsistency in the rail service and increased transit time. And we're about to increase our fleet again in the next six months by approximately seven to eight percent. This is again due to the inconsistency in the service and transit time.'' Hr'g Tr. 792:19 to 793:6, Mar. 16, 2022, *Reciprocal Switching,* EP 711 (Sub-No. 1). Another shipper commented: ''Our plant in the Northeast lost production of over 57 million pounds during the first two months of 2022 mostly due to increased transit time and railroad delays resulting from crew shortages.'' *Id.,* Hr'g Tr. 795:7 to 795:10, Mar. 16, 2022.''

2. Correct footnote 23 to read as follows:

[23] At the March 2022 hearing in Reciprocal Switching, EP 711 (Sub–No. 1), the Board heard testimony from shippers about the following types of problems encountered during this period: ''The railroads have pushed our sites to take on more expense and change operations to match the new process and operating strategies. We have had to increase our railcar fleet by over 10 percent in the past couple of years solely due to inconsistency in the rail service and increased transit time. And we're about to increase our fleet again in the next six months by approximately seven to eight percent. This is again due to the inconsistency in the service and transit time.'' Hr'g Tr. 792:19 to 793:6, Mar. 16, 2022, *Reciprocal Switching,* EP 711 (Sub-No. 1). Another shipper commented: ''Our plant in the Northeast lost production of over 57 million pounds during the first two months of 2022 mostly due to increased transit time and railroad delays resulting from crew shortages.'' *Id.,* Hr'g Tr. 795:7 to 795:10, Mar. 16, 2022.

Dated: August 9, 2024.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2024–18155 Filed 8–13–24; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 240807–0215]

RIN 0648–BM68

Fisheries off West Coast States; West Coast Salmon Fisheries; Measures to Keep Fishery Impacts Within the Conservation Objective for the California Coastal Chinook Salmon

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

ACTION: Final rule.

SUMMARY: This final rule will implement a set of management measures to ensure fishery impacts on California Coastal (CC) Chinook salmon, which are listed as threatened under the Endangered Species Act, remain within the conservation objective in the Pacific Coast Salmon Fishery Management Plan (Salmon FMP). Under the final rule, management tools (*e.g.,* trip limits (also known as landing and possession limits) and inseason management) consistent with the provisions of the Salmon FMP will be used to provide greater certainty in avoiding exceedances of the conservation objectives for CC Chinook salmon.

DATES: Effective September 13, 2024.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to *https://www.reginfor.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: Shannon Penna, Fishery Management Specialist, at 562–980–4239 or *Shannon.Penna@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries in the exclusive economic zone (EEZ) (3–200 nautical miles; 5.6–370.4 kilometers) off Washington, Oregon, and California are managed under the Salmon FMP. The Salmon FMP and implementing regulations govern the development of annual management measures at the spring (March and April) Pacific Fishery Management Council (Council) meetings each year. Management measures for the salmon fisheries are developed annually because the abundance of the salmon stocks in the fishery can fluctuate significantly from one year to the next and information about annual stock abundance does not become available until early in each year (January–early March).

The commercial and recreational salmon fisheries off northern California and southern Oregon target healthy or abundant stocks of Chinook and coho salmon, but may incidentally encounter Endangered Species Act (ESA)-listed CC Chinook salmon. The CC Chinook salmon Evolutionarily Significant Unit (ESU) has been listed as threatened under the ESA since 1999. The Salmon FMP includes harvest controls that are used to manage salmon stocks sustainablyand requires that the fisheries be managed consistent with ''consultation standards'' for stocks listed as endangered or threatened under the ESA for which NMFS has issued biological opinions. NMFS has issued biological opinions for every ESA-listed salmon species impacted by the fisheries governed by the Salmon FMP. A series of biological opinions on the CC Chinook salmon ESU (NMFS 2000; McInnis 2005; NMFS 2023; NMFS 2024) have concluded that management of the salmon fishery that avoids exceedance of the conservation objective will avoid jeopardizing the ESU. As described in these biological opinions, the available data are insufficient for developing an ESU-specific conservation objective for CC Chinook salmon. Thus, NMFS has relied on a surrogate, Klamath River fall-run Chinook Salmon (KRFC), to evaluate and limit impacts on CC Chinook salmon in ocean salmon fisheries. The conservation objective is an ocean harvest rate (HR) on age-4 KRFC of 0.16. In its 2024 biological opinion, NMFS confirmed that managing fisheries to avoid exceeding this conservation objective would avoid jeopardy to CC Chinook salmon.

From 2018 to 2022, the fishery HR on age-4 KRFC significantly exceeded 0.16 with an average of 0.28. Adjustments to ocean management models were made to account for these high catch rates, and fisheries were managed to stay within a lower rate than the conservation objective, but the fisheries continued to exceed the conservation objective for CC Chinook salmon The recent increases in the post-season KRFC age-4 ocean HR from 2018 through 2021 suggest that the level of impacts on CC Chinook salmon have likely increased.

For 2023, in response to record low forecasts for KRFC and Sacramento fall-run Chinook (SRFC) salmon, the Council ultimately recommended the closure of commercial and recreational salmon fisheries off the coast of California for 2023, and NMFS approved this closure.

In the fall of 2023, the Council considered recommending additional measures to address the high catch rates of KRFC and stay within the conservation objective for CC Chinook salmon. At the November 2023 Council meeting, the Council voted to recommend a set of management measures to ensure that the CC Chinook salmon conservation objective is not exceeded, including landing and possession limits, an overall allowable harvest level, and inseason management consistent with the provisions of the Salmon FMP.

In 2024, the Council again recommended the closure of commercial and recreational salmon fisheries off the coast of California through calendar year 2024, and NMFS approved the closure.

Measures To Achieve Conservation Objectives for California Stocks of Chinook Salmon

The management measures included in this rule will apply to the ocean salmon fisheries between the Oregon/California border and the U.S./Mexico border (*i.e.,* California Klamath Management Zone, Fort Bragg, San Francisco, and Monterey management areas) for the following reasons:

1. The majority of the KRFC harvest (and assumed impacts on CC Chinook salmon) in the ocean occurs in this area;

2. The age-4 ocean HR for KRFC in this area has consistently exceeded pre-season projections in recent years;

3. Contact-rate-per-unit-effort in this area has exceeded projections in recent years;

4. The fisheries in this area have been managed primarily through season controls such as time and area restrictions (as opposed to use of landing and possession limits and/or quota management);

5. Time and area restrictions in this area have not been effective in controlling harvest of KRFC (and assumed impacts on CC Chinook salmon) in recent years; and

6. Ocean fisheries in other areas that impact KRFC routinely implement the same or similar management measures as described in these measures for a similar purpose.

The rule requires implementation of measures used in salmon fisheries elsewhere on the West Coast to ensure fisheries off the coast of California do not exceed the conservation objective for CC Chinook salmon. The Salmon FMP contemplates that a range of management tools will be used to ensure the fisheries are managed to avoid exceeding all limits for stocks caught in the various management areas along the West Coast (FMP chapter 6). These management tools (*e.g.,* management boundaries, seasons, quotas, minimum harvest lengths, fishing gear restrictions, and recreational day bag limits) are available to manage ocean fisheries each season, once the allowable ocean harvests and the basis for allocation among user groups have been determined. New information on the fisheries and salmon stocks also may require other adjustments to the management measures.

Consistent with the proposed rule, 89 FR 30314 (April 23, 2024), this final rule adds new 50 CFR 660.410(d), which requires fishery managers to set an allowable harvest level of a number of Chinook salmon for each year, consistent with the conservation objective (including the buffer described as follows). In setting the annual harvest level, the Council may recommend and NMFS may applya buffer to the conservation objective to account for management error and reduce the potential for exceeding the conservation objective. The default buffer would be the percent error (defined as the difference between the preseason projected HR and the post-season estimated HR, divided by the post-season estimated HR, and expressed as a percentage) averaged over the most recent 5 years. Other relevant factors such as revisions to the fishery management models used to estimate the preseason Chinook catch, environmental indicators relevant to the status of KRFC, constraints on fisheries under consideration for the areas and months with greatest impacts to KRFC Chinook, may be considered to further refine the buffer. Using the allowable harvest level and projected effort, managers will determine landing and possession limits pre-season to ensure that the fishery does not exceed the allowable harvest level. The fishery will be monitored inseason and actions will be taken as needed to prevent the fisheries from exceeding the annual harvest level. We expect that this multilayered conservative approach (*i.e.,* a buffer, fishery output control, and inseason actions) will ensure that the fisheries remain within the pre-season projection and adhere to the CC Chinook salmon conservation objective. This final rule also updates regulations at 50 CFR 660.405 and 660.410. In § 660.405, the term ''possess'' was added to provide consistency with other prohibitions throughout the regulations. The addition of the term ''possess'' will ensure that fishers are not confused about the requirements related to the timing of take, retention, possession, or landings, particularly in relation to the requirement included in this rule that fish tickets be submitted within 24 hours of landing. In addition, this final rule would revise paragraph (c) of § 660.410 by adding the abbreviation ''KRFC'' to address several new occurrences of that acronym that did not exist before.

Public Comments

NMFS received seven comment letters. Of these letters, three comment letters were from private citizens and are not relevant to this action.

Comment 1: The California Department of Fish and Wildlife (CDFW) and a private citizen were in support of the action. In the years preceding the 2023 and 2024 ocean salmon fishery closures, CDFW advocated for an inseason management system to ensure CC Chinook salmon remain within its conservation objective. CDFW supports the transition to inseason harvest management of California commercial ocean salmon fisheries by utilizing caps on allowable harvest and establishing vessel-based landing and possession limits.

Response: NMFS thanks CDFW and the private citizen for their expressed support for this action.

Comment 2: PCFFA and a private citizen expressed concern about the validity of using KRFC as surrogate stock for evaluating impacts on CC Chinook salmon and the effect that landing and possession limits will have on the commercial fishing industry and communities. PCFFA also asserts that the shortcomings of using KRFC as a surrogate for CC Chinook salmon were not acknowledged. PCFFA acknowledges that catch rates in the California commercial troll fishery have

exceeded expectations over the past decade and asserts that harvest models have been unreliable.

Response: The conservation objective for CC Chinook salmon is defined in the Salmon FMP. This rule does not modify the CC Chinook salmon conservation objective, which is required by the applicable biological opinion developed pursuant to the ESA. Rather, the final ruleauthorizes the use of measures allowed under the Salmon FMP to ensure that the existing conservation objective is not exceeded. The assumptions and limitations of the CC Chinook salmon conservation objective were expressly discussed in supplemental reports and presentations during the rulemaking process and in the biological opinion NMFS issued in February 2024 on the implementation of the FMP including the proposed measures. The best available scientific information does not support an alternative conservation objective at this time.

Contact rate-per-unit-effort in the California commercial troll fishery has significantly exceeded model expectations leading to HRs that have frequently and substantially exceeded the CC Chinook salmon conservation objective from 2018 to 2022. In 2021 and 2022, the model used to predict harvest of KRFC was updated, and a conservation buffer was applied to the pre-season projection. Despite this concerted effort to avoid another exceedance, the 2022 fisheries exceeded the objective by more than double. This action is intended to manage the commercial salmon troll fishery to address the source of the high catch rates of KRFC and stay within the CC Chinook salmon conservation objective.

Comment 3: PCFFA commented that landing and possession limits and/or quota management will have devastating consequences for commercial fishing businesses, coastal communities, and wild food production in California.

Response: PCFFA does not elaborate on the potential consequences of this final rule or provide any analysis or estimates. In the **Federal Register** notification for the proposed rule, NMFS acknowledged that the action is expected to impose negative economic effects on small businesses relative to the 2018 to 2022 time period. This is because fishery participants harvested Chinook salmon at a level up to two times the conservation objective during 2018 to 2022. The action is intended to ensure catch levels do not continue to exceed the conservation objective. Additionally, the commercial and recreational fisheries off the coast of California were closed in 2023 and 2024. These closures were in response to low abundance forecasts for KRFC and SRFC. Chinook fisheries off the coast of Califoria, successfully operated under the CC Chinook salmon conservation objective, will provide a greater benefit to communiites by avoiding future closures.

Changes were made from the proposed rule to clarify the language and not changing the substance from the proposed rule.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Salmon FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

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

This final rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This rule changes the existing requirements for the collection of information 0648–0433 by adding a requirement for submission of fish tickets within 24 hours of landing. Public reporting burden for fish ticket submission is estimated to average 0 hours because the submission is already be required by the California Code of Regulations, this rule only changes the requirement for timing of that submission.

We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Written comments and recommendations for this information collection should be submitted to the following website: *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by using the search function and entering either the title of the collection or the OMB Control Number 0648–0433.

Notwithstanding any other provision of the law, no person required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

A formal section 7 consultation under the ESA was initiated for the Salmon FMP. In a biological opinion dated February 29, 2024, NMFS determined that fishing activities pursuant to this rule will not affect endangered and threatened species or critical habitat in any manner not considered in prior consultations on West Coast ocean salmon fisheries managed under the Salmon FMP and its implementing regulations are not likely to jeopardize the continued existence of that species or its critical habitat.

This final rule was developed after meaningful consultation and collaboration with the Tribal representative on the Council.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indians-lands, Recreation and recreation areas, Reporting and recordkeeping requirements, Treaties.

Dated: August 8, 2024.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.405, revise paragraphs (a)(1) and (2) to read as follows:

§ 660.405 Prohibitions.

(a) * * *

(1) Take and retain, possess, or land salmon caught with a net in the fishery management area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(2) Fish for, take and retain, or possess any species of salmon:

(i) During closed seasons or in closed areas;

(ii) While possessing on board any species not allowed to be taken in the area at the time;

(iii) Once any catch limit is attained;

(iv) By means of gear or methods other than recreational fishing gear or troll fishing gear, or gear authorized under § 660.408(k) for treaty Indian fishing;

(v) In violation of any action issued under this subpart; or

(vi) In violation of any applicable area, season, species, zone, gear, daily bag limit, or length restriction.

* * * * *

■ 3. In § 660.410, revise paragraph (c) and add paragraph (d) to read as follows:

§ 660.410 Conservation objectives, ACLs, and de minimis control rules.

* * * * *

(c) *De minimis control rules.* Klamath River fall Chinook (KRFC) and Sacramento River fall Chinook salmon have the same form of *de minimis* control rule described in the Salmon FMP, which allows for limited fishing impacts when abundance falls below S_{MSY} (the abundance of adult spawners that is expected, on average, to produce MSY). The control rule describes maximum allowable exploitation rates at any given level of abundance. The annual management measures may provide for lower exploitation rates as needed to address uncertainties or other year-specific circumstances. The *de minimis* exploitation rate in a given year must also be determined in consideration of the following factors:

(1) The potential for critically low natural spawner abundance, including considerations for substocks that may fall below crucial genetic thresholds;

(2) Spawner abundance levels in recent years;

(3) The status of co-mingled stocks;

(4) Indicators of marine and freshwater environmental conditions;

(5) Minimal needs for Tribal fisheries;

(6) Whether the stock is currently in an approaching overfished condition;

(7) Whether the stock is currently overfished;

(8) Other considerations, as appropriate; and

(9) Exploitation rates, including *de minimis* exploitation rates, must not jeopardize the long-term capacity of the stock to produce maximum sustained yield on a continuing basis. NMFS expects that the control rule and associated criteria will result in decreasing harvest opportunity as abundance declines and little or no opportunity for harvest at abundance levels less than half of the maximum stock size threshold (MSST).

(d) *Salmon fisheries affecting California Coastal Chinook.* Salmon fisheries off the coast of California affecting this ESA-listed stock are managed to meet the conservation objective described in Salmon FMP table 3–1.

(1) The annual specifications and management measures will include an allowable harvest level expressed in numbers of Chinook salmon for the salmon fisheries off the coast of California that is projected, using the Klamath Ocean Harvest Model and Sacramento Harvest Model, to ensure fisheries do not exceed the conservation objective. A harvest rate that is lower than the conservation objective may be used to determine the allowable harvest level in order to address the potential for exceeding the objective in a particular year. The lower harvest rate will be determined in two steps.

(i) In the first step, NMFS and the Council will calculate the average percent error (defined as the difference between the preseason projected HR and the post-season estimated HR, divided by the post-season estimated HR, and expressed as a percentage) averaged over the most recent 5 years, and apply the average percent error to the conservation objective. Only positive percent error will be applied because the intent is to keep the post-season harvest rate below the conservation objective.

(ii) In the second step, other relevant factors affecting the preseason assessment of the age-4 KRFC harvest rate will be considered, such as revisions to the fishery management models used to estimate the preseason Chinook catch, environmental indicators relevant to the status of KRFC, constraints on fisheries under consideration for the areas and months with greatest impacts to KRFC Chinook, and the lower harvest rate may be modified based on these factors.

(2) The annual specifications and management measures will include the following management measures to ensure fisheries affecting California Coastal Chinook do not exceed the allowable harvest level.

(i) Landing and possession limits will be used in the commercial troll fisheries to keep fishery catch within the allowable harvest level. Landing and possession limits will be set for periods not to exceed 1 week. Landing and possession limits may vary from one calendar month to the next but will be the same for periods within the same calendar month.

(ii) A percentage of the allowable harvest level (*i.e.,* trigger) that will require consideration of inseason action to ensure that the allowable harvest level is not exceeded will be set through the annual management measures.

(iii) For the first 2 years after the promulgation of this rule in which a salmon fishery occurs in the EEZ off the California coast, inseason actions will only be used to further restrict harvest (*i.e.,* reduce landing limits, reduce time/area, and close the fishery when the allowable harvest level is projected to have been met).

(3) Electronic fish tickets must be submitted within 24 hours of landing to the California Department of Fish and Wildlife. Fish tickets must be submitted in accordance with the requirements of the applicable State regulations.

(4) NMFS will implement inseason actions as described in § 660.409, following processes described in that section, as needed to ensure catch in the fishery does not exceed the allowable harvest level and will close areas and seasons upon reaching the allowable harvest limit.

[FR Doc. 2024–17992 Filed 8–13–24; 8:45 am]

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Proposed Rules

Federal Register

Vol. 89, No. 157

Wednesday, August 14, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2023–0641; FRL–12157–01–R8]

Air Plan Approval; North Dakota; Approval of Air Quality Implementation Plans; Regional Haze State Implementation Plan; Regional Haze Five Year Progress Report and Nitrogen Oxides Best Available Retrofit Technology Determination for Coal Creek Station for the First Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve certain portions of State Implementation Plan (SIP) revisions submitted by the State of North Dakota (North Dakota) on January 12, 2015, and August 11, 2022, to address regional haze. Specifically, the EPA is proposing to approve North Dakota's nitrogen oxides (NO_X) Best Available Retrofit Technology (BART) determination for Coal Creek Station power plant (Coal Creek) for the first implementation period of the regional haze program and North Dakota's five-year regional haze progress report. This action addresses the United States Court of Appeals for the Eighth Circuit's September 23, 2012 vacatur and remand of the portion of the EPA's 2012 Regional Haze Federal Implementation Plan (FIP) that promulgated a BART emission limit of 0.13 lb/MMBtu NO_X (30-day rolling average) for Coal Creek. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 13, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2023–0641, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *https://www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-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.,* CBI or other information whose 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 electronically in *https://www.regulations.gov.* Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Holly DeJong, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6241, email address: *dejong.holly@epa.gov;* or Joe Stein, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–7078, email address: *stein.joseph@epa.gov.*

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

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I. What action is the EPA proposing?

On January 12, 2015, North Dakota submitted a SIP revision to address the regional haze program requirements to submit periodic progress reports under 40 CFR 51.308(g) and 40 CFR 51.308(h)

(2015 progress report). On August 11, 2022, as part of a SIP revision North Dakota submitted to address regional haze for the second implementation period, the State also included a revised first implementation period NO_X BART determination for Coal Creek, pursuant to CAA section 169A, CAA section 169B, 40 CFR 51.308(f), and 40 CFR part 51, appendix Y (2022 SIP submittal). The EPA is proposing to approve North Dakota's 2015 progress report, and the portion of North Dakota's 2022 SIP submittal relating to the first implementation period NO_X BART determination for Coal Creek. The EPA will act on the portion of North Dakota's 2022 SIP submittal relating to the second implementation period requirements in a separate action.

II. Legal Background

A. Requirements of the Clean Air Act and the EPA's Regional Haze Rule

In section 169A of the CAA, Congress created a program for protecting visibility in national parks and wilderness areas. This section of the CAA establishes ''as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.'' [1]

The EPA promulgated a rule to address regional haze on July 1, 1999.[2] The Regional Haze Rule revised the existing visibility regulations [3] to integrate provisions addressing regional haze and established a comprehensive visibility protection program for Class I Federal areas (Class I areas). The requirements for regional haze, found at 40 CFR 51.308 and 40 CFR 51.309, are included in the EPA's visibility protection regulations at 40 CFR 51.300 through 40 CFR 51.309.[4]

The CAA requires each State to develop a SIP to meet various air quality requirements, including protection of visibility.[5] Regional haze SIPs must assure reasonable progress toward the national goal of preventing future and remedying existing manmade visibility impairment in Class I areas. A State must submit its SIP and SIP revisions to the EPA for approval.[6] Once approved, a SIP is enforceable by the EPA and citizens under the CAA; that is, the SIP is federally enforceable.

B. Best Available Retrofit Technology

Section 169A(b)(2) of the CAA requires SIPs to contain such measures as may be necessary to make reasonable progress toward meeting the national visibility goal. Section 169(b)(2)(A) specifies that one such requirement is for certain categories of existing major stationary sources built between 1962 and 1977 to procure, install, and operate BART as determined by the States through their SIPs. Under the Regional Haze Rule, States (or the EPA, in the case of a FIP) are directed to make BART determinations for such ''BART-eligible'' sources—typically larger, often uncontrolled, and older stationary sources—that may reasonably be anticipated to cause or contribute to any visibility impairment in a Class I area.[7]

On July 6, 2005, the EPA published the *Guidelines for BART Determinations Under the Regional Haze Rule* (the ''BART Guidelines'') to assist States in determining which sources should be subject to the BART requirements and the appropriate emission limits for each covered source.[8] The process of establishing BART emission limitations follows three steps: first, identify the sources that meet the definition of ''BART-eligible source'' set forth in 40 CFR 51.301; [9] second, determine which of these sources ''emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area'' (a source that fits this description is ''subject to BART''); and third, for each source subject to BART, identify the best available type and level of control for reducing emissions.

Pursuant to CAA section 169A(g)(2), CAA section 169A(b)(2)(A) and 40 CFR 51.308(e)(1)(ii)(A), in determining the measures necessary for BART, a State must take into account the following five factors and demonstrate how they were taken into consideration in making a BART determination:

- costs of compliance;
- energy and non-air quality impacts of compliance;
- pollution control equipment at the source;
- remaining useful life of any potentially affected sources;
- visibility improvement anticipated to result from controls.

States must address all visibility-impairing pollutants emitted by a source in the BART determination process. The most significant visibility impairing pollutants are sulfur dioxide (SO_2), NO_X, and particulate matter (PM).

C. Long-Term Strategy and Reasonable Progress Requirements

In addition to the BART requirements, the CAA's visibility protection provisions also require that States' regional haze SIPs contain a ''long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal.'' [10] The long-term strategy must address regional haze visibility impairment for each mandatory Class I area within the State and each mandatory Class I area located outside the State that may be affected by emissions from the State. It must include the enforceable emission limitations, compliance schedules, and other measures necessary to achieve the reasonable progress goals.[11] The reasonable progress goals, in turn, are calculated for each Class I area based on

[1] 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, the EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although States and tribes may designate as Class I additional areas whose visibility they consider to be an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' 42 U.S.C. 7602(i). When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

[2] 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

[3] The EPA had previously promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* reasonably attributable visibility impairment (RAVI). 45 FR 80084, 80084 (December 2, 1980).

[4] The EPA revised the Regional Haze Rule on January 10, 2017. 82 FR 3078 (January 10, 2017). Under the revised Regional Haze Rule, the requirements in 40 CFR 51.308(d) and (e) apply to first implementation period SIP submissions and 51.308(f) applies to submissions for the second and subsequent implementation periods. 82 FR 3087; see also 81 FR 26942, 26952 (May 4, 2016).

[5] 42 U.S.C. 7410(a), 7491, and 7492; CAA sections 110(a), 169A, and 169B.

[6] 42 U.S.C. 7491(b)(2); 7410.

[7] 40 CFR 51.308(e). The EPA designed the Guidelines for BART Determinations Under the Regional Haze Rule (Guidelines) ''to help States and others (1) identify those sources that must comply with the BART requirement, and (2) determine the level of control technology that represents BART for each source.'' 40 CFR part 51, appendix Y, I.A. Section II. of the Guidelines describes the four steps to identify BART sources, and section III. explains how to identify BART sources (*i.e.,* sources that are ''subject to BART'').

[8] ''Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations'' (BART Guidelines) at 70 FR 39104 (July 6, 2005) codified in 40 CFR part 51, appendix Y.

[9] BART-eligible sources are those sources that have the potential to emit 250 tons or more of a visibility-impairing air pollutant, were not in operation prior to August 7, 1962, but were in existence on August 7, 1977, and whose operations fall within one or more of 26 specifically listed source categories. 40 CFR 51.301.

[10] 42 U.S.C. 7491(b)(2)(B).

[11] 42 U.S.C. 7491(b)(2); 40 CFR 51.308(d)(3).

the control measures States have selected for sources by applying the four statutory ''reasonable progress'' factors, which are ''the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirement.'' [12] That is, States consider the four reasonable progress factors, and certain other factors listed in § 51.308(d)(3) of the Regional Haze Rule, to determine what controls must be included in the long-term strategy. Those controls are represented in the long-term strategy, *i.e.,* the SIP, as emission limits, schedules of compliance, and other measures. The reasonable progress goals are the predicted visibility outcome of implementing the long-term strategy in addition to ongoing pollution control programs stemming from other CAA requirements.

Unlike the BART determinations, which were only required for the first implementation period regional haze planning period SIPs,[13] States are required to submit revisions to their regional haze SIP for each planning period, including new reasonable progress analyses and reasonable progress goals. The most recent regulatory deadline for States to submit their SIP revisions with long-term strategy updates to the EPA was on July 31, 2021.[14]

D. Progress Report Requirements

Under 40 CFR 51.308(g) States are required to periodically submit progress reports that evaluate progress towards the reasonable progress goals for each mandatory Class I area within the State and in each Class I area outside the State which may be affected by emissions from within the State. The first progress report is required to be in the form of a SIP revision and was due five years from submittal of the initial implementation plan for the first planning period. The progress reports must contain specific elements as listed in 40 CFR 51.308(g)(1)–(8). Additionally, the provisions of 40 CFR 51.308(h) require States to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of adequacy of the State's existing regional haze SIP.

E. Consultation With Federal Land Managers

The Regional Haze Rule requires that a State consult with Federal Land Managers (FLMs) before adopting and submitting a required SIP revision. Further, a State must include a summary of the FLMs' conclusions and recommendations in its notice to the public,[15] as well as include in its submission to the EPA a description of how it addressed any comments provided by the FLMs.[16]

III. North Dakota's Regional Haze SIP Submittals

A. Background

Coal Creek, the largest power plant in North Dakota, is a two-unit, approximately 1,200 gross megawatt (MW) mine-mouth power plant consisting primarily of two steam generators and associated coal and ash handling systems.[17] Coal Creek is located near the Missouri River, five miles south of Underwood, North Dakota.[18] On May 2, 2022, Great River Energy sold Coal Creek and the high voltage direct current (HVDC) transmission system to Rainbow Energy Center, LLC.[19]

The Governor of North Dakota submitted North Dakota's Regional Haze SIP for the first implementation period to the EPA on March 3, 2010, followed by supplements to the SIP titled ''SIP Supplement No. 1'' on July 27, 2010, and ''SIP Amendment No. 1'' on July 28, 2011 (collectively, ''2010 SIP submittal''). North Dakota submitted the 2010 SIP submittal to meet the requirements of the regional haze program for the first planning period of 2008 through 2018. Among other things, the 2010 SIP submittal included a BART emission limit for NO_X for Units 1 and 2 at Coal Creek of 0.17 lb/MMBtu averaged across the two units (on a 30-day rolling average),[20] represented by modified and additional separated overfire air, close-coupled overfire air, and low NO_X burners (LNC3+). The next most stringent control option North Dakota considered was selective non-catalytic reduction (SNCR) in addition to Coal Creek's existing additional separated overfire air, close-coupled overfire air, and low NO_X burners (LNC3). For this control option, North Dakota took into account the potential for ammonia from the SNCR to contaminate the fly ash.[21] Ultimately, the State concluded that ''[b]ecause of the potential for lost sales of fly ash, the negative environmental effects of having to dispose of the fly ash instead of recycling it into concrete, and the very small amount of visibility improvement from the use of SNCR, this option is rejected as BART.'' [22]

On April 6, 2012, the EPA promulgated a final rule that approved in part and disapproved in part North Dakota's 2010 SIP submittal (2012 Final Rule).[23] During the EPA's review of North Dakota's NO_X BART analysis for Coal Creek, the EPA identified an error in the costs associated with lost fly ash sales.[24] At the EPA's request, after North Dakota submitted the 2010 Regional Haze SIP and prior to publication of the 2012 Final Rule, North Dakota obtained additional supporting information from Great River Energy for lost fly ash revenue and for the potential cost of fly ash ammonia mitigation. The supporting information included an updated cost analysis from Great River Energy noting that the correct sales price for fly ash was $5/ton instead of $36/ton. The updated analysis included corrected fly ash revenue data and ammonia mitigation costs. That analysis, dated June 16, 2011, indicated that the cost effectiveness for SNCR at Coal Creek Units 1 and 2 would be $2,318/ton of NO_X emissions reductions rather than the original estimate of $8,551/ton. Because the State's cost of compliance analysis was based upon flawed and inflated lost fly ash revenue cost estimates, the EPA concluded that the 2010 Regional Haze SIP failed to properly consider the cost of compliance as required by CAA 169A, 40 CFR 51.308(e)(1)(ii)(A), and 40 CFR part 51, appendix Y. Therefore, the EPA disapproved North Dakota's NO_X BART determination for Coal Creek.[25]

In the same action, the EPA promulgated a FIP that included a NO_X BART emission limit for Units 1 and 2 at the Coal Creek of 0.13 lb/MMBtu averaged across the two units (30-day

[12] 42 U.S.C. 7491(g)(1); 40 CFR 51.308(d)(1)(i)(A).

[13] Under the Regional Haze Rule, SIPs are due for each regional haze planning period, or implementation period. The terms ''planning period'' and ''implementation period'' are used interchangeably in this document.

[14] 40 CFR 51.308(f). The 2021 deadline was originally in 2018; the EPA revised this deadline in 2017. 82 FR 3078 (January 10, 2017); see also 40 CFR 51.308(f). Following the 2021 SIP submittal deadline, the next SIP submittal is due in 2028. 40 CFR 51.308(f).

[15] 42 U.S.C. 7491(d).

[16] 40 CFR 51.308(i).

[17] North Dakota's 2022 SIP submittal, section 8.

[18] Id.

[19] Coal Creek Sale to Rainbow Energy Center Final. *Minot Daily News* (2022, May 3). Available at *https://www.minotdailynews.com/news/local-news/2022/05/coal-creek-station-sale-to-rainbow-energy-center-final.*

[20] Throughout, 30-day rolling average emission limits are based on boiler operating days.

[21] Fly ash is a marketable product sold by Great River Energy.

[22] 2010 Regional Haze SIP, appendix D.2, BART Determination for Coal Creek Units 1 and 2, 12/1/2009, p. 20.

[23] 77 FR 20894 (April 6, 2012).

[24] 76 FR 58603 (September 21, 2011); 77 FR 20921 (April 6, 2012).

[25] 77 FR 20894 (Apr. 6, 2012).

rolling average), which Great River Energy could meet by installing SNCR plus LNC3+.[26] This emission limit was based on the EPA's independent BART analysis, including the updated costs of compliance.

Subsequently, several petitioners challenged various aspects of the EPA's final rule in the U.S. Court of Appeals for the Eighth Circuit. Pertinent to this proposal, North Dakota and Great River Energy challenged the EPA's disapproval of North Dakota's determination that LNC3+ with an emission limit of 0.17lb/MMBtu averaged across the two units (30-day rolling average) is NO_X BART for Coal Creek. The petitioners also challenged the EPA's determination that SNCR plus LNC3+ with an emission limit of 0.13lb/MMBtu averaged across the two units (30-day rolling average) is NO_X BART for Coal Creek.

On January 2, 2013, North Dakota submitted a SIP revision [27] with a revised five-factor NO_X BART evaluation for Coal Creek (2013 SIP submittal). North Dakota's 2013 SIP submittal affirmed North Dakota's earlier BART determination of 0.17 lb/MMBtu averaged across the two units (30-day rolling average) to be met with LNC3+.

On September 23, 2013, the Eighth Circuit concluded that the EPA properly disapproved portions of the 2010 Regional Haze SIP, including the EPA's disapproval of North Dakota's NO_X BART determination for Coal Creek.[28] However, the court vacated the portion of the EPA's FIP promulgating a NO_X BART emission limit of 0.13 lb/MMbtu (30-day rolling average) for Coal Creek, holding that the EPA had failed to consider existing pollution control technology [29] already in use at Coal Creek. Specifically, the court found that the EPA's refusal to consider DryFining™ as an existing pollution control because it had been voluntarily installed after the regional haze baseline date was arbitrary and capricious.[30]

Several SIP submissions and EPA actions for the first implementation period followed the Eighth Circuit's decision. On January 12, 2015, North Dakota submitted a SIP revision for a regional haze five-year progress report, pursuant to 40 CFR 51.308(g). On April 26, 2018, the EPA proposed to approve the Coal Creek NO_X BART determination in North Dakota's January 2013 SIP submittal.[31] The EPA did not finalize that action and North Dakota subsequently withdrew its 2013 SIP submittal of the NO_X BART determination for Coal Creek.[32] [33] On April 5, 2022, the EPA approved North Dakota's August 3, 2020 SIP submittal incorporating the 2012 FIP requirements for another source.[34] In the same action, the EPA withdrew from the Code of Federal Regulations the vacated Coal Creek FIP requirements.

B. August 11, 2022 SIP Submittal

As part of its 2022 SIP submittal to address Regional Haze for the second planning period, North Dakota submitted a revised NO_X BART analysis and determination for Coal Creek Units 1 and 2. Specifically, the submittal provides a source-specific NO_X BART five-factor analysis for Coal Creek Units 1 and 2 to demonstrate that the existing LNC3+ NO_X controls with emission limits of 0.15 lb/MMBtu NO_X on a 30-day rolling average satisfy the NO_X BART requirements for those units for the first planning period. North Dakota submitted Coal Creek Permit to Construct # PTC21001 as part of its 2022 SIP submittal.[35] The final permit was issued on July 27, 2022.[36] North Dakota's 2022 SIP submittal also included an analysis to address the State's second planning period long-term strategy requirements; that portion of North Dakota's 2022 SIP submittal will be addressed in separate action.

C. North Dakota's NO_X BART Determination

For its NO_X BART assessment for Coal Creek Units 1 and 2, North Dakota considered the following control technologies: LNC3+, LNC3+ w/ selective catalytic reduction (SCR), LNC3+ w/SNCR, Ultracat, catalytic filter bags, and ''mid-temperature'' SCR catalyst. Ultimately, North Dakota deemed Ultracat, catalytic filter bags, and ''mid-temperature'' SCR catalyst to be technologically infeasible at Coal Creek Units 1 and 2. For LNC3+, LNC3+ w/SCR and LNC3+ w/SNCR, North Dakota relied on information provided by Great River Energy to conduct a source-specific NO_X BART assessment though application of the five BART factors.[37]

1. Costs of Compliance

For the source-specific BART analysis associated with this action, North Dakota provided costs of compliance associated with the controls it deemed technologically feasible at Coal Creek Units 1 and 2 (LNC3+, LNC3+ w/SCR, and LNC3+ w/SNCR). North Dakota did not analyze Ultracat, catalytic filter bags, and ''mid-temperature'' SCR catalyst at Coal Creek Units 1 and 2 because they were deemed technologically infeasible. North Dakota's 2022 SIP submittal includes an updated analysis and evaluation for NO_X BART at Coal Creek Units 1 and 2 that was provided by Great River Energy.[38] [39] North Dakota relied on cost information from Great River Energy's analysis,[40] but conducted its own cost analysis in appendix F. North Dakota's initial BART evaluation in its 2010 SIP submittal used actual emission rates from a 3-year period of emission inventory data from 2000 to 2002, the same time period that was used to determine the visibility baseline.[41] North Dakota's updated BART analysis in the 2022 SIP submittal updates these emissions rates to reflect the operation of LNC3 with DryFining™. It also provides updates to the operating conditions and emissions performance

[26] The FIP also included: a reasonable progress determination and NO_X emission limit for Antelope Valley Station (Antelope Valley) Units 1 and 2 of 0.17 lb/MMBtu that applies singly to each of these units on a 30-day rolling average, and a requirement that the owner/operator meet the limit as expeditiously as practicable, but no later than July 31, 2018; monitoring, record-keeping, and reporting requirements for the Coal Creek and Antelope Valley units to ensure compliance with the emission limitations; reasonable progress goals consistent with the approved SIP emission limits approved and the final FIP limits; and long-term strategy elements that reflect the other aspects of the finalized FIP. Please refer to the EPA's final FIP rule for further information on the FIP requirements. 77 FR 20894 (Apr. 6, 2012).

[27] North Dakota referred to the January 2, 2013 SIP submittal as ''Supplement No. 2''. The EPA herein refers to North Dakota's January 2, 2013 submission as a SIP submittal.

[28] *North Dakota* v. *EPA,* 730 F.3d 750 (8th Cir. 2013), *cert. denied,* 134 S. Ct. 2662 (2014).

[29] Pursuant to section 169A(g)(1) of the CAA, ''any existing pollution control technology in use at the source'' is one of the five factors that must be considered when making a BART determination.

[30] DryFining™ is a technology developed by Great River Energy that reduces moisture and refines lignite coal, increasing the efficiency and performance of the fuel while reducing emissions.

[31] 83 FR 18248 (April 26, 2018).

[32] North Dakota 2022 SIP submittal, Letter from North Dakota Governor Doug Burgum to EPA Administrator Michael Regan.

[33] As explained in this document in Section III.B., *August 11, 2022 SIP Submittal,* North Dakota subsequently withdrew the Coal Creek Station NO_X BART portion of this 2013 SIP submittal in a 2022 SIP submittal to the EPA that included a revised NO_X BART determination for Coal Creek. The EPA is acting on the Coal Creek Station NO_X BART portion of the 2013 SIP submittal in a separate action.

[34] Antelope Valley Station.

[35] North Dakota's 2022 SIP submittal, appendix F.2.

[36] Id.

[37] North Dakota's 2022 SIP submittal, section 8 and appendix B.4.b.

[38] Id.

[39] Great River Energy retained Barr Engineering Co. (Barr) to complete an updated analysis and evaluation for NO_X BART at Coal Creek Units 1 and 2.

[40] North Dakota's 2022 SIP submittal, appendix B.4.b.

[41] 76 FR 58582 (September 21, 2011).

at Coal Creek Units 1 and 2.[42] In the 2022 SIP submittal for NO_X BART, North Dakota used Great River Energy's calculations of the 30-day average NO_X emissions levels at Unit 2 from January 1, 2018 to July 31, 2019. The actual NO_X emissions during this time frame averaged 0.127 lb/MMBtu (rounded to 0.13 lb/MMBtu) with daily variability in NO_X emissions between 0.10 and 0.19 lb/MMBtu. Great River Energy used this 0.13 lb/MMBtu NO_X rate as its performance emissions rate for the first option of BART controls (LNC3+), in the average cost-effectiveness analysis.

The cost of an emissions control measure is derived using capital and annual operation and maintenance costs. Cost effectiveness is analyzed in terms of control cost per ton of pollutant removed by the control. Cost/ton for a particular control technology is the difference in anticipated annual emissions using baseline emissions and expected annual emissions performance through installation of the additional retrofit control measure. In addition to the average cost effectiveness threshold for the BART evaluations, North Dakota also calculated an incremental cost effectiveness (cost effectiveness between two control measures) threshold.[43]

North Dakota analyzed LNC3+, SNCR, and SCR for average cost-effectiveness and incremental cost-effectiveness in its updated BART analysis.[44] The 2016–2018 three-year annual average data from LNC3 (with DryFining™) on Unit 1 was used as the baseline performance rate in pounds of NO_X per MMBtu for both units. In its incremental cost analysis, North Dakota considered the existing LNC3+ (installed on Unit 2 in 2010 and Unit 1 in 2020)[45] by performing an incremental cost analysis looking at the standalone cost of implementing SNCR, the next most stringent control, relative to the existing LNC3+. North Dakota also performed an incremental cost analysis looking at the standalone cost of SCR relative to LNC3+. Per the EPA's BART guidelines, which advise that incremental costs should be calculated relative to the next most stringent control option,[46] North Dakota also performed incremental cost analyses looking at the standalone cost of SCR relative to SNCR. The results of the average and incremental cost analyses can be seen in table 1:

TABLE 1—2022 SIP SUBMITTAL COST OF COMPLIANCE AND INCREMENTAL COST OF COMPLIANCE

Control technology	Performance level (lb/MMBtu)	Annualized emission reduction (tpy)	Annualized total cost ($)	Cost of compliance ($/ton)	Incremental cost of compliance ($/ton)	Incremental cost of SCR over SNCR ($/ton)
Baseline, LNC3 with DryFining™	0.18					
LNC3+	0.13	1,162	793,418	683		
LNC3+ w/SNCR	0.10	1,850	6,194,244	3,348	7,850	
LNC3+ w/SCR	0.08	2,309	16,122,491	6,983	13,368	21,645
LNC3+ w/SCR	0.06	2,767	17,391,169	6,284	10,339	12,206

2. Energy and Non-Air Quality Environmental Impacts of Compliance

North Dakota identified the production of sulfuric acid as a side reaction with the SCR process chemistry. Sulfuric acid, which is not captured within the boiler or associated downstream emission control, is released to the atmosphere as sulfuric acid mist (SAM). North Dakota noted that SAM is emitted as aerosol particles that contribute to visibility impairment.[47] Because these emissions contribute to impairment, North Dakota considered the visibility impacts of SAM emissions in the analysis of visibility improvements from SCR and the costs of controlling SAM emissions in the SCR control cost analysis. Using the calculation procedures in a 2018 publication from Electric Power Research Institute, North Dakota estimated SAM emissions of approximately 415 tons per year per unit as a result of the SCR catalyst with a 5% oxidation rate at Coal Creek Station.[48] North Dakota also noted that a low-dust SCR system would require a fuel-fired reheat burner system, which could result in additional energy usage and additional emissions of NO_X and other pollutants.[49] North Dakota estimated water demands for SNCR to be 70–80 million gallons per year.[50] North Dakota noted the potential for ammonia slip as a result of these technologies, which could result in increased nitrogen in the scrubber, which would eventually be routed to evaporation ponds.[51] Additionally, the Great River Energy BART analysis included an evaluation of potential adverse impacts of ammoniated fly ash.[52] The report estimated that an additional 92,000 tons of fly ash would need to be disposed of in a landfill annually, which represents an additional 81 percent increase in fly ash disposal.[53]

3. Pollution Control Equipment at the Source

North Dakota's Updated BART analysis takes into account existing controls, including DryFining™ and other combustion controls. At the time of the initial BART modeling, LNC3 was operational on both Units 1 and 2. DryFining™ became operational at Units 1 and 2 in 2010. LNC3+ became operational at Unit 2 in 2010, and was installed on Unit 1 in the second quarter of 2020.[54] Though North Dakota did not incorporate LNC3+ into the baseline, the State did consider the existing LNC3+ by performing an incremental cost analysis looking at the standalone cost of implementing SNCR, the next most stringent control, relative to the existing

[42] North Dakota's 2022 SIP submittal, appendix B.4.b.

[43] North Dakota's 2022 SIP submittal, appendix B.4.b., section 3.2.

[44] North Dakota's 2022 SIP submittal, appendix F.

[45] North Dakota's 2022 SIP submittal, section 8.3.

[46] 40 CFR part 51, appendix Y section IV.D.4.e.1.: ''The incremental cost effectiveness calculation compares the costs and performance level of a control option to those of the next most stringent option, as shown in the following formula (with respect to cost per emissions reduction): Incremental Cost Effectiveness (dollars per incremental ton removed) = (Total annualized costs of control option) − (Total annualized costs of next control option) ÷ (Control option annual emissions) − (Next control option annual emissions).''

[47] North Dakota's 2022 SIP submittal, appendix B.4.b., section 3.3.

[48] Id.

[49] Id.

[50] Id.

[51] Id.

[52] Great River Energy commissioned Golder Associates and Boral Resources to evaluate the potential for adverse impacts of ammoniated fly ash. North Dakota's 2022 SIP submittal, appendix B.4.b.

[53] North Dakota's 2022 SIP submittal, appendix B.4.b.

[54] North Dakota's 2022 SIP submittal, appendix F.1–2.

LNC3+. North Dakota also performed incremental analyses looking at the standalone cost of SCR relative to LNC3+. Per the EPA's BART guidelines, which advise that incremental costs should be calculated relative to the next most stringent control option,[55] North Dakota also performed incremental cost analyses looking at the standalone cost of SCR relative to SNCR.

4. Remaining Useful Life

Remaining useful life was not considered by North Dakota because Coal Creek is expected to operate beyond the life of the control equipment. Therefore, North Dakota evaluated the controls according to the remaining useful life timeframes listed in the EPA's Control Cost Manual: 30 years for SCR and 20 years for SNCR.[56]

5. Visibility Improvement

North Dakota considered California Puff (CALPUFF) dispersion modeling conducted by Coal Creek to assess the potential visibility improvement from the use of additional NO_X BART controls at the Lostwood and Theodore Roosevelt National Park Class I areas.[57] Table 2 shows the baseline visibility impairment values associated with Modeling Scenario 1 (North Dakota's baseline scenario). Modeling Scenario 1 reflects emissions rates associated with the post-SO_2 BART approved controls (including DryFining™) and LNC3 controls for NO_X. Table 3 shows the projected incremental visibility impact of potential NO_X BART controls on Units 1 and 2 in addition to the assumed baseline (Modeling Scenario 1). Modeling Scenario 2 considers the addition of LNC3+ to the baseline, Scenario 3 considers LNC3+ with the addition of SNCR, and Scenarios 4–6 consider LNC3+ with the addition of SCR at three different oxidation rates (5%, 2.5%, and 0%).

TABLE 2—MODEL SCENARIO 1 BASELINE VISIBILITY IMPAIRMENT IN DECIVIEWS

Year	Theodore Roosevelt South Unit[58]	Theodore Roosevelt north unit	Theodore Roosevelt Elkhorn Ranch unit	Lostwood
2000	0.66	0.65	0.60	0.92
2001	0.47	0.57	0.53	0.87
2002	1.28	1.15	0.99	0.69

TABLE 3—COAL CREEK STATION INCREMENTAL VISIBILITY IMPACT OF MODELING SCENARIOS 2–6 IN DECIVIEWS[59]

[Negative numbers indicate decreases in visibility impairment, positive numbers indicate increases in visibility impairment]

Modeling scenario	NO_X control technology		Lostwood	Theodore Roosevelt	
2	Addition of LNC3+		−0.15	South Unit	−0.13
				North Unit	−0.12
				Elkhorn Ranch Unit	−0.12
3	LNC3+ with addition of SNCR		−0.06	South Unit	−0.07
				North Unit	−0.09
				Elkhorn Ranch Unit	−0.07
4	LNC3+ with addition of SCR.[60]	5% Oxidation Rate	0.17	South Unit	0.04
				North Unit	−0.02
				Elkhorn Ranch Unit	0.00
5	LNC3+ with addition of SCR	2.5% Oxidation Rate	0.01	South Unit	−0.07
				North Unit	−0.11
				Elkhorn Ranch Unit	−0.08
6	LNC3+ with addition of SCR	0% Oxidation Rate	−0.14	South Unit	−0.17
				North Unit	−0.21
				Elkhorn Ranch Unit	−0.16

The modeling results in table 3 show the visibility benefits of adding LNC3+ to the baseline (Scenario 2), and then the incremental, not total, visibility benefit of adding SNCR to the LNC3+ control scenario (Scenario 3) and SCR to the LNC3+ control scenario (Scenarios 4–6). The ''total'' visibility benefit of LNC3+ plus SNCR can be derived by adding the deciview improvement values for Scenarios 2 plus 3. And the ''total'' visibility benefit of LNC3+ plus SCR can be derived by adding the deciview improvement values for Scenarios 2 plus 4, 2 plus 5, or 2 plus 6 respectively. Note that due to the assumption of 5% and 2.5% SO_2 to SO_3 oxidation rates in Scenarios 4 and 5, there are several instances of net increases in visibility impairment. Those are represented as positive values. North Dakota ultimately concluded that none of the NO_X BART controls modeled were shown to have a ''significant'' impact on improving visibility in North Dakota's Class I areas.

[55] 40 CFR part 51, appendix Y section IV.D.4.e.1.: ''The incremental cost effectiveness calculation compares the costs and performance level of a control option to those of the next most stringent option, as shown in the following formula (with respect to cost per emissions reduction): Incremental Cost Effectiveness (dollars per incremental ton removed) = (Total annualized costs of control option) − (Total annualized costs of next control option) ÷ (Control option annual emissions) − (Next control option annual emissions).''

[56] EPA Air Pollution Control Cost Manual, section 4—NO_X Controls, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2023).

[57] Theodore Roosevelt National Park Class I area is comprised of three units: South Unit, North Unit, and Elkhorn Ranch Unit.

[58] The Theodore Roosevelt National Park Class I area is composed of three separate units: South Unit, North Unit, and Elkhorn Ranch Unit. Projected visibility improvements in deciviews are shown for each unit.

[59] The EPA calculated these numbers from North Dakota's SIP Submission, appendix F.1–13, table 15.

[60] North Dakota also evaluated the incremental cost of LNC3+ w/SCR compared to LNC3+ w/SNCR (maximum incremental visibility improvement of 0.12 dv).

6. BART Demonstration

After considering each of the five BART factors, States must demonstrate how those factors were taken into consideration in making a BART determination.[61] After consideration of the five factors, North Dakota identified LNC3+ as BART for Coal Creek Units 1 and 2.[62] Due to the inherent variability with shorter-term operations due to unit load swings and variable sodium concentrations in North Dakota lignite coal, North Dakota proposed a limit of 0.15 lb/MMBtu NO_X 30-day rolling average in lieu of the 0.13 lb/MMBtu NO_X annual rate to account for this variability. North Dakota found that the other potential controls evaluated, SNCR and SCR, were not reasonable to select for BART due to high cost and the potentially significant non-air quality impacts described in sections III.C.1. and III.C.2. above.[63]

In summary, North Dakota concluded that the BART analysis demonstrates that the currently installed NO_X emissions controls (LNC3+) on Units 1 and 2 constitute NO_X BART for Coal Creek Units 1 and 2. North Dakota rejected additional controls that were considered, citing cost, feasibility concerns, potential non-air quality impacts, and low visibility improvements as the most influential factors in its rejection of additional controls.[64] Therefore, North Dakota's 2022 SIP submittal requires emissions limits of 0.15 lb/MMBtu (30-day rolling average) associated with the operation of LNC3+ on Units 1 and 2 as the State's BART determination for Coal Creek.

D. January 12, 2015 Progress Report SIP Submittal

On January 12, 2015, North Dakota submitted its 2015 progress report to the EPA as a SIP revision. Two Class I areas are located in North Dakota: Lostwood Wilderness Area and Theodore Roosevelt National Park. The Theodore Roosevelt National Park Class I area is composed of three separate units: North Unit, Elkhorn Ranch Unit, and South Unit. In the first planning period, emissions from North Dakota sources were also found to be contributing to visibility impairment at nearby Boundary Waters Canoe Area Wilderness Area and Voyageurs National Park in Minnesota, Isle Royale National Park and Seney National Wildlife Refuge Wilderness Area in Michigan, Medicine Lake National Wildlife Refuge Wilderness Area and U.L. Bend National Wildlife Refuge Wilderness Area in Montana, and Badlands National Park and Wind Cave National Park in South Dakota.[65]

North Dakota consulted with other States through regular participation in the Western Regional Air Partnership (WRAP).[66] In developing the 2015 progress report, North Dakota relied on the technical tools, policy documents, and other products that other WRAP States used to develop their regional haze plans. The WRAP Implementation Work Group was one of the primary collaboration mechanisms. Additionally, North Dakota consulted directly with the State of Minnesota through the Minnesota Pollution Control Agency. Discussions with neighboring States included the review of major contributing sources of air pollution.[67]

In the first planning period, the EPA required the following for BART: SO_2 emissions limits for Coal Creek Units 1 and 2 and Heskett Station Units 1 and 2 [68] as well as NO_X emissions limits for Coyote Station Unit 1,[69] Milton R. Young Units 1 and 2,[70] Leland Olds Station Unit 2,[71] Stanton Station,[72] and Antelope Valley Station Units 1 and 2,[73] while the NO_X BART requirements at Coal Creek Units 1 and 2 remained outstanding.

North Dakota's 2015 progress report details the progress made in the first planning period toward implementation of the long-term strategy outlined in its 2010 SIP submittal, the visibility improvement measured at the Class I areas affected by emissions from North Dakota, and a determination of the adequacy of the State's existing regional haze SIP.

E. North Dakota's Five-Year Progress Report Determination

In its 2015 Progress Report, North Dakota included a description of the status of implementation of the measures included in the first planning period implementation plan, including current emissions rates, BART and reasonable progress limits, and implementation dates.[74] North Dakota also included a breakdown of its species contribution to impairment in both in-state and out-of-state Class I areas.[75] Further, North Dakota included a list of emissions reductions that have occurred as a result of Regional Haze Round 1 SIP control requirements.[76] North Dakota's first planning period implementation plan includes the following key measures: implementation of BART and reasonable progress for sources subject to this analysis and federal programs to cut on-road emissions and emissions from industrial boilers, combustion turbines, and internal combustion engines.[77]

Additionally, North Dakota included an assessment of visibility conditions and changes on least-impaired days and most-impaired days for both Class I areas within the State (Lostwood Wilderness Area and Theodore Roosevelt National Park), including 5-year averages representing the most recent 5-year period preceding the required date of the progress report.[78] North Dakota also showed the difference between current (at the time of progress report development) visibility conditions for the most impaired and least impaired days and baseline visibility conditions, as well as the change in visibility impairment for the most impaired and least impaired days over the period since the period addressed in the most recent plan.[79] North Dakota compared the baseline average of visibility impairment to both an average from 2005–2009 and an average from 2008–2012.[80]

Further, North Dakota included an analysis tracking the change over the period since the period addressed in the most recent plan in emissions of pollutants contributing to visibility impairment from all sources and activities within the State—these numbers are also broken down by

[61] 40 CFR 51.308(e)(1)(ii)(A).

[62] North Dakota's 2022 SIP submittal, section 8 and appendix F.1–15.

[63] Id.

[64] North Dakota's 2022 SIP submittal, appendix F.1–15.

[65] 76 FR 58570, 58579 (September 21, 2011).

[66] The Western Regional Air Partnership (WRAP) is a collaborative effort of State governments, local air agencies, tribal governments, and various federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the Western United States. Members include the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and 28 tribal governments. The federal partner members of WRAP are the EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), and the U.S. Bureau of Land Management (BLM).

[67] 76 FR 58629 (September 21, 2011).

[68] 77 FR 20894 (April 26, 2018).

[69] Id.

[70] Id.

[71] Id.

[72] Id.

[73] 87 FR 19635 (April 5, 2022).

[74] North Dakota's 2015 Progress Report, table 2.3.

[75] North Dakota's 2015 Progress Report, table 2.1 and table 2.2.

[76] North Dakota's 2015 Progress Report, section 2.2.

[77] North Dakota's 2015 Progress Report, section 2.1 and table 2.4 (MACT Standards).

[78] North Dakota's 2015 Progress Report, table 2.8.

[79] North Dakota's 2015 Progress Report, section 2.3.

[80] Id.

source category.[81] Here, North Dakota included 2011 data, data from the most recent triennial reporting requirements as of the time of progress report development.[82] Further, North Dakota also included 2018 emissions projections to show additional progress that was expected to be achieved by the State by 2018.[83]

North Dakota also included an assessment of changes in anthropogenic emissions within and outside of the State that have occurred since the period addressed in the most recent plan.[84] Here, North Dakota noted that the most obvious source category where emissions have increased is in oil and natural gas production, due to increased development of the Bakken formation, an area in western North Dakota with rich oil and gas reserves.[85] Within this sector, North Dakota notes that the pollutant with the largest increase is volatile organic compounds (VOC).[86] North Dakota also notes an increase in NO_X emissions in the oil and gas sector, though that increase (6,000 to 17,000 tpy) is outweighed by an approximate decrease of 32,000 tons of NO_X per year on a statewide (all sectors) basis.[87] North Dakota States that the increase in VOC and NO_X emissions does not appear to be impacting ozone concentrations in Class I areas or any part of North Dakota.[88] North Dakota points to a plan to reduce natural gas flaring in oil fields, which was adopted by the North Dakota Industrial Commission in April 2014, as support for the expected reduction of NO_X and VOC.[89] North Dakota notes that this plan is expected to reduce the natural flaring rate of 36% of all gas produced to 15% in two years, 10% within six years, and eventually to 5%.[90] This reduction in flaring is expected to reduce NO_X and VOC emissions. Considering these changes in emissions and expected reductions in NO_X and VOC emissions due to a reduction in flaring, North Dakota concludes that there is no evidence at this time that the increase in oil and gas activity (or any other sector) in North Dakota is impeding progress towards the visibility goal.[91]

In its 2015 Progress Report, North Dakota includes an assessment of whether the current implementation plan elements are sufficient to enable North Dakota, and States with Class I areas impacted by North Dakota, to meet their reasonable progress goals for the first planning period.[92] First, North Dakota noted that Theodore Roosevelt National Park had met its reasonable progress goals for the last five years at the time of development of the 2015 Progress Report.[93] North Dakota also noted that Lostwood Wilderness Area had met its reasonable progress goals in the last 2 out of 3 years at the time of development of the 2015 Progress Report.[94] North Dakota pointed to a decrease in SO_2 and NO_X emissions from the State that occurred from 2002 to 2011.[95] Further, North Dakota notes that on the whole, visibility-impairing emissions were projected to decrease by 2018. While NO_X emissions are projected to increase by 20,343 tons, SO_2 emissions are projected to decrease by 36,296 tons.[96] This amounts to an overall reduction of 15,953 tpy of visibility-impairing pollutants by 2018.[97] In sum, North Dakota determined that the existing implementation plan elements are sufficient to meet reasonable progress goals for both Theodore Roosevelt National Park and Lostwood Wilderness Area.[98] North Dakota further noted that the decrease in visibility-impairing NO_X and SO_2 emissions from the State will also help out-of-state Class I areas meet their reasonable progress goals.[99] As noted earlier in this section, the main increase in emissions during the period covered by the 2015 Progress Report occurred as an increase in NO_X and VOC emissions in the oil and gas sector.[100] North Dakota notes that these pollutants are typically emitted at lower elevations and produce a more localized impact.[101] To assess impacts on its nearest out-of-state Class I area (Medicine Lake Wilderness Area in Montana), North Dakota compared Medicine Lake to nearby Lostwood Wilderness Area, noting that both Class I areas are upwind from North Dakota oil and gas sources and are thus unlikely to be impeded from meeting reasonable progress goals due to emissions from North Dakota.[102] North Dakota ultimately concluded that its emissions will not impede the achievement of reasonable progress goals in in-state or out-of-state Class I areas.[103]

North Dakota also included an assessment of its visibility monitoring strategy. North Dakota stated that it relies on the Interagency Monitoring of Protected Visual Environments (IMPROVE) program for its monitoring strategy.[104] North Dakota concluded that there is no change needed to the monitoring strategy at the time the 2015 progress report was developed.[105] North Dakota included a determination of the adequacy of its existing implementation plan, concluding that based on the information provided in North Dakota's 2015 Progress Report, the existing implementation plan is sufficient to achieve established goals for visibility improvement and emissions reduction.[106] Lastly, North Dakota noted that it provided an opportunity for consultation with FLMs with regard to the 2015 Progress Report on June 25, 2014 by providing FLMs a copy of the 2015 Progress Report. The 2015 Progress Report was distributed to the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service. The National Park Service and the U.S. Forest Service provided comments on the progress report.[107] North Dakota documented this consultation in its 2015 Progress Report submittal.[108]

IV. The EPA's Evaluation and Proposed Approval of North Dakota's NO_X BART Determination for Coal Creek Station Units 1 and 2

The EPA is proposing to approve North Dakota's regional haze SIP submittal for the NO_X BART determination for Coal Creek Units 1 and 2. In our analysis of North Dakota's 2022 SIP submittal, we evaluated North Dakota's BART determination for Coal Creek Units 1 and 2 under CAA section 169A, 40 CFR 51.308(e)(1)(ii)(A), and 40 CFR part 51, appendix Y. Under these requirements, a State must consider the following five factors and include a

[81] North Dakota's 2015 Progress Report, section 2.4.
[82] Id.
[83] Id.
[84] North Dakota's 2015 Progress Report, section 2.5.
[85] Id.
[86] Id.
[87] Id.
[88] Id.
[89] Id.
[90] Id.
[91] Id.
[92] North Dakota's 2015 Progress Report, section 2.6.
[93] North Dakota's 2015 Progress Report, section 2.6 and table 2.8.
[94] Id.
[95] North Dakota's 2015 Progress Report, table 2.16.
[96] Id.
[97] Id.
[98] North Dakota's 2015 Progress Report, section 2.6.
[99] Id.
[100] North Dakota's 2015 Progress Report, section 2.5.
[101] Id.
[102] North Dakota's 2015 Progress Report, section 2.6.
[103] Id.
[104] North Dakota's 2015 Progress Report, section 2.7.
[105] Id.
[106] Id.
[107] North Dakota's 2015 Progress Report, section 3.
[108] North Dakota's 2015 Progress Report, section 4.

demonstration of how they were taken into consideration in making a BART determination:

- costs of compliance;
- energy and non-air quality environmental impacts of compliance;
- existing pollution control equipment in use at the source;
- remaining useful life of any potentially affected sources; and
- visibility improvement anticipated to result from controls.

The State must consider these five factors in making BART determinations for a specific source.[109] While States have discretion to consider these five factors, this discretion must be ''reasonably exercised, and must be supported by adequate documentation of the analyses.'' [110]

A. Basis of the EPA's Proposed Approval

The EPA is proposing to approve the portion of North Dakota's 2022 SIP submittal relating to the updated NO_X BART determination for Coal Creek Units 1 and 2, finding that LNC3+ at 0.15 lb/MMBtu (30-day rolling average) constitutes BART for these units. As an initial matter, we find that the State reasonably characterized the five factors required in a BART analysis, including the costs of compliance, energy and non-air quality environmental impacts of compliance, pollution control equipment at the source, the remaining useful life of any potentially affected sources, and visibility improvement anticipated to result from controls. The EPA also finds that North Dakota's revised cost calculation is appropriate, including: (1) the use of LNC3 with DryFining™ as a baseline control technology in cost analysis; (2) the use of baseline NO_X emissions rates of 0.18 lb/MMBtu for both units based on three-year annual average data of LNC3 operation on Unit 1; (3) and the use of amortization periods of 20 and 30 years for SNCR and SCR, respectively. We find that the State reasonably considered that information, as well as each of the five BART factors, in reaching its revised NO_X BART determination. After consideration of all five of these factors, we propose to approve the State's determination that LNC3+ at a rate of 0.15lb/MMBtu (30-day rolling average) constitutes NO_X BART for Coal Creek Units 1 and 2.

1. Costs of Compliance

To evaluate North Dakota's updated BART analysis for Coal Creek Units 1 and 2 with respect to the cost of compliance, we first evaluate North Dakota's selection of baseline control technology and associated emission rates for analysis. Next, we evaluate North Dakota's characterization of the costs using the updated Control Cost Manual. Finally, we evaluate the reasonableness of the costs that North Dakota associated with the installation of LNC3+, LNC3+ w/SNCR, and LNC3+ w/SCR on Units 1 and 2 with respect to average and incremental cost-effectiveness, and the State's explanation for why requiring LNC3+ w/SNCR and LNC3+ w/SCR on Units 1 and 2 is unreasonable.

i. North Dakota's Selection of Baseline Emission Rates

Both Coal Creek Units 1 and 2 utilize ''low NO_X coal-and-air nozzles with close-coupled and separated overfire air,'' which is referred to as LNC3. Coal Creek installed additional NO_X controls (LNC3+) [111] on Unit 2 in 2010 and on Unit 1 in 2020. The 2016–2018 three-year annual average data from LNC3 (with DryFining™) on Unit 1 was used as the baseline performance rate in pounds of NO_X per MMBtu for both units. According to North Dakota, this approach is consistent with the EPA's responses to comments about anticipated controls at Coal Creek on the EPA's 2012 FIP for North Dakota, where the EPA stated that potential control options are evaluated ''based on baseline conditions, not on ongoing revisions to a facility after the baseline period'', and that ''It is not reasonable to consider controls installed after the baseline period in determining BART'' because ''Such an approach would tend to lead to higher cost effectiveness values for more effective controls and encourage sources to voluntarily install lesser controls to avoid installing more effective BART controls later''.[112]

North Dakota further noted that because the annual average NO_X performance rate from 2002 through 2006 in lb/MMBtu for Units 1 and 2 was 0.22 and 0.23, respectively, the similarity of this five-year average supports the notion that Unit 1 and Unit 2 operate nearly identically with similar controls.[113] According to North Dakota, the differences in performance rates between Unit 1 and Unit 2 since that time period can be attributed to the installation of LNC3+ on Unit 2 in 2010. The EPA finds that this information supports the use of a baseline rate of 0.18 lb/MMBtu for both Units 1 and 2 that is representative of historical operation at Unit 1. Though North Dakota did not incorporate all existing controls into the baseline, the State did consider the existing LNC3+ by performing an incremental cost analysis looking at the standalone cost of implementing SNCR, the next most stringent control, relative to the existing LNC3+. North Dakota also performed incremental analyses looking at the standalone cost of SCR relative to LNC3+. Per the EPA's BART guidelines, which advise that incremental costs should be calculated relative to the next most stringent control option,[114] North Dakota also performed incremental cost analyses looking at the standalone cost of SCR relative to SNCR. Based on this information, the EPA finds that North Dakota selected an appropriate baseline rate and adequately considered the existing controls at Coal Creek in its cost analysis.

ii. North Dakota's Characterization of Costs Using the Control Cost Manual

The revised NO_X control cost estimates in the BART portion of North Dakota's 2022 SIP submittal are based on the current version of the EPA's Control Cost Manual, which has been revised since the first planning period. As updated, the Control Cost Manual includes a 30-year equipment life for SCR.[115] The change in equipment life estimate from 20 to 30 years for SCR affects annual cost estimates, as well as average cost-effectiveness and incremental cost-effectiveness estimates. The Control Cost Manual also includes a 20-year equipment life for SNCR.[116] We find North Dakota's use of the

[109] CAA section 169A(b)(2)(A), CAA section 169 A(g)(2), and 40 CFR part 51, appendix Y.

[110] ''Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations'' (BART Guidelines) at 70 FR 39138 at 39,138 (July 6,2005).

[111] LNC3+ is defined by modified and additional separated overfire air (SOFA), close-coupled overfire air (COFA), and low NO_X burners (LNB).

[112] Id.

[113] North Dakota's 2022 SIP submittal, appendix F.1–3.

[114] ''40 CFR part 51, appendix Y section IV.D.4.e.1.: ''The incremental cost effectiveness calculation compares the costs and performance level of a control option to those of the next most stringent option, as shown in the following formula (with respect to cost per emissions reduction): Incremental Cost Effectiveness (dollars per incremental ton removed) = (Total annualized costs of control option) − (Total annualized costs of next control option) ÷ (Control option annual emissions) − (Next control option annual emissions).''

[115] The EPA, ''Control Cost Manual,'' section 4, Chapter 2, June 2019, page 80, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2023).

[116] The EPA, ''Control Cost Manual,'' section 4, Chapter 1, April 2019, page 54, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2023).

updated Control Cost Manual appropriate.

In its updated BART submission, North Dakota provided updated capital costs, annual costs, and average cost-effectiveness figures for LNC3+, LNC3+ w/SNCR, and LNC3+ w/SCR.[117] In cost-effectiveness calculations, North Dakota used a 5.25% interest rate,[118] which was the bank prime rate at the time the 2022 SIP submittal was in development (2018). North Dakota's use of the bank prime rate in control cost analyses follows the EPA's Control Cost Manual.[119]

North Dakota also included incremental cost-effectiveness figures for LNC3+ w/SNCR and LNC3+ w/SCR.[120] The BART Guidelines instruct that States can evaluate both average and incremental costs according to the Control Cost Manual to maintain and improve consistency.[121] These figures take into account capital and annual costs and allow States and the EPA to compare costs of controls industry-wide. The BART Guidelines further caution against considering in isolation the capital costs of a control option, as large or small capital costs alone are not dispositive of the reasonableness of a potential control.[122] Thus, we consider the average and incremental cost-effectiveness figures to be most relevant to our consideration of North Dakota's revised BART cost analysis.

iii. Costs Associated With the Installation of New Controls

In the revised cost analysis for the BART portion of the 2022 SIP submittal, North Dakota's cost estimates show an average cost-effectiveness for LNC3+ for Coal Creek Units 1 and 2 of $683/ton of NO_X removed.[123] Based on North Dakota's estimates, the cost of LNC3+ is cost-effective.[124] In our evaluation of North Dakota's 2013 SIP submittal, the EPA found an average value of $629/ton of NO_X removed based on LNC3+ installation at Antelope Valley Station Units 1 and 2 to be cost-effective, and we approved the State's NO_X BART determination for those sources in a final rule issued in 2022.[125] Thus, the revised average cost-effectiveness value for LNC3+ on Coal Creek Units 1 and 2 in North Dakota's updated BART analysis is similar in cost to what North Dakota determined was cost-effective for a similar lignite coal facility in 2013. The EPA agrees with North Dakota that LNC3+ is cost effective for Coal Creek Units 1 and 2.

Next, North Dakota analyzed the cost-effectiveness of LNC3+ w/SNCR. North Dakota's cost estimates show an average cost-effectiveness for LNC3+ w/SNCR for Units 1 and 2 of $3,348/ton of NO_X removed.[126] North Dakota's cost estimates also show an incremental cost-effectiveness for LNC3+ w/SNCR for Units 1 and 2 of $7,850 per ton of NO_X removed relative to the next-most-stringent control (LNC3+).[127] North Dakota's decision to reject LNC3+ w/SNCR is based on its consideration of incremental cost. The EPA believes that both average and incremental costs provide information useful for making control determinations. The BART Guidelines explain how average and incremental costs may be used in an analysis to choose between two available control devices.[128]

Though the average cost-effectiveness value that North Dakota evaluated for LNC3+ w/SNCR of $3,348/ton of NO_X removed is in line with average cost-effectiveness values that States and the EPA found reasonable in first planning period BART actions,[129] and the visibility benefits of LNC3+ w/SNCR are not insignificant, we find that it was reasonable for North Dakota to determine that the relatively small incremental visibility benefits from adding SNCR (incremental visibility improvement ranging from 0.06–0.09 dv)[130] do not warrant selection of LCN3+ w/SNCR in light of the incremental cost of that control over LNC3+ ($7,850 per ton of NO_X removed). In a 2016 approval of a source-specific revision to the Arizona first planning period SIP that addressed BART requirements at Cholla Generating Station (Cholla), the EPA approved Arizona's determination that LNB+SOFA+SNCR was not required based on an incremental visibility improvement of 0.07 dv and an incremental cost of $6,989–7,091/ton compared to LNB+SOFA, the control Arizona selected for BART.[131] The average cost associated with the addition of LNB+SOFA+SNCR was around $3,000–3,200/ton.[132] The EPA explained:

> With regard to SNCR, we find that it was reasonable for [Arizona] to conclude that the costs of SNCR were not warranted by the visibility benefits. In particular, with regard to costs, we are not aware of any instance in which the EPA has determined SNCR to be BART where the average cost-effectiveness of SNCR was greater than $3,000/ton and the incremental cost-effectiveness was roughly $7,000/ton, as is the case with Cholla Units 3 and 4. Similarly, we are not aware of any instance in which the EPA has disapproved a state's BART determination that rejected

[117] North Dakota's 2022 SIP submittal, appendix F.1–7.

[118] North Dakota's 2022 SIP submittal, appendix B.4.b.

[119] The EPA, ''Control Cost Manual,'' section 1, Chapter 2, November 2017, page 15, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2023).

[120] Id.

[121] 40 CFR part 51, appendix Y section IV.D.4.

[122] Id.

[123] See table 1 in this document. See also North Dakota's 2022 SIP submittal, appendix F.1–7.

[124] Id. North Dakota did not determine this cost to be unreasonable. Indeed, this cost-effectiveness value is in line with—and in some cases well below—the cost-effectiveness values the EPA and States found reasonable for regional haze control measures in the first planning period, even without adjusting for inflation. After evaluating first planning period cost of compliance values, plus the other BART statutory factors and/or the four reasonable progress statutory factors, the vast majority of cost/ton values <$2,500/ton were found to be reasonable and cost-effective. This includes control determinations for sources both within North Dakota and in other States. Examples for several sources can be found at: 76 FR 16168, 16180–81, (Mar. 22, 2011 (proposed); finalized at 76 FR 81728 (Dec. 28, 2011) (Oklahoma); 76 FR 58570, 58586 (Sept. 21, 2011) (proposed); finalized at 77 FR 20894 (Apr 4, 2012) (North Dakota); 77 FR 24794, 24817 (Apr. 25, 2012) (proposed); finalized at 77 FR 51915 (Aug. 29, 2012) (New York); and 77 FR 18052, 18070 (Mar. 26, 2012) (proposed); finalized at 77 FR 76871 (Dec. 12, 2012) (Colorado); and 77 FR 73369, 73378 (Dec. 10, 2012) (proposed); finalized at 78 FR 53250 (Aug. 29, 2013) (Florida). The cited costs have not been adjusted for inflation.

[125] See Proposal 86 FR 14,055 (Mar. 12, 2021); Final 87 FR 19635 (April 5, 2022).

[126] See table 1 in this document. See also North Dakota's 2022 SIP submittal, appendix F.1–7.

[127] Id.

[128] 40 CFR part 51, appendix Y section IV.D.4.e.5.: ''The average cost (total annual cost/total annual emission reductions) for each may be deemed to be reasonable. However, the incremental cost (total annual $cost_{A-B}$/total annual emission $reductions_{A-B}$) of the additional emission reductions to be achieved by control B may be very great. In such an instance, it may be inappropriate to choose control B, based on its high incremental costs, even though its average cost may be considered reasonable.''.

[129] These cost-effectiveness values are in line with those the EPA and States found reasonable for regional haze control measures adopted in the first planning period, even without adjusting for inflation. After evaluating first planning period cost of compliance values, plus the other BART statutory factors and/or the four reasonable progress statutory factors, States and the EPA found numerous instances of cost-effectiveness values up to and sometimes higher than $4,500/ton to be reasonable and cost effective. This includes control determinations for sources within North Dakota and in other States. Examples for several sources can be found at: 76 FR 16168, 16181, (Mar. 22, 2011) (proposed rule); finalized at 76 FR 81728 (Dec. 28, 2011) (Oklahoma); 76 FR 58570, 58587–88, (Sept. 21, 2011) (proposed); finalized at 77 FR 20894 (Apr. 6, 2012) (North Dakota); 77 FR 11022, 11033, (Feb. 14, 2013) (proposed); finalized at 78 FR 10546 (Feb. 14, 2013) (Alaska); and 79 FR 5032, 5038 (Jan. 30, 2014) (Wyoming) (final rule). The cited costs have not been adjusted for inflation.

[130] Incremental visibility improvement is the visibility improvement between two control options. In this case, it is the visibility improvement of adding LNC3+ w/SNCR versus LNC3+ alone.

[131] 81 FR 46852, 46861–2 (Jul. 19, 2016 (proposed); finalized at 82 FR 15139 (Mar. 27, 2011).

[132] Id.

SNCR as BART based on similar cost-effectiveness values.[133]

In its 2022 SIP revision, North Dakota finds the selection of LNC3+ w/SNCR to be unwarranted based on an average cost-effectiveness of $3,348/ton, an incremental cost-effectiveness of $7,850/ton, and incremental visibility improvement ranging from 0.06–0.09 dv compared to LNC3+ alone.[134] These cost and visibility numbers are very similar to those evaluated in the EPA's 2016 action approving Arizona's BART determination that LNB+SOFA+SNCR was unwarranted at Cholla Units 3 and 4.

Thus, the EPA finds that it was reasonable for North Dakota to conclude that the incremental visibility benefits of LNC3+ w/SNCR over LNC3+ alone do not warrant selection of LNC3+ w/SNCR given its incremental cost over LNC3+.

Lastly, North Dakota analyzed the cost-effectiveness of LNC3+ w/SCR. North Dakota evaluated cost-effectiveness under two different control efficiencies: 0.08 lb/MMBtu NO_X and 0.06 lb/MMBtu NO_X removed. North Dakota's cost estimates show an average cost-effectiveness for Units 1 and 2 of $6,983/ton of NO_X removed (0.08 lb/MMBtu rate) and $6,284/ton of NO_X removed (0.06 lb/MMBtu rate).[135] North Dakota's cost estimates show an incremental cost-effectiveness for LNC3+ w/SCR compared to LNC3+ for Units 1 and 2 of $13,368/ton of NO_X removed (0.08 lb/MMBtu rate) and $10,339/ton of NO_X removed (0.06 lb/MMBtu rate).[136] North Dakota's cost estimates also show an incremental cost-effectiveness for LNC3+ w/SCR for Units 1 and 2 of $21,645/ton of NO_X removed (0.08 lb/MMBtu rate) and $12,206/ton of NO_X removed (0.06 lb/MMBtu rate), relative to the next-most-stringent control (LNC3+ w/SNCR).[137] Because both the average and incremental costs in this instance are above the costs previously approved as cost-effective for BART,[138] the EPA finds that North Dakota reasonably concluded, based on its analysis of average and incremental costs, that LNC3+ w/SCR is not cost-effective.

In summary, the EPA finds that North Dakota's consideration of costs of compliance is reasonable and consistent with the Control Cost Manual, the BART Guidelines, EPA guidance, and the EPA's reasoning in other first planning period BART actions. Specifically, the EPA finds that: (1) LNC3+ is a reasonable cost control based on the circumstances of this SIP submittal; (2) the incremental visibility benefits of LNC3+ w/SNCR over LNC3+ alone (incremental visibility improvement ranging from 0.06–0.09 dv) do not warrant selection of LNC3+ w/SCNR given its incremental cost compared to LNC3+ ($7,850 per ton of NO_X removed); and (3) the average and incremental cost-effectiveness values for installing LNC3+ w/SCR are not cost-effective. Based on inherent monthly variabilities in NO_X rate performance for LNC3+, including the likelihood of variability in rates due to changes in unit load to meet electricity needs, the EPA finds that North Dakota's proposed limit of 0.15 lb/MMBtu NO_X on a 30-day rolling average [139] for Coal Creek Units 1 and 2 is appropriate and provides for reasonable monthly variability.

2. Energy and Non-Air Quality Impacts of Compliance

North Dakota considered a variety of energy and non-air quality impacts. For SCR control technology, North Dakota noted visibility impacts from SAM emissions and additional energy use and emissions of pollutants associated with low dust SCR systems. For SNCR, North Dakota estimated that the control technology would require 70–80 million gallons of water per year,[140] would result in an estimated 92,000 tons of fly ash disposal,[141] and potentially produce pollution from ammonia slip.[142] North Dakota supported its assessments with its own analysis and commissioned a study to evaluate the potential for adverse impacts of from ammoniated fly ash. North Dakota did not disqualify SCR or SNCR as reasonable control technologies based on the energy and non-air quality impacts of compliance.

North Dakota's consideration of energy and non-air quality impacts satisfies the BART Guidelines in that it provides some additional support for North Dakota's decision to reasonably rule out SCR and SNCR based on cost.

3. Pollution Control Equipment at the Source

As described in section III.C.3. and section IV.A.1.i. of this document, North Dakota's BART analysis in the 2022 SIP submittal considered existing controls on Coal Creek Units 1 and 2, including DryFining™ and other combustion controls. Though North Dakota did not incorporate all existing controls into the baseline for its average cost-effectiveness analysis, the State did consider existing controls by performing an incremental cost-effectiveness analysis looking at the standalone cost of implementing SNCR, the next most stringent control, relative to the existing LNC3+ (which includes DryFining, a voluntarily installed control technology). North Dakota also performed incremental cost analyses looking at the standalone cost of SCR relative to the existing control of LNC3+. Per the EPA's BART Guidelines, which advise that incremental costs should be calculated relative to the next most stringent control option,[143] North Dakota also performed incremental cost analyses looking at the standalone cost of SCR relative to SNCR.

North Dakota's approach of including voluntary existing controls in its evaluation of the BART factor ''any existing pollution control technology in use at the source'' is consistent with the Eighth Circuit's decision in *North Dakota*.[144] The Eighth Circuit found that use of the word ''any'' has an expansive meaning and includes consideration of voluntarily installed controls as part of the BART factor ''any existing pollution control technology in use at the source.'' [145] Based on this, the EPA finds that North Dakota adequately considered any existing controls at Coal Creek in its BART determination.

4. Remaining Useful Life of Any Potentially Affected Sources

North Dakota's 2022 SIP submittal notes that Coal Creek is expected to operate beyond the life of the control equipment evaluated for BART. North Dakota considered remaining useful life as an element of its cost analysis and applied the timeframes of 30 years for

[133] Id.

[134] North Dakota's 2022 SIP revision, appendix F.1–13, table 15.

[135] See table 1 in this document. See also North Dakota's 2022 SIP submittal, appendix F.1–7.

[136] Id.

[137] Id.

[138] The EPA is not aware of any instance in which the EPA has determined SCR to be BART where the average cost-effectiveness of SCR was greater than $6,000/ton and the incremental cost-effectiveness was greater than $10,000/ton, as is the case with Coal Creek Units 1 and 2.

[139] The BART Guidelines State that any enforceable limits associated with BART EGUs should be set as a 30-day rolling average. 40 CFR part 51, appendix Y section V. The BART Guidelines expressly apply to Coal Creek because it is an EGU with a total generating capacity greater than 750 MW: 40 CFR part 51, appendix Y section I.F.1.

[140] North Dakota's 2022 SIP revision, appendix B.4.b.

[141] Id.

[142] Id.

[143] 40 CFR part 51, appendix Y section IV.D.4.e.1.: ''The incremental cost effectiveness calculation compares the costs and performance level of a control option to those of the next most stringent option, as shown in the following formula (with respect to cost per emissions reduction): Incremental Cost Effectiveness (dollars per incremental ton removed) = (Total annualized costs of control option) − (Total annualized costs of next control option) ÷ (Control option annual emissions) − (Next control option annual emissions).''

[144] See *North Dakota,* 730 F.3d at 762–63.

[145] See *North Dakota,* 730 F.3d at 764.

SCR and 20 years for SNCR from the EPA's Control Cost Manual.[146]

The BART Guidelines advise that States ''may decide to treat the requirement to consider the source's 'remaining useful life' of the source for BART determinations as one element of the overall cost analysis. The 'remaining useful life' of a source, if it represents a relatively short time period, may affect the annualized costs of retrofit controls.'' [147] The BART Guidelines further advise that if the remaining useful life of the source clearly exceeds the time period for amortization, ''the remaining useful life has essentially no effect on control costs and on the BART determination process.'' [148] If the remaining useful life of the source is less than the time period for amortizing the costs of the retrofit control, States may use the shorter time period in cost calculations.[149]

Even though North Dakota expects Coal Creek to operate beyond the life of the control equipment, the State chose to apply in its cost analyses the shorter timeframes of 30 years for SCR and 20 years for SNCR recommended in the EPA's Control Cost Manual.[150] For this reason, the EPA finds that North Dakota satisfactorily considered this factor.

5. Visibility Improvement Anticipated To Result From Controls

North Dakota considered CALPUFF dispersion modeling conducted by Coal Creek to assess the potential visibility improvement from the use of additional NO_X BART controls. The EPA's BART Guidelines advise that for the purposes of assessing the degree of improvement in visibility from various BART control levels for a BART determination, States may use CALPUFF modeling using source-specific and site-specific data.[151] The BART Guidelines further advise that if expected improvement is shown from the various control choices, the State can weigh the results with the other four BART determination factors when establishing BART for a particular source.[152]

Table 2 in section III.C.5. of this document displays North Dakota's modeled average combined 98th percentile deciview improvement from 2000–2002 for Coal Creek Station Unit 1 and Unit 2. The modeling indicates that in general, there is an incremental improvement in deciview reductions for each increasingly stringent control technology option. For LNC3+ w/SNCR, the largest modeled deciview improvement (compared to Modeling Scenario 1) for Theodore Roosevelt National Park was 0.21, and for Lostwood was 0.21, with incremental visibility improvement from the addition of SNCR ranging from 0.06–0.09 dv (compared to LNC3+ alone). As noted in section IV.A.1.iii. of this document, the EPA finds that the incremental visibility benefits of LNC3+ w/SNCR over LNC3+ alone do not warrant selection of LNC3+ w/SNCR given its incremental cost compared to LNC3+. For LNC3+ w/SCR 5% SO_2 to SO_3 oxidation rate, the largest modeled deciview improvement for Theodore Roosevelt National Park was 0.14 compared to the Modeling Scenario 1. Notably, for LNC3+ w/SCR 5% SO_2 to SO_3 oxidation rate, the modeling indicated a decrease in deciview improvement for Lostwood at -0.02 deciviews compared to the Modeling Scenario 1. North Dakota's assessment of the modeling data was that none of the NO_X BART controls were shown to have a significant impact on improving visibility in North Dakota's Class I areas. Considering the modeled overall and incremental visibility improvements (visibility improvement between two contr ol measures) associated with installation of LNC3+ w/SCR versus LNC3+ alone (maximum incremental improvement of 0.21 dv) [153] and LNC3+ w/SCR versus LNC3+ w/SNCR (maximum incremental improvement of 0.12 dv) [154] and in light of the incremental costs described in section IV.A.1. of this document, the EPA agrees that LNC3+ w/SCR is not warranted.

Because North Dakota conducted the modeling in accordance with the BART Guidelines and reasonably concluded that the difference in visibility improvements between installing LNC3+ versus LNC3+ w/SCR were relatively small, the EPA finds that North Dakota's consideration of visibility improvement was satisfactory.

6. Summary of the EPA's Evaluation of North Dakota's NO_X BART Determination for Coal Creek Station Units 1 and 2

In summary, the EPA proposes to approve the portion of North Dakota's 2022 SIP submittal that addresses North Dakota's NO_X BART determination for Coal Creek Units 1 and 2. The EPA bases this decision on the determination that North Dakota reasonably considered all five factors in determining BART as required under CAA section 169A, 40 CFR 51.308(e), and 40 CFR part 51, appendix Y. This action addresses the last outstanding North Dakota BART requirement for the first planning period.

B. Clean Air Act Section 110(l)

Under CAA section 110(l), the EPA cannot approve a plan revision ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.'' All areas in North Dakota are currently meeting the NAAQS.[155] This proposed approval would require new NO_X BART limits at Coal Creek Units 1 and 2, resulting in a reduction of 1,162 tpy of NO_X from the baseline. Because this action is associated with a reduction in NO_X emissions and is not associated with any increase in emissions, this action is unlikely to interfere with attainment or reasonable further progress in North Dakota or nearby States.

The EPA finds that approval of the portion of North Dakota's August 2022 SIP submittal that addresses NO_X BART for Coal Creek is in compliance with CAA section 110(l).

C. Coordination With FLMs

Under 40 CFR 51.308(i)(2), States are obligated to provide FLMs with an opportunity for consultation in development of the State's proposed SIP submittal no less than sixty days prior to the associated public hearing or public comment opportunity.

For the 2022 SIP submittal, North Dakota engaged with FLMs early in the planning process by participating in WRAP meetings and by holding separate calls with FLMs to discuss visibility impairment in Class I areas and the State's plans for the North Dakota 2022 SIP submittal. North Dakota also met via video conference with the NPS on November 6, 2020, and December 15, 2020, and with the USFS on November 23, 2020.

Upon completing its draft 2022 SIP submittal, North Dakota provided the draft to FLMs for a review and consultation period from September 20, 2021, through November 19, 2021, pursuant to 40 CFR 51.308(i)(2).

[146] EPA Air Pollution Control Cost Manual, section 4—NO_X Controls, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2023).

[147] 40 CFR part 51, appendix Y section IV.D.4.k.1.

[148] Id.

[149] Id.

[150] North Dakota's 2022 SIP submittal, appendix F.1–9.

[151] 40 CFR part 51, appendix Y section IV.D.5.

[152] 40 CFR part 51, appendix Y section IV.E.5.

[153] North Dakota's 2022 SIP revision, appendix F.1–13, table 15.

[154] Id.

[155] EPA Green Book, Current Nonattainment Counties for All Pollutants, available at *https://www3.epa.gov/airquality/greenbook/ancl.html* (last visited December 2023).

Additionally, North Dakota held a video conference with the NPS, USFS, and EPA Region 8 staff on November 10, 2021, to discuss the draft and receive feedback from the FLMs. North Dakota received comments from USFS on November 17, 2021, and from the NPS on November 19, 2021.[139] Specific to the BART determination for Coal Creek Units 1 and 2 contained in North Dakota's 2022 SIP submittal, the NPS commented on the control efficiency considered by North Dakota for SCR controls, the 5.25% interest rate used by North Dakota in cost-effectiveness calculations, and the remaining useful life used by North Dakota in cost calculations. North Dakota responded to the FLM comments and included the responses in appendix D of the North Dakota 2022 SIP submittal, in accordance with 40 CFR 51.308(i)(3).

In consideration of these consultation actions, the EPA finds that North Dakota has satisfied the requirements under 40 CFR 51.308(i) to consult with the FLMs for the 2022 SIP submittal as it pertains to Coal Creek Station Units 1 and 2 BART.

V. The EPA's Evaluation of North Dakota's Five-Year Progress Report

This section includes the EPA's analysis of North Dakota's 2015 Progress Report for the first planning period and an explanation of the basis of our proposed approval. As listed in section III.D. above, North Dakota's 2015 Progress Report included the elements required in 40 CFR 51.308(g) and 40 CFR 51.308(h) of the 1999 Regional Haze Rule, which was the applicable rule at the time of submission,[156] As a result, the EPA finds that North Dakota's progress report addresses the requirements of the CAA and the EPA's rules that require States to submit periodic reports describing progress toward reasonable progress goals established for regional haze.

To meet 40 CFR 51.308(g)(1), North Dakota included a description of the status of implementation of the measures included in the first planning period implementation plan, including current emissions rates, BART/reasonable progress limits, and implementation dates.[157] North Dakota also included a breakdown of its species contribution to impairment in both in-state and out-of-state Class I areas.[158] To address 40 CFR 51.308(g)(2), North Dakota included a list of emissions reductions that have occurred as a result of Regional Haze SIP control requirements.[159]

To satisfy 40 CFR 51.308(g)(3), North Dakota included an assessment of visibility conditions and changes on least-impaired days and most-impaired days for both Class I areas within the State (Lostwood Wilderness Area and Theodore Roosevelt National Park) expressed in terms of 5-year averages of these annual values.[160] North Dakota compared the baseline average of visibility impairment to both an average from 2005–2009 and an average from 2008–2012.[161]

To meet 40 CFR 51.308(g)(4), North Dakota included an analysis tracking the change over the past 5 years addressed within the 2015 progress report in emissions of pollutants contributing to visibility impairment from all sources and activities within the State; these numbers are also broken down by source category.[162] Here, North Dakota included 2011 data from the most recent triennial reporting requirements as of the time of progress report development.[163]

To satisfy 40 CFR 51.308(g)(5), North Dakota included an assessment of changes in anthropogenic emissions within or outside of the State that have occurred over the past 5 years addressed within the 2015 progress report.[164] Considering changes in emissions over time and expected reductions in NO_X and VOC emissions due to a reduction in flaring, North Dakota concluded that there was no evidence at the time that the increase in oil and gas activity (or any other sector) in North Dakota was impeding progress towards the visibility goal.[165]

To meet 40 CFR 51.308(g)(6), North Dakota included an assessment of the implementation plan elements that were current at the time of submission (including BART controls and reasonable progress controls resulting from the first planning period)..[166] North Dakota ultimately concluded that its emissions would not impede the achievement of reasonable progress goals in in-state or out-of-state Class I areas.[167]

North Dakota also included an assessment of its visibility monitoring strategy to address 40 CFR 51.308(g)(7). North Dakota stated that it relies on the IMPROVE[168] program for its monitoring strategy.[169] North Dakota confirmed that there is no change needed to this monitoring strategy at this time.[170]. North Dakota met the requirements of 40 CFR 51.308(h) by including a determination that the existing implementation plan is sufficient to achieve established goals for visibility improvement and emissions reduction.[171]

North Dakota provided an opportunity for consultation with FLMs for the 2015 progress report by providing a copy of the draft progress report on June 25, 2014. The 2015 progress report was distributed to the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and EPA Region 8 staff. The National Park Service, the U.S. Forest Service, and the EPA provided comments.[172] North Dakota documented this consultation in its 2015 progress report submittal.[173] The EPA finds that North Dakota has satisfied the requirement to consult with FLMs on the 2015 progress report.

Based on the information provided in North Dakota's 2015 progress report, the EPA proposes to approve North Dakota's 2015 progress report for the first planning period.

VI. Summary of the EPA's Proposed Action

The EPA is proposing to approve North Dakota's NO_X BART determination for Coal Creek units 1 and 2 from the August 2022 SIP submittal. Specifically, the EPA is proposing to approve the NO_X BART determination for the Coal Creek Station, included in appendix F of North Dakota's 2022 SIP submittal, of

[156] Because North Dakota's 2015 Progress Report was developed before the EPA's 2017 Regional Haze Rule Revisions, the applicable requirements are the requirements from the 1999 Regional Haze Rule. See 82 FR 3078, 3080 (January 10, 2017): ''These changes do not affect the development and review of State plans for the first implementation period or the first progress reports due under the 1999 RHR.''

[157] North Dakota's 2015 Progress Report, table 2.3.

[158] North Dakota's 2015 Progress Report, table 2.1 and table 2.2.

[159] North Dakota's 2015 Progress Report, section 2.2.

[160] North Dakota's 2015 Progress Report, table 2.8.

[161] Id.

[162] North Dakota's 2015 Progress Report, section 2.4.; table 2.5; table 2.6; table 2.7.

[163] Id.

[164] North Dakota's 2015 Progress Report, section 2.5.

[165] Id.

[166] North Dakota's 2015 Progress Report, section 2.6.

[167] Id.

[168] 2019 Guidance, section 8.c.: ''With respect to § 51.308(f)(6)(i) through (iv) regarding monitoring of ambient visibility conditions, we recommend that all States with Class I areas confirm in their SIPs that they participate in the IMPROVE monitoring program through the representation of their interests by a State air agency representative on the IMPROVE Steering Committee and through the allocation of CAA air management grant funding to the IMPROVE program.''

[169] North Dakota's 2015 Progress Report, section 2.7.

[170] Id.

[171] Id.

[172] North Dakota's 2015 Progress Report, section 3.

[173] North Dakota's 2015 Progress Report, section 4.

0.15 lb/MMBtu NO_X averaged across unit 1 and unit 2 on a 30-day rolling average. Additionally, the EPA is proposing to approve North Dakota's 2015 Progress Report as meeting the requirements of 40 CFR 51.308(g) and (h).

VII. Environmental Justice

The EPA conducted an environmental justice (EJ) screening analysis around the location of Coal Creek to identify potential environmental stressors on the nearby communities. The EPA is providing the information associated with this analysis for informational purposes only; it does not form any part of the basis of this proposed action.

The EPA conducted the screening analysis using EJScreen, an EJ mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining various environmental and demographic indicators.[174] The EPA prepared an EJScreen report covering buffer areas of approximately six miles around Coal Creek. From this report, there were no EJ indices greater than the 80th national percentiles.[175] The full, detailed EJScreen report is provided in the docket for this rulemaking.

VIII. Incorporation by Reference

In this proposed rule, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the SIP amendments described in section VI. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* (refer to docket EPA–R08–OAR–2023–0641).

IX. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

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

North Dakota did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA performed an environmental justice screening analysis, as described above in section VI. The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the action. There is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: August 2, 2024.

KC Becker,

Regional Administrator, Region 8.

For the reasons set forth in the preamble, 40 CFR part 52 is proposed to be amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart JJ—North Dakota

■ 2. In § 52.1820, the table in paragraph (d) is amended by revising the entry ''PTC10005'' under the center heading ''Coal Creek Station Units 1 and 2.'' to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(d) * * *

[174] The EJSCREEN tool is available at *https://www.epa.gov/ejscreen.*

[175] For a place at the 80th percentile nationwide, that means 20 percent of the U.S. population has a higher value. The EPA identified the 80th percentile filter as an initial starting point for interpreting EJScreen results.

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
*	*	*	*	*	*
Coal Creek Station Units 1 and 2.					
PTC 21001	Air Pollution Control Permit to Construct for Best Available Retrofit Technology (BART).	7/27/2022	[Date 30 days after date of publication of the final rule in the **Federal Register**].	[**Federal Register** citation of the final rule], [Date of publication of the final rule in the **Federal Register**].	Only: NO_X BART emissions limits for Units 1 and 2 and corresponding monitoring, recordkeeping, and reporting requirements.
*	*	*	*	*	*

* * * * *

[FR Doc. 2024–17471 Filed 8–13–24; 8:45 am]

BILLING CODE 6560–50–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

Correction

In proposed rule document 2024–17751, appearing on pages 65575–65576 in the issue of Monday, August 12, 2024, make the following correction:

On page 65575, in the second column, the **DATES** section should read as follows:

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 on or before 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.

[FR Doc. C1–2024–17751 Filed 8–12–24; 2:00 pm]

BILLING CODE 0099–10–D

Notices

Federal Register

Vol. 89, No. 157

Wednesday, August 14, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting of the Board for International Food and Agricultural Development and Request for Public Comment

AGENCY: Agency for International Development (USAID).

ACTION: Notice of meeting; request for public comment.

SUMMARY: The Board for International Food and Agricultural Development (BIFAD), an independent advisory committee to the US Agency for International Development (USAID) on food and agriculture issues, will convene a public meeting on September 17, 2024, ''*Demand-Side Interventions and Approaches for Healthy Diets.*'' The meeting will inform BIFAD recommendations to address evidence and evidence gaps, areas for additional research, and prioritized approaches and actions for USAID, centered around demand-side interventions to improve the processing, storage, distribution, sale, purchase, and consumption of safe and nutritious food. The program will include USAID, stakeholder, and public insights and deliberation of draft recommendations from the report.

DATES: September 17, 2024, 9:00 a.m. to 12:30 p.m. EST.

ADDRESSES: The event is open to the public and will be hosted in person at the National Press Club, Holeman Lounge, at 529 14th St NW, Washington, DC 20045. Virtual participation will also be possible via Zoom. In-person seating is limited. In-person participants should register at: *https://forms.office.com/Pages/ResponsePage.aspx?id=uuQPpMer_kiHkrQ4iZNkAOPBZTxYdINPpaKX-AEjzyBURDBGWTRDSjVaMVVHTlQxMFhDTk1GV0JZOCQlQCN0PWcu.* Virtual participants should register at *https://tetratech.zoom.us/webinar/register/WN_hpfZDz2cSd6eYl3wIKpDnA.* For registration inquiries, please contact Tom my Crocker at *tommy.crocker@tetratech.com.*

SUPPLEMENTARY INFORMATION: Healthy diets that are diverse, safe, and nutritious are central to all development efforts. They are core to the work of USAID and Feed the Future, the U.S. Government's global hunger and food security initiative. However, food security investments have historically focused on supply-side interventions to increase the production of staple crops, and on livelihoods strengthening to broadly increase consumer purchasing power. Relatively less attention has been paid to promoting safe nutritious foods and generating consumer demand for them. Emerging evidence indicates that a supply-side approach, which largely neglects incorporating a nutrition-sensitive lens, may not be sufficient to achieve healthy diets and overcome malnutrition.

A public meeting on September 17, 2024 will inform BIFAD recommendations to shape the next steps in USAID's strategic thinking and policy prioritization towards the objective of achieving healthy diets for all. This meeting will address evidence and evidence gaps, areas for additional research, and prioritized approaches and actions for USAID, centered around demand-side interventions and approaches to improve the processing, storage, distribution, sale, purchase, and consumption of safe and nutritious food.

Also relevant is the interplay between businesses and consumers, including building strong relationships of trust, positive business behaviors, and informed consumer purchasing behaviors and preferences. The geographic focus will be on low- and middle-income contexts in Feed the Future Target Countries. The meeting will include a presentation of key findings from a review prepared for BIFAD and an expert roundtable event, to be posted publicly on September 3, 2024 at *https://www.usaid.gov/bifa*d prior to the public meeting.

Key questions to be addressed at the meeting include:

1. How can USAID work better with communities, national governments and private sector stakeholders to enhance consumer demand for safe and nutritious foods in ways that improve the diets of whole households, including women and children?

2. How can demand-focused interventions improve the affordability of healthy diets?

3. How can the progress and outcomes of demand-focused interventions be measured and evaluated?

The program will include Agency and stakeholder insights, a public comment period, and deliberation of draft findings, conclusions, and recommendations. For questions about BIFAD, or to submit written comments, evidence, or materials in advance or following the meeting, please use this feedback form *https://docs.google.com/forms/d/e/1FAIpQLSfi903QVIdhrHDiXPmd3Xe_lFRiXGGeIgaPiARyqjcu3XFYTQ/viewform* or contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Resilience, Environment, and Food Security at USAID via email at *ccohen@usaid.gov* (Subject: Comment on the BIFAD Demand-Side Interventions for Healthy Diets) or telephone at (202) 712–0119. Consistent with Executive Order 13166 and the Rehabilitation Act, as amended, 29 U.S.C. 794, please submit requests for physical or virtual meeting accommodations via email to *ccohen@usaid.gov.*

BIFAD is a seven-member, presidentially appointed advisory committee to USAID established in 1975 under title XII of the Foreign Assistance Act, as amended, to ensure that USAID brings the assets of U.S. universities to bear on development challenges in agriculture and food security, and supports their representation in USAID programming.

Clara Cohen,

Designated Federal Officer, BIFAD.

[FR Doc. 2024–18042 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Renew a Currently Approved Information Collection

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act and Office of

Management and Budget (OMB) regulations, this notice announces the intention of the Agricultural Research Service (ARS) to seek approval to collect information in support of research and related activities.

DATES: Comments on this notice must be received on or before October 15, 2024 to be assured of consideration.

ADDRESSES: Address all comments concerning this notice to Jill Lake, ARS Webmaster, 5601 Sunnyside Avenue, Beltsville, Maryland 20705.

FOR FURTHER INFORMATION CONTACT: Jill Lake, ARS Webmaster, *arsweb@usda.gov* or 301–504–5683.

SUPPLEMENTARY INFORMATION:

Title: Web Forms for Research Data, Models, Materials, and Publications as well as Study and Event Registration.

Type of Request: Extension and Revision of a Currently Approved Information Collection.

OMB Number: 0518–0032.

Expiration Date: January 31, 2025.

Abstract: Sections 1703 and 1705 of the Government Paperwork Elimination Act (GPEA), (Pub. L. 105–277) title XVII, require agencies by October 21, 2003, to provide the public with the option of electronic submission of information. To advance GPEA goals, online forms are needed to allow the public to ask ARS for research data, models, materials, and publications and to register for scientific studies and events. For the convenience of the public, the forms itemize the information needed to provide a timely response. ARS will use the information from forms only for the purposes identified.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 minutes per response (range: 1–5 minutes).

Respondents: Agricultural researchers; students; teachers; businesspeople; members of service organizations; community groups; other Federal, State, and local government agencies; and the public.

Estimated Number of Respondents: 14,400. This is an increase of 2,800 from the 11,600 estimated respondents in the previous Approved Information Collection due to an annual increase in actual respondents since the 2021 estimate, as well as 9 more software models available for download. As of July 2024, 166 software models were available for download through the ARS website *https://www.ars.usda.gov/research/software/.*

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 720 hours.

Copies of forms used in this information collection can be obtained from Jill Lake, ARS Webmaster, *arsweb@usda.gov.*

ARS is requesting an extension of 3 years for collecting information.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) 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 for respondents; this includes using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Marlen Eve,

Acting Associate Administrator, ARS.

[FR Doc. 2024–18032 Filed 8–13–24; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Recreation Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Klamath National Forest is proposing to establish several recreation fee sites. Proposed recreation fees collected at the proposed recreation fee sites would be used for operation, maintenance, and improvement of the sites. An analysis of nearby recreation fee sites with similar amenities shows the proposed recreation fees that would be charged at the proposed recreation fee sites are reasonable and typical of similar recreation fee sites in the area.

DATES: If approved, the proposed recreation fee sites and proposed recreation fees would be established no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Klamath National Forest, Attention: Recreation Fees, 1711 South Main St., Yreka, CA 96097.

FOR FURTHER INFORMATION CONTACT: Kristian Schenk, Recreation Management Specialist, 530–925–0232, *kristian.schenk@usda.gov.*

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish in the **Federal Register** a six-month advance notice of establishment of recreation fee sites. In accordance with Forest Service Handbook 2309.13, chapter 30, the Forest Service will publish the proposed recreation fee sites and proposed recreation fees in local newspapers and other local publications for public comment. Most of the proposed recreation fees would be spent where they are collected to enhance the visitor experience at the proposed recreation fee sites.

A proposed expanded amenity recreation fee of $15 per night would be charged for Orr Lake, Mt Ashland, O'Neil Creek, and Big Flat campgrounds during primary season; and a proposed expanded amenity recreation fee of $15 per night would be charged for Sarah Totten, Curly Jack, Tree of Heaven, and Indian Scotty campgrounds during shoulder season. A proposed expanded amenity recreation fee of $5 per extra vehicle would be charged for Sarah Totten, Curly Jack, Tree of Heaven, Indian Scotty, Kangaroo, and Juanita Lake campgrounds, as well as for Kangaroo yurts 1 and 2 and Tree of Heaven yurts 1 and 2.

A proposed expanded amenity recreation fee of $25 per night for double campsites would be charged for Orr Lake during primary season and for Tree of Heaven during shoulder season. A proposed expanded amenity recreation fee of $50 per night for groups up to 30 people would be charged for O'Neil Creek group campground during primary season and for Curly Jack and Sarah Totten group campgrounds during shoulder season. A proposed expanded amenity recreation fee of $65 per night for groups up to 50 people would be charged for Indian Scotty group campground during shoulder season. In addition, a proposed expanded amenity recreation fee of $75 per night during the primary season and $50 per night during the shoulder season would be charged for rental of Tree of Heaven yurts 1 and 2; and a proposed expanded amenity recreation fee of $75 per night during the primary season would be charged for the Kangaroo yurts 1 and 2.

A proposed standard amenity recreation fee of $5 per day per vehicle and $30 per year per vehicle would be charged at Juanita Lake, Tree of Heaven, Grouse Gap, Mt Ashland, Jones Beach, Kangaroo Lake, Lovers Camp, and Taylor Lake developed recreation sites. The Klamath National Forest Day Use and Annual Pass and the America the

Beautiful—the National Parks and Federal Recreational Lands Pass would be honored at these standard amenity recreation fee sites.

Expenditures of recreation fees collected at the proposed recreation fee sites would enhance recreation opportunities, improve customer service, and address maintenance needs. Once public involvement is complete, the proposed recreation fee sites and proposed recreation fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation. Reservations for campgrounds and cabins can be made online at *www.recreation.gov* or by calling 877–444–6777. Reservations would cost $8.00 per reservation.

Keith Lannom,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2024–18051 Filed 8–13–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

Public Combined Board and Board Committees Meeting

AGENCY: First Responder Network Authority (FirstNet Authority), National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce.

ACTION: Announcement of meeting.

SUMMARY: The FirstNet Authority Board will convene an open public meeting of the Board and Board Committees.

DATES: August 21, 2024; 9:30 a.m. to 11 a.m. mountain time (MT); Salt Lake City, Utah.

ADDRESSES: The meeting will be held at the University of Utah Department of Public Safety—1658 East 500 South, Salt Lake City, UT 84112. Members of the public are not able to attend in-person but may listen to the meeting and view the presentation by joining from the WebEx meeting link: *https://firstnet.webex.com/firstnet/j.php?MTID=m5df688f2e0008b225ae867e54c70d8f6.*

Meeting number (access code): 2837 319 4776.

Meeting password: 9J8gipMRfd6.

If you experience technical difficulty, contact the FirstNet Authority Customer Support Service Desk at *CCSD@FirstNet.gov.* Webex information can also be found on the FirstNet Authority website (*FirstNet.gov*).

FOR FURTHER INFORMATION CONTACT:

General information: Jennifer Watts, (571) 665–6178, *Jennifer.Watts@FirstNet.gov.*

Media inquiries: Ryan Oremland, (571) 665–6186, *Ryan.Oremland@FirstNet.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Middle-Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1401 *et seq.*) (Act) established the FirstNet Authority as an independent authority within NTIA. The Act directs the FirstNet Authority to ensure the building, deployment, and operation of a nationwide interoperable public safety broadband network. The FirstNet Authority Board is responsible for making strategic decisions regarding the operations of the FirstNet Authority.

Matters to be Considered: The FirstNet Authority will post a detailed agenda for the Combined Board and Board Committees Meeting on *FirstNet.gov* prior to the meeting. The agenda topics are subject to change. Please note that the subjects discussed by the Board and Board Committees may involve commercial or financial information that is privileged or confidential, or other legal matters affecting the FirstNet Authority. As such, the Board may, by majority vote, close the meeting only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Other Information: The public Combined Board and Board Committees Meeting is accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Jennifer Watts at (571) 665–6178 or email: *Jennifer.Watts@FirstNet.gov* before the meeting.

Records: The FirstNet Authority maintains records of all Board proceedings. Minutes of the Combined Board and Board Committees Meeting will be available on *FirstNet.gov.*

Dated: August 8, 2024.

Jennifer Watts,

Board Secretary, First Responder Network Authority.

[FR Doc. 2024–18063 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–44–2024]

Foreign-Trade Zone (FTZ) 61, Notification of Proposed Production Activity; Boehringer Ingelheim Animal Health Puerto Rico LLC; (Animal Health Products); Barceloneta, Puerto Rico

Boehringer Ingelheim Animal Health Puerto Rico LLC, submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Barceloneta, Puerto Rico within Subzone 61AC. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 8, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material/component and specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished product and material/component would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is finished/packaged heartworm treatment chewable tablets for canines (duty-free).

The proposed foreign-status material/component is moxidectin (duty rate of 3.7%). The request indicates that the material/component is subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 23, 2024.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Kolade Osho at *Kolade.Osho@trade.gov.*

Dated: August 8, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–18175 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–43–2024]

Foreign-Trade Zone 3; Application for Production Authority; Phillips 66 Company; (Renewable Fuels and By-Products); Rodeo, California

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the San Francisco Port Commission, grantee of FTZ 3, requesting production authority on behalf of Phillips 66 Company (Phillips), located in Rodeo, California. The application conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.23) was docketed on August 8, 2024.

The Phillips facility (650 employees) is located within Subzone 3E. The facility was used for petroleum refining and is in the process of being converted into a renewable fuels production facility. Production under FTZ procedures could exempt Phillips from customs duty payments on the foreign components used in export production. The company anticipates that between eight to 14 percent of the plant's products will be exported. On its domestic sales, Phillips would be able to choose the duty rates during customs entry procedures that apply to treated renewable feedstock, sulfur, renewable fuels (naphtha; diesel; jet), sustainable jet fuel, butane, and mixed gas streams (duty rate ranges from duty-free to 8.0%, and 10.5¢/bbl) for the foreign-status inputs noted below. Phillips would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

Components and materials sourced from abroad (representing 40 to 45% of the value of the finished product) include: animal fats; oils (soybean; canola; rapeseed; distiller's corn; used cooking); mixed fats, oils, and grease (also known as FOG); and, greases (trap; brown; yellow (a mix of animal fats that may include used cooking oil)) (duty rate ranges from 0.43¢/kg to 3¢/kg, 3.4% to 19.1%). The request indicates that certain materials/components are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is October 15, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 28, 2024.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: August 8, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–18105 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–137]

Pentafluoroethane (R–125) From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2021–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the mandatory respondents under review sold pentafluoroethane (R–125) to the United States from the People's Republic of China (China) at prices below normal value during the period of review (POR), August 17, 2021, through February 28, 2023.

DATES: Applicable August 14, 2024.

FOR FURTHER INFORMATION CONTACT: Andrew Hart or Samantha Kinney, 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) 482–1058 or (202) 482–2285, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 2024, Commerce published in the **Federal Register** the preliminary results of the 2021–2023 administrative review [1] of the antidumping duty order on R–125 from China and invited parties to comment.[2] The review covers two mandatory respondents, Zhejiang Sanmei Chemical Ind. Co., Ltd. (Zhejiang Sanmei), and Zhejiang Yonghe Refrigerant Co., Ltd. (Zhejiang Yonghe). We received case briefs and rebuttal briefs from Zhejiang Yonghe, National Refrigerants, Inc., a U.S. importer of subject merchandise, and Honeywell International, Inc. (the petitioner).[3]

On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[4] The deadline for the final results is now August 8, 2024. For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[5]

Scope of the Order

The products subject to the *Order* is R–125 from China. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in briefs filed by parties in this administrative review are addressed in the Issues and Decision Memorandum and are listed in the Appendix to this notice. The Issues and Decision Memorandum is a public

[1] *See Pentafluoroethane (R–125) from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2021–2023,* 89 FR 22997 (April 3, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See Pentafluoroethane (R–125) from the People's Republic of China: Antidumping and Countervailing Duty Orders,* 87 FR 12081 (March 3, 2022) (*Order*).

[3] *See* Petitioner's Letter, ''Case Brief,'' dated May 10, 2024; *see also* National Refrigerants, Inc.'s Letter, ''Case Brief of National Refrigerants, Inc.,'' dated May 10, 2024; Zhejiang Yonghe's Letter, ''Refiled Case Brief,'' dated May 23, 2024; Petitioner's Letter, ''Rebuttal Brief,'' dated May 28, 2024; National Refrigerants, Inc.'s Letter ''Rebuttal Brief of National Refrigerants, Inc.,'' dated May 28, 2024; and Zhejiang Yonghe's Letter, ''Rebuttal Case Brief,'' dated May 28, 2024.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[5] *See* Memorandum, ''Decision Memorandum for the Final Results of the 2021–2023 Administrative Review of the Antidumping Duty Order on Pentafluoroethane (R–125) from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

document and on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Separate Rate

Commerce determines that the Sanmei Companies [6] and the Yonghe Companies,[7] the two companies individually examined in this review, are eligible to receive separate rates in this review.[8]

China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,[9] the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.,* 267.51. percent) is not subject to change.[10]

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we made certain changes to the margin calculations for the Yonghe Companies.[11] Additionally, Commerce collapsed two additional companies with the Yonghe Companies.[12]

Final Results of Review

For the companies subject to this review that established their eligibility for a separate rate, Commerce determines that the following estimated weighted-average dumping margins exist for the period August 17, 2021, through February 28, 2023:

Exporter	Weighted-average dumping margin (percent)
Zhejiang Sanmei Chemical Industry Co., Ltd.; Fujian Qingliu Dongying Chemical Co., Ltd.; Jiangsu Sanmei Chemical Ind. Co., Ltd	24.62
Zhejiang Yonghe Refrigerant Co., Ltd.; Jinhua Yonghe Fluorine Chemical Co., Ltd.; Inner Mongolia Yonghe Fluorochemical Co., Ltd.; Shaowu Yonghe Jintang new material Co., Ltd.; Inner Mongolia Huasheng Hydrohuone Alid Co., Ltd.; Jiangxi Shilei Fluorochemical Co., Ltd	267.66

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For the Sanmei Companies and the Yonghe Companies, Commerce will calculate importer-specific assessment rates for antidumping duties, in accordance with 19 CFR 351.212(b)(1).

For entries that were not reported in the U.S. sales database submitted by the exporter individually examined during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate.[13]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that currently have a separate rate, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding where the exporter received that separate rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 267.51 percent); and (4) for all non-Chinese exporters of subject merchandise that have not received their own separate rate, the cash deposit

[6] For these final results, Commerce continues to find that the following affiliated companies should be collapsed and treated as a single entity as it determined in the *Preliminary* Results: Zhejiang Sanmei; Jiangsu Sanmei Chemical Ind. Co., Ltd.; and Fujian Qingliu Dongying Chemical Ind. Co., Ltd. (collectively, Sanmei Companies). *See Preliminary Results* PDM at 5.

[7] For these final results, Commerce continues to find that the following affiliated companies should be collapsed and treated as a single entity as determined in the *Preliminary* Results: Zhejiang Yonghe; Jinhua Yonghe Flurine Chemical Co., Ltd.; Inner Mongolia Yonghe Fluorochemical Co., Ltd.; and Shaowu Yonge Jintag new material Co., Ltd. (collectively, the Yonghe Companies). Additionally for these final results, Commerce collapsed Inner Mongolia Huasheng Hydrohuone Alid Co., Ltd. and Jiangxi Shilei Fluorochemical Co., Ltd. with the Yonghe Companies. *See* Issues and Decision Memorandum at Comment 3 for details.

[8] *See Preliminary Results* at ''Separate Rates'' section.

[9] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[10] *See Order.*

[11] *See* Issues and Decision Memorandum at Comment 2.

[12] *Id.* at Comment 3.

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties has 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 final 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 violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(2).

Dated: August 7, 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 *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether To Apply an Export Subsidy Adjustment
Comment 2: Revision of Calculations
Comment 3: Whether To Collapse Inner Mongolia Huasheng Hydrohuone Alid Co., Ltd. (Inner Mongolia Huasheng) and Jiangxi Shilei Fluorochemical Co., Ltd. (Jiangxi Shilei) With the Yonghe Companies
Comment 4: Whether To Select the Republic of Türkiye (Türkiye) as the Surrogate Country (SC)
Comment 5: Surrogate Value (SV) for Chloroform
Comment 6: Self-produced Anhydrous Hydrogen Fluoride (AHF)
Comment 7: By-product Offset
Comment 8: Financial Ratio
VI. Recommendation

[FR Doc. 2024–18106 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with July anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable August 14, 2024.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with July anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data, Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in

which they were collapsed. Further, if companies are requested to complete the Q&V Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V Questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V Questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than July 31, 2025.

	Period to be reviewed
AD Proceedings	
BELGIUM: Citric Acid and Certain Citrate Salts, A–423–813	7/1/23–6/30/24
Citribel N.V.	
COLOMBIA: Citric Acid and Certain Citrate Salts, A–301–803	7/1/23–6/30/24
Sucroal S.A.	
INDIA: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel,[4] A–533–873	6/1/23–5/31/24
INDIA: Quartz Surface Products,[5] A–533–889	6/1/23–5/31/24
Jyothi Quartz Surfaces	
INDIA: Polyethylene Terephthalate (Pet) Film, A–533–824	7/1/23–6/30/24
Chiripal Poly Films Limited	
Cosmo First Ltd., India	
Ester Industries Limited	
Garware Hi-Tech Films Limited (formerly Garware Polyester Limited)[6]	
Jindal Poly Films Ltd.; Jindal Poly Films Ltd. (India)	
JPFL Films Private Limited	
Polyplex Corporation Limited	
SRF Limited; SFR Limited of India	
Vacmet India Limited	
ITALY: Certain Pasta, A–475–818	7/1/23–6/30/24
Agritalia S.r.L	
Aldino S.r.l	
Andriani S.p.A	
Antiche Tradizioni Di Gragnano S.R.L.	
Barilla G. e R. Fratelli Società per Azioni Socio Unico	
George DeLallo Company, Inc.	
Gruppo Milo SpA	
La Molisana, S.p.A.	
Pastificio Artigiano Cav. Giuseppe Cocco S.R.L.	
Pastificio Chiavenna S.r.l	
Pastificio Di Martino Gaetano e Flli S.p.A.; Pastificio Dei Campi S.p.A.	
Pastificio Liguori S.p.A.; PAM S.P.A.; PAM S.R.L.; Liquori Pastificio Dal 1820 S.P.A.; Pastificio Della Forma S.r.L.	
Pastificio Lucio Garofalo S.p.A	
Pastificio Mediterranea S.R.L.	
Pastificio Rigo S.P.A	
Pastificio Sgambaro	
Pastificio Tamma S.r.l.	
Rummo S.p.A.; Pasta Castiglioni S.r.l.; Molino e Pastificio (Rummo); Rummo Lenta Lavorazione S.p.A.	
JAPAN: Stainless Steel Sheet and Strip in Coils, A–588–845	7/1/23–6/30/24
Daido Kogyo Co., Ltd	
Fujiden International Corp.	
Haneda Kosa Co.	
Hanwa Co., Ltd.	
Honda Trading Corporation	
JFE Shoji Trading Corp.	
Kaga Industries Co., Ltd.	
Kamigumi Co., Ltd.	
Kawasaki Steel Corporation	
Marubeni Corporation	
Marubeni Itochu Steel Inc.	
Matsuo Industries Inc.	
Metal One Corp.	
Mitsubishi Chemical Infratec Co., Ltd.	
Mitsuboshi Cutlery Co., Ltd.	
Mitsui & Co., Ltd.	
Nichia Corporation	
Nippon Gasket Co., Ltd.	

[4] In the initiation notice that published on July 29, 2024 (89 FR 60871), Commerce inadvertently listed Salem Steel N.A., LLC., a U.S. importer of subject merchandise, as a company under administrative review. Commerce hereby clarifies that Salem Steel N.A., LLC. is not subject to the review.

[5] The company listed below was inadvertently omitted from the initiation notice that published on July 29, 2024 (89 FR 60871).

[6] *See Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Antidumping Duty Changed Circumstances Review,* 89 FR 44638 (May 21, 2024).

	Period to be reviewed
Nippon Kinzoku Co., Ltd.	
Nippon Metal Industries	
Nippon Steel Corporation	
Nippon Steel Trading Co., Ltd.	
Nippon Yakin Kogyo	
Nishinihon Shoko Co., Ltd.	
Nisshin Steel Co., Ltd.	
NOF Corporation	
Okaya & Co., Ltd.	
Proterial Ltd.	
Sakamoto Industries Co., Ltd.	
Sasano Max Co., Ltd.	
Shinsho Corporation	
Sumisho Metalex Corp.	
Sumitomo Corporation	
Tetsusho Kayaba Corp.	
Tomiyasu & Co., Ltd.	
Toyo Kihan Co., Ltd.	
Valutec International Inc.	
Wolverine Japan Inc.	
Young Steel Co., Ltd.	
MALAYSIA: Certain Steel Nails, A–557–816	7/1/23–6/30/24
Alsons Manufacturing India, LLP	
Asia Bolts & Nuts Sdn. Bhd.	
Astrotech Steels Pvt. Ltd.	
Atlantic Marine Group Ltd.	
AV Fastener (M) Sdn. Bhd.	
Best Staples Sdn. Bhd.	
Chia Pao Metal Co., Ltd.	
Chin Lai Hardware Sdn. Bhd.	
Chin Well Fasteners Co.	
Chuan Heng Hardware Paints and Building Materials Sdn. Bhd.	
Come Best (Thailand) Co., Ltd.	
Fastenal Malaysia Sdn. Bhd.	
Fuji Fastener Manufacturing Sdn. Bhd.	
Gbo Fastening Systems AB	
Geekay Wires Limited	
Gripwell Fastening (M) Sdn. Bhd.	
Impress Steel Wire Industries Sdn. Bhd.	
Inmax Industries Sdn. Bhd.	
Inmax Sdn. Bhd.	
Kerry-Apex (Thailand) Co., Ltd.	
Kimmu Industries Sdn. Bhd.	
Kimmu Trading Sdn., Bhd.	
Madura Fasteners Sdn. Bhd.	
Modern Factory for Steel Industries Co., Ltd.	
Multi Venture Resources Sdn. Bhd.	
Oman Fasteners LLC	
PrimeSource Building Products Inc.	
Region International Co., Ltd.	
Region System Sdn. Bhd.	
RM Wire Industries Sdn. Bhd.	
S.H. Chooi Fasteners	
SK Bolts & Fasteners Sdn. Bhd.	
Soon Shing Building Materials Sdn. Bhd.	
Storeit Services LLP	
Sunmat Industries Sdn., Bhd.	
Tag Fasteners Sdn. Bhd.	
Tag Staples Sdn., Bhd.	
Tampin Sin Yong Wai Industry Sdn. Bhd.	
Top Remac Industries	
Trinity Steel Private Limited	
UD Industries Sdn., Bhd.	
Vien Group Sdn., Bhd.	
Watasan Industries Sdn., Bhd.	
Wing Tai Fastener Manufacturer	
Winston Mayer Sdn. Bhd.	
WWL India Private Ltd.	
Yew Siong Industrial Supplies Sdn. Bhd.	
OMAN: Certain Steel Nails, A–523–808	7/1/23–6/30/24
Al Ansari Teqmark LLC	
Al Kiyumi Global LLC	
Al Sarah Building Materials LLC	

	Period to be reviewed
Buraimi Iron & Steel, LLC	
CL Synergy (Pvt) Ltd.	
Diamond Foil Trading LLC	
Gulf Nails LLC	
Gulf Nails Manufacturing, LLC	
Gulf Steel Manufacturers, LLC	
Muscat Industrial Company, LLC	
Muscat Nails Factory Golden Asset Trade, LLC	
Oman Fasteners, LLC	
Oman Ocean Trading LLC	
Omega Global Uluslararasi Tasimacilik Ticaret Ltd. Sti	
WWL Indian Private Ltd.	
REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, A–580–878	7/1/23–6/30/24
Dongbu Incheon Steel Co., Ltd.	
Dongkuk Coated Metal Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Hyundai Steel Company	
KG Dongbu Steel Co., Ltd.	
NS BlueScope Steel Vietnam Ltd.	
POSCO	
POSCO STEELEON Co., Ltd.	
POSCO International Corporation	
SeAH Coated Metal	
SeAH Steel Corporation	
REPUBLIC OF KOREA: Certain Passenger Vehicle and Light Truck Tires, A–580–908	7/1/23–6/30/24
Hankook Tire & Technology Co., Ltd. (Hankook)	
Kumho Tire Co., Inc.	
Nexen Tire Corporation (Nexen)	
REPUBLIC OF KOREA: Certain Steel Nails, A–580–874	7/1/23–6/30/24
Ansing Fasteners Co. Ltd.	
Beijing Catic Industry Limited	
Beijing Jinheung Co., Ltd.	
Big Mind Group Co., Ltd.	
Changzhou Kya Trading Co., Ltd.	
China Staple Enterprise Tianjin Co. Ltd.	
CMT Co., Ltd.	
D&F Material Products Ltd.	
Daejin Steel Company	
De Well Group Korea Co., Ltd.	
Dezhou Hualude Hardware Products Co. Ltd.	
DLF Industry Co., Limited	
Dong Yang Chemical Co., Ltd.	
Doublemoon Hardware Company Ltd.	
DT China (Shanghai) Ltd.	
Duo-Fast Korea Company Limited	
Dugwoo Co., Ltd.	
Ejen Brothers Limited	
England Rich Group (China) Ltd.	
Ever Leading International Inc.	
Fastgrow International Co., Inc.	
Glovis America, Inc.	
GWP Industries (Tianjin) Co., Ltd.	
Haas Automation Inc. Han Express Co., Ltd.	
Handuk Industrial Co., Ltd.	
Hanmi Staple Co., Ltd.	
Hanwoo Industrial Co., Ltd.	
Hebei Cangzhou New Century Foreign Trade Co., Ltd.	
Hebei Longshengyuan Trade Co Ltd.	
Hebei Minmetals Co., Ltd.	
Hebei Shinyee Trade Co. Ltd.	
Hengtuo Metal Products Company Limited	
Home Value Co., Ltd.	
Hongyi (Hk) Hardware Products Co., Limited	
Hongyi (Hk) Industrial Co., Limited	
Huanghua RC Business Co., Ltd.	
Huanghua Yingjin	
Hardware Products Co., Ltd.	
HWA Shin Bolt Ind. Co. Ltd.	
Inmax Industries Sdn. Bhd.	
JCD Group Co., Limited	
Je-il Wire Production Co., Ltd.	
Jinheung Steel Corporation	
Jining Jufu International Trade Co.	

	Period to be reviewed
Jinsco International Corp.	
Joo Sung Sea & Air Co., Ltd.	
Jushiqiangsen (Tianjin) International Trade Co., Ltd.	
Kabool Fasteners Co. Ltd.	
KB Steel Kerry-Apex (Thailand) Co., Ltd.	
Koram Inc. Korea Wire Co., Ltd.	
Korea Wire Co., Ltd.	
KPF Co., Ltd.	
Kuehne & Nagel Ltd.	
Linyi Double-Moon Hardware Products Co., Ltd.	
Linyi Flyingarrow Imp. & Exp. Co., Ltd.	
Linyi Jianchengde Metal Hardware Co.	
Linyi Yitong Chain Co., Ltd.	
Manho Rope and Wire Ltd.	
Max Co., Ltd.	
Mingguang Ruifeng Hardware Products Co., Ltd.	
Nailtech Co., Ltd.	
Nanjing Senqiao Trading Co., Ltd.	
Needslink, Inc.	
Ocean King International Industries Limited	
Paslode Fasteners (Shanghai) Co., Ltd.	
Peace Industries Ltd. Korea	
Peace Korea Co., Ltd.	
Qingdao Ant Hardware Manufacturing Co., Ltd.	
Qingdao Best World Industry-Trading Co., Ltd.	
Qingdao Cheshire Trading Co., Ltd.	
Qingdao Hongyuan Nail Industry Co., Ltd.	
Qingdao JCD Machinery Co., Ltd.	
Qingdao Jiawei Industry Co., Limited	
Qingdao Jisco Co., Ltd	
Qingdao Master Metal Products Co., Ltd.	
Qingdao Meijialucky Industry and Co.	
Qingdao Mst Industry and Commerce Co., Ltd.	
Qingdao Ruitai Trade Co., Ltd.	
Qingdao Shantron Int'l Trade Co., Ltd.	
Qingdao Shenghengtong Metal Products Co., Ltd.	
Qingdao Sunrise Metal Products Co., Ltd.	
Qingdao Tian Heng Xiang Metal Products Co., Ltd.	
Qingdao Top Metal Industrial Co., Ltd.	
Rewon Systems, Inc.	
Rise Time Industrial Ltd.	
Salt International Co., Ltd.	
Shandong Dominant Source Group Co., Ltd.	
Shandong Guomei Industry Co., Ltd.	
Shanghai Curvet Hardware Products Co., Ltd.	
Shanghai Goldenbridge International Co., Ltd.	
Shanghai Pinnacle International Trading Co., Ltd.	
Shanghai Zoonlion Industrial Co., Ltd.	
Shanxi Pioneer Hardware Industrial Co., Ltd	
Shanxi Sanhesheng Trade Co., Ltd.	
Shaoxing Bohui Import & Export Co., Ltd.	
Shijiazhuang Tops Hardware Manufacturing Co., Ltd.	
Shijiazhuang Yajiada Metal Products Co., Ltd.	
Shin Jung TMS Corporation Ltd.	
Shinheung Industry Co	
SSS Hardware International Trading Co., Ltd.	
Storeit Services LLP	
Tangshan Jason Metal Materials Co., Ltd.	
Test Rite International Co., Ltd.	
The Inno Steel Industry Company	
Tianjin Bluekin Industries Limited	
Tianjin Coways Metal Products Co., Ltd.	
Tianjin Hweschun Fasteners Manufacturing Co. Ltd.	
Tianjin Jinchi Metal Products Co., Ltd.	
Tianjin Jinghai County Hongli Industry and Business Co., Ltd.	
Tianjin Jinzhuang New Material Sci Co., Ltd.	
Tianjin Lianda Group Co., Ltd.	
Tianjin Zhonglian Metals Ware Co., Ltd.	
Tianjin Zhonglian Times Technology Co., Ltd.	
Un Global Company Limited Unicorn (Tianjin) Fasteners Co., Ltd.	
United Company for Metal Products	
W&K Corporation Limited	
Weifang Wenhe Pneumatic Tools Co., Ltd.	

	Period to be reviewed
Wulian Zhanpengmetals Co., Ltd.	
WWL India Private Ltd.	
Xian Metals And Minerals Import And Export Co., Ltd.	
Youngwoo Fasteners Co., Ltd.	
Youone Fastening Systems	
Zhangjiagang Lianfeng Metals Products Co., Ltd.	
Zhaoqing Harvest Nails Co., Ltd	
REPUBLIC OF KOREA: Stainless Steel Sheet and Strip in Coils, A–580–834	7/1/23–6/30/24
Ajubesteel Co., Ltd.	
Ameri Source Korea	
Cd Engineering Co., Ltd.	
Cenit Co., Ltd.	
Daejin Machinery Co.	
DK Corporation	
Dk International Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Edentech Co., Ltd.	
Erae Automotive Systems Co., Ltd.	
Hyundai BNG Steel Co., Ltd.	
Hyundai Steel Company [7]	
KG Steel Co., Ltd.	
Kima Steel (Metal) Corp., Ltd.	
Kolon Industries Inc.	
Korinox Co., Ltd.	
Marubeni Itochu Steel Korea Ltd.	
Pohang Iron & Steel Co., Ltd. (POSCO) [8]	
POSCO International Corp.	
Samjin Metal Co., Ltd.	
Samshin Metal Co., Ltd.	
Samsung C&T Corp.	
Samusung Electronics Co. Ltd.	
Samsung SNS Co., Ltd.	
Samyoung Corporation	
Taihan Electric Wire Co., Ltd.	
Topco Global Ltd.	
REPUBLIC OF TÜRKIYE: Certain Pasta, A–489–805	7/1/23–6/30/24
Beslen Makarna Gida San. ve Tic. A.S.	
Besler Pasta	
REPUBLIC OF TÜRKIYE: Steel Concrete Reinforcing Bar, A–489–829	7/1/23–6/30/24
Colakoglu Metalurji A.S.; Colakoglu Dis Ticaret A.S.	
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	
Kaptan Demir Celik Endustrisi ve Ticaret A.S.; Kaptan Metal Dis Ticaret Ve Nakliyat A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Certain Steel Nails, A–552–818	7/1/23–6/30/24
Fastening Care	
Region Industries Co., Ltd.	
Yes Logistics Corp.	
SOCIALIST REPUBLIC OF VIETNAM: Welded Stainless Pressure Pipe, A–552–816	7/1/23–6/30/24
Mejonson Industrial Vietnam Co., Ltd.	
Sonha International Corporation	
Sonha SSP Vietnam Sole Member Co. Limited	
The Vietnam-wide Entity	
Vinasteel Production Joint Stock Company	
Vinlong Stainless Steel (Vietnam) Co., Ltd.	
TAIWAN: Certain Passenger Vehicle and Light Truck Tires, A–583–869	7/1/23–6/30/24
Cheng Shin Rubber Ind. Co., Ltd.	
Nankang Rubber Tire Corp., Ltd.	
TAIWAN: Certain Steel Nails, A–583–854	7/1/23–6/30/24
Cool Shot Ltd.	
Chunyu Factory Co., Ltd	
Create Trading Co., Ltd.	
Dar Yu Enterprise Co., Ltd.	
Fang Sheng Screw Co., Ltd	
Fwang Tzay Enterprise Corp	
Home Value Co., Ltd.	
Hsi Yi Enterprise Co. Ltd.	
Hsin Ho Mfg. Co., Ltd.	
JCH Hardware Company, Inc.	
Joker Industrial Co., Ltd.	
Leading Hardware Corporation	
Liang Chyuan Industrial Co., Ltd.; Integral Building Products Inc.	
Panther T & H Industry Co., Ltd.	
Perfect Seller Co., Ltd.	
Phoenix Merchandise Inc.	

	Period to be reviewed
Sanji Co., Ltd.	
Sourcing Metrics Ltd.	
TG Co., Ltd	
Tricera Corp.	
Xiamen Huiyu Chemical Trading Co.	
Yeun Chang Hardware Tool Company Limited	
Your Standing International, Inc.	
TAIWAN: Corrosion-Resistant Steel Products, A–583–856	7/1/23–6/30/24
China Steel Corporation	
Chung Hung Steel Corporation	
Great Fortune Steel Co., Ltd.	
Great Grandeul Steel Co., Ltd.	
Great Grandeul Steel Company Limited (Samoa)	
Great Grandeul Steel Corporation	
Prosperity Tieh Enterprise Co., Ltd.	
Sheng Yu Steel Co., Ltd.	
Xxentria Technology Materials Company Ltd	
TAIWAN: Polyethylene Terephthalate (Pet) Film, A–583–837	7/1/23–6/30/24
Nan Ya Plastics Corporation, Ltd.; Nan Ya Plastics Corporation	
Shinkong Materials Technology Co. Ltd; Shinkong Materials Technology Corporation; Shinkong Synthetic Fibers Corporation; Shinkong Synthetic Fibers Corp.	
TAIWAN: Stainless Steel Sheet and Strip in Coils, A–583–831	7/1/23–6/30/24
Auto Star Ind. Co., Ltd.	
Best Win International Co., Ltd.	
Broad International Resources Ltd.	
Chain Chon Industrial Co., Ltd.	
Chang Mien Industries Co., Ltd.[9]	
Cheng Feng Plastic Co., Ltd.	
Chia Far Industrial Factory Co., Ltd.	
Chien Shing Stainless Co.	
China Steel Corporation	
Ching Hann Ind Co., Ltd.	
China Steel Global Trading Corporation	
Chung Hung Steel Corp.	
Chyang Dah Stainless Co., Ltd.	
Da-Tsai Stainless Steel Co., Ltd.	
Dah Shi Metal Industrial Co., Ltd.	
DB Schenker (HK) Ltd. Taiwan Branch	
DHV Technical Information Co., Ltd.	
Dinli Metal Industrial Co., Ltd.	
Dyaco International Inc.	
Froch Enterprises Co., Ltd.	
Gang Jou Enterprise Co., Ltd.	
General Merchandise Consolidators Inc.	
Genn Hann Stainless Steel Enterprise Co., Ltd.	
Goang Jau Shing Enterprise Co., Ltd.	
Gold Classic Enterprise Ltd.	
Goldioceans International Co., Ltd.	
Gotosteel Ltd.	
Grace Alloy Corp.	
Hung Shuh Enterprises Co., Ltd.	
Hwa Yang Stainless Steel Ind. Corp.	
Hwang Dah Steel Inc.	
Intai Technology Corp.	
Jie Jin Stainless Steel Industry Co., Ltd.	
JJSE Co., Ltd.	
Jk Industrial Development Corp.	
KNS Enterprise Co., Ltd.	
Lancer Ent. Co., Ltd.	
Lien Chy Laminated Metal Co., Ltd.	
Lien Kuo Metal Industries Co., Ltd.	
Lih Chan Steel Co., Ltd.	
Lung An Stainless Steel Ind. Co., Ltd.	
Master United Corp.	
Maytun International Corp.	
Meglobe Co., Ltd.	
NKS Steel Ind. Ltd.	
PFP Taiwan Co., Ltd.	
Po Chwen Metal	
Prime Rocks Co., Ltd.	
Prosperity Tieh Enterprise Co., Ltd.	
S More Steel Materials Co., Ltd.	
Shih Yuan Stainless Steel Enterprise Co., Ltd.	

	Period to be reviewed
Shiner Steel International Ltd.	
Silineal Enterprises Co., Ltd.	
Stanch Stainless Steel Co., Ltd.	
Sunmax Industrial Inc.	
Ta Chen Stainless Pipe Company Ltd.	
Tah Lee Special Steel Co., Ltd.	
Taiwan Nippon Steel Stainless	
Tang Eng Iron Works Company, Ltd.	
Teng Yao Hardware Industrial Co., Ltd.	
Tibest International Inc.	
Ton Yi Industrial Corp.	
Top Sunny Group Corp.	
Tsai See Enterprise Co., Ltd.	
Tung Mung Development Co., Ltd.[10]	
Unity Special Steel Co., Ltd.	
Vasteel Enterprises Co., Ltd.	
Vulcan Industrial Corporation	
Wexcel International Co., Ltd.	
Wuu Jing Enterprise Co., Ltd.	
Yc Inox Co., Ltd.	
Yeou Yih Steel Co., Ltd.	
Yeou Ting Industries Co., Ltd.	
Yes Stainless International Co., Ltd.	
Yieh Corp; Yieh Trading Corporation	
Yieh Mau Corporation	
Yieh Phui Enterprise Co., Ltd.	
Yieh United Steel Corporation	
Yu Ting Industrial Co., Ltd.	
Yuan Long Stainless Steel Corp.	
Yue Seng Industrial Co., Ltd.	
Yuen Chang Stainless Steel Co., Ltd.	
Yung Fa Steel & Iron Industry Co., Ltd.	
THAILAND: Certain Passenger Vehicle and Light Truck Tires, A–549–842	7/1/23–6/30/24
Bridgestone Company, Ltd. (aka Bridgestone Company and Bridgestone Corporation)	
Bridgestone Tire Manufacturing (Thailand) Co., Ltd. (aka Bridgestone Tire Manufacturing and Thai Bridgestone Co.)	
Deestone Corporation Public Company Limited; Deestone Corporation Ltd.	
General Rubber (Thailand) Co., Ltd.	
Huayi Group (Thailand) Company Limited	
LLIT Thailand Co., Ltd.	
Maxxis International (Thailand) Co. Ltd.	
Otani Radial Company Limited	
Otani Tire Co., Ltd.	
Prinx Chengshan Tire (Thailand) Co., Ltd.	
S.R. Tyres Co., Ltd.	
Sentury Tire (Thailand) Co., Ltd.	
Sumitomo Rubber (Thailand) Co., Ltd.	
Thai Bridgestone Co., Ltd.	
Vee Tyre & Rubber Co., Ltd.	
Yokohama Rubber Co., Ltd.	
Yokohama Tire Manufacturing (Thailand) Co., Ltd.	
THAILAND: Citric Acid and Certain Citrate Salts, A–549–833	7/1/23–6/30/24
COFCO Biochemical (Thailand) Co., Ltd.	
Sunshine Biotech International Co., Ltd.	
Xitrical Group Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Chassis and Subassemblies Thereof, A–570–135	7/1/23–6/30/24
CIMC Vehicles (Group) Co., Ltd.	
Dongguan CIMC Vehicles Co., Ltd.	
Qingdao CIMC Special Vehicles Co., Ltd.	
SinoTrailers	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Collated Steel Staples, A–570–112	7/1/23–6/30/24
Adinath Corporation Limited	
A-Jax Intl Co., Ltd.	
Alfa Marine (Shanghai) Co., Ltd.	
An Ji Bei Lun Jia Ju You Xian Gong	
Anhui Z&A Import and Export Co., Ltd.	
Baoding Baigou New City Yuhuang	
Beijing Yazhao Technology Co., Ltd.	
Changzhou Kya Fasteners Co., Ltd.	
China Staple Enterprise (Tianjin) Co.	
China Wind International Ltd.	
Cre8 Direct (Ningbo) Co., Ltd.	
Eastrong International	
E-Teklon Co., Ltd.	

	Period to be reviewed
Fastnail Products Limited	
Five Star International Import and Export	
Foshan Hosontool Development Hardware Co., Ltd.	
Fourever International Limited	
Future Horizon Printing	
Global Link (Shanghai) Co., Ltd.	
Guangdong Willing Technology Corporation	
Guangzhou Liya Leather Co., Ltd.	
Guangzhou Nova Co., Ltd.	
H&B Promotional Limited	
Hainan Golden Shell Co., Ltd.	
Hebei Minmetals Co., Ltd.	
Hebei Qiqun Import And Export Trade	
Hebei Reenly Trade Co., Ltd.	
Hk Prosper Industry Limited	
Hk Sino-Harvest Packing Co., Ltd.	
Hong Kong Beyond Group Company Limited	
Hubei Xing Ning Corporation Limited	
J. Ennis (Ningbo Free Trade Zone) Co.	
Jiaxing Brothers Hardware Co., Ltd.	
Ky Pneumatic Nail Co., Limited	
Larme Industrial (Shanghai) Company	
Mingguang Ruifeng Hardware Products Co., Ltd.	
Nanjing Justar Material Co., Ltd.	
Ningbo Assisting Trading Co., Ltd.	
Ningbo Cando Imp & Exp Co., Ltd.	
Ningbo Feihong Stationery Ltd. Corp.	
Ningbo G&W Imp & Exp. Co., Ltd.	
Ningbo Home-Dollar Imp & Exp Corp.	
Ningbo Hoz Fasteners Co., Limited	
Ningbo Jieyou Trading Co., Ltd.	
Ningbo Joystar International Trade	
Ningbo Mas-Houseware Imp. Exp. Co., Ltd.	
Ningbo Most-Textile Trading Co., Ltd.	
Ningbo Paper Melody Industrial Co., Ltd.	
Ningbo Tongya International Co., Ltd.	
Ocean King International Industries Limited	
Oli-Fast Fasteners (Tianjin)	
Prym Consumer Ningbo Trading Limited	
Qingdao Forent Industry Co., Ltd.	
Rayson Electrical Mfg. Ltd.	
Rise Time Industrial Limited	
Shanghai Jade Shuttle Hardware Tools Co., Ltd.	
Shanghai Yueda Nails Co., Ltd.	
Shaoxing Bohui Import & Export Co., Ltd.	
Shaoxing Huasheng Stationery Manufacturing Co., Ltd.	
Shaoxing Shunxing Metal Producting Co., Ltd.	
Suzhou Everich I/E Co., Ltd.	
Techtronic Cordless Gp	
Tianjin Hengtuo Metal Products Co.	
Tianjin Hweschun Fasteners Manufacturing Co., Ltd.	
Tianjin Jin Xin Sheng Long Metal Products Co., Ltd.	
Tianjin Jinyifeng Hardware Co., Ltd.	
Tsi Manufacturing Llc (Hk) Limited	
Unicorn (Tianjin) Fasteners Co., Ltd.	
Wire Products Manufacturing Co., Ltd.	
Xiamen Wanguoxing Trade Co., Ltd.	
Xi'An Metals and Minerals Import and Export	
YF Technology Corporation	
Zhejiang Best Nail Industrial Co., Ltd.	
Zhejiang Wangbin Decorative Materi	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Freight Rail Couplers and Parts Thereof, A–570–145	3/13/23–6/30/24
Alstom Transportation	
CH Robinson Worldwide	
Chongqing Tongyao Intelligent Equipment Co., Ltd.	
Chongqing Tongyao Transportation Equipment Co., Ltd.	
Creative Instore Solutions Pty Ltd	
CRRC Mudanjiang Jinyuan Casting Co., Ltd.	
Dellner Coupler System Technology (Wuhan) Co., Ltd.	
National Steel Car	
Ningbo Jinhui Precision Casting Co., Ltd.	
Ningbo Rete International Co., Ltd.	
Qingdao Lianshan Castings Co., Ltd.	

	Period to be reviewed
Renold China Chain NSC (Renold Hangzhou Co. Ltd)	
Rotex Global LLC	
RTC Industries Inc.	
Strategic Global Sourcing Ltd.	
Suzhou Huran Manufacturing Co, Ltd.	
Trinity Industries	
TXX Company	
THE PEOPLE'S REPUBLIC OF CHINA: Corrosion-Resistant Steel Products, A–570–026	7/1/23–6/30/24
Angang Cold Rolling Sheet (Putian) Plant	
Angang Steel Co. Ltd.—Anshan Plant	
ANSC–TKS Galvanizing Co., Ltd.	
Anshan Iron & Steel (Group) Corp.	
Aoguan Thin Steel Technology (Zhejiang) Co., Ltd.	
Asia Minmetals Machinery Co., Ltd.	
Baoshan Iron & Steel Co., Ltd.	
Baosteel Group Corp.	
Baosteel Group Shanghai Meishan Co., Ltd.	
Baosteel Group Xinjiang Bayi Iron & Steel Co., Ltd.	
Baosteel Huangshi Coated and Galvanized Sheet Co., Ltd.	
Baotou Iron and Steel (Group) Co., Ltd.	
Bazhou Wanlu Metal Production Co., Ltd.	
Beijing Hongyuan Steel Structure Engineering Co., Ltd.	
Benlog International Steel Co., Ltd	
Benxi Iron & Steel (Group) Special Steel Co., Ltd.	
BlueScope (Suzhou) Co., Ltd.	
Cangzhou Hengtong Steel Pipe Co., Ltd.	
Changshu Everbright Material Technology Co., Ltd.	
Changshu Huaye Steel Strip Co., Ltd.	
Changshu Jiacheng Coated Steel Co., Ltd	
Changzhou Dingang Metal Material Co., Ltd.	
Chengde Iron & Steel Group Co., Ltd.	
China Lanjiang Steel Group Co., Ltd.	
Chongqing Iron & Steel (Group) Co., Ltd.	
Cibao New Type Sheet Metal Jiangsu Co., Ltd.	
Dalian POSCO Steel Co., Ltd.	
Dalian Pujin Steel Plate Co., Ltd	
Dongguan Yusheng Steel Co., Ltd.	
Fengyuan Steel Structure Co., Ltd.	
Foshan Jinxi Jinlan Cold Rolled Sheets Co., Ltd.	
Fujian Casey Steel Group Co., Ltd.	
Fujian Kaixi Iron & Steel Co., Ltd.	
Fujian Longyan Hangxing Steel Co., Ltd.	
Fujian Sansteel (Group) Co., Ltd.	
Guangdong Hanjiang Steel Plate Co., Ltd.	
Guangdong Huaguan Steel Co., Ltd.	
Guangdong Huamei Co., Ltd.	
Guangdong Huayun Aluminum Industry Co., Ltd.	
Guangdong Qingyuan Dongshang Steel Co., Ltd.	
Handan Iron & Steel Group Co., Ltd.	
Handan Zongheng Iron & Steel Group Co., Ltd.	
Handan ZhuoLi Group Co., Ltd.	
Hangzhou Yongfeng Steel Construction Co., Ltd.	
Hebei Iron & Steel Group Co., Ltd.	
Hebei Puyang Iron & Steel Co., Ltd.	
Hebei Sunpo Metal Products Co., Ltd.	
Hebei Tianjie Pipeline Equipment Co., Ltd.	
Hebei Xinda Iron & Steel Co., Ltd	
Hebei Yanzhao Lantian Steel Sheet Group Co., Ltd.	
Hebei Zhihui Import & Export Co., Ltd.	
Hebei Zhonggang Steel & Iron Co., Ltd.	
Henan Jianhui Machinery Co., Ltd.	
Hengshui Jinghua Steel Pipe Co., Ltd.	
Hualu Steel Co., Ltd.	
Huangshi Shanli Technology Development Co., Ltd.	
Huaye Iron & Steel Group	
Hunan Valin Iron and Steel Group Co., Ltd.	
Hunan Valin Lianyuan Iron & Steel Co., Ltd.	
JFE Steel Corp. (Guangzhou)	
Jiangsu Cold Rolled (Sutor Group)	
Jiangsu Dajiang Metal Material Co., Ltd.	
Jiangsu Gangzheng Steel Sheet Science and Technology Co., Ltd.	
Jiangsu Jiangnan Cold-Rolled Co., Ltd.	
Jiangsu Jiangnan Industrial Group Co., Ltd.	

	Period to be reviewed
Jiangsu Jijing Metal Technology Co., Ltd	
Jiangsu Shagang Group Co., Ltd.	
Jiangyin Huaxi Steel Co., Ltd.	
Jiangyin New Taifu Metal Product Co., Ltd	
Jiangyin Zongcheng Steel Co., Ltd.	
Jieyang Nangang Strip Steel Industrial Co., Ltd.	
JinLan Group	
Jiuquan Iron & Steel (Group) Co., Ltd.	
Kunming Iron & Steel (Group) Co., Ltd.	
Langfang Fuxin Steel Plate Co., Ltd.	
Liaoning Jiayi Metals & Minerals	
Lin Qing Hongji (Group) Co., Ltd.	
Longyan Zhuolong Iron & Steel Co., Ltd.	
Maanshan Iron & Steel Co., Ltd.	
Ningbo Iron & Steel Co., Ltd.	
Ningbo Zhongmeng Iron & Steel Co., Ltd.	
Pangang Group Chengdu Steel & Vanadium Co., Ltd.	
Panhua Group Co., Ltd.	
Panzhihua Iron & Steel (Group) Co.	
Qingdao Baosen Steel Co.	
Qingdao Dtom Metal Products Co., Ltd.	
Qingdao Weier Plastic Machinery Co., Ltd.	
Sansteel MinGuang Co., Ltd.	
Shandong Fada Precision Sheet Co., Ltd.	
Shandong Hong Shengda Steel Plate Co., Ltd.	
Shandong Iron & Steel Group	
Shandong Kerui Steel Plate Co.	
Shandong Lu Steel (Group) Co., Ltd.	
Shandong Xiangtong Rubber Group Co., Ltd.	
Shandong Xinri Coated Steel Sheet Co., Ltd.	
Shandong Yuanda Sheet Industry Tech Co., Ltd.	
Shandong Zhongguan Steel Plate Co., Ltd.	
Shanghai AN LAN Steel Co., Ltd.	
Shougang Group	
Shougang Jingtang United Iron & Steel Co., Ltd.	
Shunde Posco Coated Steel	
Sino-Coalition (Ningbo) Steel Production Co., Ltd.	
Sinosteel Corporation	
South Polar Lights Steel (Shanghai) Co., Ltd.	
Tangshan Iron & Steel Group Co., Ltd.	
Tianjin Hengxing Steel Industry Co., Ltd	
Tianjin Jiecheng Galvanized Rolling Plate Co., Ltd	
Tianjin Metallurgical No. 1 Steel Group Co., Ltd	
Tianjin Nanchen Steels Co., Ltd.	
Tianjin Rolling-one Steel Co., Ltd. (TROSCO)	
Tianjin Xinyu Color Plate Co., Ltd.	
Tonghua Iron & Steel Co., Ltd	
Topsky Steel Industry Co., Ltd	
Union Steel (China)	
Venus Holdings Shanghai Co., Ltd	
Wenzhou Yucang Steel Industry Co., Ltd.	
WISCO—Wuhan Iron & Steel (Group) Corp.	
Wu'an Wen'an Iron & Steel Co., Ltd.	
Wuhan Iron & Steel Group Echeng Iron & Steel Co., Ltd.	
Wuxi New Dazhong Steel Co., Ltd.	
Wuxi Tongxin Automatic Equipment Co., Ltd	
Wuxi Xindazhong Steel Sheet Co., Ltd.	
Wuxi Zhongcai New Material Co., Ltd.	
Xiehe Group (Zhejiang Concord Group)	
Yichang Three Gorges Quantong Coated and Galvanized Plate Co., Ltd.	
Yieh Phui (China) Technomaterial Co., Ltd.	
Yingkou Panpan Chaoshuo High-Tech Steel Co., Ltd.	
Zhangjiagang New Gangxing Technology Co., Ltd.	
Zhejiang Hengda Industrial Group Co., Ltd	
Zhejiang Huada Steel Industry Co., Ltd.	
Zhejiang Shunda Weiye Materials Co., Ltd.	
Zhejiang Southeast Metalsheet Co., Ltd.	
Zhejiang Xingristeel Holding Group Co., Ltd.	
Zhicheng Steel Material Co., Ltd	
Zhongshan Nomura Steel Product Co., Ltd.	
Zibo Fengyang Color Coated Steel Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Xanthan Gum, A–570–985	7/1/23–6/30/24
CP Kelco (Shandong) Biological Company Limited	

	Period to be reviewed
Deosen Biochemical (Ordos) Ltd.	
Deosen Biochemical Ltd.	
Inner Mongolia Jianlong Biochemical Co., Ltd.	
Jianlong Biotechnology Co., Ltd.	
Jilin Meihua Amino Acid Co., Ltd.	
Langfang Meihua Biotechnology Co., Ltd.	
Meihua Group International Trading (Hong Kong) Limited	
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)	
Ningxia Top Hydrocolloids Co., Ltd.	
Shandong Fufeng Fermentation Co., Ltd.	
Shanghai Smart Chemicals Co. Ltd.	
Xinjiang Fufeng Biotechnologies Co., Ltd.	
Xinjiang Meihua Amino Acid Co., Ltd.	
CVD Proceedings	
INDIA: Polyethylene Terephthalate (Pet) Film, C–533–825	1/1/23–12/31/23
Chiripal Poly Films Limited	
Cosmo First Ltd.	
Ester Industries Limited	
Garware Hi-Tech Films Limited	
Garware Polyester Ltd.	
Jindal Poly Films Limited; Jindal Poly Films Ltd. (India)	
JPFL Films Private Ltd.	
Polyplex Corporation Ltd.	
SRF Limited; SRF Limited of India; SRF Limited Packaging Films	
Vacmet India Limited	
ITALY: Certain Pasta, C–475–819	1/1/23–12/31/23
Antiche Tradizioni Di Gragnano S.R.L.	
DeMatteis Agroalimentare S.p.A.	
Gruppo Milo SpA	
Pastificio Attilio Mastromauro–Granoro Srl	
Pastificio Sgambaro	
REPUBLIC OF KOREA: Corrosion-Resistant Steel Products, C–580–879	1/1/23–12/31/23
Dongkuk Coated Metal Co., Ltd.	
Hyundai Steel	
Hyundai Steel Co., Ltd.	
Hyundai Steel Company	
KG Dongbu Steel Co., Ltd.	
KG Steel Corporation	
NS BlueScope Steel Vietnam Ltd.	
POSCO	
POSCO Coated & Color Steel Co., Ltd.	
POSCO International	
POSCO Steeleon Co., Ltd.	
SeAH Coated Metal	
SeAH Steel Corporation	
REPUBLIC OF TÜRKIYE: Steel Concrete Reinforcing Bar, C–489–830 [11]	1/1/23–12/31/23
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.; HABAS; Habas Elektrik Uretim A.S.; Habas Endustri Tesisleri A.S.; Mertas Turizm Nakliyat ve Ticaret A.S.; Pegagaz A.S; Cebitas Demir Celik Endustrisi A.S.; Osman Sonmez Ins. Taah; Habas Petrol Urtmleri Sanayi ve Ticaret A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Passenger Vehicle and Light Truck Tires, C–552–829	1/1/23–12/31/23
Kumho Tire (Vietnam) Co., Ltd.	
Kumho Tire Co., Inc.	
Sailun (Vietnam) Co., Ltd.	
SOCIALIST OF REPUBLIC OF VIETNAM: Certain Steel Nails, C–552–819	1/1/23–12/31/23
Region Industries Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Freight Rail Couplers and Parts Thereof, C–570–146	3/3/23–12/31/23
Alstom Transportation	
CH Robinson Worldwide	
Chongqing Tongyao Intelligent Equipment Co., Ltd.	
Chongqing Tongyao Transportation Equipment Co., Ltd.	
Creative Instore Solutions Pty Ltd.	
Dellner Coupler System Technology (Wuhan) Co., Ltd.	
National Steel Car	
Ningbo Rete International Co., Ltd.	
Renold China Chain NSC (Renold Hangzhou Co. Ltd)	
Rotex Global LLC	
RTC Industries Inc.	
Strategic Global Sourcing Ltd.	
Suzhou Huran Manufacturing Co, Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Collated Steel Staples, C–570–113	1/1/23–12/31/23
Adinath Corporation Limited	
A-Jax International Co., Ltd	

	Period to be reviewed
Alfa Marine (Shanghai) Co., Ltd.	
An Ji Bei Lun Jia Ju You Xian Gong	
Anhui Z&A Import And Export Co., Ltd.	
Beijing Yazhao Technology Co., Ltd.	
Cas International Co., Ltd.	
Changzhou Kya Fasteners Co., Ltd.	
China Staple Enterprise (Tianjin)	
China Wind International Ltd.	
China Zhejiang International	
Cre8 Direct (Ningbo) Co., Ltd.	
Eastrong International	
E-Teklon Co., Ltd.	
Fastnail Products Limited	
Foshan Hosontool Development Hardware Co., Ltd.	
Fourever E-Commerce Company Limited	
Fourever International Limited	
Future Horizon Printing	
Geofantex Geosynthetics Co., Ltd.	
Global Link (Shanghai) Co., Ltd.	
Gpa Hong Kong Limited	
Guangdong Willing Technology Corporation	
Guangzhou Liya Leather Co., Ltd.	
Guangzhou Nova Co., Ltd.	
Hainan Golden Shell Co., Ltd.	
Hangzhou G-Wire Technology Co., Ltd.	
Hebei Reenly Trade Co., Ltd.	
Hefei Great Auto Equipment Co., Ltd.	
Hk Prosper Industry Limited	
Hk Sino-Harvest Packing Co., Ltd.	
Huanghua Rc Business Co., Ltd.	
Hubei Xing Ning Corporation Limited	
J.Ennis (Ningbo Free Trade Zone) Co.	
Jabil Electronics (Weihai) Co	
Jet Power International, Ltd.	
Jiaxing Brothers Hardware Co., Ltd.	
Jinweilong Fasteners (Hk) Co., Limited	
Ky Pneumatic Nail Co., Limited	
Larme Industrial (Shanghai) Company	
Linyi Flyingarrow Imp. & Exp. Ltd.	
Mingguang Ruifeng Hardware Products Co., Ltd.	
Nanjing Nuochun Hardware Co., Ltd.	
Ningbo Assisting Trading Co., Ltd.	
Ningbo Cando Imp&Exp Co., Ltd.	
Ningbo Feihong Stationery Ltd Corp	
Ningbo G&W Imp.&Exp. Co., Ltd.	
Ningbo Home-Dollar Imp&Exp Corp.	
Ningbo Hoz Fasteners Co., Limited.	
Ningbo Jieyou Trading Co., Ltd.	
Ningbo Mas-Houseware Imp. Exp. Co., Ltd.	
Ningbo Most-Textile Trading Co., Ltd.	
Ningbo Pacrim Manufacturing Co., Ltd.	
Ningbo Paper Melody Industrial Co., Ltd.	
Ningbo Superior Trading Co., Ltd.	
Ningbo Tongya International Co., Ltd.	
Ningbo Yuanyu Stationery & Gifts Co., Ltd.	
Ocean King International Industries Limited	
Oli-Fast Fasteners (Tianjin)	
Prym Consumer Ningbo Trading Limited	
Qingdao Forent Industry Co., Ltd.	
Rayson Electrical Mfg. Ltd.	
Rise Time Industrial Ltd.	
Shanghai Jade Shuttle Hardware Tools Co., Ltd.	
Shanghai Yueda Nails Co., Ltd.	
Shaoxing Bohui Import Export Co., Ltd.	
Shaoxing Huasheng Stationery Manufacturing Co., Ltd.	
Shaoxing Mingxing Nail Co., Ltd.	
Shaoxing Shangyu Longke Umbrella	
Shaoxing Shunxing Metal Producting Co., Ltd.	
Shuyang Sundy Art & Craft Co., Ltd.	
Suntec Industries Co., Ltd.	
Suzhou Everich I/E Co., Ltd.	
Techtronic Cordless Gp	
Thakral Corporation (Hk) Limited	

	Period to be reviewed
Tianjin Angetai Import and Export Co., Ltd.	
Tianjin Hweschun Fasteners Manufacturing, Co., Ltd.	
Tianjin Jin Xin Sheng Long Metal Products Co., Ltd.	
Tianjin Jinyifeng Hardware Co., Ltd.	
Unicorn (Tianjin)Fasteners Co., Ltd	
Wire Products Manufacturing Co., Ltd.	
Xiamen Wanguoxing Trade Co., Ltd.	
YF Technology Corporation	
Yiwu Chengming Import And Export Co., Ltd.	
Yueqing Yuena Electric Science And Technology	
Zhejiang Best Nail Industrial Co., Ltd.	
Zhejiang Linyi Import And Export Co., Ltd.	
Zhejiang Yunde Sanitary Ware Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Corrosion-Resistant Steel Products, C–570–027	1/1/23–12/31/23
Angang Cold Rolling Sheet (Putian) Plant	
Angang Steel Co., Ltd.—Anshan Plant	
ANSC–TKS Galvanizing Co., Ltd.	
Anshan Iron & Steel (Group) Corp.	
Asia Minmetals Machinery Co., Ltd.	
Aoguan Thin Steel Technology (Zhejiang) Co., Ltd.	
Baoshan Iron & Steel Co., Ltd.	
Baosteel Group Corp.	
Baosteel Group Shanghai Meishan Co., Ltd.	
Baosteel Group Xinjiang Bayi Iron & Steel Co., Ltd.	
Baosteel Huangshi Coated and Galvanized Sheet Co., Ltd.	
Baotou Iron and Steel (Group) Co., Ltd.	
Bazhou Wanlu Metal Production Co., Ltd.	
Beijing Hongyuan Steel Structure Engineering Co., Ltd.	
Benlog International Steel Co., Ltd.	
Benxi Iron & Steel (Group) Special Steel Co., Ltd.	
BlueScope (Suzhou) Co., Ltd.	
Cangzhou Hengtong Steel Pipe Co., Ltd.	
Changshu Everbright Material Technology Co., Ltd.	
Changshu Huaye Steel Strip Co., Ltd.	
Changshu Jiacheng Coated Steel Co., Ltd.	
Changzhou Dingang Metal Material Co., Ltd.	
Chengde Iron & Steel Group Co., Ltd.	
China Lanjiang Steel Group Co., Ltd.	
Chongqing Iron & Steel (Group) Co., Ltd.	
Cibao New Type Sheet Metal Jiangsu Co., Ltd.	
Dalian POSCO Steel Co., Ltd.	
Dalian Pujin Steel Plate Co., Ltd.	
Dongguan Yusheng Steel Co., Ltd.	
Fengyuan Steel Structure Co., Ltd.	
Foshan Jinxi Jinlan Cold Rolled Sheets Co., Ltd.	
Fujian Casey Steel Group Co., Ltd.	
Fujian Kaixi Iron & Steel Co., Ltd.	
Fujian Longyan Hangxing Steel Co., Ltd.	
Fujian Sansteel (Group) Co., Ltd.	
Guangdong Hanjiang Steel Plate Co., Ltd.	
Guangdong Huaguan Steel Co., Ltd.	
Guangdong Huamei Co., Ltd.	
Guangdong Huayun Aluminum Industry Co., Ltd.	
Guangdong Qingyuan Dongshang Steel Co., Ltd.	
Guangzhou JFE Steel Sheet Co., Ltd.	
Handan Iron & Steel Group Co., Ltd.	
Handan ZhuoLi Group Co., Ltd.	
Handan Zongheng Iron & Steel Group Co., Ltd.	
Hangzhou Yongfeng Steel Construction Co., Ltd.	
Hebei Iron & Steel Group Co., Ltd.; Tangshan Iron & Steel Group Co., Ltd.; DUFERCO S.A.	
Hebei Puyang Iron & Steel Co., Ltd.	
Hebei Sunpo Metal Products Co., Ltd.	
Hebei Tianjie Pipeline Equipment Co., Ltd.	
Hebei Xinda Iron & Steel Co., Ltd.	
Hebei Yanzhao Lantian Steel Sheet Group Co., Ltd.	
Hebei Zhihui Import & Export Co., Ltd.	
Hebei Zhonggang Steel & Iron Co., Ltd.	
Henan Jianhui Machinery Co., Ltd.	
Hengshui Jinghua Steel Pipe Co., Ltd.	
Hualu Steel Co., Ltd.	
Huangshi Shanli Technology Development Co., Ltd.	
Huaye Iron & Steel Group	
Hunan Valin Iron and Steel Group Co., Ltd.	

	Period to be reviewed
Hunan Valin Lianyuan Iron & Steel Co., Ltd.	
JFE Steel Corp. (Guangzhou)	
Jiangsu Cold Rolled (Sutor Group)	
Jiangsu Dajiang Metal Material Co., Ltd.	
Jiangsu Gangzheng Steel Sheet Science and Technology Co., Ltd.	
Jiangsu Guoqiang Zinc-Plating Ind Co., Ltd.	
Jiangsu Jiangnan Cold-Rolled Co., Ltd.	
Jiangsu Jiangnan Industrial Group Co., Ltd.	
Jiangsu Jijing Metal Technology Co., Ltd.	
Jiangsu Shagang Group Co., Ltd.	
Jiangyin Huaxi Steel Co., Ltd.	
Jiangyin New Taifu Metal Product Co., Ltd.	
Jiangyin Zongcheng Steel Co., Ltd.	
Jieyang Nangang Strip Steel Industrial Co., Ltd.	
JinLan Group	
Jiuquan Iron & Steel (Group) Co., Ltd.	
Kunming Iron & Steel (Group) Co., Ltd.	
Langfang Fuxin Steel Plate Co., Ltd.	
Lianyuan Iron & Steel Group Co., Ltd.	
Liaoning Jiayi Metals & Minerals Co., Ltd.	
Lin Qing Hongji (Group) Co., Ltd.	
Longyan Zhuolong Iron & Steel Co., Ltd.	
Maanshan Iron & Steel Co., Ltd.	
Ningbo Iron & Steel Co., Ltd.	
Ningbo Zhongmeng Iron & Steel Co., Ltd.	
Pangang Group Chengdu Steel & Vanadium Co., Ltd.	
Panhua Group Co., Ltd.	
Panzhihua Iron & Steel (Group) Co.	
Qingdao Baosen Steel Co., Ltd.	
Qingdao Dtom Metal Products Co., Ltd.	
Qingdao Weier Plastic Machinery Co., Ltd.	
Richang Galvanized Plates Ltd.	
Sansteel MinGuang Co., Ltd	
Shandong Fada Precision Sheet Co., Ltd.	
Shandong Hong Shengda Steel Plate Co., Ltd.	
Shandong Hua Stainless Steel Co., Ltd.	
Shandong Iron & Steel Group	
Shandong Kerui Steel Plate Co., Ltd.	
Shandong Lu Steel (Group) Co., Ltd.	
Shandong Yuanda Sheet Industry Tech Co., Ltd.	
Shandong Xiangtong Rubber Group Co., Ltd.	
Shandong Zhongguan Steel Plate Co., Ltd.	
Shanghai AN LAN Steel Co., Ltd.	
Shandong Xinqinglu Steel Plate Co., Ltd.	
Shandong Xinri Coated Steel Sheet Co., Ltd.	
Shougang Grou	
Shougang Jingtang United Iron & Steel Co., Ltd.	
Shunde Posco Coated Steel	
Sino-Coalition (Ningbo) Steel Production Co., Ltd.	
Sinosteel Corporation	
South Polar Lights Steel (Shanghai) Co., Ltd.	
Suzhou City Dongshan Sheet Metal Liability Co., Ltd.	
Tianjin Hengxing Steel Industry Co., Ltd.	
Tianjin Jiecheng Galvanized Rolling Plate Co., Ltd.	
Tianjin Metallurgical No. 1 Steel Group Co., Ltd.	
Tianjin Nanchen Steels Co., Ltd.	
Tianjin Rolling-one Steel Co., Ltd. (TROSCO)	
Tianjin Xinyu Color Plate Co., Ltd.	
Tonghua Iron & Steel Co., Ltd.	
Topsky Steel Industry Co., Ltd.	
Union Steel (China)	
Wuhan Iron & Steel Group Echeng Iron & Steel Co., Ltd.	
Valin ArcelorMittal Automotive Steel Co., Ltd.	
Venus Holdings Shanghai Co., Ltd.	
Wenzhou Yucang Steel Industry Co., Ltd.	
WISCO—Wuhan Iron & Steel (Group) Corp.	
Wuxi New Dazhong Steel Co., Ltd.	
Wuxi Tongxin Automatic Equipment Co., Ltd.	
Wuxi Xindazhong Steel Sheet Co., Ltd.	
Wuxi Zhongcai New Material Co., Ltd.	
Wu'an Wen'an Iron & Steel Co., Ltd.	
Xiehe Group (Zhejiang Concord Group)	
Yichang Three Gorges Quantong Coated and Galvanized Plate Co., Ltd.	

	Period to be reviewed
Yieh Phui (China) Technomaterial Co., Ltd. Yingkou Panpan Chaoshuo High-Tech Steel Co., Ltd. Zhangjiagang New Gangxing Technology Co., Ltd. Zhejiang Hengda Industrial Group Co., Ltd. Zhejiang Huada Steel Industry Co., Ltd. Zhejiang Shunda Weiye Materials Co., Ltd. Zhejiang Southeast Metalsheet Co., Ltd. Zhejiang Xingristeel Holding Group Co., Ltd. Zhicheng Steel Material Co., Ltd. Zhongshan Nomura Steel Product Co., Ltd. Zibo Fengyang Color Coated Steel Co., Ltd.	

Suspension Agreements

None.

[7] Stainless steel sheet and strip in coils produced and exported by Inchon Iron & Steel Co., Ltd., were excluded from the order effective June 8, 1999. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 64 FR 30664, 30688 (June 8, 1999). On June 28, 2002, Commerce determined that INI Steel Company is the successor-in-interest to Inchon Iron & Steel Co., Ltd. *See Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 67 FR 43583 (June 28, 2002). On July 3, 2006, Commerce determined that Hyundai Steel Company is the successor-in-interest to INI Steel Company, formerly Inchon Iron and Steel Co., Ltd. *See Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 71 FR 37906 (July 3, 2006). Therefore, entries of merchandise produced and exported by Hyundai Steel Company are excluded from the AD order. This exclusion is not applicable to merchandise exported to the United States by Hyundai Steel Company in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by Hyundai Steel Company; (2) produced by Hyundai Steel Company and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination.

[8] On December 1, 2011, Commerce revoked the order with respect to Pohang Iron & Steel Co., Ltd. (POSCO). *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, 74772 (December 1, 2011). Therefore, entries of merchandise produced and exported by POSCO are excluded from the antidumping duty order and this exclusion is not applicable to merchandise exported to the United States by POSCO in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by POSCO; (2) produced by POSCO and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination.

[9] In their request for review, dated July 31, 2024, the domestic interested parties, *i.e.,* North American Stainless and Outokumpu Stainless USA, LLC, listed this company as Chang Mien Industrial Co., Ltd. Commerce confirmed with the domestic interested parties that the name should be listed as Chang Mien Industries Co., Ltd. (Chang Mien). *See* Memorandum, ''Clarification of Request for Review,'' dated August 6, 2024. Stainless steel sheet and strip in coils produced and exported by Chang Mien were excluded from the AD order on stainless steel sheet and strip in coils from Taiwan, effective July 27, 1999. *See Notice of Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from United Kingdom, Taiwan, and South Korea,* 64 FR 40555 (July 27, 1999). Therefore, entries of merchandise produced and exported by Chang Mien are excluded from the antidumping duty order and this exclusion is not applicable to merchandise exported to the United States by Chang Mien in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by Chang Mien; (2) produced by Chang Mien and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination.

[10] Stainless steel sheet and strip in coils produced and exported by Tung Mung Development Co. Ltd. (Tung Mung) were excluded from the AD order on stainless steel sheet and strip in coils from Taiwan, effective October 16, 2002. *See Notice of Amended Final Determination in Accordance with Court Decision of the Antidumping Duty Investigation of Stainless Steel Sheet and Strip in Coils from Taiwan,* 69 FR 67311, 67312 (November 17, 2004). Therefore, entries of merchandise produced and exported by Tung Mung are excluded from the antidumping duty order and this exclusion is not applicable to merchandise exported to the United States by Tung Mung in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination. Accordingly, this initiation covers merchandise: (1) produced by a third party and exported by Tung Mung; (2) produced by Tung Mung and exported by a third party; or (3) exported by a third party that sourced subject merchandise from the excluded producer/exporter combination.

[11] The **Federal Register** notice announcing the opportunity to request this review inadvertently referenced the period of review as 1/1/2022–12/31/2022. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 89 FR 54437 (July 1, 2024). We have corrected this apparent error in this initiation notice.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether ADs have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires;

(ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[12] available at *https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf,* prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[14] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[15] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: August 8, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–18103 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[13] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

[14] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[15] *See* 19 CFR 351.302.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 240719–0201]

RIN 0693–XC131

Announcing Issuance of Federal Information Processing Standards (FIPS) FIPS 203, Module-Lattice-Based Key-Encapsulation Mechanism Standard, FIPS 204, Module-Lattice-Based Digital Signature Standard, and FIPS 205, Stateless Hash-Based Digital Signature Standard

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: This notice announces the Secretary of Commerce's approval of three Federal Information Processing Standards (FIPS): FIPS 203, Module-Lattice-Based Key-Encapsulation Mechanism Standard; FIPS 204, Module-Lattice-Based Digital Signature Standard; and FIPS 205, Stateless Hash-Based Digital Signature Standard. These standards specify key establishment and digital signature schemes that are designed to resist future attacks by quantum computers, which threaten the security of current standards. The three algorithms specified in these standards are each derived from different submissions in the NIST post-quantum cryptography standardization project (see *https://csrc.nist.gov/pqc-standardization*).

DATES: FIPS 203, FIPS 204, and FIPS 205 are effective on August 14, 2024.

ADDRESSES: FIPS 203, FIPS 204, and FIPS 205 are available electronically on the NIST Computer Security Resource Center website at *https://csrc.nist.gov.* Comments that were received on the proposed changes are published electronically at *https://www.regulations.gov* and the NIST post-quantum cryptography standardization project website at *https://csrc.nist.gov/pqc-standardization.*

FOR FURTHER INFORMATION CONTACT: Dr. Dustin Moody, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930, email: *Dustin.Moody@nist.gov, phone: (301) 975–8136.*

SUPPLEMENTARY INFORMATION: Over the past several years, there has been steady progress toward building quantum computers. The security of many commonly used public-key cryptosystems would be at risk if large-scale quantum computers were ever realized. In particular, this would

include key-establishment schemes and digital signatures that are based on integer factorization and discrete logarithms (both over finite fields and elliptic curves). As a result, in 2017, the National Institute of Standards and Technology (NIST) initiated a public process to select quantum-resistant public-key cryptographic algorithms for standardization. These quantum-resistant algorithms would augment the public-key cryptographic algorithms already contained in FIPS 186–5, Digital Signature Standard (DSS), as well as in NIST Special Publication (SP) 800–56A Revision 3, *Recommendation for Pair-Wise Key-Establishment Schemes Using Discrete Logarithm Cryptography,* and SP 800–56B Revision 2, *Recommendation for Pair-Wise Key Establishment Using Integer Factorization Cryptography.*

NIST issued a public call for submissions to the Post-Quantum Cryptography (PQC) Standardization Process in December 2016. Prior to the November 2017 deadline, a total of 82 candidate algorithms were submitted. Shortly thereafter, the 69 candidates that met both the submission requirements and the minimum acceptability criteria were accepted into the first round of the standardization process. Submission packages for the first-round candidates were posted online for public review and comment.

After a year-long review of the candidates, NIST selected 26 algorithms to move on to the second round of evaluation in January 2019. These algorithms were viewed as the most promising candidates for eventual standardization and were selected based on both internal analysis and public feedback. During the second round of evaluation, there was continued evaluation of the analyses by NIST and the broader cryptographic community. After consideration of these analyses and other public input received throughout the evaluation process, NIST selected seven finalists and eight alternates to move on to the third round of evaluation in July 2020.

The third round of evaluation began in July 2020 and continued for approximately 18 months. During the third round of evaluation, there was a more thorough analysis of the theoretical and empirical evidence used to justify the security of the 15 candidates (*i.e.,* seven finalists and eight alternates). There was also careful benchmarking of their performance using optimized implementations on a variety of software and hardware platforms. Similar to conferences held during the first two rounds of evaluation, NIST also held the (virtual) Third NIST PQC Standardization Conference in June 2021. NIST summarized its decisions in a report at the end of each round, publishing NISTIR 8240 for the first round, NISTIR 8309 for the second round, and NISTIR 8413 for the third round. These reports are available at *https://csrc.nist.gov/publications/ir.*

After three rounds of evaluation and analysis, NIST selected four algorithms it will standardize as a result of the PQC Standardization Process. The public-key encapsulation mechanism selected was CRYSTALS–KYBER, along with three digital signature schemes: CRYSTALS–Dilithium, FALCON, and SPHINCS+. It is intended that these algorithms will be capable of protecting sensitive U.S. Government information well into the foreseeable future, including after the advent of quantum computers.

FIPS 203 specifies a cryptographic scheme called Module-Lattice-Based Key-Encapsulation Mechanism, or ML–KEM, which is derived from the CRYSTALS–KYBER submission. A Key Encapsulation Mechanism (KEM) is a particular type of key establishment scheme which can be used to establish a shared secret key between two parties communicating over a public channel. Current NIST-approved key establishment schemes are specified in SP 800–56A, *Recommendation for Pair-Wise Key-Establishment Schemes Using Discrete Logarithm-Based Cryptography,* and in SP 800–56B, *Recommendation for Pair-Wise Key Establishment Schemes Using Integer Factorization Cryptography.*

FIPS 204 and 205 each specify digital signature schemes, which are used to detect unauthorized modifications to data and to authenticate the identity of the signatory. FIPS 204 specifies the Module-Lattice-Based Digital Signature Algorithm (ML–DSA), which is derived from the CRYSTALS-Dilithium submission. FIPS 205 specifies the Stateless Hash-Based Digital Signature Algorithm (SLH–DSA), which is derived from the SPHINCS+ submission. Current NIST-approved digital signature schemes are specified in FIPS 186–5, *Digital Signature Standard* and SP 800–208, *Recommendation for Stateful Hash-based Signature Schemes.* In the future, NIST intends to develop a FIPS specifying a digital signature algorithm derived from FALCON as an additional alternative to these standards.

NIST published a notice in the **Federal Register** (88 FR 57938) on August 24, 2023, requesting public comments on the drafts FIPS 203, FIPS 204, and FIPS 205. For FIPS 203, NIST received 43 sets of comments: three from U.S. federal agencies, one from a foreign government agency, five from private-sector organizations, and 34 from private academics and technologists. For FIPS 204, NIST received 37 sets of comments: two from U.S. federal agencies, one from a foreign government agency, five from private-sector organizations, and 29 from private academics and technologists. For FIPS 205, NIST received 23 sets of comments: two from U.S. federal agencies, two from a foreign government agency, four from private-sector organizations, and 15 from private academics and technologists. NIST addresses points made by multiple commenters as singular comments in the sections following.

The following is a summary and analysis of the comments received during the public comment period and NIST's responses to them, including the interests, concerns, recommendations, and issues considered in the development of FIPS 203, FIPS 204, and FIPS 205:

General Comments

Comment 1: Several commenters expressed interest in both general and negative test vectors, with one explicit request for tests dealing with input validation.

Response: While test vectors will not be included in the three PQC FIPS, test vectors will be available on NIST's website.

Comment 2: Commenters noted that the usage of SHAKE in the draft FIPS does not match the interfaces available in FIPS 202, *SHA–3 Standard: Permutation-Based Hash and Extendable-Output Functions,* specifically interfaces where a variable amount of output is requested.

Response: NIST agrees with the comment noting the inconsistency with FIPS 202. NIST is revising Special Publication 800–185, *SHA–3 Derived Functions: cSHAKE, KMAC, TupleHash, and ParallelHash,* to include a new application programming interface (API) to describe how to use SHAKE to generate pseudorandom bits in a streaming fashion. The text in the FIPS has been revised to accommodate this usage in the revised final version.

Comment 3: One comment requested guidance for transitioning to PQC algorithms to be included in the FIPS.

Response: NIST will provide additional transition guidance on the migration to PQC following the publication of the FIPS. This guidance will be published in forthcoming NIST guidelines and incorporated into future revisions of relevant NIST publications. All NIST guidelines are available on the NIST Computer Security Resource

Center website at *https://csrc.nist.gov/publications.*

Comment 4: One comment requested guidance for handling side-channels to be included.

Response: Detailed implementation guidance, including side-channel attack countermeasures, are outside the scope of the algorithm specifications described in FIPS 203, FIPS 204, and FIPS 205.

Comment 5: Several commenters suggested moving the description of the security categories in the Appendix to a different document or revising the descriptions. Another commenter expressed concerns about using the Advanced Encryption Standard (AES) as the security benchmark.

Response: The description of the security categories was removed from the document and will be included in a future revision to Special Publication 800–57 Part 1, *Recommendation for Key Management.* NIST notes that the text used in the description of the security categories mentioned a ''block cipher with 128-bit key (*e.g.,* AES–128).'' Thus, a generic block cipher (and not specifically AES) is what was described.

Comments on FIPS 203

Comment 6: To improve the efficiency of side-channel-resistant implementations, two commenters suggested modifying the structure of the shared secret key used in the case of failed checks during the ML–KEM Decaps function. One comment suggested hashing the ciphertext before use to shorten it, and another suggested inputting the ciphertext before the secret value.

Response: While the suggestions may provide improvements in some cases, this version of Decaps has not been sufficiently evaluated by the community. Therefore, the current generation step was not modified.

Comment 7: Some commenters expressed concern about the input validation checks required for ML–KEM Encaps and Decaps. One commenter specifically requested removing the length check to support storing the key as a seed. Two commenters requested removing the modulus check on the value of public key. One commenter specifically mentioned the difficulty that some programming languages support returning exceptions.

Response: The input validation checks were included to provide an appropriate amount of assurance that the public key is of the correct type and format. Failure to obtain sufficient assurance can lead to security vulnerabilities. As a result, NIST made no changes based on these comments. NIST also notes that input validation should occur before Encaps and Decaps so there should be no need for returning exceptions.

Comment 8: A few commenters noted that the core algorithms within ML–KEM are difficult to test because they are non-deterministic.

Response: NIST reconfigured the ML–KEM functions to sample randomness before calling a more testing-friendly interface. The functions were split into a deterministic function that accepts randomness as input (to enable testing) and an externally callable function that generates the needed randomness.

Comment 9: Several commenters offered many suggestions to improve the readability of the document and correct small errors.

Response: NIST incorporated revisions throughout the FIPS to improve clarity and correctness. In particular, the code comments in ML–KEM pseudo-code were updated, along with adding footnotes to reference comments that were too lengthy to include. The mathematical symbols have also been reordered.

Comment 10: A few commenters requested further guidance on specific implementation details of ML–KEM (*e.g.,* handling bytes vs. bits, avoiding floating-point operations, and avoiding pass-by-reference).

Response: NIST added language elaborating on these topics. Specifically, NIST added explicit wording disallowing the usage of floating-point arithmetic, and added explicit input copying in cases where uncertainty with pass-by-references might cause confusion. In addition, the algorithms were revised to only use byte strings, with the exception of SHAKE. This is purely for syntactical conformance with FIPS 202, which specifies SHAKE. It is expected that most ML–KEM implementations will not implement conversions between bits and bytes when invoking hash functions or extendable output functions (XOFs).

Comment 11: A few commenters expressed security concerns over standardizing the parameter set ML–KEM–512 and requested its removal. Other commenters specifically disagreed with removing ML–KEM–512.

Response: NIST made no changes based on these comments. NIST is confident in the security of all the ML–KEM parameter sets and believes they will serve many different use cases and applications on a wide variety of computing platforms.

Comment 12: A few commenters expressed interest in guidance for constructing different ML–KEM parameter sets for different performance and security values.

Response: FIPS 203 specifies approved parameter sets to facilitate interoperability and validation of implementations.

Comment 13: Several commenters expressed interest in guidance on the secure usage of ML–KEM or KEMs in general. Some noted they expect such usage to be in a referenced SP 800–227 but noted that this document is currently unavailable. One comment requested guidance on applications of KEMs.

Response: NIST will provide guidance on the secure usage and applications of KEMs in the forthcoming SP 800–227, *Recommendations for Key Encapsulation Mechanisms.* A draft will be published for public comment on the NIST Computer Security Resource Center website in the second half of 2024.

Comment 14: A few commenters requested that the approved usage of ML–KEM shared secret keys be extended to the key derivation methods found in SP 800–56C, *Recommendation for Key-Derivation Methods in Key-Establishment Schemes.*

Response: NIST updated FIPS 203 to allow the key derivation methods in SP 800–56C to apply to keys generated as specified in FIPS 203 in place of shared secrets. When combining the key derivation with another key establishment or key exchange procedure, then the security of the combined procedure needs to be assessed on a case-by-case basis. More guidance will be provided in SP 800–227, *Recommendations for Key-Encapsulation Mechanisms,* a draft of which will be published for public comment on the NIST Computer Security Resource Center website in the second half of 2024.

Comment 15: One commenter recommended that NIST require the use of hybrid implementations, specifically using ML–KEM with another pre-quantum, standardized algorithm for security reasons.

Response: NIST is confident in the security of the standardized algorithms, which included a six-year public evaluation process and public review of the specifications in the draft FIPS publications. While NIST will not require that ML–KEM, or the other PQC algorithms, be used in hybrid schemes that incorporate a second standardized algorithm, it will ensure that its cryptographic standards support security protocols and applications that choose to implement hybrid approaches. Additional guidance relevant to hybrid approaches is being developed within NIST guidelines on key derivation methods and key

encapsulation mechanisms, as described in the response to Comment 14.

Comment 16: Several commenters noted that the indexing used for generating the *A* matrix in FIPS 203 swapped the indexing used in the CRYSTALS-Kyber specification.

Response 17: NIST changed the matrix indexing to match the CRYSTALS-Kyber specification.

Comment 18: Many commenters requested alternatives to and replacements for the XOFs and hash functions used inside ML–KEM, including Ascon and SHA–2. Several commenters requested no replacements be made for these functions.

Response: NIST made no changes based on these comments. Introducing alternative functions would create several new options which could hinder interoperability and adoption.

Comment 19: Several commenters requested NIST reintroduce a step in the ML–KEM Encaps function from the third-round specification of Kyber. This step hashed the randomness received from the system before its use in Encaps. They noted this step provided defense in depth and helped ensure security in the case of imperfect random bit generator (RBG) output. One commenter supported its removal.

Response: NIST did not reintroduce the hash of randomness into the Encaps. Hashing the RBG output within ML–KEM is an ineffective countermeasure against a faulty RBG. For example, other cryptographic algorithms or applications on a device could leak information from a faulty RBG regardless of countermeasures implemented within ML–KEM. This issue is addressed in FIPS 203 by requiring ML–KEM to be used only alongside an approved RBG as specified in SP 800–90A, *Recommendation for Random Number Generation using Deterministic Random Bit Generators.*

Comment 20: Some commenters requested NIST restore a step in the ML–KEM Encaps function from the previous version. This step updated the shared secret key with a hash of the ciphertext. Some motivation expressed include reverting a late-stage change and providing better security properties when ML–KEM is used in future applications.

Response: The indistinguishability under adaptive chosen ciphertext attack (IND–CCA2) security of ML–KEM does not require the ciphertext to be hashed during ML–KEM Encaps. NIST notes that this change was publicly proposed by the CRYSTALS-Kyber team in December 2022 and was followed by extensive public discussion. Due to no known security benefits for reverting to this step, NIST did not add back the hash of the ciphertext.

Comment 21: Many commenters expressed interest in allowance and guidance for storing a small seed string in place of the larger keys for ML–KEM, using the seed string to regenerate keys on demand during operation.

Response: NIST revised FIPS 203 to clarify that keys can be regenerated from saved seed values.

Comment 22: A few commenters raised issues related to the requirement for the Decaps function to implicitly reject on a protocol failure.

Response: Implicit rejection within ML–KEM has been maintained for consistency with the CRYSTALS–KYBER submission.

Comment 23: One commenter requested that the seed size be increased to 40 bytes for ML–KEM key generation to avoid multi-target attacks.

Response: NIST maintained the seed length as provided in the draft FIPS 203, noting that the seed of 32 bytes is sufficient to protect against multitarget attacks at security categories 1 and 3. Hardening category 5 would require further changes to ML–KEM beyond the extended seed. In addition, single target security should be sufficient for any plausible scenario (at category 5).

Comment 24: One comment noted outdated decapsulation failure rates for ML–KEM.

Response: NIST revised the decapsulation failure rates provided in FIPS 203 based on technical updates from the submitters of the CRYSTALS–KYBER algorithm. The rates changed by at most one order of magnitude for each parameter set.

Comment 25: One comment requested the addition of a table of precomputed values for ''zetas'' in number theory transform (NTT) computations, similar to ML–DSA.

Response: NIST added the relevant table of precomputed values as requested.

Comments on FIPS 204

Comment 26: Many comments about minor edits, including errors, inconsistencies, presentation, confusion, potential for confusion, and requests for clarification.

Response: NIST made several minor editorial changes to improve clarity where requested. In particular, ExpandMask and the call to SampleInBall in Sign have been slightly revised. Specifically, the input to SampleInBall in Sign is now the whole commitment hash value instead of just the first 256 bits. As for ExpandMask, the call to ''IntegerToBits'' is replaced with ''IntegerToBytes'', and the variable v is now always assigned bytes from the beginning of hash output. The Verify algorithm has also been simplified following a suggestion to remove the check for the Hamming weight of the hint vector.

Comment 27: One comment requested swapping the order of tr and M as inputs to a hash function in the Sign algorithm in order to simplify implementations of some digital signature APIs.

Response: After reviewing the digital signature APIs referenced by the commenter, NIST determined that the potential to simplify API implementations through the proposed change was not significant enough to justify a deviation from the CRYSTALS–Dilithium specification as evaluated in the third round and which would have required additional changes to implementations of the draft standard.

Comment 28: A few commenters mentioned the mixed usage of bit strings and byte strings and noted that this could cause confusion.

Response: The revised FIPS 204 uses byte strings as input and output to/from most of the algorithms, with the limited exceptions that follow. The input to and output from SHAKE are bit strings. This is consistent with FIPS 202, which specifies SHAKE. Input to BitsToInteger and output from IntegerToBits are also bit strings. It is expected that most implementations will not implement conversions between bits and bytes. Moreover, the revised FIPS 204 has defined the hash functions H and G to be byte-oriented versions of SHAKE256 and SHAKE128 respectively, so that bit strings are only used in the pseudocode where necessary to deal with an input message that is not a whole number of bytes.

Comment 29: Several commenters requested clarification on the ''pre-hash'' version of ML–DSA (*i.e.,* when the message that is signed by ML–DSA may be the digest of the content that is to be protected by the signature).

Response: NIST proposed a more fully specified pre-hash version on the PQC mailing list, and also held a panel on this topic at the fifth NIST PQC Standardization Conference. Using the feedback obtained, FIPS 204 contains a revised specification of pre-hashing. It also now specifies domain separation to ensure that pre-hashed messages can be distinguished from non-pre-hashed messages. FIPS 204 specifies that the signature identifier should indicate whether or not the message was pre-hashed.

Comment 30: One commenter requested the usage of SHAKE in ML–DSA be changed to the hash function

SHA2. Another commenter suggested allowing ASCON as an alternative to SHAKE.

Response: NIST made no changes based on these comments, as neither using ASCON nor SHA2 was studied during the three rounds of evaluation of the NIST standardization process.

Comment 31: A few commenters asked for clarification regarding storing the seed used to regenerate the public and private keys, as an alternative to storing the keys.

Response: FIPS 204 was revised to clarify that seeds may be stored and used to regenerate public and private keys.

Comment 32: One commenter proposed changing the length of the seed used for key generation to at least 40 bytes to protect against multi-target attacks.

Response: NIST did not modify the seed length, as the current 32-byte seed is sufficient to protect against multitarget attacks at security categories 2 and 3. The seed was at 32-bytes to maintain consistency with ML–KEM, where getting multi-target security at category 5 would require further changes beyond a longer seed. At category 5, single-target security should be sufficient for any plausible use case.

Comment 33: Some commenters asked for a randomized version of ML–DSA where the sampling of *y* is done using randomness directly from an RBG.

Response: FIPS 204 was not revised to include a randomized version. While a randomized version could enable more efficient side-channel protections, it would be difficult to validate implementations for conformance.

Comment 34: One commenter requested that a reduced round version of SHAKE be allowed for use in FIPS 204.

Response: A reduced round version of SHAKE (*e.g.,* TurboSHAKE) is not currently specified in a FIPS. While such a change would provide a performance improvement, this was not evaluated during the three rounds of evaluation in the NIST PQC standardization process.

Comments on FIPS 205

Comment 35: A few commenters suggested reducing the number of parameter sets that are specified in the standard.

Response: NIST made no changes based on these comments. While there was some support for reducing the number of parameter sets, others believed that all twelve parameter sets should remain. In addition, among those who recommended reducing the number of parameter sets, there was no consensus as to which parameter sets should be removed.

Comment 36: One commenter requested that additional parameter sets be specified that have smaller signature sizes, but for which the number of signatures that can safely be generated is less than 2^{64}.

Response: NIST intends to propose such parameter sets in a separate Special Publication.

Comment 37: Several commenters requested clarification on the ''pre-hash'' version of SLH–DSA (*i.e.,* when the message that is signed by SLH–DSA may be the digest of the content that is to be protected by the signature).

Response: NIST proposed a more fully specified pre-hash version on the PQC mailing list, and also held a panel on this topic at the fifth NIST PQC Standardization Conference. Using the feedback provided, FIPS 205 contains a revised specification of pre-hashing. It also now specifies domain separation to ensure that pre-hashed messages can be distinguished from non-pre-hashed messages. FIPS 205 specifies that the signature identifier should indicate whether or not the message was pre-hashed.

Comment 38: One commenter suggested replacing SHA–256 and SHA–512 with $\text{SHA–256}^{\text{SLH–DSA}}$ and $\text{SHA–512}^{\text{SLH–DSA}}$. The new functions would be the same as the current ones, with the exception that the padded message would be reordered so that all constant information (including padding) would be processed before the variable information. Another commenter suggested replacing SHAKE256 with TurboSHAKE256, which reduces the number of rounds in the permutation function from 24 to 12.

Response: No changes were made based on these comments. While the proposed changes might provide some performance improvement, the improvements were not considered significant enough to justify considering the use of cryptographic primitives that are not currently specified in NIST standards.

Comment 39: Several commenters requested clarifications to the text describing addresses.

Response: FIPS 205 was revised to include tables showing the member functions for manipulating addresses, supplementing the text and the figures illustrating each of the address types. Information about compressed addresses was also revised.

Summary of Changes to FIPS 203, FIPS 204, and FIPS 205

The following is a summary of the changes made to FIPS 203, FIPS 204, and FIPS 205.

In FIPS 203, FIPS 204, and FIPS 205, the main functions now each call an internal derandomized function in order to facilitate validation of implementations of these algorithms. In FIPS 203, this applies to KeyGen, Encaps and Decaps. In FIPS 204 and FIPS 205, this applies to KeyGen, Sign, and Verify. In addition, to offer misuse resistance against the possibility that keys for different parameter sets might be expanded from the same seed, domain separation was added to the key generation routine.

In FIPS 203 and FIPS 204, a new API is now used to invoke functions from the SHAKE family. This API allows for appropriately streaming pseudorandom bytes from a SHAKE XOF in situations where no a-priori bound is known on the total number of needed bytes. This API will also be described and used in the next revision of NIST SP 800–185, *SHA–3 Derived Functions.*

Language was added in FIPS 203 and FIPS 204 to clarify that some intermediate values can be stored in order to speed up certain computations. Some of these stored values can be computed from the public key, and thus do not require any special safeguards, while others require the same protections as the private key.

In FIPS 203 and FIPS 204, it is now permitted to terminate certain rejection sampling loops once a required minimum number of attempts is made.

The differences between CRYSTAL–KYBER and ML–KEM are now described in Appendix C of FIPS 203.

Based on comments submitted on draft FIPS 203, domain separation was added to the key generation routine to prevent the misuse of keys generated to target one security level from being used for a different security level when saving a key as a seed.

The draft of FIPS 203 had inadvertently changed the order in which the algorithms generated the entries of the matrix A in the public key of ML–KEM. This was changed back in the final specification of ML–KEM in FIPS 203 to match CRYSTALS–KYBER as specified in the third round of the PQC Standardization Process.

The differences between CRYSTAL-Dilithium and ML–DSA are now described in Appendix D of FIPS 204. Based on comments that were submitted on the draft version, in the final version of ML–DSA, as specified in FIPS 204, the malformed input check, which had

been omitted from draft FIPS 204, was restored to the hint unpacking algorithm. Additionally, rather than using just the first 256 bits of the commitment hash, ~c, as the input to SampleInBall, the full commitment hash is used. Also, ExpandMask is modified to take output bits from the beginning rather than at an offset.

Based on comments that were submitted on draft FIPS 204, more details were provided for the pre-hash version, HashML–DSA. These modifications include domain separation for the cases in which the message is signed directly and cases in which a digest of the message is signed. The changes were made by modifying the inputs to the internal signing and verification functions.

The differences between SPHINCS+ specification and SLH–DSA are described in Appendix A of FIPS 205. Based on comments that were submitted on draft FIPS 205, the SLH–DSA signature generation and verification functions were modified to include domain separation cases in which the message is signed directly and cases in which a digest of the message is signed. The changes were made by modifying the inputs to the signing and verification functions.

Authority: 40 U.S.C. 11331(f), 15 U.S.C. 278g–3.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2024–17956 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE180]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental To Ferndale Refinery Dock Maintenance and Pile Replacement Activities in Ferndale, Washington

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Phillips 66 Co. to incidentally harass marine mammals during construction activities associated with a dock replacement project in Ferndale, Washington.

DATES: This authorization is effective from August 1 through July 31, 2025.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-phillips-66-cos-ferndale-refinery-dock-maintenance-and-pile*. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Jennifer Gatzke, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On February 29, 2024 we received a request from Phillips 66 for an IHA to take marine mammals incidental to Ferndale Refinery Dock Maintenance and Pile Replacement Activities in Ferndale, Washington. Following NMFS' review of the application, Phillips 66 submitted revised versions on May 16 and May 20, 2024. The application was deemed adequate and complete on May 21, 2024. Phillips 66 has requested authorization of take by Level B harassment for harbor seal, California sea lion, Steller sea lion and harbor porpoise. Neither Phillips 66 nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. There are no changes from the proposed authorization to the final authorization.

Description of the Specified Activity

Phillips 66 is planning to modernize the existing timber loading dock (on the southeastern shoreline of the Strait of Georgia in Ferndale, Washington) and replace it with a stronger structure that meets current industry best practices. The activity includes installation of steel piles by vibratory driving, and pile removal using an underwater chainsaw or cutting torch.

In-water pile installation construction will occur for 35 days, which will occur intermittently through approximately October 31, 2024. Take of marine mammals is anticipated to occur due to vibratory pile installation. Removal of all piles is expected to take up to 66 days for underwater pile cutting with a chainsaw. Take of marine mammals is not anticipated to occur due to pile removal.

This IHA is valid for a period of 1 year from the date of issuance. Due to in-water work timing restrictions to protect Endangered Species Act (ESA)-listed salmonids, all planned in-water construction in this area is limited to a work window beginning August 1 and ending February 1. However, since the Strait of Georgia is a very large water body with a long fetch, calm in-water work conditions are typically only available from August to the end of October. Pile removal processes are less dependent on good weather, and this portion of the project may occur from approximately August 1 to February 1. Therefore, Phillips 66 expects that in-water pile installation construction work will occur through October 31, 2024. Pile driving is anticipated to take up to 35 days to complete. Work may occur on nonconsecutive days due to weather and other project needs. Pile driving will be completed intermittently throughout daylight hours.

A detailed description of the planned dock maintenance and pile replacement project is provided in the **Federal Register** notice for the proposed IHA (89

FR 53046, June 25, 2024). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Phillips 66 was published in the **Federal Register** on June 25, 2024 (89 FR 53046). That notice described, in detail, Phillips 66's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any public comments.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which exposure is expected for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' Alaska and Pacific SARs. All values presented in table 2 are the most recent available at the time of publication (including from the draft 2023 SARs) and are available online at: (*https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports*). All species that could potentially occur in the proposed project area are included in table 2 of the IHA application. While the gray whale, minke whale, Dall's porpoise, and the Eastern North Pacific Northern Resident stock of killer whale have been reported in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided in the **Federal Register** Notice for the proposed IHA (89 FR 53046, June 25, 2024).

TABLE 2—SPECIES FOR WHICH TAKE COULD OCCUR IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Balaenopteridae (rorquals):						
Humpback Whale ..	*Megaptera novaeangliae.*	Central America/Southern Mexico—CA/OR/WA.	E, D, Y	1,494 (0.171, 1,284, 2021).	3.5	14.9
Humpback Whale ..	*Megaptera novaeangliae.*	Mainland Mexico—CA/OR/WA.	T, D, Y	3,477 (0.101, 3,185, 2018).	43	22
Humpback Whale ..	*Megaptera novaeangliae.*	Hawaii	-, -, N	11,278 (0.56, 7,265, 2020).	127	27.09
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer Whale	*Orcinus orca*	Eastern North Pacific Southern Resident.	E, D, Y	73 (N/A, 73, 2022)	0.13	0
Killer Whale	*Orcinus orca*	West Coast Transient	-, -, N	349 (N/A, 349, 2018)	3.5	0.4
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Washington Inland Waters.	-, -, N	11,233 (0.37, 8,308, 2015).	66	≥7.2
Order Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion	*Zalophus californianus*	U.S.	-,-; N	257,606 (N/A, 233,515, 2014).	14,011	>321
Steller Sea Lion	*Eumetopias jubatus*	Eastern	-,-; N	36,308 (N/A, 36,308, 2022).	2,178	93.2
Family Phocidae (earless seals):						

TABLE 2—SPECIES FOR WHICH TAKE COULD OCCUR IN THE PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Harbor Seal	*Phoca vitulina*	Washington Northern Inland Waters.	-, -, N	16,451 (0.07, 15,462, 2019).	928	40

[1] Information on the classification of marine mammal species follows The Society for Marine Mammalogy's Committee on Taxonomy (*https://www.marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/*). ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, vessel strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth *et al.,* 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from Phillip's 66 dock replacement activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the southeastern shores of the Strait of Georgia, in Puget Sound WA. The notice of proposed IHA (89 FR 53046, June 25, 2024) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from vibratory pile driving on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (89 FR 53046, June 25, 2024).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which informs NMFS' consideration of ''small numbers,'' the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will be by Level B harassment only, as use of the acoustic stressors (*i.e.,* pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals will be reasonably expected to be behaviorally harassed (equated to Level B harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007, 2021; Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 µPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB (re 1 µPa) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

The Phillips 66 activity includes the use of continuous sound sources (vibratory driving), and therefore the RMS SPL threshold of 120 dB re 1 µPa is applicable.

These thresholds are provided in the table 4 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS' 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance*.

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of 1µPa^{2}s. In this table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and TL coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* vibratory pile driving). Additionally, vessel traffic and other commercial and industrial activities in the project area may contribute to elevated background noise levels which may mask sounds produced by the project.

TL is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater *TL* is:

$TL = B * \mathrm{Log}_{10} (R_1/R_2)$,

Where:

TL = transmission loss in dB
B = transmission loss coefficient
R_1 = the distance of the modeled SPL from the driven pile, and
R_2 = the distance from the driven pile of the initial measurement

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6-dB reduction in sound level for each doubling of distance from the source (20*log[range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log[range]). A practical spreading value of 15 is often used under conditions, such as the project site, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. In order to calculate the distances to the Level B harassment sound thresholds for the method and piles being used in this project, NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods. The project includes vibratory pile installation of 20-in steel piles. Source levels for the pile size and driving method are presented in table 5. The closest representative pile size for reference sound levels was 24-inch piles (WSDOT 2020).

TABLE 5—PROXY SOUND SOURCE LEVELS FOR PILE SIZES AND DRIVING METHODS

Equipment used	Noise level			Distance from measurement
	dB Peak	dB rms	dB SEL (m)	
Vibratory pile driving 24-inch steel piles [1]	181	153		10

[1] Caltrans 2020.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as impact or vibratory pile driving and removal, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur PTS. Inputs used for impact driving in the optional NMFS User Spreadsheet tool, and the resulting estimated isopleths, are reported below in table 6 and table 7 below.

TABLE 6—USER SPREADSHEET INPUTS FOR LEVEL A HARASSMENT ISOPLETHS

Inputs	20-in Steel vibratory installation
Spreadsheet Tab Used	Vibratory Pile Driving (STATIONARY: Non-impulsive, Continuous)
Source Level (Single Strike/shot SEL)	
Peak	
RMS	153
Weighting Factor Adjustment (kHz)	2.5
Strikes per pile	
Piles Per day	16
Propagation (xLogR)	15
Duration	15
Distance of source level measurement (meters) +	10

TABLE 7—CALCULATED LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) AND ENSONIFIED AREAS

[km^2 in parentheses]

Pile size/type	Level A pinnipeds		Level A cetaceans			Level B
	Harbor seal	Sea lions	LF	MF	HF	
Vibratory Installation						120 dB threshold
20-in steel	3.1 (.003)	<1 (.000)	5 (.005)	<1 (.000)	7.5 (.007)	1585 (1.5)

*The Level A harassment isopleths associated with vibratory installation are all below the minimum shutdown zone and result in very small ensonified areas. Therefore they are not provided in this table but will be included in the following calculated take tables.

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations. The primary source for density estimates is from the Navy Marine Species Density Database (NMSDD) Phase III for the Northwest Training and Testing Study Area (Navy, 2019). These density estimates are shown in table 8 and will be used to calculate take due to the lack of site-specific data that is available.

To quantitatively assess potential exposure of marine mammals to noise levels from pile driving over the NMFS threshold guidance, the following equation was first used to provide an estimate of potential exposures within estimated harassment zones:

Exposure estimate = N × harassment zone (km^2) × maximum days of pile driving

where

N = density estimate (animals per km^2) used for each species.

TABLE 8—MARINE MAMMAL SPECIES DENSITIES USED FOR EXPOSURE CALCULATIONS

Species	Region characterized	Density (Animals/km^2)
Humpback Whale	North Puget Sound/San Juan Islands (Fall and Winter)	0.0027
Killer Whale (Southern Resident)	North Puget Sound/San Juan Islands (Fall and Winter)	0.0078
Killer Whale (Transient)	North Puget Sound/San Juan Islands (Fall and Winter)	0.0031
Harbor Porpoise	North Puget Sound	2.16
Steller Sea Lion	North Puget Sound/San Juan Islands (Fall)	0.0027
California Sea Lion	North Puget Sound/San Juan Islands (Fall)	0.0179
Harbor Seal	North Puget Sound/San Juan Islands (Fall)	0.76

Source: Navy 2019.

Potential Level A harassment zones were all calculated to less than 10 meters. As seen from table 7, marine mammals will have to be very close to the vibratory driving activity to be within the estimated Level A harassment zone. Marine mammal monitors will be in place, closely monitoring this zone and stopping work before any marine mammal gets near the largest Level A harassment zone of 6.2m from the project source. Based on the estimated Level A harassment zones, and density-based calculations for all species, no take by Level A Harassment was estimated (all less than 1.0). Harbor porpoise is the species with the highest density at 2.16 per km, multiplied by the Level A harassment zone of .007 km (table 7), and 35 days of work yields 0.53 individuals exposed to Level A harassment. Therefore, when considered in context of planned mitigation, no take by Level A harassment is expected. Table 9 below shows the total calculated take by Level B harassment over the 35 in-water work days planned for the Phillips 66 activity resulting in total calculated take.

TABLE 9—CALCULATED AND REQUESTED TAKE BY LEVEL B HARASSMENT FROM VIBRATORY PILE INSTALLATION

35 Days of 20-inch pile installation by vibratory hammer		
Species	Total Level B harassment calculated	Level B harassment proposed for authorization
Harbor Porpoise	447	447
Steller Sea Lion	1	35
California Sea Lion	4	105
Harbor Seal	157	157

Humpback Whale

Humpback whales are an uncommon occurrence near the project area but they do have the potential to be in the area as they migrate to feeding grounds to the north and mating grounds far south. Based on best available density estimates, Phillips 66 has calculated the potential take of one humpback whale, by Level B harassment only. However, Phillips 66 proposes to shut down whenever humpback whales approach

the Level B harassment zone. Given the low density of humpback whales in the project area, the ability to detect the whales visually from a considerable distance, the capacity to track whales through the Orca Network, and the anticipated efficacy of mitigation and monitoring measures, Phillips 66 determined that no take of humpback whales is likely to occur and did not request that any such take be authorized. NMFS concurs with this request and, therefore, has not authorized take of humpback whales.

Killer Whales

Both SRKW and transient killer whales could potentially occur near the project area. Based on best available density estimates, Phillips 66 has calculated that up to two SRKWs and one transient whale could be taken, by Level B harassment only. Even though the project site is located in summer core area critical habitat, and the project may begin August 1, the southeastern corner of the Strait of Georgia (where the project is located) is not a location where SRKW are commonly sighted. According to the monthly ORCA network reports of September through October, from 2016–2023, the occurrence of killer whales from any stock was uncommon in the southeastern corner of the Strait of Georgia. When compared to transient killer whales, sightings of SRKWs were far less prevalent (ORCA 2024). Mitigation requires that pile driving activity shut down whenever a killer whale from any stock is observed approaching a harassment zone. Given the ability to visually detect killer whales from proposed PSO locations (including boats), the capacity to track this species through contact with the ORCA Network, and the expected efficacy of mitigation and monitoring measures, Phillips 66 elected to not request take. Due to the expansive range of SRKWs; the relatively small area of their habitat that may be affected by the project; the ready availability of habitat of similar or higher value, and the short-term nature of installation construction (35 days), Phillips 66 determined that no take of killer whales is likely to occur and did not request that any such take be authorized. NMFS concurs with this request and, therefore, has not authorized take of killer whales.

Steller Sea Lion

Calculated take based upon the species density in the Strait of Georgia yielded one potential take by Level B harassment during the 35 days of in-water pile driving work. While there are no known nearby haulouts, there are haulouts in the greater Strait of Georgia. Phillips 66 determined, based on anecdotal sightings at the facility, that the calculated value was too low. In addition, this species is known to travel significant distances in search for prey, possibly into the surrounding marine waters of the Cherry Point Aquatic Reserve.

NMFS reviewed other IHA monitoring reports from Puget Sound and found that the Seattle Pier 63 construction project (87 FR 31985, May 26, 2022) reported a maximum of one animal present per day over 17 in-water work days between October 12 and November 30, 2022. Therefore, NMFS assumes a similar rate of occurrence and has authorized 35 (one/day) takes of Steller sea lion by Level B harassment.

California Sea Lion

Calculated take based upon the species density in the Strait of Georgia found 4 potential takes by Level B harassment during the 35 days of pile driving work at the Phillips 66 dock. While there are no known nearby haulouts, there are haulouts in the greater Strait of Georgia. Phillips 66 determined, based on anecdotal sightings at the facility, that the calculated value was too low. In addition, this species is known to travel significant distances in search for prey, possibly into the surrounding marine waters of the Cherry Point Aquatic Reserve.

NMFS reviewed other IHA monitoring reports from Puget Sound and found that the Seattle Pier 63 construction project (87 FR 31985, May 26, 2022) reported a maximum of three California sea lions present per day over 17 in-water work days between October 12 and November 30, 2022. Therefore, NMFS assumes a similar rate of occurrence and has authorized 105 (three/day) takes of California sea lions by Level B Harassment.

Details of takes by Level B harassment as a percentage of stocks are shown in table 10.

TABLE 10—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL B HARASSMENT BY SPECIES, STOCK, AND PERCENT OF TAKE BY STOCK

Common name	Stock	Stock abundance	Total authorized take	Authorized take as percentage of stock
Harbor porpoise	Washington Inland Waters	11,233	447	3.97
Steller sea lion	Eastern U.S	36,308	35	0.10
California sea lion	U.S	257,606	105	0.04
Harbor seal	Washington Northern Inland	16,451	157	0.95

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if

implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

Pre-start Clearance Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs would observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone would be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start (discussed below) cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the monitoring zone has been observed for 30 minutes and marine mammals are not present within the zone, soft-start procedures can commence and work can continue. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones, indicated in table 11, are clear of marine mammals. Pile driving may commence following 30 minutes of observation, when the determination is made that the shutdown zones are clear of marine mammals. If work ceases for more than 30 minutes, the pre-activity monitoring of both the monitoring zone and shutdown zone would commence.

Implementation of Shutdown Zones—For all pile driving activities, Phillips 66 would implement shutdowns within designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Implementation of shutdowns would be used to avoid takes by Level A harassment from vibratory pile driving for all four species for which take may occur.

A minimum shutdown zone of 10 m would be required for all in-water construction activities to avoid physical interaction with marine mammals. Proposed shutdown and monitoring zones for each activity type are shown in table 11.

TABLE 11—SHUTDOWN ZONES DURING PILE INSTALLATION AND REMOVAL

[m]

Pile size/type	Shutdown zones			Level B harassment monitoring zone
	HF	Phocid	Otariid	
20-in steel Vibratory	10	10	10	1,585

All marine mammals would be monitored in the Level B harassment zones and throughout the area as far as visual monitoring can take place. If one of the four species of marine mammal for which take would be authorized enters the Level B harassment zone, in-water activities would continue and PSOs would document the animal's presence within the estimated harassment zone.

If a species for which authorization has not been granted, or a species which has been granted but the authorized takes are met, is observed approaching or within the Level B harassment zone, pile driving activities will be shut down immediately. Activities will not resume until the animal has been confirmed to have left the area or 15 minutes has elapsed with no sighting of the animal.

Coordination with Local Marine Mammal Research Network—Prior to the start of pile driving for the day the PSOs would contact the Orca Network to find out the location of the nearest sightings of any killer whales or humpback whales. Phillips 66 must delay or halt pile driving activities if any killer whales or humpback whales are sighted within the vicinity of the project area and are approaching the Level B harassment zones (table 11) during in-water activities. Finally, if a SRKW, unidentified killer whale, or humpback whale enters the Level B harassment zone undetected, in-water pile driving must be suspended immediately upon detection and must not resume until the animal exits the Level B harassment zone or 15 minutes have passed without re-detection of the animal.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that these mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important

physical components of marine mammal habitat); and,

- Mitigation and monitoring effectiveness.

Visual Monitoring

Monitoring shall be conducted by NMFS-approved observers. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start, and shall include instruction on species identification (sufficient to distinguish the species in the project area), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

Monitoring would be conducted 30 minutes before, during, and 30 minutes after pile driving activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

A minimum of two PSOs would be on duty during all in-water pile driving activities. One 'shore-based' observer will be stationed at locations offering best line of sight views to monitor the entirety of the shutdown zones and provide the most complete coverage of the monitoring zones. Additionally, Phillips 66 proposes to deploy one boat-based PSO that will be positioned at a location or moving in a pattern that offers the most complete visual coverage of the monitoring zone. Note, however, PSO position(s) may vary based on construction activity and location of piles or equipment.

PSOs would scan the waters using binoculars and would use a handheld range-finder device to verify the distance to each sighting from the project site. All PSOs would be trained in marine mammal identification and behaviors and are required to have no other project-related tasks while conducting monitoring. In addition, monitoring would be conducted by qualified observers, who would be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator via a radio. Phillips 66 would adhere to the following observer qualifications:

(i) PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods,

(ii) At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization,

(iii) Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization,

(iv) Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization,

(v) PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

Additional standard observer qualifications include:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and,
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Reporting

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal activities. It would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring,
- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method, and the total equipment duration or total number of minutes for each pile (vibratory driving),
- PSO locations during marine mammal monitoring,
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance,
- Upon observation of a marine mammal, the following information: Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; Time of sighting; Identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; Distance and bearing of each marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting); Estimated number of animals (min/max/best estimate); Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); Animal's closest point of approach and estimated time spent within the harassment zone; and Description of any marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.,* no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching),
- Number of marine mammals detected within the harassment zone, by species,
- Detailed information about any implementation of any mitigation triggered (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury, serious injury or mortality, Phillips 66 would immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Region regional stranding coordinator. The report will include the following information:

- Description of the incident;
- Environmental conditions (*e.g.,* Beaufort sea state, visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities will not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with Phillips 66 to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Phillips 66 will not be able to resume their activities until notified by NMFS.

In the event that Phillips 66 discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition as described in the next paragraph), Phillips 66 will immediately report the incident to the Office of Protected Resources (*PR.ITP.MonitoringReports@noaa.gov*), NMFS and to the West Coast Region regional stranding coordinator as soon as feasible. The report will include the same information identified in the paragraph above. Activities will be able to continue while NMFS reviews the circumstances of the incident. NMFS will work with Phillips 66 to determine whether modifications in the activities are appropriate.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 9, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving activities associated with the project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment from underwater sounds generated from pile driving. Potential takes could occur if individuals of these species are present in zones ensonified above the thresholds for Level B harassment identified above when these activities are underway.

Take by Level B harassment would be due to potential behavioral disturbance, and TTS. No serious injury or mortality is anticipated or authorized given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

Based on reports in the literature as well as monitoring from other similar activities, behavioral disturbance (*i.e.,* Level B harassment) would likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff, 2006; HDR, Inc., 2012; Lerma, 2014). Most likely for pile driving, individuals would simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in Washington, which have taken place with no observed severe responses of any individuals or known long-term adverse consequences. The impact of Level B harassment takes on the affected individuals will be minimized through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring. The project site itself is frequented by large tankers every few days, but the majority of sound fields produced by the specified activities are relatively close to the dock. Animals disturbed by project sound will be expected to avoid the area and use nearby higher-quality habitats.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat. The project activities will not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish or invertebrates to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the intermittent driving schedule (35 in-water work days between August 1 and October 31, 2024); short duration of the activities (no more than 4 hours per day vibratory driving); the relatively small area of the habitat that may be affected; and the availability of nearby habitat of similar or higher value, the impacts to marine mammal habitat are not

expected to cause significant or long-term negative consequences.

While there are haulouts for pinnipeds in the area, these locations are some distance from the actual project site. There are two documented California sea lion haulouts in the southern Strait of Georgia, both on the western coast of the Strait in British Columbia. The closest haulout in near Tumbo Island on the eastern edge of the Gulf Island, over 15 miles from the project site. The closest documented Steller sea lion haulout location is over 10 miles from the project site, on Sucia Island (Jeffries *et al.,* 2000). The closest documented harbor seal haulouts are two different low population (>100 individuals) locations approximately 5 miles from the project site, one to the north and one to the south (Jeffries *et al.,* 2000). To the southwest and west of the project location are 14 other haulouts dotted throughout a few of the small northern San Juan Islands (North of Orcas Island) within 10 miles of the project (Jeffries *et al.,* 2000).

While repeated exposures of individuals to this pile driving activity could cause limited Level B harassment in harbor seals, harbor porpoises, and sea lions, they are unlikely to considerably disrupt foraging behavior or result in significant decrease in fitness, reproduction, or survival for the affected individuals.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The anticipated incidents of Level B harassment would consist of, at worst, temporary modifications in behavior that would not result in fitness impacts to individuals;
- The ensonifed area from the project is very small relative to the overall habitat ranges of all species and stocks, and no habitat of particular importance would be impacted;
- Repeated exposures of marine mammals to this pile driving activity could cause Level B harassment in seals, harbor porpoise and sea lion species, but are unlikely to considerably disrupt foraging behavior or result in significant decrease in fitness, reproduction, or survival for the affected individuals. In all, there would be no adverse impacts to the stocks as a whole; and
- The mitigation measures are expected to reduce the effects of the specified activity by minimizing the intensity and/or duration of harassment events.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 8 demonstrates the number of instances in which individuals of a given species could be exposed to received noise levels that could cause take of marine mammals. Our analysis shows that the total taking authorized is less than 4 percent of the best available population abundance estimate for all species.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken, relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to Phillips 66 for the potential harassment of small numbers of 4 marine mammal species incidental to the Ferndale Refinery Dock Replacement in-water pile driving activities in Ferndale Washington, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: August 9, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–18146 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE175]

Marine Mammals; File No. 27911

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Ari Friedlaender, Ph.D., University of California at Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95060, has applied in due form for a permit to conduct research on eight whale species.

DATES: Written comments must be received on or before September 13, 2024.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 27911 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 27911 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Shasta McClenahan, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to conduct research on eight species of whales in the Southern Ocean to understand their population demography, health, behavior, and ecology. Species targeted for study are: Antarctic minke (*Balaenoptera bonaerensis*), Arnoux's beaked (*B. arnouxii*), endangered blue (*B. musculus*), endangered fin (*B. physalus*), humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), endangered sei (*B. borealis*), endangered Southern right (*Eubalaena australis*) whales. Researchers would operate vessels and unmanned aircraft systems (UAS) to count, observe, photograph, biopsy sample, tag (suction-cup, dart, or deep implant), and track whales. Suction cup tags would be deployed by pole or UAS. A small number of adult humpback whales would receive two tag types at a time. Prey mapping would occur in the vicinity of some tagged whales. Biopsy samples would be imported into the United States for analysis and curation. See the application for take numbers by species. The permit would be valid for 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 6, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–17968 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE173]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Office of Naval Research's Arctic Research Activities in the Beaufort and Chukchi Seas (Year 7)

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities (ARA) in the Beaufort Sea and eastern Chukchi Sea. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. The ONR's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (2004 NDAA).

DATES: Comments and information must be received no later than September 13, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.clevenstine@noaa.gov.* Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

The 2004 NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as applied to a ''military readiness activity.'' The activity for which incidental take of marine mammals is being requested qualifies as a military readiness activity.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

In 2018, the U.S. Navy prepared an Overseas Environmental Assessment (OEA) analyzing the project. Prior to issuing the IHA for the first year of this project, NMFS reviewed the 2018 EA and the public comments received, determined that a separate NEPA analysis was not necessary, and subsequently adopted the document and issued a NMFS Finding of No Significant Impact (FONSI) in support of the issuance of an IHA (83 FR 48799, September 27, 2018).

In 2019, the Navy prepared a supplemental OEA. Prior to issuing the IHA in 2019, NMFS reviewed the supplemental OEA and the public comments received, determined that a separate NEPA analysis was not necessary, and subsequently adopted the document and issued a NMFS FONSI in support of the issuance of an IHA (84 FR 50007, September 24, 2019).

In 2020, the Navy submitted a request for a renewal of the 2019 IHA. Prior to issuing the renewal IHA, NMFS reviewed ONR's application and determined that the proposed action was identical to that considered in the previous IHA. Because no significantly new circumstances or information relevant to any environmental concerns had been identified, NMFS determined that the preparation of a new or supplemental NEPA document was not necessary and relied on the supplemental OEA and FONSI from 2019 when issuing the renewal IHA in 2020 (85 FR 41560, July 10, 2020).

In 2021, the Navy submitted a request for an IHA for incidental take of marine mammals during continuation of ARA. NMFS reviewed the Navy's OEA and determined it to be sufficient for taking into consideration the direct, indirect, and cumulative effects to the human environment resulting from continuation of the ARA. NMFS subsequently adopted that OEA and signed a FONSI (86 FR 54931, October 5, 2021).

In 2022, the Navy submitted a request for an IHA for incidental take of marine mammals during continuation of ARA and prepared an OEA analyzing the project. Prior to issuing the IHA for the project, we reviewed the 2022–2025 OEA and the public comments received, determined that a separate NEPA analysis was not necessary, and subsequently adopted the document and issued our own FONSI in support of the issuance of an IHA (87 FR 57458, September 20, 2022).

In 2023, the ONR requested a renewal of the 2022 IHA for ongoing ARA from September 2023 to September 2024, and the 2022 IHA monitoring report. Prior to issuing the renewal IHA, NMFS reviewed ONR's application and determined that the proposed action was identical to that considered in the previous IHA. Because no significantly new circumstances or information relevant to any environmental concerns were identified, NMFS determined that the preparation of a new or supplemental NEPA document was not necessary and relied on the supplemental OEA and FONSI from 2022 when issuing the renewal IHA in 2023 (88 FR 65657, September 18, 2023).

Accordingly, NMFS preliminarily has determined to adopt the Navy's OEA for ONR ARA in the Beaufort and Chukchi Seas 2022–2025, provided our independent evaluation of the document finds that it includes adequate information analyzing the effects on the human environment of issuing the IHA. NMFS is a not cooperating agency on the U.S. Navy's OEA.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On March 29, 2024, NMFS received a request from the ONR for an IHA to take marine mammals incidental to ARA in the Beaufort and Chukchi Seas. Following NMFS' review of the application, the ONR submitted a revised version on July 23, 2024. The application was deemed adequate and complete on August 5, 2024. The ONR's request is for take of beluga whales and ringed seals by Level B harassment only. Neither the ONR nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

This proposed IHA would cover the seventh year of a larger project for which ONR obtained prior IHAs and renewal IHAs (83 FR 48799, September 27, 2018; 84 FR 50007, September 24, 2019; 85 FR 53333, August 28, 2020; 86 FR 54931, October 5, 2021; 87 FR 57458, September 20, 2022; 88 FR 65657, September 18, 2023). ONR has complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHAs.

Description of Proposed Activity

Overview

The ONR proposes to conduct scientific experiments in support of ARA using active acoustic sources within the Beaufort and Chukchi Seas. Project activities involve acoustic testing and a multi-frequency navigation system concept test using left-behind active acoustic sources. The proposed experiments involve the deployment of moored, drifting, and ice-tethered active acoustic sources from the Research Vessel (R/V) Sikuliaq. Recovery of equipment may be from R/V Sikuliaq,

U.S. Coast Guard Cutter (CGC) HEALY, or another vessel, and icebreaking may be required. Underwater sound from the active acoustic sources and noise from icebreaking may result in Level B harassment of marine mammals.

Dates and Duration

The proposed action would occur from September 2024 through September 2025 and include up to two research cruises. Acoustic testing would take place during the cruises, with the first cruise beginning September 2, 2024, and a potential second cruise occurring in summer or fall 2025, which may include up to 8 days of icebreaking activities.

Geographic Region

The proposed action would occur across the U.S. Exclusive Economic Zone (EEZ) in the Beaufort and Chukchi Seas, partially in the high seas north of Alaska, the Global Commons, and within a part of the Canadian EEZ (in which the appropriate permits would be obtained by the Navy) (figure 1). The proposed action would primarily occur in the Beaufort Sea but the analysis considers the drifting of active sources on buoys into the eastern portion of the Chukchi Sea. The closest point of the study area to the Alaska coast is 204 kilometers (km; 110 nautical miles (nm)). The proposed study area is approximately 639,267 square kilometers (km^2).

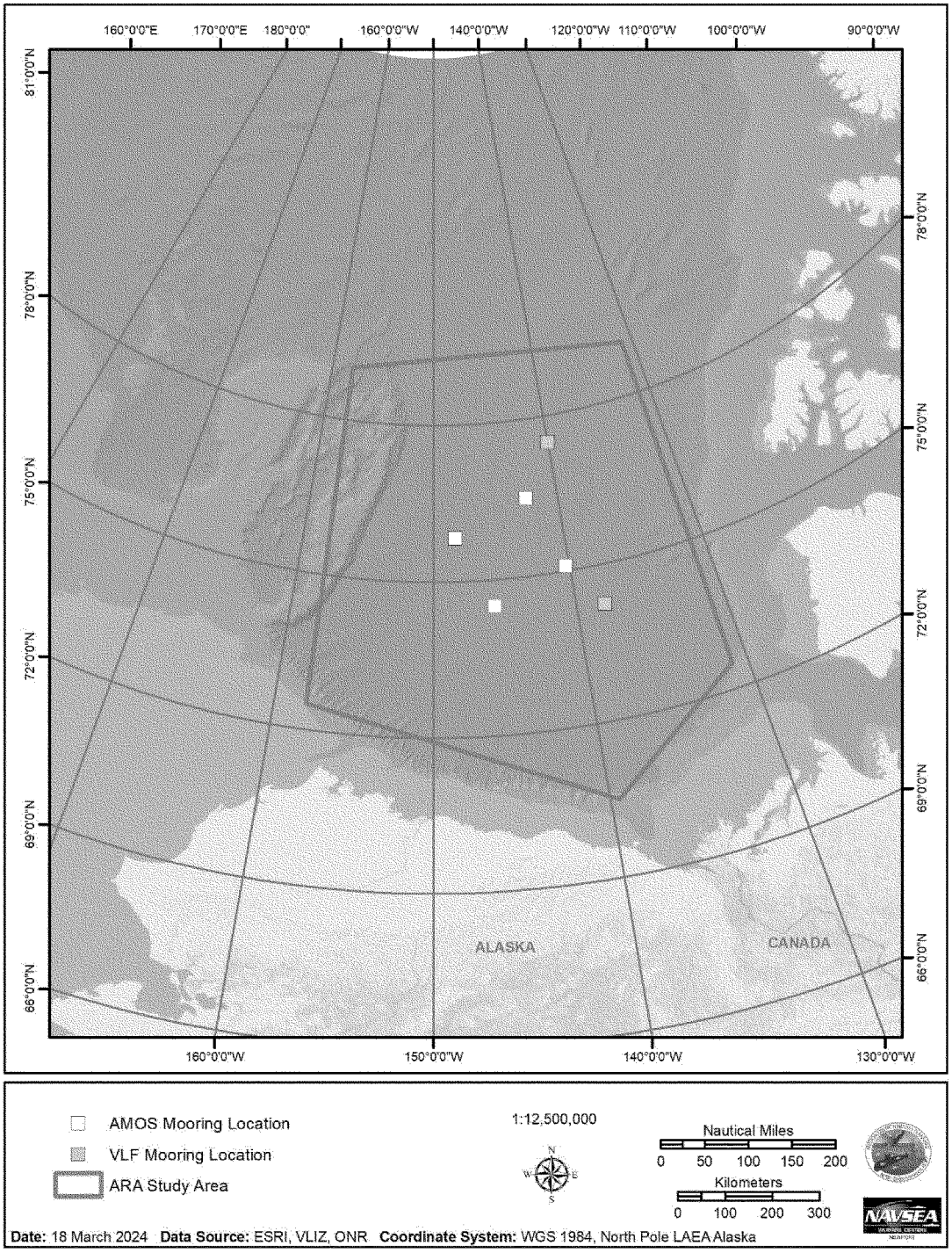

Figure 1 – Arctic Research Activities Study Area and Mooring Locations

Detailed Description of the Specified Activity

The ONR ARA Global Prediction Program supports two major projects: Stratified Ocean Dynamics of the Arctic (SODA) and Arctic Mobile Observing System (AMOS). The SODA and AMOS projects have been previously discussed in association with previously issued IHAs (83 FR 40234, August 14, 2018; 84 FR 37240, July 31, 2019). However, only activities relating to the AMOS project will occur during the period covered by this proposed action.

The proposed action constitutes the development of a modified system under the ONR AMOS involving very-low-, low-, and mid-frequency (VLF, LF, MF) transmissions (35 Hertz (Hz), 900 Hz, and 10 kilohertz (kHz), respectively). The AMOS project utilizes acoustic sources and receivers to provide a means of performing under-ice navigation for gliders and unmanned undersea vehicles (UUVs). This would allow for the possibility of year-round scientific observations of the environment in the Arctic. As an environment that is particularly affected by climate change, year-round observations under a variety of ice conditions are required to study the

effects of this changing environment for military readiness, as well as the implications of environmental change to humans and animals. VLF technology is important in extending the range of navigation systems and has the potential to allow for development and use of navigational systems that would not be heard by some marine mammal species and, therefore, would be less impactful overall.

Up to six moorings (four fixed acoustic navigation sources transmitting at 900 Hz, two fixed VLF sources transmitting at 35 Hz) and two drifting ice gateway buoys (IGBs) would be configured with active acoustic sources and would operate for a period of up to 1 year. Four gliders with passive acoustics would be used to support drifting IGBs. No UUV use is planned during the September 2024 research cruise; however, there is the potential for one UUV (without active acoustic sources) to be deployed and up to 8 days of icebreaking activities to occur on a potential research cruise in summer/fall 2025, which would require the use of a vessel with ice-breaking capabilities (*e.g.,* CGC HEALY).

During the research cruise, acoustic sources would be deployed from the vessel for intermittent testing of the system components, which would take place in the vicinity of the source locations (figure 1). During this testing, 35 Hz, 900 Hz, 10 kHz, and acoustic modems would be employed. The six fixed moorings would be anchored on the seabed and held in the water column with subsurface buoys.

Autonomous vehicles would be able to navigate by receiving acoustic signals from multiple locations and triangulating. This is needed for vehicles that are under ice and cannot communicate with satellites. Source transmits would be offset by 15 minutes from each other (*i.e.,* sources would not be transmitting at the same time). All navigation sources would be recovered. The purpose of the navigation sources is to orient UUVs and gliders in situations when they are under ice and cannot communicate with satellites.

The proposed action would utilize non-impulsive acoustic sources, although not all sources will cause take of marine mammals (tables 1, 2). Marine mammal takes would arise from the operation of non-impulsive active sources. Although not currently planned, icebreaking could occur as part of this proposed action if a research vessel needs to return to the study area before the end of the IHA period to ensure scientific objectives are met. In this case, icebreaking could result in Level B harassment.

Below are descriptions of the platforms and equipment that would be deployed at different times during the proposed activity.

Research Vessels

The R/V Sikuliaq would perform the research cruise in September 2024 and conduct testing of acoustic sources during the cruise, as well as leave sources behind to operate as a year-round navigation system observation. The vessel to be used in a potential 2025 cruise is yet to be determined but the most probable option would be the CGC HEALY.

The R/V Sikuliaq has a maximum speed of approximately 12 knots (22.2 km per hour (km/hr)) with a cruising speed of 11 knots (20.4 km/hr). The R/V Sikuliaq is not an icebreaking ship but an ice strengthened ship. It would not be icebreaking and therefore acoustic signatures of icebreaking for the R/V Sikuliaq are not relevant. CGC HEALY travels at a maximum speed of 17 knots (31.5 km/hr) with a cruising speed of 12 knots (22.2 km/hr) and a maximum speed of 3 knots (5.6 km/hr) when traveling through 1.07 m (3.5 ft) of sea ice. While no icebreaking cruise on the CGC HEALY is scheduled during the IHA period, need may arise. Therefore, for the purposes of this IHA application, an icebreaking cruise is considered.

The R/V Sikuliaq, CGC HEALY, or any other vessel operating a research cruise associated with the Proposed Action may perform the following activities during their research cruises:

- Deployment of moored and/or ice-tethered passive sensors (oceanographic measurement devices, acoustic receivers);
- Deployment of moored and/or ice-tethered active acoustic sources to transmit acoustic signals;
- Deployment of UUVs;
- Deployment of drifting buoys, with or without acoustic sources; or,
- Recovery of equipment.

Glider Surveys

Glider surveys are proposed for the research cruise. All gliders would be recovered; some may be recovered during the cruise, but the remainder would be recovered at a later date. Up to four gliders would be deployed during the research cruise as part of on-ice operations (one to two gliders would be associated with each on-ice station).

Long-endurance, autonomous sea gliders are intended for use in extended missions in ice-covered waters. Gliders are buoyancy-driven, equipped with satellite modems providing two-way communication, and are capable of transiting to depths of up to 1,000 m (3,280 ft). Gliders would collect data in the area of the shallow water sources and moored sources, moving at a speed of 0.25 meters per second (m/s; 23 kilometers per day (km/day)). A combination of recent advances in sea glider technology would provide full-year endurance. When operating in ice-covered waters, gliders navigate by trilateration (the process of determining location by measurement of distances, using the geometry of circles, spheres or triangles) from moored acoustic sound sources (or dead reckoning should navigation signals be unavailable); they do not contain any active acoustic sources. Hibernating gliders would continue to track their position, waking to reposition should they drift too far from their target region. Gliders would measure temperature, salinity, dissolved oxygen, rates of dissipation of temperature variance (and vertical turbulent diffusivity), and multi-spectral down welling irradiance.

Moored and Drifting Acoustic Sources

During the September 2024 cruise, active acoustic sources would be lowered from the cruise vessel while stationary, deployed on gliders and UUVs, or deployed on fixed AMOS and VLF moorings for intermittent testing of the system components. The testing would take place in the vicinity of the source locations in figure 1. During this testing, 35 Hz, 900 Hz, 10 kHz, and acoustic modems would be employed. No UUV use is planned during the September 2024 research cruise but UUV use may be included in future test plans covered by this IHA.

Up to four fixed acoustic navigation sources transmitting at 900 Hz would remain in place for a year. These moorings would be anchored on the seabed and held in the water column with subsurface buoys. All sources would be deployed by shipboard winches, which would lower sources and receivers in a controlled manner. Anchors would be steel ''wagon wheels'' typically used for this type of deployment. Two VLF sources transmitting at 35 Hz would be deployed in a similar manner. Two drifting IGBs would also be configured with active acoustic sources.

TABLE 1—CHARACTERISTICS OF MODELED ACOUSTIC SOURCES

Platform (total number deployed)	Acoustic source	Purpose/ function	Frequency	Signal strength (dB re 1 μPa at 1 m)	Pulse width/duty cycle
REMUS 600 UUV [a] (up to 1).	WHOI Micro-modem	Acoustic communications.	900–950 Hz	NTE 180 dB by sys design limits.	5 pings/hour with 30 sec pulse length.
REMUS 600 UUV [a] (up to 1).	UUV/WHOI Micro-modem.	Acoustic communications.	8–14 kHz	NTE 185 dB by sys design limits.	10% average duty cycle, with 4 sec pulse length.
IGB (drifting) (2)	WHOI Micro-modem	Acoustic communications.	900–950 Hz	NTE 180 dB by sys design limits.	Transmit every 4 hours, 30 sec pulse length.
IGB (drifting) (2)	WHOI Micro-modem	Acoustic communications.	8–14 kHz	NTE 185 dB by sys design limits.	Typically receive only. Transmit is very intermittent.
Mooring (6)	WHOI Micro-modem (4).	Acoustic Navigation	900–950 Hz	NTE 180 dB by sys design limits.	Transmit every 4 hours, 30 sec pulse length.
Mooring (6)	VLF (2)	Acoustic Navigation	35 Hz	NTE 190 dB	Up to 4 times per day, 10 minutes each.

Note: dB re 1 μPa at 1 m = decibels referenced to 1 microPascal at 1 meter; Hz = Hertz; IGB = Ice Gateway Buoy; kHz = kilohertz; NTE = not to exceed; VLF = very low frequency; WHOI = Woods Hole Oceanographic Institution.
[a] REMUS use is not anticipated during the September 2024 cruise but is included in case of future use during the proposed IHA period.

Activities Not Likely To Result in Take

The following activities have been determined to be unlikely to result in take of marine mammals. These activities are described here but they are not discussed further in this notice.

De minimis Sources—The ONR characterizes *de minimis* sources as those with the following parameters: low source levels (SLs), narrow beams, downward directed transmission, short pulse lengths, frequencies outside known marine mammal hearing ranges, or some combination of these factors (Navy, 2013). NMFS concurs with the ONR's determination that the sources they have identified here as *de minimis* are unlikely to result in take of marine mammals. The following are some of the planned *de minimis* sources which would be used during the proposed action: Woods Hole Oceanographic Institution (WHOI) micromodem, Acoustic Doppler Current Profilers (ADCPs), ice profilers, and additional sources below 160 decibels referenced to 1 microPascal (dB re 1 μPa) used during towing operations. ADCPs may be used on moorings. Ice-profilers measure ice properties and roughness. The ADCPs and ice-profilers would all be above 200 kHz and therefore out of marine mammal hearing ranges, with the exception of the 75 kHz ADCP which has the characteristics and *de minimis* justification listed in table 2. They may be employed on moorings or UUVs.

A WHOI micromodem will also be employed during the leave behind period. In contrast with the WHOI micromodem usage described in table 1, which covers the use of the micromodem during research cruises, the use of the source during the leave behind period differs in nature. During this period, it is being used for very intermittent communication with vehicles to communicate vehicle status for safety of navigation purposes, and is treated as de minimis while employed in this manner.

TABLE 2—PARAMETERS FOR DE MINIMIS NON-IMPULSIVE ACOUSTIC SOURCES

Source name	Frequency range (kHz)	Sound pressure level (dB re 1 μPa at 1 m)	Pulse length (seconds)	Duty cycle (percent)	*De minimis* justification
ADCP	>200, 150, or 75	190	<0.001	<0.1	Very low pulse length, narrow beam, moderate source level.
Nortek Signature 500 kHz Doppler Velocity Log.	500	214	<0.1	<13	Very high frequency.
CTD Attached Echosounder	5–20	160	0.004	2	Very low source level.

Note: dB re 1 μPa at 1 m = decibels referenced to 1 microPascal at 1 meter; kHz = kilohertz; ADCP = acoustic Doppler current profiler; CTD = conductivity temperature depth.

Drifting Oceanographic Sensors—Observations of ocean-ice interactions require the use of sensors that are moored and embedded in the ice. For the proposed action, it will not be required to break ice to do this, as deployments can be performed in areas of low ice-coverage or free floating ice. Sensors are deployed within a few dozen meters of each other on the same ice floe. Three types of sensors would be used: autonomous ocean flux buoys, Integrated Autonomous Drifters, and ice-tethered profilers. The autonomous ocean flux buoys measure oceanographic properties just below the ocean-ice interface. The autonomous ocean flux buoys would have ADCPs and temperature chains attached, to measure temperature, salinity, and other ocean parameters the top 6 m (20 ft) of the water column. Integrated Autonomous Drifters would have a long temperate string extending down to 200 m (656 ft) depth and would incorporate meteorological sensors, and a temperature spring to estimate ice thickness. The ice-tethered profilers would collect information on ocean temperature, salinity, and velocity down to 250 m (820 ft) depth.

Up to 20 Argo-type autonomous profiling floats may be deployed in the central Beaufort Sea. Argo float drift at 1,500 m (4,921 ft) depth, profiling from 2,000 m (6,562 ft) to the sea surface once every 10 days to collect profiles of

temperature and salinity. Moored Oceanographic Sensors—Moored sensors would capture a range of ice, ocean, and atmospheric conditions on a year-round basis. These would be bottom anchored, sub-surface moorings measuring velocity, temperature, and salinity in the upper 500 m (1,640 ft) of the water column. The moorings also collect high-resolution acoustic measurements of the ice using the ice profilers described above. Ice velocity and surface waves would be measured by 500 kHz multibeam sonars from Nortek Signatures. The moored oceanographic sensors described above use only de minimis sources and are therefore not anticipated to have the potential for impacts on marine mammals or their habitat. On-ice Measurements—On-ice measurement systems would be used to collect weather data. These would include an Autonomous Weather Station and an Ice Mass Balance Buoy. The Autonomous Weather Station would be deployed on a tripod; the tripod has insulated foot platforms that are frozen into the ice. The system would consist of an anemometer, humidity sensor, and pressure sensor. The Autonomous Weather Station also includes an altimeter that is *de minimis* due to its very high frequency (200 kHz). The Ice Mass Balance Buoy is a 6 m (20 ft) sensor string, which is deployed through a 5 centimeter (cm; 2 inch (in)) hole drilled into the ice. The string is weighted by a 1 kilogram (kg; 2.2 pound (lb)) lead weight and is supported by a tripod. The buoy contains a *de minimis* 200 kHz altimeter and snow depth sensor. Autonomous Weather Stations and Ice Mass Balance Buoys will be deployed and will drift with the ice, making measurements until their host ice floes melt, thus destroying the instruments (likely in summer, roughly 1 year after deployment). After the on-ice instruments are destroyed they cannot be recovered and would sink to the seafloor as their host ice floes melted.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 3 lists all species or stocks for which take is expected and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska SARs (Young *et al.,* 2023). All values presented in table 3 are the most recent available at the time of publication and are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.*

TABLE 3—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES [1]

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Beluga Whale	*Delphinapterus leucas*	Beaufort Sea	-, -, N	39,258 (0.229, N/A, 1992)	UND	104
Beluga Whale	*Delphinapterus leucas*	Eastern Chukchi	-, -, N	13,305 (0.51, 8,875, 2017)	178	56
Ringed Seal	*Pusa hispida*	Arctic	T, D, Y	UND [5] (UND, UND, 2013)	UND	6,459

[1] Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (*https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/*).

[2] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[3] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[4] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, vessel strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[5] A reliable population estimate for the entire stock is not available. Using a sub-sample of data collected from the U.S. portion of the Bering Sea, an abundance estimate of 171,418 ringed seals has been calculated, but this estimate does not account for availability bias due to seals in the water or in the shore-fast ice zone at the time of the survey. The actual number of ringed seals in the U.S. portion of the Bering Sea is likely much higher. Using the N_{min} based upon this negatively biased population estimate, the PBR is calculated to be 4,755 seals, although this is also a negatively biased estimate.

As indicated above, both species (with three managed stocks) in table 3 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. While bowhead whales (*Balaena mysticetus*), gray whales (*Eschrichtius robustus*), bearded seals (*Erignathus barbatus*), spotted seals (*Phoca largha*), and ribbon seals (*Histriophoca fasciata*) have been documented in the area, the temporal and/or spatial occurrence of these

species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided below.

Due to the location of the study area (*i.e.,* northern offshore, deep water), there were no calculated exposures for the bowhead whale, gray whale, bearded seal, spotted seal, and ribbon seal from quantitative modeling of acoustic sources. Bowhead and gray whales are closely associated with the shallow waters of the continental shelf in the Beaufort Sea and are unlikely to be exposed to acoustic harassment from this activity (Young *et al.,* 2023). Gray whales feed primarily in the Beaufort Sea, Chukchi Sea, and Northwestern Bering Sea during the summer and fall, but migrate south to winter in Baja California lagoons (Young *et al.,* 2023). Gray whales are primarily bottom feeders (Swartz *et al.,* 2006) in water depths of less than 60 m (196.9 ft) (Pike, 1962). Therefore, on the rare occasion that a gray whale does overwinter in the Beaufort Sea (Stafford *et al.,* 2007), we would expect an overwintering individual to remain in shallow water over the continental shelf where it could feed. Spotted seals tend to prefer pack ice areas with water depths less than 200 m (656.2 ft) during the spring and move to coastal habitats in the summer and fall, found as far north as 69–72 degrees N (Muto *et al.,* 2021). Although the study area includes some waters south of 72 degrees N, the acoustic sources with the potential to result in take of marine mammals are not found below that latitude and spotted seals are not expected to be exposed. Ribbon seals are found year-round in the Bering Sea but may seasonally range into the Chukchi Sea (Muto *et al.,* 2021). The proposed action occurs primarily in the Beaufort Sea, outside of the core range of ribbon seals, thus ribbon seals are not expected to be behaviorally harassed. Narwhals (*Monodon monoceros*) are considered extralimital in the project area and are not expected to be encountered. As no harassment is expected of the bowhead whale, gray whale, spotted seal, bearded seal, ribbon seal, and narwhal, these species will not be discussed further in this proposed notice.

The ONR utilized Conn *et al.* (2014) in their IHA application as an abundance estimate for ringed seals, which is based upon aerial abundance and distribution surveys conducted in the U.S. portion Bering Sea in 2012 (171,418 ringed seals) (Muto *et al.,* 2021). This value is likely an underestimate due to the lack of accounting for availability bias for seals that were in the water at the time of the surveys as well as not including seals located within the shore-fast ice zone (Muto *et al.,* 2021). Muto *et al.* (2021) notes that an accurate population estimate is likely larger by a factor of two or more. However, no accepted population estimate is present for Arctic ringed seals. Therefore, NMFS will also adopt the Conn *et al.* (2014) abundance estimate (171,418) for further analyses and discussions on this proposed action by ONR.

In addition, the polar bear (*Ursus maritimus*) and Pacific walrus (*Odobenus rosmarus*) may be found both on sea ice and/or in the water within the Beaufort Sea and Chukchi Sea. These species are managed by the U.S. Fish and Wildlife Service rather than NMFS and, therefore, they are not considered further in this document.

Beluga Whale

Beluga whales are distributed throughout seasonally ice-covered arctic and subarctic waters of the Northern Hemisphere (Gurevich, 1980), and are closely associated with open leads and polynyas in ice-covered regions (Hazard, 1988). Belugas may be either migratory or residential (non-migratory), depending on the population. Seasonal distribution is affected by ice cover, tidal conditions, access to prey, temperature, and human interaction (Frost *et al.,* 1985; Hauser *et al.,* 2014).

There are five beluga whale stocks recognized within U.S. waters: Cook Inlet, Bristol Bay, eastern Bering Sea, eastern Chukchi Sea, and Beaufort Sea. Two stocks, the Beaufort Sea and eastern Chukchi Sea stocks, have the potential to occur in the location of this proposed action.

Migratory Biologically Important Areas (BIAs) for belugas in the eastern Chukchi and Alaskan Beaufort Sea overlap the southern and western portion of the Study Area (Clarke *et al.,* 2023). A migration corridor for both stocks of beluga whale includes the eastern Chukchi Sea through the Beaufort Sea, with the Beaufort Sea stock utilizing the migratory BIA in April-May and the Eastern Chukchi Sea stock utilizing portions of the area in November. There are also feeding BIAs for both stocks throughout the Arctic region (Clarke *et al.,* 2023). During the winter, they can be found foraging in offshore waters associated with pack ice. When the sea ice melts in summer, they move to warmer river estuaries and coastal areas for molting and calving (Muto *et al.,* 2021). Annual migrations can span over thousands of kilometers. The residential Beaufort Sea populations participate in short distance movements within their range throughout the year. Based on satellite tags (Suydam *et al.,* 2001; Hauser *et al.,* 2014), there is some overlap in distribution with the eastern Chukchi Sea beluga whale stock.

During the winter, eastern Chukchi Sea belugas occur in offshore waters associated with pack ice. In the spring, they migrate to warmer coastal estuaries, bays, and rivers where they may molt (Finley, 1982; Suydam, 2009), give birth to, and care for their calves (Sergeant and Brodie, 1969). Eastern Chukchi Sea belugas move into coastal areas, including Kasegaluk Lagoon (outside of the proposed project site), in late June and animals are sighted in the area until about mid-July (Frost and Lowry, 1990; Frost *et al.,* 1993). Satellite tags attached to eastern Chukchi Sea belugas captured in Kasegaluk Lagoon during the summer showed these whales traveled 1,100 km (593 nm) north of the Alaska coastline, into the Canadian Beaufort Sea within three months (Suydam *et al.,* 2001). Satellite telemetry data from 23 whales tagged during 1998–2007 suggest variation in movement patterns for different age and/or sex classes during July-September (Suydam *et al.,* 2005). Adult males used deeper waters and remained there for the duration of the summer; all belugas that moved into the Arctic Ocean (north of 75 degrees N) were males, and males traveled through 90 percent pack ice cover to reach deeper waters in the Beaufort Sea and Arctic Ocean (79–80 degrees N) by late July/early August. Adult and immature female belugas remained at or near the shelf break in the south through the eastern Bering Strait into the northern Bering Sea, remaining north of Saint Lawrence Island over the winter.

Ringed Seal

Ringed seals are the most common pinniped in the Study Area and have wide distribution in seasonally and permanently ice-covered waters of the Northern Hemisphere (North Atlantic Marine Mammal Commission, 2004). Throughout their range, ringed seals have an affinity for ice-covered waters and are well adapted to occupying both shore-fast and pack ice (Kelly, 1988). Ringed seals can be found further offshore than other pinnipeds since they can maintain breathing holes in ice thickness greater than 2 m (6.6 ft) (Smith and Stirling, 1975). The breathing holes are maintained by ringed seals using their sharp teeth and claws found on their fore flippers. They remain in contact with ice most of the year and use it as a platform for molting in late spring to early summer, for pupping and nursing in late winter to

early spring, and for resting at other times of the year (Muto *et al.,* 2018).

Ringed seals have at least two distinct types of subnivean lairs: Haulout lairs and birthing lairs (Smith and Stirling, 1975). Haul-out lairs are typically single-chambered and offer protection from predators and cold weather. Birthing lairs are larger, multi-chambered areas that are used for pupping in addition to protection from predators. Ringed seals pup on both shore-fast ice as well as stable pack ice. Lentfer (1972) found that ringed seals north of Utqiaġvik, Alaska, build their subnivean lairs on the pack ice near pressure ridges. Since subnivean lairs were found north of Utqiaġvik, Alaska, in pack ice, they are also assumed to be found within the sea ice in the proposed project site. Ringed seals excavate subnivean lairs in drifts over their breathing holes in the ice, in which they rest, give birth, and nurse their pups for 5–9 weeks during late winter and spring (Chapskii, 1940; McLaren, 1958; Smith and Stirling, 1975). Ringed seals are born beginning in March but the majority of births occur in early April. About a month after parturition, mating begins in late April and early May.

In Alaskan waters, during winter and early spring when sea ice is at its maximum extent, ringed seals are abundant in the northern Bering Sea, Norton and Kotzebue Sounds, and throughout the Chukchi and Beaufort seas (Frost, 1985; Kelly, 1988). Passive acoustic monitoring of ringed seals from a high frequency recording package deployed at a depth of 240 m (787 ft) in the Chukchi Sea 120 km (65 nm) north-northwest of Utqiaġvik, Alaska detected ringed seals in the area between mid-December and late May over the 4 year study (Jones *et al.,* 2014). In addition, ringed seals have been observed near and beyond the outer boundary of the U.S. EEZ (Beland and Ireland, 2010). During the spring and early summer, ringed seals may migrate north as the ice edge recedes and spend their summers in the open water period of the northern Beaufort and Chukchi Seas (Frost, 1985). Foraging-type movements have been recorded over the continental shelf and north of the continental shelf waters (Von Duyke *et al.,* 2020). During this time, sub-adult ringed seals may also occur in the Arctic Ocean Basin (Hamilton *et al.,* 2015; Hamilton *et al.,* 2017).

With the onset of fall freeze, ringed seal movements become increasingly restricted and seals will either move west and south with the advancing ice pack with many seals dispersing throughout the Chukchi and Bering Seas, or remaining in the Beaufort Sea (Crawford *et al.,* 2012; Frost and Lowry, 1984; Harwood *et al.,* 2012). Kelly *et al.* (2010a) tracked home ranges for ringed seals in the subnivean period (using shore-fast ice); the size of the home ranges varied from less than 1 up to 279 km^2 (median = 0.62 km^2 for adult males, 0.65 km^2 for adult females). Most (94 percent) of the home ranges were less than 3 km^2 during the subnivean period (Kelly *et al.,* 2010a). Near large polynyas, ringed seals maintain ranges, up to 7,000 km^2 during winter and 2,100 km^2 during spring (Born *et al.,* 2004). Some adult ringed seals return to the same small home ranges they occupied during the previous winter (Kelly *et al.,* 2010a). The size of winter home ranges can vary by up to a factor of 10 depending on the amount of fast ice; seal movements were more restricted during winters with extensive fast ice, and were much less restricted where fast ice did not form at high levels (Harwood *et al.,* 2015).

Of the five recognized subspecies of ringed seals, the Arctic ringed seal occurs in the Arctic Ocean and Bering Sea and is the only stock that occurs in U.S. waters. NMFS listed the Arctic ringed seal subspecies as threatened under the ESA on December 28, 2012 (77 FR 76706), primarily due to anticipated loss of sea ice through the end of the 21st century. Climate change presents a major concern for the conservation of ringed seals due to the potential for long-term habitat loss and modification (Muto *et al.,* 2021). Based upon an analysis of various life history features and the rapid changes that may occur in ringed seal habitat, ringed seals are expected to be highly sensitive to climate change (Laidre *et al.,* 2008; Kelly *et al.,* 2010b).

Critical Habitat

Critical habitat for the ringed seal was designated in May 2022 and includes marine waters within one specific area in the Bering, Chukchi, and Beaufort Seas (87 FR 19232, April 1, 2022). Essential features established by NMFS for conservation of ringed seals are (1) snow-covered sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing, which is defined as waters 3 m (9.8 ft) or more in depth (relative to Mean Lower Low Water (MLLW)) containing areas of seasonal land-fast (shore-fast) ice or dense, stable pack ice, that have undergone deformation and contain snowdrifts of sufficient depth to form and maintain birth lairs (typically at least 54 cm (21.3 in) deep); (2) sea ice habitat suitable as a platform for basking and molting, which is defined as areas containing sea ice of 15 percent or more concentration in waters 3 m (9.8 ft) or more in depth (relative to MLLW); and (3) primary prey resources to support Arctic ringed seals, which are defined to be small, often schooling, fishes, in particular Arctic cod (*Boreogadus saida*), saffron cod (*Eleginus gracilis*), and rainbow smelt (*Osmerus dentex*); and small crustaceans, in particular, shrimps and amphipods.

The Study Area does not overlap with ringed seal critical habitat (87 FR 19232, April 1, 2022). However, as stated in NMFS' final rule for the Designation of Critical Habitat for the Arctic Subspecies of the Ringed Seal (87 FR 19232, April 1, 2022), the area excluded from the critical habitat contains one or more of the essential features of the Arctic ringed seal's critical habitat, therefore, even though this area is excluded from critical habitat designation, habitat with the physical and biological features essential for ringed seal conservation is still available to the species, although data are limited to inform NMFS' assessment of the relative value of this area to the conservation of the species. As described later and in more detail in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section, we expect minimal impacts to marine mammal habitat as a result of the ONR's ARA, including impacts to ringed seal sea ice habitat suitable as a platform for basking and molting and impacts on prey availability.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) and Southall *et al.* (2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 dB threshold from the normalized composite audiograms, with the exception for lower limits for low-

frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales).	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales).	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals).	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals).	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on approximately 65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth *et al.,* 2013). This division between phocid and otariid pinnipeds is now reflected in the updated hearing groups proposed in Southall *et al.* (2019).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (ANSI, 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activities may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

Active acoustic sources and icebreaking, if necessary, are proposed for use in the Study Area. The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive. Impulsive sounds (*e.g.,* ice explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; NIOSH, 1998; NMFS, 2018). Non-impulsive sounds (*e.g.,* aircraft, machinery operations such as drilling or dredging, vibratory pile driving, pile cutting, diamond wire sawing, and active sonar systems) can be broadband, narrowband, or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with raid rise/decay time that impulsive sounds do (ANSI, 1986; NIOSH, 1998; NMFS, 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997; Southall *et al.,* 2007).

The likely or possible impacts of the ONR's proposed action on marine mammals involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of vessels, equipment, and personnel (*e.g.,* icebreaking impacts, vessel and in-water vehicle strike, and bottom disturbance); however, any impacts to marine mammals are expected to primarily be acoustic in nature (*e.g.,* non-impulsive acoustic sources, noise from icebreaking vessel (''icebreaking noise''), and vessel noise).

Acoustic Impacts

The introduction of anthropogenic noise into the aquatic environment from active acoustic sources and noise from icebreaking is the means by which marine mammals may be harassed from the ONR's specified activity. In general, animals exposed to natural or anthropogenic sound may experience behavioral, physiological, and/or physical effects, ranging in magnitude from none to severe (Southall *et al.,* 2007). In general, exposure to pile driving noise has the potential to result in behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior) and, in limited cases, an auditory threshold shift (TS). Exposure to anthropogenic noise can also lead to non-observable physiological responses such an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects

of pile driving noise on marine mammals are dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive versus non-impulsive), the species, age and sex class (*e.g.,* adult male versus mother with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.,* 2004; Southall *et al.,* 2007). Here we discuss physical auditory effects (*i.e.,* TS) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced TS as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). The amount of TS is customarily expressed in dB and TS can be permanent or temporary. As described in NMFS (2018), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how animal uses sound within the frequency band of the signal) (Kastelein *et al.,* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Permanent Threshold Shift (PTS)—NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Available data from humans and other terrestrial mammals indicate that a 40 dB TS approximates PTS onset (see Ward *et al.,* 1958; Ward *et al.,* 1959; Ward, 1960; Kryter *et al.,* 1966; Miller, 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008). PTS levels for marine mammals are estimates as, with the exception of a single study unintentionally inducing PTS in a harbor seal (*e.g.,* Kastak *et al.,* 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (see Southall *et al.,* 2007), a TTS of 6 dB is considered the minimum TS clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.,* 2000; Schlundt *et al.,* 2000; Finneran *et al.,* 2002). As described in Finneran (2016), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{cum}, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in the Auditory Masking section). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran, 2015; Southall *et al.,* 2019 for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter *et al.,* 1966). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale, harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocoena asiaeorientalis*) (Southall *et al.,* 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals (*Phoca vitulina*), elephant seals (*Mirounga angustirostris*), bearded seals, and California sea lions (*Zalophus californianus*) (Kastak *et al.,* 1999; Kastak *et al.,* 2008; Kastelein *et al.,* 2020b; Reichmuth *et al.,* 2013; Sills *et al.,* 2020). TTS was not observed in spotted and ringed seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposure. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.,* a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.,* 2019a; Kastelein *et al.,* 2019b; Kastelein *et al.,* 2020a; Kastelein *et al.,* 2020b). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.,* 2009; Finneran *et al.,* 2010; Kastelein *et al.,* 2014; Kastelein *et al.,* 2015). This means that TTS predictions based on the total SEL_{cum} will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga whale, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning

sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.,* 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2018). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals and there is no PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above that inducing mild TTS (*e.g.,* a 40-dB threshold shift approximates PTS onset (Kryter *et al.,* 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.,* 2007; Southall *et al.,* 2019). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007; Southall *et al.,* 2019). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Activities for this project include active acoustics, equipment deployment and recovery, and, potentially, icebreaking. For the proposed action, these activities would not occur at the same time and there would likely be pauses in activities producing the sound during each day. Given these pauses and that many marine mammals are likely moving through the Study Area and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from pile driving and drilling also has the potential to behaviorally disturb marine mammals. Generally speaking, NMFS considers a behavioral disturbance that rises to the level of harassment under the MMPA a non-minor response—in other words, not every response qualifies as behavioral disturbance, and for responses that do, those of a higher level, or accrued across a longer duration, have the potential to affect foraging, reproduction, or survival. Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses may include changing durations of surfacing and dives, changing direction and/or speed; reducing/increasing vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); eliciting a visible startle response or aggressive behavior (such as tail/fin slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007; Southall *et al.,* 2019; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B and C of Southall *et al.* (2007) and Gomez *et al.* (2016) for reviews of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2004). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure.

As noted above, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; NRC, 2005). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud pulsed sound sources (*e.g.,* seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.,* 1995; Morton and Symonds, 2002; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a; Goldbogen *et al.,* 2013b). Variations in dive behavior may reflect interruptions

in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2005; Kastelein *et al.,* 2006). For example, harbor porpoise' respiration rate increased in response to pile driving sounds at and above a received broadband SPL of 136 dB (zero-peak SPL: 151 dB re 1 µPa; SEL of a single strike: 127 dB re 1 μPa^2-s) (Kastelein *et al.,* 2013).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003) or vocalizations (Foote *et al.,* 2004), respectively, while North Atlantic right whales (*Eubalaena glacialis*) have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Morton and Symonds, 2002). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996; Bowers *et al.,* 2018). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fishes and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Purser and Radford, 2011; Fritz *et al.,* 2002). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive (*i.e.,* meaningful) behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Behavioral Responses to Icebreaking Noise—Ringed seals on pack ice showed various behaviors when approached by an icebreaking vessel. A majority of seals dove underwater when the ship was within 0.93 km (0.5 nm) while others remained on the ice. However, as icebreaking vessels came closer to the seals, most dove underwater. Ringed seals have also been observed foraging in the wake of an icebreaking vessel (Richardson *et al.,* 1995) and may have preferentially established breathing holes in the ship tracks after the ice-breaker moved through the area. Previous observations and studies using icebreaking ships provide a greater understanding in how seal behavior may be affected by a vessel transiting through the area.

Adult ringed seals spend up to 20 percent of the time in subnivean lairs during the winter season (Kelly *et al.,*

2010a). Ringed seal pups spend about 50 percent of their time in the lair during the nursing period (Lydersen and Hammill, 1993). During the warm season ringed seals haul out on the ice. In a study of ringed seal haul out activity by Born *et al.* (2002), ringed seals spent 25–57 percent of their time hauled out in June, which is during their molting season. Ringed seal lairs are typically used by individual seals (haulout lairs) or by a mother with a pup (birthing lairs); large lairs used by many seals for hauling out are rare (Smith and Stirling, 1975). If the non-impulsive acoustic transmissions are heard and are perceived as a threat, ringed seals within subnivean lairs could react to the sound in a similar fashion to their reaction to other threats, such as polar bears (their primary predators), although the type of sound would be novel to them. Responses of ringed seals to a variety of human-induced sounds (*e.g.,* helicopter noise, snowmobiles, dogs, people, and seismic activity) have been variable; some seals entered the water and some seals remained in the lair. However, in all instances in which observed seals departed lairs in response to noise disturbance, they subsequently reoccupied the lair (Kelly *et al.,* 1988).

Ringed seal mothers have a strong bond with their pups and may physically move their pups from the birth lair to an alternate lair to avoid predation, sometimes risking their lives to defend their pups from potential predators. If a ringed seal mother perceives the proposed acoustic sources as a threat, the network of multiple birth and haulout lairs allows the mother and pup to move to a new lair (Smith and Stirling, 1975; Smith and Hammill, 1981). The acoustic sources from this proposed action are not likely to impede a ringed seal from finding a breathing hole or lair, as captive seals have been found to primarily use vision to locate breathing holes and no effect to ringed seal vision would occur from the acoustic disturbance (Elsner *et al.,* 1989; Wartzok *et al.,* 1992). It is anticipated that a ringed seal would be able to relocate to a different breathing hole relatively easily without impacting their normal behavior patterns.

Stress responses—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Selye, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced vessel traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003), however, distress is an unlikely result of the proposed project based on observations of marine mammals during previous, similar projects in the region.

Auditory Masking—Since many marine mammals rely on sound to find prey, moderate social interactions, and facilitate mating (Tyack, 2008), noise from anthropogenic sound sources can interfere with these functions, but only if the noise spectrum overlaps with the hearing sensitivity of the receiving marine mammal (Southall *et al.,* 2007; Clark *et al.,* 2009; Hatch *et al.,* 2012). Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.,* 2009). Acoustic masking is when other noises such as from human sources interfere with an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995; Erbe *et al.,* 2016). Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions (Hotchkin and Parks, 2013).

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is human-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect

(though not necessarily one that would be associated with harassment).

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007; Di Iorio and Clark, 2010; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Hotchkin and Parks, 2013). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Marine mammals at or near the proposed project site may be exposed to anthropogenic noise which may be a source of masking. Vocalization changes may result from a need to compete with an increase in background noise and include increasing the source level, modifying the frequency, increasing the call repetition rate of vocalizations, or ceasing to vocalize in the presence of increased noise (Hotchkin and Parks, 2013). For example, in response to loud noise, beluga whales may shift the frequency of their echolocation clicks to prevent masking by anthropogenic noise (Eickmeier and Vallarta, 2023).

Masking is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. Energy distribution of pile driving covers a broad frequency spectrum, and sound from pile driving would be within the audible range of pinnipeds and cetaceans present in the proposed action area. While icebreaking during the ONR's proposed action may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration (up to 8 days) and limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

Potential Effects on Prey—The marine mammal species in the Study Area feed on marine invertebrates and fish. Studies of sound energy effects on invertebrates are few, and primarily identify behavioral responses. It is expected that most marine invertebrates would not sense the frequencies of the acoustic transmissions from the acoustic sources associated with the proposed action. Although acoustic sources used during the proposed action may briefly impact individuals, intermittent exposures to non-impulsive acoustic sources are not expected to impact survival, growth, recruitment, or reproduction of widespread marine invertebrate populations.

The fish species residing in the study area include those that are closely associated with the deep ocean habitat of the Beaufort Sea. Nearly 250 marine fish species have been described in the Arctic, excluding the larger parts of the sub-Arctic Bering, Barents, and Norwegian Seas (Mecklenburg *et al.,* 2011). However, only about 30 are known to occur in the Arctic waters of the Beaufort Sea (Christiansen and Reist, 2013). Although hearing capability data only exist for fewer than 100 of the 32,000 named fish species, current data suggest that most species of fish detect sounds from 50 to 100 Hz, with few fish hearing sounds above 4 kHz (Popper, 2008). It is believed that most fish have the best hearing sensitivity from 100 to 400 Hz (Popper, 2003). Fish species in the study area are expected to hear the low-frequency sources associated with the proposed action, but most are not expected to detect sound from the mid-frequency sources. Human generated sound could alter the behavior of a fish in a manner than would affect its way of living, such as where it tries to locate food or how well it could find a mate. Behavioral responses to loud noise could include a startle response, such as the fish swimming away from the source, the fish ''freezing'' and staying in place, or scattering (Popper, 2003). Misund (1997) found that fish ahead of a ship showed avoidance reactions at ranges of 49–149 m (160–489 ft). Avoidance behavior of vessels, vertically or horizontally in the water column, has been reported for cod and herring, and was attributed to vessel noise. While acoustic sources associated with the proposed action may influence the behavior of some fish species, other fish species may be equally unresponsive. Overall effects to fish from the proposed action would be localized, temporary, and infrequent.

Effects to Physical and Foraging Habitat—Ringed seals haul out on pack ice during the spring and summer to molt (Reeves *et al.,* 2002; Born *et al.,* 2002). Additionally, some studies suggested that ringed seals might preferentially establish breathing holes in ship tracks after vessels move through the area (Alliston, 1980; Alliston, 1981). The amount of ice habitat disturbed by activities is small relative to the amount of overall habitat available and there will be no permanent or longer-term loss or modification of physical ice habitat used by ringed seals. Vessel movement would have minimal effect on physical beluga habitat as beluga habitat is solely within the water column. Furthermore, the deployed sources that would remain in use after the vessels have left the survey area have low duty cycles and lower source levels, and any impacts to the acoustic habitat of marine mammals would be minimal.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of the negligible impact determinations and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. For this military readiness activity, the MMPA defines ''harassment'' as (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where the behavioral patterns are abandoned or significantly altered (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of direct behavioral disturbances and/or TTS for individual marine mammals resulting from exposure to active acoustic transmissions and icebreaking. Based on the nature of the activity, Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds

above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment). Thresholds have also been developed identifying the received level of in-air sound above which exposed pinnipeds would likely be behaviorally harassed.

Level B Harassment

Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007; Southall *et al.,* 2021; Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB re 1 µPa for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 µPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

In this case, NMFS is proposing to adopt the ONR's approach to estimating incidental take by Level B harassment from the active acoustic sources for this action, which includes use of dose response functions. The ONR's dose response functions were developed to estimate take from sonar and similar transducers, but are not applicable to icebreaking. Multi-year research efforts have conducted sonar exposure studies for odontocetes and mysticetes (Miller *et al.,* 2012; Sivle *et al.,* 2012). Several studies with captive animals have provided data under controlled circumstances for odontocetes and pinnipeds (Houser *et al.,* 2013b; Houser *et al.,* 2013a). Moretti *et al.* (2014) published a beaked whale dose-response curve based on passive acoustic monitoring of beaked whales during U.S. Navy training activity at Atlantic Underwater Test and Evaluation Center during actual Anti-Submarine Warfare exercises. This information necessitated the update of the behavioral response criteria for the U.S. Navy's environmental analyses.

Southall *et al.* (2007), and more recently (Southall *et al.,* 2019), synthesized data from many past behavioral studies and observations to determine the likelihood of behavioral reactions at specific sound levels. While in general, the louder the sound source the more intense the behavioral response, it was clear that the proximity of a sound source and the animal's experience, motivation, and conditioning were also critical factors influencing the response (Southall *et al.,* 2007; Southall *et al.,* 2019). After examining all of the available data, the authors felt that the derivation of thresholds for behavioral response based solely on exposure level was not supported because context of the animal at the time of sound exposure was an important factor in estimating response. Nonetheless, in some conditions, consistent avoidance reactions were noted at higher sound levels depending on the marine mammal species or group allowing conclusions to be drawn. Phocid seals showed avoidance reactions at or below 190 dB re 1 µPa at 1 m; thus, seals may actually receive levels adequate to produce TTS before avoiding the source.

Odontocete behavioral criteria for non-impulsive sources were updated based on controlled exposure studies for dolphins and sea mammals, sonar, and safety (3S) studies where odontocete behavioral responses were reported after exposure to sonar (Miller *et al.,* 2011; Miller *et al.,* 2012; Antunes *et al.,* 2014; Miller *et al.,* 2014; Houser *et al.,* 2013b). For the 3S study, the sonar outputs included 1–2 kHz up- and down-sweeps and 6–7 kHz up-sweeps; source levels were ramped up from 152–158 dB re 1 µPa to a maximum of 198–214 re 1 µPa at 1 m. Sonar signals were ramped up over several pings while the vessel approached the mammals. The study did include some control passes of ships with the sonar off to discern the behavioral responses of the mammals to vessel presence alone versus active sonar.

The controlled exposure studies included exposing the Navy's trained bottlenose dolphins to mid-frequency sonar while they were in a pen. Mid-frequency sonar was played at six different exposure levels from 125–185 dB re 1 µPa (RMS). The behavioral response function for odontocetes resulting from the studies described above has a 50 percent probability of response at 157 dB re 1 µPa. Additionally, distance cutoffs (20 km for MF cetaceans) were applied to exclude exposures beyond which the potential of significant behavioral responses is considered to be unlikely.

The pinniped behavioral threshold was updated based on controlled exposure experiments on the following captive animals: hooded seal (*Cystophora cristata*), gray seal (*Halichoerus grypus*), and California sea lion (Götz *et al.,* 2010; Houser *et al.,* 2013a; Kvadsheim *et al.,* 2010). Hooded seals were exposed to increasing levels of sonar until an avoidance response was observed, while the grey seals were exposed first to a single received level multiple times, then an increasing received level. Each individual California sea lion was exposed to the same received level ten times. These exposure sessions were combined into a single response value, with an overall response assumed if an animal responded in any single session. The resulting behavioral response function for pinnipeds has a 50 percent probability of response at 166 dB re 1

μPa. Additionally, distance cutoffs (10 km for pinnipeds) were applied to exclude exposures beyond which the potential of significant behavioral responses is considered unlikely. For additional information regarding marine mammal thresholds for PTS and TTS onset, please see NMFS (2018) and table 6.

Empirical evidence has not shown responses to non-impulsive acoustic sources that would constitute take beyond a few km from a non-impulsive acoustic source, which is why NMFS and the Navy conservatively set distance cutoffs for pinnipeds and mid-frequency cetaceans (U.S. Department of the Navy, 2017a). The cutoff distances for fixed sources are different from those for moving sources, as they are treated as individual sources in ONR's modeling given that the distance between them is significantly greater than the range to which environmental effects can occur. Fixed source cutoff distances used were 5 km (2.7 nm) for pinnipeds and 10 km (5.4 nm) for beluga whales (table 5). As some of the on-site drifting sources could come closer together, the drifting source cutoffs applied were 10 km (5.4 nm) for pinnipeds and 20 km (10.8 nm) for beluga whales (table 5). Regardless of the received level at that distance, take is not estimated to occur beyond these cutoff distances. Range to thresholds were calculated for the noise associated with icebreaking in the study area. These all fall within the same cutoff distances as non-impulsive acoustic sources; range to behavioral threshold for both beluga whales and ringed seal were under 5 km (2.7 nm), and range to TTS threshold for both under 15 m (49.2 ft) (table 5).

TABLE 5—CUTOFF DISTANCES AND ACOUSTIC THRESHOLDS IDENTIFYING THE ONSET OF BEHAVIORAL DISTURBANCE, TTS, AND PTS FOR NON-IMPULSIVE SOUND SOURCES

Hearing group	Species	Fixed source behavioral threshold cutoff distance [a]	Drifting source behavioral threshold cutoff distance [a]	Behavioral criteria: Non-impulsive acoustic sources	Icebreaking source behavioral threshold cutoff distance [a b]	Behavioral criteria: icebreaking sources	Physiological criteria: onset TTS	Physiological criteria: onset PTS
Mid-frequency cetaceans.	Beluga whale	10 km (5.4 nm).	20 km (10.8 nm).	Mid-frequency BRF dose-response function *.	5 km (2.7 nm)	120 dB re 1 μPa step function.	178 dB SEL_{cum}.	198 dB SEL_{cum}.
Phocidae (in water).	Ringed seal ..	5 km (2.7 nm)	10 km (5.4 nm).	Pinniped dose-response function *.	5 km (2.7 nm)	120 dB re 1 μPa step function.	181 dB SEL_{cum}.	201 dB SEL_{cum}.

Note: The threshold values provided are assumed for when the source is within the animal's best hearing sensitivity. The exact threshold varies based on the overlap of the source and the frequency weighting (see figure 6–1 in IHA application).

[a] Take is not estimated to occur beyond these cutoff distances, regardless of the received level.

[b] Range to TTS threshold for both hearing groups for the noise associated with icebreaking in the Study Area is under 15 m (49.2 ft).

Level A Harassment

NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The ONR's proposed action includes the use of non-impulsive (active sonar and icebreaking) sources; however, Level A harassment is not expected as a result of the proposed activities based on modeling, as described below, nor is it proposed to be authorized by NMFS.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS' 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 6—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$*:* 219 dB; $L_{E,LF,24h}$*:* 183 dB	*Cell 2:* $L_{E,LF,24h}$*:* 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$*:* 230 dB; $L_{E,MF,24h}$*:* 185 dB	*Cell 4:* $L_{E,MF,24h}$*:* 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$*:* 202 dB; $L_{E,HF,24h}$*:* 155 dB	*Cell 6:* $L_{E,HF,24h}$*:* 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$*:* 218 dB; $L_{E,PW,24h}$*:* 185 dB	*Cell 8:* $L_{E,PW,24h}$*:* 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$*:* 232 dB; $L_{E,OW,24h}$*:* 203 dB	*Cell 10:* $L_{E,OW,24h}$*:* 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1 μPa^2s. In this table, thresholds are abbreviated to reflect American National Standards Institute (ANSI) standards. However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Quantitative Modeling

The Navy performed a quantitative analysis to estimate the number of marine mammals likely to be exposed to underwater acoustic transmissions above the previously described threshold criteria during the proposed action. Inputs to the quantitative analysis included marine mammal density estimates obtained from the Kaschner *et al.* (2006) habitat suitability model and (Cañadas *et al.,* 2020), marine mammal depth occurrence (U.S. Department of the Navy, 2017b), oceanographic and mammal hearing data, and criteria and thresholds for levels of potential effects. The quantitative analysis consists of computer modeled estimates and a post-model analysis to determine the number of potential animal exposures. The model calculates sound energy propagation from the proposed non-impulsive acoustic sources, the sound received by animat (virtual animal) dosimeters representing marine mammals distributed in the area around the modeled activity, and whether the sound received by animats exceeds the thresholds for effects.

The Navy developed a set of software tools and compiled data for estimating acoustic effects on marine mammals without consideration of behavioral avoidance or mitigation. These tools and data sets serve as integral components of the Navy Acoustic Effects Model (NAEMO). In NAEMO, animats are distributed non-uniformly based on species-specific density, depth distribution, and group size information and animats record energy received at their location in the water column. A fully three-dimensional environment is used for calculating sound propagation and animat exposure in NAEMO. Site-specific bathymetry, sound speed profiles, wind speed, and bottom properties are incorporated into the propagation modeling process. NAEMO calculates the likely propagation for various levels of energy (sound or pressure) resulting from each source used during the training event.

NAEMO then records the energy received by each animat within the energy footprint of the event and calculates the number of animats having received levels of energy exposures that fall within defined impact thresholds. Predicted effects on the animats within a scenario are then tallied and the highest order effect (based on severity of criteria; *e.g.,* PTS over TTS) predicted for a given animat is assumed. Each scenario, or each 24-hour period for scenarios lasting greater than 24 hours is independent of all others, and therefore, the same individual marine mammal (as represented by an animat in the model environment) could be impacted during each independent scenario or 24-hour period. In few instances, although the activities themselves all occur within the proposed study location, sound may propagate beyond the boundary of the study area. Any exposures occurring outside the boundary of the study area are counted as if they occurred within the study area boundary. NAEMO provides the initial estimated impacts on marine species with a static horizontal distribution (*i.e.,* animats in the model environment do not move horizontally).

There are limitations to the data used in the acoustic effects model, and the results must be interpreted within this context. While the best available data and appropriate input assumptions have been used in the modeling, when there is a lack of definitive data to support an aspect of the modeling, conservative modeling assumptions have been chosen (*i.e.,* assumptions that may result in an overestimate of acoustic exposures):

- Animats are modeled as being underwater, stationary, and facing the source and therefore always predicted to receive the maximum potential sound level at a given location (*i.e.,* no porpoising or pinnipeds' heads above water);
- Animats do not move horizontally (but change their position vertically within the water column), which may overestimate physiological effects such as hearing loss, especially for slow moving or stationary sound sources in the model;
- Animats are stationary horizontally and therefore do not avoid the sound source, unlike in the wild where animals would most often avoid exposures at higher sound levels, especially those exposures that may result in PTS;
- Multiple exposures within any 24-hour period are considered one continuous exposure for the purposes of calculating potential threshold shift, because there are not sufficient data to estimate a hearing recovery function for the time between exposures; and
- Mitigation measures were not considered in the model. In reality, sound-producing activities would be reduced, stopped, or delayed if marine mammals are detected by visual monitoring.

Due to these inherent model limitations and simplifications, model-estimated results should be further analyzed, considering such factors as the range to specific effects, avoidance, and the likelihood of successfully implementing mitigation measures. This analysis uses a number of factors in addition to the acoustic model results to predict acoustic effects on marine mammals, as described below in the *Marine Mammal Occurrence and Take Estimation* section.

The underwater radiated noise signature for icebreaking in the central Arctic Ocean by CGC HEALY during different types of ice-cover was characterized in Roth *et al.* (2013). The radiated noise signatures were characterized for various fractions of ice cover. For modeling, the 8/10 and 3/10 ice cover were used. Each modeled day of icebreaking consisted of 16 hours of 8/10 ice cover and 8 hours of 3/10 ice cover. The sound signature of the 5/10 icebreaking activities, which would correspond to half-power icebreaking, was not reported in Roth *et al.* (2013); therefore, the full-power signature was used as a conservative proxy for the half-power signature. Icebreaking was modeled for 8 days total. Since ice forecasting cannot be predicted more than a few weeks in advance, it is unknown if icebreaking would be needed to deploy or retrieve the sources after 1 year of transmitting. Therefore, the potential for an icebreaking cruise on CGC HEALY was conservatively analyzed within the ONR's request for an IHA. As the R/V Sikuliaq is not capable of icebreaking, acoustic noise created by icebreaking is only modeled for the CGC HEALY. Figures 5a and 5b in Roth *et al.* (2013) depict the source spectrum level versus frequency for 8/10 and 3/10 ice cover, respectively. The sound signature of each of the ice coverage levels was broken into 1-octave bins (table 7). In the model, each bin was included as a separate source on the modeled vessel. When these independent sources go active concurrently, they simulate the sound signature of CGC HEALY. The modeled source level summed across these bins was 196.2 dB for the 8/10 signature and 189.3 dB for the 3/10 ice signature. These source levels are a good approximation of the icebreaker's observed source level (provided in figure 4b of Roth *et al.* (2013). Each frequency and source level was modeled as an independent source, and applied simultaneously to all of the animats within NAEMO. Each second was summed across frequency to estimate $SPL_{RMS.}$ Any animat exposed to sound levels greater than 120 dB was considered a take by Level B harassment. For PTS and TTS, determinations, sound exposure levels were summed over the duration of the

test and the transit to the deep water deployment area. The method of quantitative modeling for icebreaking is considered to be a conservative approach; therefore, the number of takes estimated for icebreaking are likely an overestimate and would not be expected to reach that level.

TABLE 7—MODELED BINS FOR 8/10 ICE COVERAGE (FULL POWER) AND 3/10 ICE COVERAGE (QUARTER POWER) ICEBREAKING ON CGC HEALY

Frequency (Hz)	8/10 source level (dB)	3/10 source level (dB)
25	189	187
50	188	182
100	189	179
200	190	177
400	188	175
800	183	170
1,600	177	166
3,200	176	171
6,400	172	168
12,800	167	164

Non-Impulsive Acoustic Analysis

Most likely, individuals affected by acoustic transmission would move away from the sound source. Ringed seals may be temporarily displaced from their subnivean lairs in the winter, but a pinniped would have to be within 5 km (2.7 nm) of a moored source or within 10 km (5.4 nm) of a drifting source for any behavioral reaction. Any effects experienced by individual pinnipeds are anticipated to be short-term disturbance of normal behavior, or temporary displacement or disruption of animals that may be near elements of the proposed action.

Of historical sightings registered in the Ocean Biodiversity Information System Spatial Ecological Analysis of Megavertebrate Populations (OBIS–SEAMAP database) (Halpin *et al.,* 2009) in the ARA Study Area, nearly all (99 percent) occurred in summer and fall seasons. However, there is no documentation to prove that this is because ringed seals would all move out of the Study Area during the cold season, or if the lack of sightings is due to the harsh environment and ringed seal behavior being prohibitive factors for cold season surveying. OBIS–SEAMAP reports 542 animals sighted over 150 records in the ARA Study Area across all years and seasons. Taking the average of 542 animals in 150 records aligns with survey data from previous ARA cruises that show up to three ringed seals (or small, unidentified pinnipeds assumed to be ringed seals) per day sighted in the Study Area. To account for any unsighted animals, that number was rounded up to 4. Assuming that four animals would be present in the Study Area, a rough estimate of density can be calculated using the overall Study Area size:

$$4 \text{ ringed seals} \div 48{,}725 \text{ km}^2 = 0.00008209 \text{ ringed seals/km}^2$$

The area of influence surrounding each moored source would be 78.5 km^2, and the area of influence surrounding each drifting source would be 314 km^2. The total area of influence on any given day from non-impulsive acoustic sources would be 942 km^2. The number of ringed seals that could be taken daily can be calculated:

$$0.00008209 \text{ ringed seals/km}^2 \times 942 \text{ km}^2 = 0.077 \text{ ringed seals/day}$$

To be conservative, the ONR has assumed that one ringed seal would be exposed to acoustic transmissions above the threshold for Level B harassment, and that each would be exposed each day of the proposed action (365 days total). Unlike the NAEMO modeling approach used to estimate ringed seal takes in previous ARA IHAs, the occurrence method used in this ARA IHA request does not support the differentiation between behavioral or TTS exposures. Therefore, all takes are classified as Level B harassment and not further distinguished. Modeling for all previous years of ARA activities did not result in any estimated Level A harassment. NMFS has no reason to expect that the ARA activities during the effective dates of this IHA would be more likely to result in Level A harassment. Therefore, no Level A harassment is anticipated due to the proposed action.

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations. We also describe how the marine mammal occurrence information is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

The beluga whale density numbers utilized for quantitative acoustic modeling are from the Navy Marine Species Density Database (U.S. Department of the Navy, 2014). Where available (*i.e.,* June through 15 October over the continental shelf primarily), density estimates used were from Duke density modeling based upon line-transect surveys (Cañadas *et al.,* 2020). The remaining seasons and geographic area were based on the habitat-based modeling by Kaschner (2004) and Kaschner *et al.* (2006). Density for beluga whales was not distinguished by stock and varied throughout the project area geographically and monthly; the range of densities in the Study Area is shown in table 8. The density estimates for ringed seals are based on the habitat suitability modeling by Kaschner (2004) and Kaschner *et al.* (2006) and shown in table 8.

TABLE 8—DENSITY ESTIMATES OF IMPACTED SPECIES

Common name	Stock	Density (animals/km^2)
Beluga whale	Beaufort Sea	0.000506 to 0.5176
Beluga whale	Eastern Chukchi Sea	0.000506 to 0.5176
Ringed seal	Arctic	0.1108 to 0.3562

Take of all species would occur by Level B harassment only. NAEMO was previously used to produce a qualitative estimate of PTS, TTS, and behavioral exposures for ringed seals. For this proposed action, a new approach that utilizes sighting data from previous surveys conducted within the Study Area was used to estimate Level B harassment associated with non-impulsive acoustic sources (see section 6.4.3 of the IHA application). NAEMO modeling is still used to provide estimated takes of beluga whales associated with non-impulsive acoustic sources, as well as provide take estimations associated with icebreaking for both species. Table 9 shows the total number of requested takes by Level B harassment that NMFS proposes to authorize for both beluga whale stocks and the Arctic ringed seal stock based upon NAEMO modeled results.

Density estimates for beluga whales are equal as estimates were not distinguished by stock (Kaschner, 2004; Kaschner *et al.,* 2006). The ranges of the Beaufort Sea and Eastern Chukchi Sea beluga whales vary within the study area throughout the year (Hauser *et al.,* 2014). Based upon the limited information available regarding the expected spatial distributions of each stock within the study area, take has been apportioned equally to each stock (table 9). In addition, in NAEMO, animats do not move horizontally or react in any way to avoid sound, therefore, the current model may overestimate non-impulsive acoustic impacts.

TABLE 9—PROPOSED TAKE BY LEVEL B HARASSMENT

Species	Stock	Active acoustics	Icebreaking (behavioral)	Icebreaking (TTS)	Total proposed take	SAR abundance	Percentage of population
Beluga whale	Beaufort Sea	[a] 177	[a] 21	0	99	39,258	<1
Beluga whale	Chukchi Sea	[a] 177	[a] 21	0	99	13,305	<1
Ringed seal	Arctic	365	538	1	904	[b] UND (171, 418)	<1

[a] Acoustic and icebreaking exposures to beluga whales were not modeled at the stock level as the density value is not distinguished by stock in the Arctic for beluga whales (U.S. Department of the Navy, 2014). Estimated take of beluga whales due to active acoustics is 177 and 21 due to icebreaking activities, totaling 198 takes of beluga whales. The total take was evenly distributed among the two stocks.

[b] A reliable population estimate for the entire Arctic stock of ringed seals is not available and NMFS SAR lists it as Undetermined (UND). Using a sub-sample of data collected from the U.S. portion of the Bering Sea (Conn *et al.,* 2014), an abundance estimate of 171,418 ringed seals has been calculated but this estimate does not account for availability bias due to seals in the water or in the shore-fast ice zone at the time of the survey. The actual number of ringed seals in the U.S. portion of the Bering Sea is likely much higher. Using the minimum population size (N_{min} = 158,507) based upon this negatively biased population estimate, the PBR is calculated to be 4,755 seals, although this is also a negatively biased estimate.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)). The 2004 NDAA amended the MMPA as it relates to military readiness activities and the incidental take authorization process such that ''least practicable impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following measures are proposed for this IHA:

- All vessels operated by or for the Navy must have personnel assigned to stand watch at all times while underway. Watch personnel must employ visual search techniques using binoculars. While underway and while using active acoustic sources/towed in-water devices, at least one person with access to binoculars is required to be on watch at all times.
- Vessel captains and vessel personnel must remain alert at all times, proceed with extreme caution, and operate at a safe speed so that the vessel can take proper and effective action to avoid any collisions with marine mammals.
- During moored and drifting acoustic source deployment and recovery, ONR must implement a mitigation zone of 55 m (180 ft) around the deployed source. Deployment and recovery must cease if a marine mammal is visually deterred within the mitigation zone. Deployment and recovery may recommence if any one of the following conditions are met:
  - The animal is observed exiting the mitigation zone;
  - The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the sound source;
  - The mitigation zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds and 30 minutes for cetaceans.
- Vessels must avoid approaching marine mammals head-on and must maneuver to maintain a mitigation zone of 457 m (500 yards) around all observed cetaceans and 183 m (200 yards) around all other observed marine mammals, provided it is safe to do so.
- Activities must cease if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the authorized number of takes have been met, is observed approaching or within the mitigation zone (table 10). Activities must not resume until the animal is confirmed to have left the area.
- Vessel captains must maintain at-sea communication with subsistence hunters to avoid conflict of vessel transit with hunting activity.

TABLE 10—PROPOSED MITIGATION ZONES

Activity and/or effort type	Species	Mitigation zone
Acoustic source deployment and recovery, stationary	Beluga whale	55 m (180 ft).

TABLE 10—PROPOSED MITIGATION ZONES—Continued

Activity and/or effort type	Species	Mitigation zone
Acoustic source deployment and recovery, stationary	Ringed seal	55 m (180 ft).
Transit	Beluga whale	457 m (500 yards).
Transit	Ringed seal	183 m (200 yards).

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, areas of similar significance, and on the availability of such species or stock for subsistence uses.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

The Navy has coordinated with NMFS to develop an overarching program plan in which specific monitoring would occur. This plan is called the Integrated Comprehensive Monitoring Program (ICMP) (U.S. Department of the Navy, 2011). The ICMP has been developed in direct response to Navy permitting requirements established through various environmental compliance efforts. As a framework document, the ICMP applies by regulation to those activities on ranges and operating areas for which the Navy is seeking or has sought incidental take authorizations. The ICMP is intended to coordinate monitoring efforts across all regions and to allocate the most appropriate level and type of effort based on a set of standardized research goals, and in acknowledgement of regional scientific value and resource availability.

The ICMP is focused on Navy training and testing ranges where the majority of Navy activities occur regularly as those areas have the greatest potential for being impacted. ONR's ARA in comparison is a less intensive test with little human activity present in the Arctic. Human presence is limited to the deployment of sources that would take place over several weeks. Additionally, due to the location and nature of the testing, vessels and personnel would not be within the study area for an extended period of time. As such, more extensive monitoring requirements beyond the basic information being collected would not be feasible as it would require additional personnel and equipment to locate seals and a presence in the Arctic during a period of time other then what is planned for source deployment. However, ONR will record all observations of marine mammals, including the marine mammal's species identification, location (latitude/longitude), behavior, and distance from project activities. ONR will also record date and time of sighting. This information is valuable in an area with few recorded observations.

Marine mammal monitoring must be conducted in accordance with the Navy's ICMP and the proposed IHA:

- While underway, all vessels must have at least one person trained through the U.S. Navy Marine Species Awareness Training Program on watch during all activities;
- Watch personnel must use standardized data collection forms, whether hard copy or electronic. Watch personnel must distinguish between sightings that occur during transit or during deployment or recovery of acoustic sources. Data must be recorded on all days of activities, even if marine mammals are not sighted;
- At minimum, the following information must be recorded:
  - Vessel name;
  - Watch personnel names and affiliation;
  - Effort type (*i.e.,* transit, deployment, recovery); and
  - Environmental conditions (at the beginning of watch stander shift and whenever conditions change significantly), including Beaufort Sea State (BSS) and any other relevant weather conditions, including cloud cover, fog, sun glare, and overall visibility to the horizon.
- Upon visual observation of any marine mammal, the following information must be recorded:
  - Date/time of sighting;
  - Identification of animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;
  - Location (latitude/longitude) of sighting;
  - Estimated number of animals (high/low/best);
  - Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
  - Detailed behavior observations (*e.g.,* number of blows/breaths, number of surfaces, breaching, spyhopping,

diving, feeding, traveling; as explicit and detailed as possible; length of time observed in the mitigation zone, note any observed changes in behavior);
- Distance from vessel to animal;
- Direction of animal's travel relative to the vessel;
- Platform activity at time of sighting (*i.e.,* transit, deployment, recovery); and
- Weather conditions (*i.e.,* BSS, cloud cover).
- During icebreaking, the following information must be recorded:
- Start and end time of icebreaking; and
- Ice cover conditions.

• During deployment and recovery of acoustic sources or UUVs, visual observation must begin 30 minutes prior to deployment or recovery and continue through 30 minutes following the source deployment or recovery.

• The ONR must submit its draft report(s) on all monitoring conducted under the IHA within 90 calendar days of the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for research activities at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final.

• All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.clevenstine@noaa.gov.*

• The marine mammal report, at minimum, must include:
- Dates and times (begin and end) of all marine mammal monitoring;
- Acoustic source use or icebreaking;
- Watch stander location(s) during marine mammal monitoring;
- Environmental conditions during monitoring periods (at beginning and end of watch standing shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, the following information:
  - Name of watch stander who sighted the animal(s), the watch stander location, and activity at time of sighting;
  - Time of sighting;
  - Identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), watch stander confidence in identification, and the composition of the group if there is a mix of species;
  - Distance and location of each observed marine mammal relative to the acoustic source or icebreaking for each sighting;
  - Estimated number of animals (min/max/best estimate);
  - Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);
  - Animal's closest point of approach and estimated time spent within the harassment zone; and
  - Description of any marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.,* no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching.
- Number of shutdowns during monitoring, if any;
- Marine mammal sightings (including the marine mammal's location (latitude/longitude));
- Number of individuals of each species observed during source deployment, operation, and recovery; and
- Detailed information about implementation of any mitigation (*e.g.,* shutdowns, delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

• The ONR must submit all watch stander data electronically in a format that can be queried, such as a spreadsheet or database (*i.e.,* digital images of data sheets are not sufficient).

• Reporting injured or dead marine mammals:
- In the event that personnel involved in the specified activities discover an injured or dead marine mammal, the ONR must report the incident to the Office of Protected Resources (OPR), NMFS (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.clevenstine@noaa.gov*) and to the Alaska regional stranding network (877–925–7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the ONR must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The ONR must not resume their activities until notified by NMFS.
- The report must include the following information:
  - Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
  - Species identification (if known) or description of the animal(s) involved;
  - Condition of the animal(s) (including carcass condition if the animal is dead);
  - Observed behaviors of the animal(s), if alive;
  - If available, photographs or video footage of the animal(s); and
  - General circumstances under which the animal was discovered.

• Vessel Strike: In the event of a vessel strike of a marine mammal by any vessel involved in the activities covered by the authorization, the ONR shall report the incident to OPR, NMFS and to the Alaska regional stranding coordinator (877–925–7773) as soon as feasible. The report must include the following information:
- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (*e.g.,* wind speed and direction, BSS, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of

recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to beluga whales and ringed seals, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Underwater acoustic transmissions associated with the proposed ARA, as outlined previously, have the potential to result in Level B harassment of beluga seals and ringed seals in the form of behavioral disturbances. No serious injury, mortality, or Level A harassment are anticipated to result from these described activities. Effects on individual belugas or ringed seals taken by Level B harassment could include alteration of dive behavior and/or foraging behavior, effects to breathing rates, interference with or alteration of vocalization, avoidance, and flight. More severe behavioral responses are not anticipated due to the localized, intermittent use of active acoustic sources. Exposure duration is likely to be short-term and individuals will, most likely, simply be temporarily displaced by moving away from the acoustic source. Exposures are, therefore, unlikely to result in any significant realized decrease in fitness for affected individuals or adverse impacts to stocks as a whole.

Arctic ringed seals are listed as threatened under the ESA. The primary concern for Arctic ringed seals is the ongoing and anticipated loss of sea ice and snow cover resulting from climate change, which is expected to pose a significant threat to ringed seals in the future (Muto *et al.,* 2021). In addition, Arctic ringed seals have also been experiencing a UME since 2019 although the cause of the UME is currently undetermined. As mentioned earlier, no mortality or serious injury to ringed seals is anticipated nor proposed to be authorized. Due to the short-term duration of expected exposures and required mitigation measures to reduce adverse impacts, we do not expect the proposed ARA to compound or exacerbate the impacts of the ongoing UME.

A small portion of the Study Area overlaps with ringed seal critical habitat. Although this habitat contains features necessary for ringed seal formation and maintenance of subnivean birth lairs, basking and molting, and foraging, these features are also available throughout the rest of the designated critical habitat area. Any potential limited displacement of ringed seals from the proposed ARA study area would not be expected to interfere with their ability to access necessary habitat features, given the availability of similar necessary habitat features nearby.

The Study Area also overlaps with beluga whale migratory and feeding BIAs. Due to the small amount of overlap between the BIAs and the proposed ARA study area as well as the low intensity and short-term duration of acoustic sources and required mitigation measures, we expect minimal impacts to migrating or feeding belugas. Shutdown zones are expected to avoid the potential for Level A harassment of belugas and ringed seals, and to minimize the severity of any Level B harassment. The requirements of trained dedicated watch personnel and speed restrictions will also reduce the likelihood of any ship strikes to migrating belugas.

In all, the proposed activities are expected to have minimal adverse effects on marine mammal habitat. While the activities may cause some fish to leave the area of disturbance, temporarily impacting marine mammals' foraging opportunities, this would encompass a relatively small area of habitat leaving large areas of existing fish and marine mammal foraging habitat unaffected. As such, the impacts to marine mammal habitat are not expected to impact the health or fitness of any marine mammals.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Impacts would be limited to Level B harassment only;
- Only temporary and relatively low-level behavioral disturbances are expected to result from these proposed activities; and
- Impacts to marine mammal prey or habitat will be minimal and short term.

The anticipated and authorized take is not expected to impact the reproduction or survival of any individual marine mammals, much less rates of recruitment or survival. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an ''unmitigable adverse impact'' on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Subsistence hunting is important for many Alaska Native communities. A study of the North Slope villages of Nuiqsut, Kaktovik, and Utqiaġvik identified the primary resources used for subsistence and the locations for harvest (Stephen R. Braund & Associates, 2010), including terrestrial mammals, birds, fish, and marine mammals (bowhead whale, ringed seal,

bearded seal, and walrus). Ringed seals and beluga whales are likely located within the project area during this proposed action, yet the proposed action would not remove individuals from the population nor behaviorally disturb them in a manner that would affect their behavior more than 100 km farther inshore where subsistence hunting occurs. The permitted sources would be placed far outside of the range for subsistence hunting. The closest active acoustic source (fixed or drifting) within the proposed project site that is likely to cause Level B harassment is approximately 204 km (110 nm) from land. This ensures a significant standoff distance from any subsistence hunting area. The closest distance to subsistence hunting (130 km (70 nm)) is well beyond the largest distance from the sound sources in use at which behavioral harassment would be expected to occur (20 km (10.8 nm)) described above. Furthermore, there is no reason to believe that any behavioral disturbance of beluga whales or ringed seals that occurs far offshore (we do not anticipate any Level A harassment) would affect their subsequent behavior in a manner that would interfere with subsistence uses should those animals later interact with hunters.

In addition, ONR has been communicating with the Native communities about the proposed action. The ONR-sponsored chief scientist for AMOS gave a briefing on ONR research planned for 2024–2025 Alaska Eskimo Whaling Commission (AEWC) meeting on December 15, 2023 in Anchorage, Alaska. No questions were asked from the commissioners during the brief or in subsequent weeks afterwards. The AEWC consists of representatives from 11 whaling villages (Wainwright, Utqiaġvik, Savoonga, Point Lay, Nuiqut, Kivalina, Kaktovik, Wales, Point Hope, Little Diomede, and Gambell). These briefings have communicated the lack of any effect on subsistence hunting due to the distance of the sources from hunting areas. ONR-supported scientists also attend Arctic Waterways Safety Committee (AWSC) and AEWC meetings on a regular basis to discuss past, present, and future research activities. While no take is anticipated to result during transit, points of contact for at-sea communication will also be established between vessel captains and subsistence hunters to avoid any conflict of ship transit with hunting activity.

Based on the description of the specified activity, distance of the study area from subsistence hunting grounds, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from ONR's proposed activities.

Peer Review of the Monitoring Plan

The MMPA requires that monitoring plans be independently peer reviewed where the proposed activity may affect the availability of a species or stock for taking for subsistence uses (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Given the factors discussed above, NMFS has also determined that the activity is not likely to affect the availability of any marine mammal species or stock for taking for subsistence uses, and therefore, peer review of the monitoring plan is not warranted for this project.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office (AKR).

NMFS is proposing to authorize take of ringed seals, which are listed under the ESA. The Permits and Conservation Division has requested initiation of section 7 consultation with the AKR for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the ONR for conducting a seventh year of ARA in the Beaufort and Chukchi Seas from September 2024 to September 2025, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed ARA. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: August 8, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–18130 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE187]

Management Track Assessment for American Plaice, Atlantic Halibut, Gulf of Maine Haddock, Georges Bank Haddock, Pollock, and Witch Flounder

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

ACTION: Notice of public meeting.

SUMMARY: NMFS and the Assessment Oversight Panel (AOP) will convene the Management Track Assessment Peer Review Meeting for the purpose of reviewing American plaice, Atlantic halibut, Gulf of Maine haddock, Georges Bank haddock, Pollock, and Witch flounder stocks. The Management Track Assessment Peer Review is a formal scientific peer-review process for evaluating and presenting stock assessment results to managers for fish stocks in the offshore U.S. waters of the Northwest Atlantic. Assessments are prepared by the lead stock assessment analyst and reviewed by an independent panel of stock assessment experts. The public is invited to attend the presentations and discussions between the review panel and the scientists who have participated in the stock assessment process.

DATES: The public portion of the Management Track Assessment Peer Review Meeting will be held from September 16, 2024–September 19, 2024. The meeting is open to the public; however, the 'Report Writing' session on Friday, will be closed. The meeting will conclude on September 20, 2024 at 5 p.m. Eastern Standard Time. Please see **SUPPLEMENTARY INFORMATION** for the daily meeting agenda.

ADDRESSES: The meeting will be held via Google Meet video call link: *https://meet.google.com/ths-kmxd-ejr*
Or dial: (US) +1 669–238–0338
PIN: 341 828 693#

FOR FURTHER INFORMATION CONTACT: Michele Traver, 508–495–2195; *michele.traver@noaa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please visit the Northeast Fisheries Science Center (NEFSC) website at *https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/fishery-stock-assessments-new-england-and-mid-atlantic.* For additional information about the management track assessment peer review, please visit the NEFSC web page at *https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/management-track-stock-assessments.*

Daily Meeting Agenda—Management Track Peer Review Meeting

The agenda is subject to change; all times are approximate and may be changed at the discretion of the Peer Review Chair.

MONDAY, SEPTEMBER 16, 2024

Time	Stock	Subject	Presenter
9:30 a.m.–9:45 a.m.	.....	Welcome/Logistics/Conduct of Meeting	Michele Traver, Kristan Blackhart, Richard Merrick, Chair.
9:45 a.m.–11:30 a.m.	American Plaice	TOR Review/Panel Questions	Amanda Hart, Panel.
11:30 a.m.–11:45 a.m.	Break.		
11:45 a.m.–12 p.m.	American Plaice	Public Comment	Public.
12 p.m.–12:30 p.m.	American Plaice	Panel Deliberations	Panel.
12:30 p.m.–1 p.m.	American Plaice	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
1 p.m.–2 p.m.	Lunch.		
2 p.m.–4 p.m.	Georges Bank Haddock.	TOR Review/Panel Questions	Liz Brooks, Panel.
4 p.m.–4:15 p.m.	Break.		
4:15 p.m.–4:30 p.m.	Georges Bank Haddock.	Public Comment	Public.
4:30 p.m.–5 p.m.	Georges Bank Haddock.	Panel Deliberations	Panel.
5 p.m.–5:30 p.m.	Georges Bank Haddock.	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
5:30 p.m.	Adjourn.		

TUESDAY, SEPTEMBER 17, 2024

Time	Stock	Subject	Presenter
9:30 a.m.–9:35 a.m.	.....	Welcome/Logistics/Conduct of Meeting	Michele Traver, Kristan Blackhart, Richard Merrick, Chair.
9:35 a.m.–11 a.m.	Gulf of Maine Haddock.	TOR Review/Panel Questions	Charles Perretti, Panel.
11 a.m.–11:15 a.m.	Break.		
11:15 a.m.–12:15 p.m.	Gulf of Maine Haddock.	TOR Review/Panel Questions, cont.	Charles Perretti, Panel.

TUESDAY, SEPTEMBER 17, 2024—Continued

Time	Stock	Subject	Presenter
12:15 p.m.–1:15 p.m. ..	Lunch.		
1:15 p.m.–2:45 p.m.	Gulf of Maine Haddock.	TOR Review/Panel Questions, cont.	Charles Perretti, Panel.
2:45 p.m.–3 p.m.	Break.		
3 p.m.–3:15 p.m.	Gulf of Maine Haddock.	Public Comment	Public.
3:15 p.m.–4:15 p.m.	Gulf of Maine Haddock.	Panel Deliberations	Panel.
4:15 p.m.–4:45 p.m.	Gulf of Maine Haddock.	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
4:45 p.m.	Adjourn.		

WEDNESDAY, SEPTEMBER 18, 2024

Tim	Stock	Subject	Presenter
9:30 a.m.–9:35 a.m.	.....	Welcome/Logistics/Conduct of Meeting	Michele Traver, Kristan Blackhart, Richard Merrick, Chair.
9:35 a.m.–11:15 a.m. ..	Pollock	TOR Review/Panel Questions	Brian Linton, Panel.
11:15 a.m.–11:30 a.m.	Break.		
11:30 a.m.–12:30 p.m.	Pollock	TOR Review/Panel Questions, cont.	Brian Linton, Panel.
12:30 p.m.–1:30 p.m. ..	Lunch.		
1:30 p.m.–3 p.m.	Pollock	TOR Review/Panel Questions, cont.	Brian Linton, Panel.
3 p.m.–3:15 p.m.	Break.		
3:15 p.m.–3:30 p.m.	Pollock	Public Comment	Public.
3:30 p.m.–4:30 p.m.	Pollock	Panel Deliberations	Panel.
4:30 p.m.–5 p.m.	Pollock	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
5 p.m.	Adjourn.		

THURSDAY, SEPTEMBER 19, 2024

Time	Stock	Subject	Presenter
9:30 a.m.–9:35 a.m.	.....	Welcome/Logistics/Conduct of Meeting	Michele Traver, Kristan Blackhart, Richard Merrick, Chair.
9:35 a.m.–11:30 a.m. ..	Witch Flounder	TOR Review/Panel Questions	Susan Wigley, Panel.
11:30 a.m.–11:45 a.m.	Break.		
11:45 a.m.–12 p.m.	Witch Flounder	Public Comment	Public.
12 p.m.–12:30 p.m.	Witch Flounder	Panel Deliberations	Panel.
12:30 p.m.–1 p.m.	Witch Flounder	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
1 p.m.–2 p.m.	Lunch.		
2 p.m.–5 p.m.	All stocks	Final Meeting Wrap Up, if needed; else closed panel writing session.	Panel.
5 p.m.	Adjourn.		

FRIDAY, SEPTEMBER 20, 2024

Time	Stocks	Subject	Presenter
9:30 a.m.–5 p.m.	All stocks	Report Writing	Closed panel session.
5 p.m.	Adjourn.		

Special Accommodations

This meeting is physically accessible to people with disabilities. Special requests should be directed to Michele Traver, via email.

Dated: August 9, 2024.

Claudia Stephanie Womble,

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

[FR Doc. 2024–18145 Filed 8–13–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees—Advisory Committee on Arlington National Cemetery

AGENCY: Department of Defense (DoD).

ACTION: Charter renewal of Federal advisory committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter for the Advisory Committee on Arlington National Cemetery (ACANC).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, DoD Advisory Committee Management Officer, 703–692–5952.

SUPPLEMENTARY INFORMATION: The ACANC's charter is being renewed in accordance with chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the ''Federal Advisory Committee Act'' or ''FACA'') and 41 Code of Federal Regulations (CFR) 102–3.50(a). The charter and contact information for the ACANC's Designated Federal Officer (DFO) are found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

The ACANC, pursuant to 10 U.S.C. 7723(b) and (c), provides the Secretary of Defense, Deputy Secretary of Defense (''the DoD Appointing Authority''), and the Secretary of the Army independent advice and recommendations on matters relating to Arlington National Cemetery (ANC). The ACANC shall make periodic reports and recommendations to the Secretary of the Army with respect to the administration of ANC, the erection and design of memorials at the cemetery, and master planning for the cemetery. All advice and recommendations shall also be forwarded to the DoD Appointing Authority. Pursuant to 38 U.S.C. 2409(E)(ii), the Secretary of the Army shall consult with the ACANC before approving the design of a monument placed in the ANC. The ACANC is composed of no more than 9 members who are prominent authorities in their respective fields of interest or expertise, specifically bereavement practices and administrative oversight to organizational management, memorial erection and design, and master planning for extending the life of a cemetery. Membership will consist of public and private sector leaders with a diversity of background, experience, and thought in support of the ACANC mission in one or more of the following disciplines: expertise with bereavement practices and administrative oversight, organizational management, veterans' services, memorial erection and design, and master planning for extending the life of a cemetery. Of the potential members, the Secretary of Veterans Affairs shall nominate one member; the Secretary of the American Battle Monuments Commission shall nominate one member; and the Secretary of the Army shall nominate the remaining members.

Individual members are appointed according to DoD policy and procedures, and serve a term of service of one-to-four years with annual renewals. One member will be appointed as Chair of the ACANC. No member, unless approved according to DoD policy and procedures, may serve more than two consecutive terms of service on the ACANC, or serve on more than two DoD Federal advisory committees at one time.

ACANC members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, are appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. ACANC members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services are appointed pursuant to 41 CFR 102–3.130(a), to serve as regular government employee members.

All members of the ACANC are appointed to provide advice based on their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official ACANC-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements about the ACANC's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the ACANC. All written statements shall be submitted to the DFO for the ACANC, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: August 9, 2024.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–18157 Filed 8–13–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2024–FSA–0099]

Request for Information (RFI) Regarding Ways To Support the Successful Completion and Submission of the 2025–2026 FAFSA Form

AGENCY: Federal Student Aid, U.S. Department of Education.

ACTION: Request for information.

SUMMARY: The U.S. Department of Education (Department) requests information in the form of written comments that include feedback on ways to improve the ''help text'' of the 2025–2026 FAFSA form, as well as for the development of supporting materials including student and contributor tip sheets, counselor guides, or other direct communication tools to ensure applicants and contributors can successfully complete and submit the 2025–2026 Free Application for Federal Student Aid (FAFSA®) form. The Department also seeks feedback from financial aid administrators, counselors, and other members of the public on ways the Department can provide additional support to ensure applicants and contributors complete the FAFSA, and institutions of higher education and State grant agencies have support for the processing and packaging of student aid. Based on the suggestions submitted in response to this notice, the Secretary will consider changes to the 2025–2026 FAFSA supporting materials and develop a new Better FAFSA Better Future Roadmap (the Roadmap) that will outline the new tools the Department is making available, such as additional trainings, webinars, counselor guides, and student and contributor tip sheets.

DATES: Suggestions and comments must be submitted no later than September 13, 2024 to ensure their consideration.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *www.regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *regulations.gov,* please

contact the program contact person listed below under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments by fax or by email, or comments submitted after the comment period closes. To ensure that the Department does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

The Department strongly encourages you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), the Department strongly encourages you to convert the PDF to ''print-to-PDF'' format, or to use some other commonly used searchable text format. Please do not submit the PDF in a scanned format. Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions to assist in the 2025–26 FAFSA development process.

Federal eRulemaking Portal: Please go to *www.regulations.gov* to submit your comments electronically. Information on using *regulations.gov,* including instructions for finding a rule on the site and submitting comments, is available on the site under ''FAQ.''

Privacy Note: The Department's policy is to generally make comments received from members of the public available for public viewing on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available. Commenters should not include in their comments any information that identifies other individuals or that permits readers to identify other individuals. The Department will not make comments that contain personally identifiable information (PII) about someone other than the commenter publicly available on *www.regulations.gov* for privacy reasons. This may include comments where the commenter refers to a third-party individual without using their name if the Department determines that the comment provides enough detail that could allow one or more readers to link the information to the third party. If your comment refers to a third-party individual, to help ensure that your comment is posted, please consider submitting your comment anonymously to reduce the chance that information in your comment about a third party could be linked to the third party. The Department will also not make comments that contain threats of harm to another person or to oneself available on *www.regulations.gov.*

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Melanie Storey, Director, Policy Implementation and Oversight, U.S. Department of Education, Federal Student Aid. Telephone: (202) 377–3608. Email at: *fafsasimplification@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: The 2024–2025 FAFSA cycle was the culmination of extraordinary changes to law and the entire FAFSA process. The passage of two bipartisan pieces of legislation—the 2019 Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act and 2020 FAFSA Simplification Act—resulted in the retirement and rebuilding of more than 20 technological systems within the agency, new Federal student aid eligibility formulas, a new data exchange that pulls tax data directly from the Internal Revenue Service into the FAFSA, and many other new requirements and innovations.

The expansive scope, development process, and timeline of simplifying the 2024–25 FAFSA has been challenging for students, families, counselors, institutions, States, and organizations that support them. To minimize disruptions and ensure a smooth experience for students, families, and institutions, the Department will not be making major changes to the 2025–26 FAFSA form, including to the question flow, data collected to make eligibility determinations, and the ISIR layout.

The Department recognizes that for every student who qualifies for Federal financial aid to have the opportunity to successfully complete the FAFSA, our partners will need effective tools and resources for both student and contributor outreach, ISIR processing, and packaging of Federal student aid. While the Department will not make substantive changes to the structure of the form in 2025–26, the Department will continue to develop tools and resources for students and families, and those that support them, including counselors and financial aid administrators, to ensure a successful 2025–26 FAFSA cycle.

With the support of institutions of higher education, K–12 schools and local educational agencies, State agencies, and college access and community organizations, more than 13 million students have submitted a 2024–25 FAFSA to date. Partner feedback and support have also contributed to improvements that have reduced error rates since the launch of the form. In our continued work with our partners, through this Request for Information (RFI), the Department solicits specific feedback on ways to improve supporting materials, including help text on the form, the creation of student and contributor tip sheets and tools, and other direct communication to ensure students and their contributors can successfully complete the 2025–26 FAFSA. The Department also seeks feedback from financial aid administrators, K–12 and postsecondary counselors, State and local educational agencies, and others on ways the Department can provide additional support to them in their work.

In conjunction with the feedback from this RFI and a series of listening sessions that the Department is conducting, the Department is developing a new Better FAFSA Better Future Roadmap. The Roadmap will outline new tools the Department is making available such as additional trainings, webinars, counselor guides, and student and contributor tip sheets.

The Department particularly seeks answers to the following questions related to FAFSA completion and aid processing:

Student and Contributor Resources

1. What informational resources or tools from the Department would most help students, families, and those who work with them better understand and navigate the FAFSA form?

2. What is the most effective way for the Department to communicate with students and contributors (*e.g.,* direct emails and text messages where contact information is available, social media) about the steps and actions to take to complete the FAFSA?

3. What specific questions on the FAFSA form need additional help or guidance (*e.g.,* revised help text, videos, tip sheets) for students or contributors to successfully complete the form?

4. What specific populations, if any, would benefit most from additional support materials, such as tip sheets? What are the best ways to communicate this additional support to these populations?

Institutions of Higher Education, K–12, State Grant Agencies, Advisors, and Other Support Organizations

1. What types of student or contributor support initiatives have you or your institution, school or school district, agency, or organization found to be most effective in supporting students and contributors to complete the FAFSA? What types of informational resources could the Department create to increase the impact of these activities?

2. What informational resources (*e.g.,* tip sheets, webinars, instructional videos) would be helpful for financial aid administrators at institutions and State grant agencies? Are there specific topics related to the FAFSA that could benefit from additional support from the Department (*e.g.,* packaging aid)?

3. What specific resources or tools would support counselors (K–12 and higher education), college access organizations, and other student support professionals to help increase rates of FAFSA completion?

The Department encourages comments from institutions of higher education, schools and school districts (including school and district leaders), State educational agencies, State higher education agencies, school counselors and college advisors, college access organizations, student support professionals, students and their families, stakeholders within the education community, and other members of the public.

This is a request for information only. This RFI is not a request for proposals (RFP) or a promise to make significant changes or adjustments to the FAFSA form. This RFI does not commit the Department to contract for any supply or service whatsoever. We are not seeking proposals and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI. The documents and information submitted in response to this RFI becomes the property of the U.S. Government and will not be returned.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

James Kvaal,

Under Secretary, U.S. Department of Education.

[FR Doc. 2024–18115 Filed 8–13–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Tuesday, September 10, 2024; 1:30–9 p.m. PDT.

Wednesday, September 11, 2024; 9 a.m.–3:15 p.m. PDT.

ADDRESSES: The Centennial Hotel, Skyline Ballroom, 303 West North River Drive, Spokane, Washington 99201. This hybrid meeting will be in-person at The Centennial Hotel and virtually. To receive the virtual access information and call-in number, please contact the Deputy Designated Federal Officer, Lindsay Somers, at the telephone number or email listed below at least five days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Lindsay Somers, Deputy Designated Federal Officer, U.S. Department of Energy, Hanford Office of Communications, Richland Operations Office, P.O. Box 550, Richland, WA 99354; Telephone: (509) 376–0923; or Email: *lindsay.somers@rl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda:

- Fiscal Year 2025 Work Plan and Calendar
- Consideration of Draft Advice:
  - Hanford Site Traffic Safety
  - Tri-Party Agreement Agencies' Responses to Public Comment
  - Role of Alternates on the Board
- Tri-Party Agreement Agencies' Updates
- Presentation
- Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Lindsay Somers at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or within five business days after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Lindsay Somers. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available at the following website: *https://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signing Authority: This document of the Department of Energy was signed on August 9, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 9, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–18158 Filed 8–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Public Availability of the Department of Energy's Fiscal Year (FY) 2022 Service Contract Inventory

AGENCY: Office of Acquisition Management, Department of Energy.

ACTION: Notice of public availability of FY 2022 service contract inventory.

SUMMARY: In accordance with Division C of the Consolidated Appropriations Act of 2010 and Office of Management and Budget (OMB) guidance, the Department of Energy (DOE or the Department) is publishing this notice to advise the public on the availability of the FY 2022 Government-Wide Service Contract Inventory, FY 2022 DOE Service Contract Inventory Analysis Plan and FY 2021 DOE Service Contract Inventory Analysis. This inventory provides information on service contract actions over $150,000 that DOE completed in FY 2022. The inventory has been developed in accordance with guidance issued by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). The FY 2022 government-wide service contract inventory can be found at *www.acquisition.gov/service-contract-inventory.* The Department of Energy's service contract inventory data is included in the government-wide inventory posted on the above link and the government-wide inventory can be filtered to display the inventory data for the Department. DOE has posted its FY 2021 Service Contract Inventory Analysis and FY 2022 Service Contract Inventory Analysis Plan at: *https://energy.gov/management/downloads/service-contract-inventory.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Lance Nyman in the Strategic Programs Division at (240) 474–7960 or *Lance.Nyman@hq.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on July 31, 2024, by Berta Schreiber, Director, Office of Acquisition Management, 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 9, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–18104 Filed 8–13–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2561–000]

Sho-Me Power Electric Cooperative; Notice of Authorization for Continued Project Operation

The license for the Niangua Hydroelectric Project No. 2561 was issued for a period ending June 1, 2024.

Section 15(a)(1) of the Federal Power Act (FPA), 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2561 is issued to Sho-Me Power Electric Cooperative for a period effective June 2, 2024, through June 1, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before June 1, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Sho-Me Power Electric Cooperative is authorized to continue operation of the Niangua Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: August 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18061 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–494–001]

ANR Pipeline Company; Notice of Request for Extension of Time

Take notice that on August 1, 2024, ANR Pipeline Company (ANR) requested that the Commission grant an extension of time until October 16, 2024, to complete construction and place into service the 2023 Lincoln-Freeman New Wells Project (Project) located in Clare County, Michigan. On June 16, 2023, the Commission issued a Notice of Request Under Blanket Authorization, which established a 60-day comment period, ending on August 15, 2023, to file protests. No protests were filed during the comment period, and accordingly, the project was self-implemented on August 16, 2023, and by Rule should have been completed within one year.

To date, ANR has completed all drilling activities on Lincoln Wells 164HD, 165HD, and 166HD. However, unexpected construction issues arose on Lincoln Wells 165HD and 166HD, resulting in a delay in the previously anticipated Project in-service date of July 2024. The remaining work includes completing the final tie-ins from the new pipeline laterals to the new wells.

This notice establishes a 15-calendar day intervention and comment period

deadline. Any person wishing to comment on ANR's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[1] the Commission will aim to issue an order acting on the request within 45 days.[2] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[3] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).[4] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[5] The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*https://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *https://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Comment Date: 5:00 p.m. Eastern Time on August 19, 2024.

Dated: August 2, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18058 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

[1] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

[2] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[3] *Id.* at P 40.

[4] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[5] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–41–001]

Eagle LNG Partners Jacksonville LLC; Notice of Request for Extension of Time

Take notice that on July 29, 2024, Eagle LNG Partners Jacksonville LLC (Eagle LNG) requested that the Commission grant an extension of time, until September 19, 2029, to construct and place into service its Jacksonville Project (Project) located in Jacksonville, Florida as authorized by the Commission in Docket No. CP17–41–000.[1] The Order required Eagle LNG to complete construction of the Project and make it available for service within five years of the date of the Order, or by September 19, 2024.

Eagle LNG states that the Jacksonville Project has been impacted substantially by the COVID–19 pandemic, which began only six months after the issuance of the Order. The COVID–19 pandemic created an extremely challenging environment for the negotiation and execution of contracts. Those impediments continued for some time after the effects of the pandemic had begun to subside in 2022.

Eagle LNG affirms that inflation and supply chain issues brought on by the COVID–19 pandemic have increased the total installed cost of the Jacksonville Project from what was forecast when Eagle LNG first submitted the Jacksonville Project application to the Commission. Since many construction companies are focused on larger scale projects, and those willing to take on a more modestly sized project are finding it virtually impossible to hire skilled tradesmen, Eagle LNG has found it difficult to secure the services of a contractor that will devote time to the Jacksonville Project. Eagle LNG anticipates that the construction of the Jacksonville Project will take 24 to 36 months, with construction commencing following a final investment decision to be made. In order to make that final investment decision, Eagle LNG and its investors must be able to conclude that the project's FERC authorization provides enough time to complete construction of the Jacksonville Project. This is the reason why Eagle LNG requests that the FERC construction completion deadline be extended to September 19, 2029.

[1] *Eagle LNG Partners Jacksonville LLC,* 168 FERC ¶ 61,181 (2019) (Order).

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Eagle LNG's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[2] the Commission will aim to issue an order acting on the request within 45 days.[3] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[4] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).[5] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[6] The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*https://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *https://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Comment Date: 5:00 p.m. Eastern Time on August 20, 2024.

Dated: August 5, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18057 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

[2] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2023).

[3] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[4] *Id.*

[5] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[6] *Algonquin,* 170 FERC ¶ 61,144, at P 40.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–19–000]

Commission Information Collection Activities (FERC–566); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC–566 (Annual Report of a Utility's 20 Largest Purchasers) in OMB Control No. 1902–0114, which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collections of information are due September 13, 2024.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC24–19–000) on FERC–566 by one of the following methods:

Electronic filing through *http://www.ferc.gov* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review'' field, select Federal Energy Regulatory Commission; click ''submit,'' and select ''comment'' to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/ferc-online/overview.*

FOR FURTHER INFORMATION CONTACT: Doug Reimel may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–6461.

SUPPLEMENTARY INFORMATION: *Title:* FERC–566: *Annual Report of a Utility's 20 Largest Purchasers.*

OMB Control No.: 1902–0114.

Type of Request: Three-year extension of the FERC–566 information collection requirements with no revisions to the current requirements.

Abstract: Section 305(c) of the Federal Power Act (FPA),[1] mandates federal oversight and approval of certain electric corporate activities to ensure that neither public nor private interests are adversely affected. The FPA prescribes information filing requirements to achieve this goal. These filing requirements are found at 18 CFR 46.3, and serve as the basis for FERC–566.

FERC–566 implements FPA requirements that each public utility annually publishes a list of the 20 purchasers which purchased the largest annual amounts of electric energy sold by such public utility during any of the three previous calendar years. The public disclosure of this information provides the information necessary to determine whether an interlocked position is with any of the 20 largest purchasers of electric energy.

Type of Respondents: Public utilities.

Estimate of Annual Burden: The Commission estimates 371 responses annually, and 4 hours and $400 per response. The total estimated burdens per year are 1,484 hours and $148,400. These burdens are itemized in the following table:

A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (Column A × Column B)	D. Average burden & cost per response [2]	E. Total annual burden hours & total annual cost (Column C × Column D)	F. Cost per respondent ($) (Column E ÷ Column A)
371	1	371	4 hrs.; $400	1,484 hrs.; $148,400	400

Comments: Please submit comments on (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18147 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5737–032]

Santa Clara Valley Water District; Notice of Reasonable Period of Time for Water Quality Certification Application

On July 24, 2024, the California State Water Resources Control Board (Water Board) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from the Santa Clara Valley Water District in conjunction with the above captioned project on June 28, 2024. We hereby notify the Water Board of the following:

Date of Receipt of the Certification Request: June 28, 2024.

Reasonable Period of Time to Act on the Certification Request: One year, June 28, 2025.

If the Water Board fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18060 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR24–88–000.

Applicants: Black Hills/Kansas Gas Utility Company, LLC.

Description: § 284.123(g) Rate Filing: BHKG Revised SOC Statement of Rates to be effective 8/1/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5044.

Comment Date: 5 p.m. ET 8/28/24.

§ 284.123(g) Protest: 5 p.m. ET 10/7/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP24–878–001.

[1] 16 U.S.C. 825d.

[2] Commission staff estimates that the average industry hourly cost for this information collection is approximated by the current FERC 2024 average hourly costs for wages and benefits, $207,786 per year (*i.e.* $100.00/hour).

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Compliance filing: GT&C Section 43—SMG—Operational Conditions—Compliance to be effective 8/1/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5056.

Comment Date: 5 p.m. ET 8/19/24.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: August 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18054 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24–963–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Eversource to Emera Energy eff 8–8–24 to be effective 8/8/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5035.

Comment Date: 5 p.m. ET 8/20/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: August 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18150 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–18–000]

Commission Information Collection Activities (FERC–65, FERC–65A, and FERC–65B) Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC–65 (Notice of Holding Company Status), FERC–65A (Exemption Notification of holding Company Status), and FERC–65B (Waiver Notification of Holding Company Status) in OMB control no. 1902–0218, which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due September 13, 2024.

ADDRESSES: You may submit comments (identified by Docket No. IC24–18–000) by either of the following methods:

Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) Delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review'' field, select Federal Energy Regulatory Commission; click ''submit,'' and select ''comment'' to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/ferc-online/overview.*

FOR FURTHER INFORMATION CONTACT: Doug Reimel may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–6461.

SUPPLEMENTARY INFORMATION:

Title: FERC–65 (Notice of Holding Company Status), FERC–65A

(Exemption Notification of Holding Company Status), and FERC–65B (Waiver Notification of Holding Company Status).

OMB Control No.: 1902–0218.

Type of Request: Three-year extension of the FERC–65, FERC–65A and FERC–65B information collection requirements with no changes to the current reporting requirements.

Abstract:

FERC–65 (Notice of Holding Company Status)

Pursuant to section 366.4 of the Commission's rules and regulations, persons who meet the definition of a holding company shall provide the Commission notification of holding company status. The FERC–65 is a one-time informational filing. The FERC–65 must be submitted within 30 days of becoming a holding company.[1] While the Commission does not require the information to be reported in a specific format, the filing needs to consist of the name of the holding company, the name of public utilities, the name of natural gas companies in the holding company system, and the names of service companies. In addition, the Commission requires the filing to include the names of special-purpose subsidiaries (which provide non-power goods and services) and the names of all affiliates and subsidiaries (and their corporate interrelationship) to each other. Filings may be submitted in hardcopy or electronically through the Commission's eFiling system.

FERC–65A (Exemption Notification of Holding Company Status)

While noting the previously outlined requirements of the FERC–65, the Commission has allowed for an exemption from the requirement of providing the Commission with a FERC–65 if the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or if any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company. Persons seeking this exemption file the FERC–65A, which must include a form of notice suitable for publication in the **Federal Register**. Those who file a FERC–65A in good faith will have a temporary exemption upon filing. After 60 days if the Commission has taken no action, the exemption will be deemed granted. Commission regulations within 18 CFR 366.3 describe the criteria in more specificity.

FERC–65B (Waiver Notification of Holding Company Status)

If an entity meets the requirements in 18 CFR 366.3(c), they may file a FERC–65B waiver notification pursuant to the procedures outlined in 18 CFR 366.4. Specifically, the Commission waives the requirement of providing it with a FERC–65 for any holding company with respect to one or more of the following: (1) single-state holding company systems; (2) holding companies that own generating facilities that total 100 MW or less in size and are used fundamentally for their own load or for sales to affiliated end-users; or (3) investors in independent transmission-only companies. Filings may be made in hardcopy or electronically through the Commission's website.

Type of Respondent: Public utility companies, natural gas companies, electric wholesale generators, foreign utility holding companies.

Estimate of Annual Burden:[2] The Commission estimates the annual public reporting burden for the information collection as:

FERC–65 (NOTIFICATION OF HOLDING COMPANY STATUS), FERC–65A (EXEMPTION NOTIFICATION OF HOLDING COMPANY STATUS), AND FERC–65B (WAIVER NOTIFICATION OF HOLDING COMPANY STATUS)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[3]	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1)*(2) = (3)	(4)	(3)*(4) = (5)	(5) ÷ (1)
FERC–65	12	1	12	3 $300.00	36 3,600	300.00
FERC–65A	4	1.25	5	1 100.00	5 500.00	125.00
FERC–65B	4	1.75	7	1 100.00	7 700.00	175.00
Total			24		48 4,800.00	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18148 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

[1] Persons that meet the definition of a holding company as provided by § 366.1 as of February 8, 2006 shall notify the Commission of their status as a holding company no later than June 15, 2006. Holding companies formed after February 8, 2006 shall notify the Commission of their status as a holding company, no later than the latter of June 15, 2006 or 30 days after they become holding companies.

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. Refer to 5 CFR 1320.3 for additional information.

[3] The Commission staff estimates that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based on FERC's 2024 annual average of $207,786 (for salary plus benefits), the average hourly cost is $100/hour.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9028–012]

Banister Hydro, Inc.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.*: 9028–012.

c. *Date filed:* July 26, 2024.

d. *Applicant:* Banister Hydro, Inc. (Banister Hydro).

e. *Name of Project:* Halifax Hydroelectric Project (Halifax Project or project).

f. *Location:* On the Banister River, near the Town of Halifax in Halifax County, Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Lewis Loon, General Manager—Operations and Maintenance USA, KEI (USA) Power Management Inc., 423 Brunswick Ave., Gardiner, ME 04345; (207) 203–3027; *lewis.loon@kruger.com.*

i. *FERC Contact:* Chris Millard at (202) 502–8256, or *christopher.millard@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* September 24, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Halifax Hydroelectric Project (P–9028–012).

m. The application is not ready for environmental analysis at this time.

n. *The Halifax Hydroelectric Project consists of the following existing facilities:* (1) a 682-foot-long and 36-foot-high dam, with a 301-foot-long concrete spillway (consisting of a 24-foot-long fixed weir, twelve 3-foot-wide piers, eleven 20-foot-wide gated bays, and a 21-foot-long fixed weir), a 73-foot-8-inch-long integral powerhouse and intake structure, and a 307-foot-8-inch-long non-overflow structure (consisting of a 57-foot-6-inch-long concrete gravity wall, 203-foot-2-inch-long sheetpile cells with earthfill, and a 47-foot-long earthfill section); (2) an approximately 374-acre impoundment with a gross storage capacity of 3,510 acre-feet at a normal water surface elevation of 351.3 feet mean sea level (MSL); (3) two 455-kilowatt (kW) turbine-generator units and a 875-kW turbine-generator unit for a total installed capacity of 1,785 kW; (4) 4.16-kilovolt (kV) generator leads, a 4.16/13.2-kV transformer, and a 512-foot-long transmission line; and (5) appurtenant facilities.

The Halifax Project operates in a run-of-river mode with a continuous minimum flow of 5 cubic feet per second (cfs), or inflow, whichever is less. There is minimal to no available usable storage behind the dam and if river flow is less than 135 cfs, all water is spilled over the dam. The project is typically operated remotely in automatic control mode. Banister Hydro is not proposing any new project facilities or changes to the operation of the project.

From 2019 to 2023, average annual generation at the Halifax Project was 2,403 megawatt-hours.

o. A copy of the application can be viewed on the Commission's website at *https://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document (P–9028). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* or call toll-free, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *https://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	October 2024.
Request Additional Information.	October 2024.
Issue Acceptance Letter	January 2025.
Issue Scoping Document 1 for comments.	February 2025.
Issue Scoping Document 2 (if necessary).	April 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: August 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18059 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC24–96–000.

Applicants: Coso Geothermal Power Holdings LLC, Arizona Solar One LLC, Mojave Solar LLC, Telocaset Wind Power Partners, LLC, High Prairie Wind Farm II, LLC, Old Trail Wind Farm, LLC, DCR Transmission, L.L.C., ECP ControlCo, LLC.

Description: Supplement to 06/27/2024 Joint Application for Authorization Under Section 203 of the Federal Power Act of Coso Geothermal Power Holdings LLC, et al.

Filed Date: 8/7/24.

Accession Number: 20240807–5154.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: EC24–109–000.

Applicants: CPV Maryland, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of CPV Maryland, LLC.

Filed Date: 8/7/24.

Accession Number: 20240807–5147.

Comment Date: 5 p.m. ET 8/28/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–649–008; ER11–47–018; ER12–1540–016; ER12–1541–016; ER12–1542–016; ER12–1544–016; ER14–594–022; ER14–867–008; ER14–868–009; ER17–1930–011; ER17–1931–011; ER17–1932–011; ER19–606–008; ER20–2000–005; ER21–2555–003; ER21–2556–003.

Applicants: South River OnSite Generation, LLC, Martinsville OnSite Generation, LLC, Clyde Onsite Generation, LLC, AEP Generation Resources Inc., Southwestern Electric Power Company, AEP Texas Inc., Public Service Company of Oklahoma, AEP Retail Energy Partners, AEP Energy, Inc., Ohio Power Company, Wheeling Power Company, Kingsport Power Company, Kentucky Power Company, Indiana Michigan Power Company, Appalachian Power Company, AEP Energy Partners, Inc.

Description: Notice of Change in Status of AEP Energy Partners, Inc., et al.

Filed Date: 8/6/24.

Accession Number: 20240806–5158.

Comment Date: 5 p.m. ET 8/27/24.

Docket Numbers: ER21–9–006; ER21–86–006; ER21–88–006.

Applicants: Orange County Energy Storage 3 LLC, Orange County Energy Storage 2 LLC, Henrietta D Energy Storage LLC.

Description: Notice of Non-Material Change in Status of Henrietta D Energy Storage LLC, et al.

Filed Date: 7/31/24.

Accession Number: 20240731–5303.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER22–2643–003; ER23–1967–002.

Applicants: Three Corners Prime Tenant, LLC, Three Corners Solar, LLC.

Description: Notice of Non-Material Change in Status of Three Corners Solar, LLC, et al.

Filed Date: 8/7/24.

Accession Number: 20240807–5143.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2524–000.

Applicants: Poblano Energy Storage, LLC.

Description: Supplement to 07/15/2024 Poblano Energy Storage, LLC, tariff filing.

Filed Date: 8/6/24.

Accession Number: 20240806–5160.

Comment Date: 5 p.m. ET 8/16/24.

Docket Numbers: ER24–2699–000.

Applicants: American Electric Power Service Corporation.

Description: Petition for Limited Waiver of Appalachian Power Company, et al.

Filed Date: 8/2/24.

Accession Number: 20240802–5171.

Comment Date: 5 p.m. ET 8/16/24.

Docket Numbers: ER24–2715–000.

Applicants: Timbermill Wind, LLC.

Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 10/14/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5029.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2716–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OA and RAA 1st & 2nd Quarter 2024 re: Membership Lists to be effective 6/30/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5033.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2717–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of Service Agreement No. 5967, Queue No. AE1–084 to be effective 10/8/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5048.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2718–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2024–08–08_SA 3332 Southern Indiana Gas-Grandview Solar 2nd Rev GIA (783) to be effective 7/31/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5051.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2719–000.

Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii: AEP submits one Facilities Agreement re: ILDSA, SA No. 1252 to be effective 11/1/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5070.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2720–000.

Applicants: Ohio Power Company.

Description: § 205(d) Rate Filing: OPCO-TrAILCo Kammer Operations & Maintenance Services Agreement to be effective 10/7/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5082.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2721–000.

Applicants: CPV Maryland, LLC.

Description: CPV Maryland LLC submit a Request for Prospective Tariff Waiver and Expedited Action.

Filed Date: 8/7/24.

Accession Number: 20240807–5156.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2722–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of UCSA No. 7048, AF2–028 to be effective 10/8/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5106.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2723–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 7327; AE1–071 to be effective 10/8/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5108.

Comment Date: 5 p.m. ET 8/29/24.

Docket Numbers: ER24–2724–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: RS 179—Blacks Creek Energy Center, LLC—Procurement Agreement to be effective 8/2/2024.

Filed Date: 8/8/24.

Accession Number: 20240808–5111.

Comment Date: 5 p.m. ET 8/29/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: August 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18151 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2042–053; ER10–1862–046; ER10–1865–019; ER10–1873–021; ER10–1875–021; ER10–1876–022; ER10–1878–021; ER10–1883–021; ER10–1884–021; ER10–1885–021; ER10–1888–021; ER10–1893–046; ER10–1934–046; ER10–1938–047; ER10–1941–021; ER10–1942–044; ER10–1947–022; ER10–2985–050; ER10–3049–051; ER11–4369–031; ER12–1987–019; ER12–2261–020; ER12–2645–014; ER13–1407–016; ER16–2218–032; ER17–696–032; ER19–1127–011; ER20–1699–009; ER23–944–009; ER24–15–001; ER10–3051–051.

Applicants: Champion Energy, LLC, Nova Power, LLC, Calpine Community Energy, LLC, Johanna Energy Center, LLC, Calpine King City Cogen, LLC, Calpine Energy Solutions, LLC, North American Power Business, LLC, CCFC Sutter Energy, LLC, Pastoria Energy Facility L.L.C., Russell City Energy Company, LLC, O.L.S. Energy-Agnews, Inc., North American Power and Gas, LLC, Champion Energy Services, LLC, Champion Energy Marketing LLC, Otay Mesa Energy Center, LLC, Calpine Construction Finance Co., L.P., Calpine Gilroy Cogen, L.P., Calpine Power America—CA, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Creed Energy Center, LLC, Delta Energy Center, LLC, Geysers Power Company, LLC, Gilroy Energy Center, LLC, Goose Haven Energy Center, LLC, Los Esteros Critical Energy Facility, LLC, Los Medanos Energy Center LLC, Metcalf Energy Center, LLC, South Point Energy Center, LLC, Power Contract Financing, L.L.C., Calpine Energy Services, L.P.

Description: Notice of Change in Status of Calpine Energy Services, L.P., et al.

Filed Date: 7/31/24.

Accession Number: 20240731–5300.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER15–2529–001; ER11–1966–001; ER11–2312–001; ER11–4041–002; ER11–4533–002; ER11–4543–001; ER11–4544–001; ER12–2071–003; ER12–2312–003; ER13–513–001; ER13–1440–002; ER15–2527–001; ER15–2528–001; ER15–2530–001.

Applicants: Censtar Operating Company, LLC, Spark Energy, L.P., Oasis Power, LLC, Electricity MASS, LLC, Electricity NH, LLC, Perigee Energy, LLC, Verde Energy USA New York, LLC, Respond Power, LLC, Major Energy Electric Services, LLC, HIKO Energy, LLC, Verde Energy USA Trading, LLC, Electricity Maine, LLC, Verde Energy USA Inc., Censtar Energy Corp.

Description: Notice of Non-Material Change in Status of Censtar Energy Corp. et al.

Filed Date: 7/31/24.

Accession Number: 20240731–5296.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER17–481–006.

Applicants: CPV Maryland, LLC.

Description: Compliance filing: Informational Filing Regarding Planned Transfer to be effective N/A.

Filed Date: 8/7/24.

Accession Number: 20240807–5058.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER19–1411–004; ER12–1436–020; ER15–1447–008; ER18–280–009; ER18–533–007; ER18–534–007; ER18–535–007; ER18–536–007; ER18–537–007; ER18–538–008; ER21–573–005; ER21–574–005; ER21–575–005; ER21–2317–001; ER22–48–005.

Applicants: Gridflex Generation, LLC, Richland-Stryker Generation LLC, Lanyard Power Marketing, LLC, Dickerson Power, LLC, Chalk Point Power, LLC, Sidney, LLC, Monument Generating Station, LLC, O.H. Hutchings CT, LLC, Yankee Street, LLC, Montpelier Generating Station, LLC, Tait Electric Generating Station, LLC, Lee County Generating Station, LLC, Mid-Georgia Cogen L.P., Eagle Point Power Generation LLC, GenOn Bowline, LLC.

Description: Notice of Non-Material Change in Status of GenOn Bowline, LLC, et al.

Filed Date: 7/31/24.

Accession Number: 20240731–5297.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER22–2784–005; ER14–41–012; ER14–42–012; ER16–498–011; ER16–499–011; ER16–500–011; ER16–2277–005; ER16–2289–006; ER18–1174–006; ER20–2448–007; ER21–133–007; ER21–736–008; ER21–1962–008; ER21–2634–006.

Applicants: Solar Star Lost Hills, LLC, Mulberry BESS LLC, RE Slate 1 LLC, HDSI, LLC, American Kings Solar, LLC, Imperial Valley Solar 2, LLC, Golden Fields Solar I, LLC, Solar Star California XLI, LLC, RE Mustang 4 LLC, RE Mustang 3 LLC, RE Mustang LLC, RE Rosamond Two LLC, RE Rosamond One LLC, MN8 Energy Marketing LLC.

Description: Notice of Non-Material Change in Status of MN8 Energy Marketing LLC, et al.

Filed Date: 7/31/24.

Accession Number: 20240731–5298.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER23–2091–002.

Applicants: Goleta Energy Storage, LLC.

Description: Notice of Change in Status of Goleta Energy Storage, LLC.

Filed Date: 7/31/24.

Accession Number: 20240731–5299.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER24–2103–001; ER18–2327–008; ER19–2395–001; ER19–2527–004; ER20–902–004; ER20–1593–006; ER20–1594–005; ER20–1596–006; ER20–1597–006; ER20–1599–006; ER20–1620–005; ER21–2767–003; ER22–414–005; ER22–1518–003; ER23–495–006; ER23–1503–001; ER23–2346–003; ER23–2439–001; ER23–2450–002; ER23–2451–002; ER23–2511–002; ER24–1732–001.

Applicants: Sol Madison Solar, LLC, Hardy Hills Solar Energy LLC, Great Cove Solar II LLC, Great Cove Solar LLC, Cavalier Solar A2, LLC, Oak Ridge Solar, LLC, Cavalier Solar A, LLC, AES CE Solutions, LLC, Laurel Mountain BESS, LLC, AES Marketing and Trading, LLC, Skipjack Solar Center, LLC, AES Solutions Management, LLC, Richmond Spider Solar, LLC, Pleinmont Solar 2, LLC, Pleinmont Solar 1, LLC, Highlander IA, LLC, Highlander Solar Energy Station 1, LLC, sPower Energy Marketing, Prevailing Wind Park, LLC, AES Integrated Energy, LLC, Riverhead Solar Farm, LLC, Keydet Solar Center, LLC.

Description: Notice of Change in Status of Keydet Solar Center, LLC, et al.

Filed Date: 7/31/24.

Accession Number: 20240731–5301.

Comment Date: 5 p.m. ET 8/21/24.

Docket Numbers: ER24–2353–001.

Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: Tariff Amendment: American Electric Power Service Corporation submits tariff filing per § 35.17(b): Amendment to Attachment 1 of ILDSA SA No. 1252 to be effective 11/1/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5049.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2709–000.

Applicants: Idaho Power Company.

Description: Section 205(d) Rate Filing: RS 178—Crimson Orchard—Procurement Agreement to be effective 7/22/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5000.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2710–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2024–08–07_SA 4319 NSP-Pipestone Solar GIA (J1620) to be effective 7/25/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5027.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2711–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2024–08–07_SA 4323 Ameren Missouri-Firebrick Wind FSA (J1026) to be effective 10/7/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5036.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2712–000.

Applicants: International Transmission Company, Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: International Transmission Company submits tariff filing per § 35.13(a)(2)(iii): 2024–08–07_SA 4316 ITCTransmission-DTE Electric E&P (J2490) to be effective 7/22/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5038.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2713–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC,PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per § 35.13(a)(2)(iii): MAIT submits one Construction Agreement SA No. 6945 to be effective 10/7/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5043.

Comment Date: 5 p.m. ET 8/28/24.

Docket Numbers: ER24–2714–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Section 205(d) Rate Filing: DEC–NCMPA1 Revisions to SA 212 to be effective 10/1/2024.

Filed Date: 8/7/24.

Accession Number: 20240807–5107.

Comment Date: 5 p.m. ET 8/28/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rule 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Dated: August 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18055 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–504–000]

Rover Pipeline LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on July 25, 2024, Rover Pipeline LLC (Rover), 8111 Westchester Drive, Suite 600, Dallas, Texas 75225, filed an application under section 7c of the Natural Gas Act (NGA), and part 157 of the Commission's regulations requesting authorization for its Rover-Wick Meter Downsize Project (Project). Rover proposes to replace the meter skid at its Wick Meter Station located in Tyler County, West Virginia, resulting in a decrease in maximum receipt capacity through the Wick Meter Station to 100 million standard cubic feet per day (MMscf/d), from the current maximum receipt capacity of 300 MMscf/d. The Project is designed to provide more accurate measurement through the meter skid. Rover estimates the cost of the Project to be $503,709, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the

Public Reference Room at *public.referenceroom@ferc.gov*.

Any questions regarding the proposed project should be directed to Blair Lichtenwalter, Senior Director, Regulatory Affairs, Rover Pipeline LLC, 1300 Main Street, Houston, Texas 77002, by phone at (713) 989–2605, or by email at *Blair.Lichtenwalter@energytransfer.com*.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on August 29, 2024. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502–6595 or *OPP@ferc.gov*.

[1] 18 CFR 157.9.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before August 29, 2024.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP24–504–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP24–504–000).

To file via USPS: Debbie-Anne A. Reese, Acting Secretary Federal Energy Regulatory Commission 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary Federal Energy Regulatory Commission 12225 Wilkins Avenue Rockville, Maryland 20852

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[7] and the regulations under the NGA[8] by the intervention deadline for the project, which is August 29, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp*.

There are two ways to submit your motion to intervene. In both instances,

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

please reference the Project docket number CP24–504–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf*.; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP24–504–000.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Protests and motions to intervene must be served on the applicant either by mail or email at: Blair Lichtenwalter, Senior Director, Regulatory Affairs, Rover Pipeline LLC, 1300 Main Street, Houston, Texas 77002, or at *Blair.Lichtenwalter@energytransfer.com*. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp*.

Intervention Deadline: 5:00 p.m. Eastern Time on August 29, 2024.

Dated: August 8, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–18149 Filed 8–13–24; 8:45 am]

BILLING CODE 6717–01–P

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

FEDERAL COMMUNICATIONS COMMISSION

[DA 24–734; FR ID 236830]

Federal Advisory Committee Act; Disability Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice of intent to renew the charter for the Disability Advisory Committee.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) hereby announces that the charter of the Disability Advisory Committee (hereinafter Committee) will be renewed for a two-year period pursuant to the Federal Advisory Committee Act (FACA) and following consultation with the Committee Management Secretariat, General Services Administration.

ADDRESSES: Federal Communications Commission, 45 L St. NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: You may contact Joshua Mendelsohn, Designated Federal Officer, Federal Communications Commission, Consumer and Governmental Affairs Bureau, at (202) 559–7304 or *Joshua.Mendelsohn@fcc.gov*.

SUPPLEMENTARY INFORMATION: After consultation with the General Services Administration, the Commission intends to renew the charter on or before December 13, 2024, providing the Committee with authorization to operate for two years. The purpose of the Committee is to make recommendations to the Commission on the full range of disability access topics specified by the Commission and to facilitate the participation of consumers with disabilities in proceedings before the Commission. In addition, this Committee is intended to provide an effective means for stakeholders with interests in this area, including consumers with disabilities, to exchange ideas, which will in turn enhance the Commission's ability to effectively address disability access issues.

Advisory Committee

The Committee will be organized under, and will operate in accordance with, the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. ch. 10). The Committee will be solely advisory in nature. Consistent with FACA and its requirements, each meeting of the Committee will be open to the public unless otherwise noticed. A notice of each meeting will be published in the **Federal Register** at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection. All activities of the Committee will be conducted in an open, transparent, and accessible manner. The Committee shall terminate two (2) years from the filing date of its charter, or earlier upon the completion of its work as determined by the Chairwoman of the FCC, unless its charter is renewed prior to the termination date.

During the Committee's next term, it is anticipated that the Committee will meet in Washington, DC and/or virtually via video conference, at the discretion of the Commission, approximately three (3) times a year, with additional meetings scheduled as needed. The first meeting date and agenda topics will be described in a Public Notice issued and published in

the **Federal Register** at least fifteen (15) days prior to the first meeting date.

In addition, as needed, subcommittees will be established to facilitate the Committee's work between meetings of the full Committee. Meetings of the Committee will be fully accessible to individuals with disabilities.

Federal Communications Commission.

Suzanne Singleton,

Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau.

[FR Doc. 2024–18118 Filed 8–13–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1183; FR ID 238495]

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 (PRA) of 1995, 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 collections. 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 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 PRA comments should be submitted on or before October 15, 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 contact listed 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 Number: 3060–1183.

Title: Establishment of a Public Safety Answering Point Do-Not-Call Registry, CG Docket No. 12–129.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Federal Government; Not-for-profit institutions; State Local or Tribal Government.

Number of Respondents and Responses: 106,500 respondents; 1,446,333 responses.

Estimated Time per Response: 30 minutes (.50 hours) to 1 hour.

Frequency of Response: Recordkeeping requirement; Annually, monthly, on occasion and one-time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found in the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, February 22, 2012.

Total Annual Burden: 792,667 hours.

Total Annual Cost: No cost.

Needs and Uses: The rules adopted herein establish recordkeeping requirements for a large variety of entities, including small business entities. First, each Public Safety Answering Point (PSAP) may designate a representative who shall be required to file a certification with the administrator of the PSAP registry that they are authorized to place numbers onto that registry. The designated PSAP representative shall provide contact information including the PSAP represented, name, title, address, telephone number and email address. Verified PSAPs shall be permitted to upload to the registry any PSAP telephone associated with the provision of emergency services or communications with other public safety agencies. On an annual basis designated PSAP representatives shall access the registry, review their numbers and remove any ineligible numbers from the registry. Second, an operator of automatic dialing equipment (OADE) is prohibited from contacting any number on the PSAP registry. Each OADE must register for access to the PSAP registry by providing contact information which includes name, business address, contact person, telephone number, email, and all outbound telephone numbers used to place autodialed calls. All such contact information must be updated within 30 days of any change. In addition, the OADE must certify that it is accessing the registry solely to prevent autodialed calls to numbers on the registry. An OADE must access and employ a version of the PSAP registry obtained from the registry administrator no more than 31 days prior to the date any call is made, and maintain record documenting this process. No person or entity may sell, rent, lease, purchase, share, or use the PSAP registry for any purpose expect to comply with our rules prohibiting contact with numbers on the registry.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–18178 Filed 8–13–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1323; FR ID 237998]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission 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 and recommendations for the proposed information collection should be submitted on or before September 13, 2024.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1323.

Title: Schools and Libraries Cybersecurity Pilot Program.

Form Numbers: FCC Forms 470, 471, 472, 474—Cybersecurity, 484 and 488—Cybersecurity.

Type of Review: New collection.

Respondents: State, local or tribal government institutions, and other not-for-profit institutions.

Number of Respondents and Responses: 23,000 respondents; 201,100 responses.

Estimated Time per Response: 4 hours for FCC Form 470—Cybersecurity, 5 hours for FCC Form 471—Cybersecurity, 1.75 hours for FCC Forms 472/474—Cybersecurity, 15 hours for FCC Form 484, and 1 hour for FCC Form 488—Cybersecurity.

Frequency of Response: On occasion and annual reporting requirements, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in sections 1–4, 201–202, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–202, 254, 303(r), and 403.

Total Annual Burden: 743,900 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collected is designed to obtain information from applicants and service providers that will be used by the Commission and/or USAC to evaluate the applications and select participants to receive funding under the Cybersecurity Pilot Program, make funding determinations and disburse funding in compliance with applicable Federal laws for payments made through the Pilot program. The Commission will begin accepting applications to participate in the Cybersecurity Pilot Program after publication of its Report and Order and notice of OMB approval of the Cybersecurity Pilot Program information collection in the **Federal Register**.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–18048 Filed 8–13–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 237534]

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 South Carolina 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 13, 2024. This computer matching program will commence on September 13, 2024, and will conclude 18 months after the effective date.

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 benefits administered by the South Carolina Department of Social Services.

Participating Agencies

South Carolina 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 in South Carolina. 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 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 South Carolina Department of Social Services which will respond either ''yes'' or ''no'' that the individual is enrolled in a qualifying assistance program: SNAP administered by the South Carolina 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.

Marlene Dortch,

Secretary.

[FR Doc. 2024–18131 Filed 8–13–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0999; FR ID 238162]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before September 13, 2024.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission 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.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0999.

Title: Hearing Aid Compatibility Status Report and Section 20.19, Hearing Aid-Compatible Mobile Handsets (Hearing Aid Compatibility Act).

Form Numbers: FCC Forms 655 and 855.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 934 respondents; 934 responses.

Estimated Time per Response: 13.97 hours per response (average).

Frequency of Response: On occasion and annual reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 214, 301, 303, 308, 309(j), 310 and 610 of the Communications Act of 1934, as amended.

Total Annual Burden: 13,049 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission is requesting that OMB grant it a three-year extension of the currently approved information collection related to the Commission's wireless hearing aid compatibility requirements located in section 20.19 of the Commission's rules. 47 CFR 20.19. OMB's approval of the information collection contain in these rules expires on October 31, 2024. While the Commission is not requesting approval of any substantive changes to the information collection, it is requesting approval of a few minor, non-substantive changes to FCC Form 855 and the related instructions. The Commission uses this form to ensure wireless service provider compliance with the hearing aid compatibility rules. The Commission is also requesting approval of certain minor, non-substantive changes to the instructions for FCC Form 655 but not to the form, itself. The Commission uses this form to ensure handset manufacturer compliance with the Commission's hearing aid compatibility rules. These changes are for clarification purposes only and do not affect the burden hours or the cost of compliance associated with the approved information collection.

The Commission's wireless hearing aid compatibility rules ensure that consumers with hearing loss have the same access to the newest and most technologically advanced handset models as consumers without hearing loss. These rules were adopted by the Commission in response to the Hearing Aid Compatibility Act, which was enacted in 1988 and is codified as amended at 47 U.S.C. 610. See Public Law 100–394, sec. 3, 102 Stat. 976, 976 (1988). In order to ensure handset manufacturer and service provider compliance with the Hearing Aid Compatibility Act and the Commission's regulations implementing the Act, the Commission has adopted handset labeling and disclosure requirements, website posting and record retention requirements, and handset manufacturer and mobile wireless service provider reporting requirements. See 47 CFR 20.19(f), (h), (i). These requirements are the subject of this information collection submission, and these regulations ensure that consumers are given the information that they need to make informed purchasing decisions and that handset manufacturers and service providers meet hearing aid-compatible handset model deployment requirements that the Commission has adopted.

The Commission is not proposing changes to the handset labeling and disclosure requirements, nor to the website posting and record retention requirements. These requirements will remain unchanged after OMB approval of this information collection submission.

With respect to FCC Form 855, the Commission is proposing to add an information icon to two of the form's questions for clarification purposes only. The two questions appear in the certification part of the form and the Commission will place a validation stop after each question to ensure that filers provide answers to the questions before proceeding to complete the form. The two information icons will be placed in the following locations and will provide as follows:

- One information icon will be placed at the end of the question requesting filers to provide the percentage of hearing-aid compatible handset models that they provided for the reporting period. The information icon will provide the following clarification: ''If your company claims a HAC handset model compliance percentage of less than 85%, then you must indicate above which de minimis exception your company is claiming.'' The addition of this information icon will not change what the question is asking, but will provide filers with guidance on how to complete the form.
- The second information icon will be placed at the end of the question requesting filers who maintain publicly accessible websites to provide the website address where required hearing aid compatibility information is posted. The information icon will provide the following clarification: ''If your company did not have a publicly-accessible website for the reporting period, then type the following statement into the box: 'For the reporting period, [name of company] did not operate a publicly-accessible website.' '' The addition of this information icon will not change what the question is asking, but will provide filers with guidance on how to complete the form.

In addition to these minor, non-substantive changes to FCC Form 855, the Commission is proposing to modify the form's instructions to provide the following clarifications:

- The filing window for the form opens on the first business day in January each year and closes on January 31, unless January 31 is not a business day. In this case, the filing window closes on the first business day after January 31. This change conforms the form's instructions concerning the filing window with the information on the Commission's wireless hearing aid compatibility website concerning the filing window.

• The instruction which states that service providers should provide the percentage of handset models that they offered for the reporting period that were hearing aid-compatible will be modified by changing the word ''should'' to ''must,'' and ''must'' will be bolded for emphasis. This instruction will also reference the information icon discussed above that will be added to this question for clarification purposes only.

• The instruction which states that service providers must post on their publicly accessible websites certain hearing aid compatibility information required by the Commission's rules will be modified by bolding the existing word ''must'' for emphasis. This instruction will also reference the information icon discussed above that will be added to this question for clarification purposes only.

• The instruction which states that service providers who are not in full compliance with the Commission's hearing aid compatibility rules must provide an attachment explaining their non-compliance will be modified by bolding the existing word ''must'' for emphasis.

The Commission is not seeking approval of any changes to FCC Form 655 used by handset manufacturers to show compliance with the Commission's hearing aid compatibility requirements. The Commission is proposing to modify the form's instructions to provide the following clarifications:

• The filing window for the form opens on the first business day in July each year and closes on July 31, unless July 31 is not a business day. In this case, the filing window closes on the first business day after July 31. This change conforms the form's instructions concerning the filing window with the information on the Commission's wireless hearing aid compatibility website concerning the filing window.

• The instruction which states that handset manufacturers must post on their publicly accessible websites certain hearing aid compatibility information required by the Commission's rules will be modified by bolding the existing word ''must'' for emphasis.

These minor, non-substantive modifications the Commission is proposing to the existing information collection will provide clarity and promote efficiency. These changes will not affect the burden estimate or compliance cost that OMB has previously approved for this information collection. After the 60-day comment period expires, the Commission will submit the information collection to OMB to obtain a full three-year clearance.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–18124 Filed 8–13–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0439, 3060–0665, and 3060–0973; FR ID 238496]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 (PRA) of 1995, 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 collections. 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 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 PRA comments should be submitted on or before October 15, 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *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 Number: 3060–0439.

Title: Section 64.201, Regulations Concerning Indecent Communications by Telephone.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit entities; Individuals or households.

Number of Respondents and Responses: 10,200 respondents; 30,000 responses.

Estimated Time per Response: .166 hours (10 minutes average per response).

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Section 223 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 223, Obscene or Harassing Telephone Calls in the District of Columbia or in Interstate or Foreign Communications.

Total Annual Burden: 4,980 hours.

Total Annual Cost: No cost.

Needs and Uses: Under section 223 of the Act, common carriers are required, to the extent technically feasible, to prohibit access to obscene or indecent communications from the telephone of a subscriber who has not previously requested such access in writing, if the carrier collects charges from subscribers for such communications. 47 CFR 64.201 implements section 223 of the Act, and also include the following information collection requirements: (1) Adult message service providers notify their carriers in writing of the nature of their service; and (2) A provider of adult message services request that its carriers identify these services as such in bills to their subscribers. The information requirements are imposed on carriers, and on adult message service providers and those who solicit their services, to ensure that minors and anyone who has not consented to access such material are denied access to such material in adult message services.

OMB Control Number: 3060–0665.

Title: Section 64.707, Public Dissemination of Information by Providers of Operator Services.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 448 respondents; 448 responses.

Estimated Time per Response: 4 hours (average per response).

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority citation for the information collection requirements is found at section 226 of the Act, 47 U.S.C 226.

Total Annual Burden: 1,792 hours.

Total Annual Cost: $44,800.

Needs and Uses: Pursuant to 47 CFR 64.707, providers of operator services must regularly publish and make available at no cost to requesting consumers written materials that describe any recent changes in operator services and choices available to consumers. Consumers use the information to increase their knowledge of the choices available to them in the operator services marketplace.

OMB Control Number: 3060–0973.

Title: Section 64.1120(e), Verification of Orders for Telecommunications Service.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents and Responses: 50 respondents; 150 responses.

Estimated Time per Response: 1 to 5 hours (average per response).

Frequency of Response: On occasion reporting requirements; Third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority citation for the information collection requirements is found at section 258 of the Act, 47 U.S.C. 258.

Total Annual Burden: 350 hours.

Total Annual Cost: No cost.

Needs and Uses: Pursuant to 47 CFR 64.1120 (e), a carrier acquiring all or part of another carrier's subscriber base without obtaining each subscriber's authorization and verification will file a letter specifying certain information with the Commission, in advance of the transfer, and it will also certify that the carrier will comply with required procedures, including giving advance notice to the affected subscribers. These streamlined carrier change rules balance the protection of consumers' interests with ensuring that the Commission's rules do not unnecessarily inhibit routine business transactions.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–18177 Filed 8–13–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 5 p.m. on Friday, August 9, 2024.

PLACE: The meeting was held via videoconference.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's corporate activities. In calling the meeting, the Board determined, on motion of Director Rohit Chopra (Director, Consumer Financial Protection Bureau), seconded by Director Jonathan McKernan, by the unanimous vote of Chairman Martin J. Gruenberg, Vice Chairman Travis Hill, Director Jonathan McKernan, Director Michael J. Hsu (Acting Comptroller of the Currency), and Director Rohit Chopra (Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), and (c)(6), of the ''Government in the Sunshine Act'' (5 U.S.C. 552b (c)(2), (c)(4), and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Dated this the 9th day of August, 2024.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–18241 Filed 8–12–24; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2024–N–10]

Federal Advisory Committee on Affordable, Equitable, and Sustainable Housing: Advisory Committee Meeting; Notice of Charter Renewal

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of meeting; charter renewal.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), as amended, the Federal Housing Finance Agency (FHFA) announces a meeting of the FHFA Advisory Committee on Affordable, Equitable, and Sustainable Housing (Committee). FHFA also announces the renewal of the charter of the Committee.

DATES: Tuesday, September 10, 2024, 12 p.m. to 5 p.m. eastern standard time (EST) and Wednesday, September 11, 2024, 9 a.m. to 12 p.m. EST.

ADDRESSES: Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Paul Theruviparampil, Senior Policy Analyst, Office of Housing & Community Investment, Division of Housing Mission and Goals, (202) 649–3982, *ACAESH@fhfa.gov;* or Ted Wartell, Associate Director, Office of Housing & Community Investment, Division of Housing Mission and Goals, (202) 649–3157 (not toll-free numbers), *Ted.Wartell@fhfa.gov,* Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with disabilities, dial 711 and ask to be connected to one of the contact numbers above.

SUPPLEMENTARY INFORMATION:

Notice of Open Meeting

Pursuant to FACA (5 U.S.C. chapter 10), a meeting of the Committee will be held on September 10 and 11, 2024. The meeting will be open to the public up to the capacity of the meeting room. The purpose of the meeting is to convene FHFA's first Committee meeting to discuss and advise on affordable, equitable, and sustainable housing.

Members of the public who wish to attend should contact *ACAESH@fhfa.gov* or (202) 649–3982 and provide their name, professional affiliation (if any), and phone number. Priority for in-person seating will be given to members of the Committee, and remaining seating will be reserved based upon when

persons contact *ACAESH@fhfa.gov.* Individuals who wish to attend virtually may request a link to the virtual meeting platform. Due to limited seating availability, members of the public who wish to attend are encouraged to consider attending virtually. Attendees who require reasonable accommodation should make their requests by September 6, 2024. Requests received after that date will be considered but may not be possible to accommodate. Additionally, for security reasons, members of the public will be subject to security screening procedures and must present valid photo identification to enter the building.

Notice of Committee Charter Renewal and Objectives and Duties of the Committee

Pursuant to the FACA (5 U.S.C. chapter 10), FHFA announces the renewal of the charter of the Committee.

The purpose of the Committee is to advise FHFA in the exercise of its oversight functions regarding affordable, equitable, and sustainable housing, including but not limited to, affordable, equitable, and sustainable housing needs, barriers to access, barriers to long-term sustainability, and any regulatory, guidance, or policy changes that may be necessary or beneficial to expand such housing. The Committee will focus on FHFA's regulated entities—Fannie Mae, Freddie Mac, and the Federal Home Loan Banks—and their respective roles in providing a reliable source of liquidity and funding to support housing finance and community investment in the single-family and multifamily housing markets.

The duties of the Committee are solely advisory and extend only to its submission of advice and recommendations to FHFA, with supporting information and analysis, which are non-binding on FHFA.

No determinations of fact or policy are be made by the Committee. The Committee has no decision-making role, and will have no access to non-public FHFA information, including confidential supervisory or other confidential information.

Membership of the Committee

The FHFA Director will continue to appoint the members of the Committee as their terms expire. To achieve a fairly balanced membership, FHFA will continue to seek members representative of diverse communities, points of view, institution asset sizes, and geographical locations, with expertise in affordable, sustainable, or equitable housing in single-family and multifamily housing. The Committee will include members with expertise, applicable to Fannie Mae, Freddie Mac, or the Federal Home Loan Banks, in the areas related to the duties and authorities of the Committee, such as: (1) fair lending, fair housing, or civil rights; (2) single-family lending, servicing, development, mortgages, or capital markets; (3) multifamily lending, servicing, development, mortgages, capital markets, or investments (*i.e.* Low-Income Housing Tax Credits); (4) consumer, tenant, or community advocacy; (5) housing market technology; (6) state, local, or tribal government housing policies and programs; and (7) academic or non-academic affiliated housing research.

The Committee consists of approximately 20 members, serving two-year terms. Members serve at the sole discretion of the Director.

The Committee will meet regularly, as required to carry out its functions. It is estimated that the Committee will meet at least twice per year. Generally, Committee meetings will be open to the public.

Sandra L. Thompson,

Director, Federal Housing Finance Agency.

[FR Doc. 2024–18116 Filed 8–13–24; 8:45 am]

BILLING CODE 8070–01–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 29, 2024.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Suzanne L. Shaw, Greensburg, Pennsylvania;* to join the Croftcheck Family Control Group, a group acting in concert, to acquire voting shares of Townsend Financial Corporation, and thereby indirectly acquire voting shares of Farmers Bank, both of Parsons, Tennessee.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–18139 Filed 8–13–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Behavioral Interventions To Advance Self-Sufficiency-Next Generation (BIAS–NG) (Office of Management and Budget #0970–0502)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE) in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) requests Office of Management and Budget (OMB) approval to modify and extend the approval of the ACF Behavioral Interventions to Advance

Self-Sufficiency-Next Generation (BIAS–NG) Project Overarching Generic (OMB #: 0970–0502; Expiration date: 8/31/2025.) Under this overarching clearance, ACF collects data as part of rapid cycle testing and evaluation, to inform the design of interventions informed by behavioral science and to better understand the mechanisms and effects of such interventions. Interventions have been and will continue to be developed in the program area domains of Temporary Assistance for Needy Families (TANF), child welfare, and Early Head Start/Head Start (EHS/HS). This revision would also allow for collection of data in the child care program area, and would extend the approval of the overarching generic. These interventions are intended to improve outcomes for participants in these programs.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *OPREinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OPRE is conducting the BIAS–NG project, which uses behavioral insights to design and test interventions intended to improve the efficiency, operations, and efficacy of human services programs. The BIAS–NG project is applying and testing behavioral insights to ACF programs including TANF, child welfare, and EHS/HS, and intends to expand these efforts to child care. This notice is a request for comments on ACF's proposal to revise and extend a previously approved collection, which included data collection to design and test interventions in the TANF, child welfare, and EHS/HS domains. Under the approved pilot generic clearance, OPRE has already conducted work with seven sites to conduct seven tests, and is planning to continue to work with at least one additional site, conducting one or more tests of behavioral interventions for a total of nine tests of behavioral interventions. All approved information collection activities can be found here: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202206-0970-002.*

In addition to extending approval, this approval would also allow OPRE to conduct tests in the newly added program area of child care. The design and testing of BIAS–NG interventions is rapid and, to the extent possible, iterative. Each specific intervention is designed in consultation with agency leaders and launched as quickly as possible. To maximize the likelihood that the intervention produces measurable, significant, and positive effects on outcomes of interest, rapid cycle evaluation techniques will be employed in which proximate outcomes will be measured to allow the research team to more quickly iterate and adjust the intervention design, informing subsequent tests. Due to the rapid and iterative nature of this work, OPRE sought and received approval for an overarching generic clearance to conduct this research. Following standard OMB requirements for generic clearances, once instruments subject to PRA are tailored to a specific site and the site's intervention, OPRE submits an individual generic information collection request under this umbrella clearance. Each request includes the individual instrument(s), a justification specific to the individual information collection, a description of the proposed intervention, and any supplementary documents. Each specific information collection includes up to two submissions—one submission for the formative stage research and another submission for any further data collection requiring burden during the testing phase. The type of information to be collected and the uses of the information is described in the supporting statements, found here: *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202206-0970-002.*

Respondents: (1) Program Administrators, (2) Program Staff, and (3) Program Clients.

ANNUAL BURDEN ESTIMATES

[TANF, child welfare, EHS/HS, child care]

Instrument	Number of respondents (TANF, CW, EHS/HS, CC) (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Phase 3: Diagnosis and Design					
Administrator interviews/focus groups	48	1	1	48	16
Staff interviews/focus groups	400	1	1	400	133
Client interviews/focus groups	400	1	1	400	133
Client survey	400	1	.25	100	33
Staff Survey	400	1	.25	100	33
Phase 4: Evaluation					
Administrator interviews/focus groups	96	1	1	96	32
Staff interviews/focus groups	800	1	1	800	267
Client interviews/focus groups	800	1	1	800	267
Client survey	12,000	1	.25	3,000	1,000
Staff Survey	1,200	1	.25	300	100

Estimated Total Annual Burden Hours: 2,014.

Authority: 42 U.S.C. 1310.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–18065 Filed 8–13–24; 8:45 am]

BILLING CODE 4184–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3677]

International Drug Scheduling; Single Convention on Narcotic Drugs; Convention on Psychotropic Substances; Hexahydrocannabinol; N-Pyrrolidino Protonitazene (Protonitazepyne); N-Pyrrolidino Metonitazene (Metonitazepyne); N-Piperidinyl Etonitazene (Etonitazepipne); N-Desethyl-isotonitazene; 3-Hydroxy-phencyclidine; N-Ethylheptedrone; Carisoprodol; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is inviting interested persons to submit comments concerning abuse potential, actual abuse, medical usefulness, trafficking, and impact of scheduling changes on availability for medical use of eight drug substances. These comments will be considered in preparing a response from the United States to the World Health Organization (WHO) regarding the abuse liability and diversion of these drugs. WHO will use this information to consider whether to recommend that certain international restrictions be placed on these drug substances. This notice requesting comments is required by the Controlled Substances Act (CSA).

DATES: Either electronic or written comments must be submitted by August 23, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 21, 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–3677 for ''International Drug Scheduling; Single Convention on Narcotic Drugs; Convention on Psychotropic Substances; Hexahydrocannabinol (HHC); *N*-Pyrrolidino Protonitazene (Protonitazepyne); *N*-Pyrrolidino Metonitazene (Metonitazepyne); *N*-Piperidinyl Etonitazene (Etonitazepipne); *N*-Desethyl-isotonitazene; 3-Hydroxy-phencyclidine (3–OH–PCP); *N*-Ethylheptedrone; Carisoprodol; 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: Edward (Greg) Hawkins, Center for Drug Evaluation and Research, Controlled Substance Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5110, Silver Spring, MD 20993–0002, 301–796–0727, *edward.hawkins@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (Psychotropic Convention). Article 2 of the Psychotropic Convention provides that if a party to the convention or WHO has information about a substance, which in its opinion

may require international control or change in such control, it shall so notify the Secretary-General of the United Nations (U.N. Secretary-General) and provide the U.N. Secretary-General with information in support of its opinion.

Paragraph (d)(2)(A) of the CSA (21 U.S.C. 811(d)(2)(A)) (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970) provides that when WHO notifies the United States under Article 2 of the Psychotropic Convention that it has information that may justify adding a drug or other substances to one of the schedules of the Psychotropic Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State must transmit the notice to the Secretary of Health and Human Services (Secretary of HHS). The Secretary of HHS must then publish the notice in the **Federal Register** and provide opportunity for interested persons to submit comments that will be considered by HHS in its preparation of the scientific and medical evaluations of the drug or substance.

II. WHO Notification

The Secretary of HHS received the following notice from WHO (nonrelevant text removed):

Ref.: C.L.29.2024

The World Health Organization (WHO) presents its compliments to Member States and Associate Members and would like to inform that all recommendations made by the 46th WHO Expert Committee on Drug Dependence (ECDD), held in October 2023, were accepted by the 67th UN Commission on Narcotic Drugs.

WHO further has the pleasure of announcing that the 47th Expert Committee on Drug Dependence (ECDD) will meet from 14 to 18 October 2024 in Geneva, Switzerland. Given that WHO Expert Committee meetings are of a closed nature, this circular letter serves to notify Member States of the agenda of the 47th ECDD, which are in the Annex I file, attached for reference.

WHO is mandated by the 1961 and 1971 International Drug Control Conventions to make recommendations to the UN Secretary-General on the need for and level of international control of psychoactive substances. To fulfil this mandate, WHO convenes the ECDD to advise on appropriate international drug control measures in view of a substance's ability to lead to public health harms as a result of their psychoactive properties, as well as its therapeutic applications.

Although the meetings are of a closed nature, Member States, Associate Members, individuals, and representatives of public and private institutions and civil society who wish to present information to the Expert Committee on issues related to the meeting agenda are invited to attend a virtual information meeting (public consultation) on 14 October 2024. The purpose of the information meeting is to afford the Expert Committee the opportunity to receive presentations and to question representatives of interested parties concerning data that have been provided about substances on the ECDD agenda. Registration information will be made available on the ECDD website in due course: Forty-seventh Expert Committee on Drug Dependence (who.int).

As in the past and in line with the publication ''Guidance on the WHO review of psychoactive substances for international control'' (EB126/2010/REC1, Annex 6), Member States and Associate Members can also contribute to the ECDD review process by providing up to date and accurate information concerning the substances under review in advance of the meeting. For this purpose, and as per previous practice, a questionnaire will be sent to Member States and Associate Members to gather country information on the legitimate use, harmful use, status of national control and potential impact of international control for each substance under evaluation.

The World Health Organization takes this opportunity to renew to Member States and Associate Members the assurance of its highest consideration.

GENEVA, 3 July 2024

Annex I

47th Expert Committee on Drug Dependence (ECDD) Substances for Review 14–18 October 2024

Critical reviews: The substances listed below have been proposed by WHO for critical review and are not currently under international control. Information was brought to WHO's attention that these substances are clandestinely manufactured, of especially serious risk to public health and society, and of no recognized therapeutic use by any Party. The Expert Committee will consider whether information presented during a critical review may justify the scheduling or a change in the scheduling of the substance in the 1961 or 1971 Conventions.

Synthetic Cannabinoids

1. Hexahydrocannabinol (HHC)

Novel Synthetic Opioids

1. *N*-Pyrrolidino protonitazene (protonitazepyne)
2. *N*-Pyrrolidino metonitazene (metonitazepyne)
3. *N*-Piperidinyl etonitazene (etonitazepipne)
4. *N*-Desethyl-isotonitazene

Dissociative-Type Substances

1. 3-Hydroxy-phencyclidine (3–OH–PCP)

Cathinone/Stimulant

1. *N*-Ethylheptedrone

Medicine

1. Carisoprodol

FDA has verified the website addresses contained in the WHO notice as of the date this document publishes in the **Federal Register**; however, websites are subject to change over time. Access to view the WHO questionnaire can be found at *https://www.who.int/groups/ecdd/forty-seventh-ecdd-documents.*

III. Substances Under WHO Review

Hexahydrocannabinol (HHC) is a semi-synthetic cannabinoid. Several synthetic mechanisms for HHC have been published, which involve hydrogenating tetrahydrocannabinol (THC). In vitro receptor binding and activity studies indicate that HHC has higher affinity and agonist activity at the cannabinoid type 1 (CB1) receptor compared to that of the CB2 receptor. These data suggest that HHC produces effects similar to CB1 agonists, such as sedation, analgesia, mood changes, altered memory, psychosis, and panic. According to the National Forensic Laboratory Information System (NFLIS) database, HHC was first detected in the United States in 2022 with a total of 54 law enforcement seizures. There are no commercial uses or approved medical uses for HHC in the United States, and it is not controlled under the CSA.

N-Pyrrolidino protonitazene (protonitazepyne) is a synthetic opioid of the nitazene family that is similar in structure to protonitazene. In vitro binding and activity data indicate that protonitazepyne is approximately 25-fold more potent at the mu opioid receptor than fentanyl. Common adverse events of opioid agonists include nausea, vomiting, constipation, pruritus, dizziness, sedation, and respiratory depression, which can lead to death. Protonitazepyne has been detected in 20 forensic toxicology cases in the United States and the United Kingdom. However, other new psychoactive substances (NPS) or other drugs of abuse were detected in all of these individuals and could have been a contributing factor to the fatality. According to the NFLIS database, protonitazepyne was first detected in 2023 and has been confirmed in 16 law enforcement seizures to date. There are no commercial uses or approved medical uses for protonitazepyne in the United States, and it is not controlled under the CSA.

N-Pyrrolidino metonitazene (metonitazepyne) is a synthetic opioid of the nitazene family that is similar in structure to metonitazene. In vitro binding and activity data indicate that protonitazepyne is approximately 2-fold more potent at the mu opioid receptor than fentanyl. In animal behavior studies it produced subjective effects that were indistinguishable from morphine. As a result, it is assumed that metonitazepyne will have an abuse potential similar to that of other opioid agonists and produce adverse events that include nausea, vomiting,

constipation, pruritus, dizziness, sedation, and respiratory depression, which can lead to death. In the United States, metonitazepyne was detected in six toxicology cases; however, other NPS or other drugs of abuse were detected in all of these individuals and could have been a contributing factor to the fatality. According to the NFLIS database, metonitazepyne was first detected in 2023 and there have been seven confirmed law enforcement seizures to date. There are no commercial uses or approved medical uses for metonitazepyne in the United States, and it is not controlled under the CSA.

N-Piperidynyl etonitazene (etonitazepipne) is a synthetic opioid of the nitazene family and is similar in structure to etonitazene. In vitro binding and activity data indicate that protonitazepyne is approximately 100-fold more potent at the mu opioid receptor than morphine. In animal behavior studies it produced subjective effects that were indistinguishable from morphine. As a result, it is assumed that etonitazepipne will have an abuse potential similar to that of other opioid agonists and produce adverse events that include nausea, vomiting, constipation, pruritus, dizziness, sedation, and respiratory depression, which can lead to death. According to the NFLIS database, etonitazepipne was first detected in 2022 and there have been 10 confirmed law enforcement seizures to date. There are no commercial uses or approved medical uses for etonitazepipne in the United States. As of July 29, 2024, etonitazepipne is temporarily controlled in schedule I under the CSA.

N-Desethyl-isotonitazene is a synthetic opioid of the nitazene family and is similar in structure to isotonitazene and is a known active metabolite of isotonitazene. In vitro binding and activity data indicate that *N*-desethyl-isotonitazene is approximately 20-fold more potent at the mu opioid receptor than fentanyl. In animal behavior studies it produced subjective effects that were indistinguishable from morphine. As a result, it is assumed that *N*-desethyl-isotonitazene will have an abuse potential similar to that of other opioid agonists and produce adverse events that include nausea, vomiting, constipation, pruritus, dizziness, sedation, and respiratory depression, which can lead to death. According to the NFLIS database, *N*-desethyl-isotonitazene was first detected in 2022 and there have been 10 confirmed law enforcement seizures to date. There are no commercial uses or approved medical uses for *N*-desethyl-isotonitazene in the United States. As of July 29, 2024, *N*-desethyl-isotonitazene is temporarily controlled in schedule I under the CSA.

3-Hydroxy-phencyclidine (3–OH–PCP) is a dissociative hallucinogen of the arylcyclohexylamine class that has a structure similar to that of phencyclidine (PCP). In vitro binding and activity data indicate that 3–OH–PCP functions as a high affinity antagonist of the *N*-methyl-*D*-aspartate receptor. Unlike PCP, 3–OH–PCP was also found to have high agonist activity at opioid receptors. In animal behavior studies it produced subjective effects that were indistinguishable from PCP. As a result, it is assumed that it will have a potential of abuse similar to that of PCP and produce effects such as hallucinations, audio and visual distortions, analgesia, and convulsions at high doses. According to the NFLIS database, 3–OH–PCP was first detected in the United States in 2020 with 45 law enforcement seizures. The following years saw a dramatic increase in law enforcement detections with 598 in 2021, 335 in 2022, and 42 in 2023.[1] Since 2020 there have been 34 fatalities in which 3–OH–PCP was determined to be a contributing factor by the medical examiner. There are no commercial uses or approved medical uses for 3–OH–PCP in the United States, and it is not controlled under the CSA.

N-Ethylheptedrone is a stimulant from the substituted cathinone class of drugs that has been used for recreational use. As a stimulant, *N*-ethylheptedrone, would be expected to produce adverse effects consistent with other stimulants such as decreased appetite, anxiety, headaches, weight loss, insomnia, and psychosis. It was first detected in 2019 in Hungry and has since been detected in New Zealand. There are no commercial uses or approved medical uses for *N*-ethylheptedrone in the United States, and it is not controlled under the CSA.

Carisoprodol is a sedative-hypnotic that is used as a centrally acting muscle relaxant and hypnotic. Carisoprodol is a prodrug that is metabolized in the liver to form meprobamate, which functions similarly to benzodiazepines and barbiturates. It was approved for medical use in the United States in 1959 as a muscle relaxant and is typically prescribed in combination with analgesics to treat muscle pain. FDA's Adverse Event Reporting System reported a total of 6,426 adverse events involving carisoprodol since 1969, and 18 of those being reported as drug abuse (data retrieved July 2024). Only 5 of the 18 were reported as abuse of carisoprodol alone. According to the NFLIS database, there were 405 law enforcement seizures of carisoprodol in 2022 alone. Scientific studies indicated that carisoprodol demonstrated abuse potential similar to that of benzodiazepines, resulting in it being controlled in schedule IV under the CSA on January 11, 2012 (76 FR 77330).

[1] The data from 2023 are still being accumulated as of the time of these data were collected (May 2024). As a result, the 2023 data will likely increase.

IV. Opportunity To Submit Domestic Information

As required by paragraph (d)(2)(A) of the CSA, FDA, on behalf of HHS, invites interested persons to submit comments regarding the eight drug substances identified in this document. Any comments received by the deadline will be considered by HHS when it prepares a scientific and medical evaluation for drug substances that is responsive to the WHO Questionnaire for these drug substances. HHS will forward such evaluation of these drug substances to WHO, for WHO's consideration in deciding whether to recommend international control/decontrol of any of these drug substances. Such control could limit, among other things, the manufacture and distribution (import/export) of these drug substances and could impose certain recordkeeping requirements on them.

Although FDA is, through this notice, requesting comments from interested persons, which will be considered by HHS when it prepares an evaluation of these drug substances, HHS will not now make any recommendations to WHO regarding whether any of these drugs should be subjected to international controls. Instead, HHS will defer such consideration until WHO has made official recommendations to the Commission on Narcotic Drugs, which are expected to be made in late 2024. Any HHS position regarding international control of these drug substances will be preceded by another **Federal Register** notice soliciting public comments, as required by paragraph (d)(2)(B) of the CSA (21 U.S.C. 811).

Dated: August 8, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–18045 Filed 8–13–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meetings of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that a virtual meeting is scheduled to be held for the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB). The meeting will be available to the public through the live stream on *hhs.gov/live.* Individuals are encouraged to provide written public comment, submitted via email to *CARB@hhs.gov.* Registration information is available on the PACCARB website *http://www.hhs.gov/paccarb* and should be completed by August 27, 2024, for the August 29, 2024, virtual Public Meeting. Additional information about registering for the meeting can be obtained at *http://www.hhs.gov/paccarb* on the Upcoming Meetings page.

DATES: The meeting is scheduled to be held on August 29, 2024, from 1:30 p.m. to 2:00 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the PACCARB at *http://www.hhs.gov/paccarb* when this information becomes available. Pre-registration for attending the meeting is strongly suggested and should be completed no later than August 27, 2024.

ADDRESSES: The virtual meeting can be accessed through a live webcast on the day of the meeting at *hhs.gov/live.* Additional instructions regarding attending this meeting virtually will be posted at least one week prior to the meeting at: *http://www.hhs.gov/paccarb.*

FOR FURTHER INFORMATION CONTACT: Jomana Musmar, M.S., Ph.D., Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, 1101 Wootton Parkway, Rockville, MD 20852. Phone: 202–746–1512; Email: *CARB@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB), established by Executive Order 13676, is continued by section 505 of Public Law 116–22, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 (PAHPAIA). Activities and duties of the PACCARB are governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of Federal advisory committees.

The PACCARB advises and provides information and recommendations to the Secretary of Health and Human Services (Secretary) regarding programs and policies intended to reduce or combat antibiotic-resistant bacteria that may present a public health threat and improve capabilities to prevent, diagnose, mitigate, or treat such resistance. The PACCARB functions solely for advisory purposes.

Such advice, information, and recommendations may be related to improving: the effectiveness of antibiotics; research and advanced research on, and the development of, improved and innovative methods for combating or reducing antibiotic resistance, including new treatments, rapid point-of-care diagnostics, alternatives to antibiotics, including alternatives to animal antibiotics, and antimicrobial stewardship activities; surveillance of antibiotic-resistant bacterial infections, including publicly available and up-to-date information on resistance to antibiotics; education for health care providers and the public with respect to up-to-date information on antibiotic resistance and ways to reduce or combat such resistance to antibiotics related to humans and animals; methods to prevent or reduce the transmission of antibiotic-resistant bacterial infections; including stewardship programs; and coordination with respect to international efforts in order to inform and advance the United States capabilities to combat antibiotic resistance.

The focus of the August 29, 2024, virtual meeting will be for the PACCARB to deliberate and vote on transmittal of the draft resolution letter from the Immediate Action Subcommittee to the Secretary of Health and Human Services. The meeting agenda will be posted on the PACCARB website at *http://www.hhs.gov/paccarb* when it has been finalized. All agenda items are tentative and subject to change. Instructions regarding attending the meeting virtually will be posted at least one week prior to the meeting at: *http://www.hhs.gov/paccarb.*

Dated: July 16, 2024.

Jomana F. Musmar,

Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health.

[FR Doc. 2024–18047 Filed 8–13–24; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Redesignation for the Confederated Tribes of the Grand Ronde Community of Oregon

AGENCY: Indian Health Service, Department of Health and Human Services.

ACTION: Final notice.

SUMMARY: Notice is hereby given that the Indian Health Service (IHS) has decided to expand the geographic boundaries of the Purchased/Referred Care Delivery Area (PRCDA) for the Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) to include the county of Clackamas in the State of Oregon. The current PRCDA for the CTGR includes the Oregon counties of Washington, Polk, Yamhill, Marion, Multnomah, and Tillamook. The sole purpose of this expansion is to authorize additional CTGR members and beneficiaries to receive purchased/referred care (PRC) services.

DATES: This expansion is effective as of the publication date of this notice.

ADDRESSES: This notice can be found at *https://www.federalregister.gov.* Written requests for information should be delivered to: CAPT John Rael, Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mail Stop 10E85C, Rockville, MD 20857, or by phone at (301) 443–0969 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The IHS provides services under regulations in effect as of September 15, 1987, and republished at 42 CFR part 136, subparts A–C. Subpart C defines a Contract Health Service Delivery Area (CHSDA), now referred to as a PRCDA, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the PRCDA. Residence within a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC but only potential eligibility for

services. Services needed, but not available at an IHS/Tribal facility, are provided under the PRC program depending on the availability of funds, the relative medical priority of the services to be provided, and the actual availability and accessibility of alternate resources in accordance with the regulations.

The regulations at 42 CFR part 136, subpart C provide that, unless otherwise designated, a PRCDA shall consist of a county which includes all or part of a reservation and any county or counties which have a common boundary with the reservation. 42 CFR 136.22(a)(6). The regulations also provide that after Consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may from time to time, redesignate areas within the United States for inclusion in or exclusion from a PRCDA. 42 CFR 136.22(b). The regulations require that certain criteria must be considered before any redesignation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC.

Additionally, the regulations require that any redesignation of a PRCDA be made in accordance with the procedures of the Administrative Procedure Act (5 U.S.C. 553). 42 CFR 136.22(c). In compliance with this requirement, the IHS published a proposed notice of redesignation and requested public comments on August 7, 2023 (88 FR 52185). The IHS received one comment in response to the proposed notice of redesignation; the comment requested that the IHS engage in additional Tribal Consultation regarding the proposed PRCDA expansion.

Redesignation and expansion of the CTGR's PRCDA to include Clackamas County, Oregon, would create overlap with two Tribes whose existing PRCDAs also include Clackamas County: the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Warm Springs Reservation of Oregon.

The IHS initiated Consultation with each of these Tribes in 2021, and continued Consultation, as requested, through 2024. The primary concern raised during Tribal Consultation was whether the proposed expansion of the CTGR's PRCDA to include Clackamas County, Oregon, exceeded Congressional intent as expressed in the Grande Ronde Restoration Act, Public Law 98–165, Nov. 22, 1983. Although the IHS acknowledges this concern, the IHS has, under the PRC regulations, preserved flexibility to redesignate areas as appropriate for inclusion in or exclusion from PRC service delivery. *See* 81 FR 20388.

In support of this expansion, the IHS makes the following findings:

1. By expanding the PRCDA to include Clackamas County, the CTGR's eligible population will increase by an estimated 179 Tribal members residing in Clackamas County.

2. The Tribal members within the expanded PRCDA are socially and economically affiliated with the Confederated Tribes of the Grande Ronde Community of Oregon. A letter from the CTGR, dated May 19, 2021, noted that the CTGR members residing in Clackamas County are active members of the community and routinely participate in Tribal elections, General Council meetings, and Tribal events.

3. Clackamas County in the State of Oregon is ''on or near'' the reservation, as it maintains a common boundary with the current PRCDA consisting of the counties of Washington, Polk, Yamhill, Marion, Multnomah, and Tillamook in the State of Oregon.

4. The CTGR administers the PRC program and intends to use its existing Federal allocation for PRC, along with Tribal resources, to provide services to the expanded population. The CTGR acknowledged that no additional financial resources will be allocated by the IHS to provide services to CTGR members residing in Clackamas County in the State of Oregon.

An updated listing of the PRCDAs for all federally recognized Tribes may be accessed via a link on the IHS PRCDA Expansion website (*https://www.ihs.gov/prc/prcda-expansion*).

Public Comments: The IHS received one comment in response to the notice of proposed expansion. The comment requested that the IHS engage in additional Tribal Consultation regarding the proposed expansion. The IHS did engage in such additional Tribal Consultation, and decided to finalize the PRCDA expansion for the Confederated Tribes of the Grand Ronde Community of Oregon as proposed.

Roselyn Tso,

Director, Indian Health Service.

[FR Doc. 2024–18081 Filed 8–13–24; 8:45 am]

BILLING CODE 4166–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council. The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: September 4–5, 2024.

Open: September 04, 2024, 9:30 a.m. to 5:00 p.m.

Agenda: NICHD Director's Report and other Council Business.

Place: Porter Neuroscience Research Center, Building 35A, ROOM 620/630, 35 Convent Drive, Bethesda, MD 20892 (In Person and Virtual Meeting).

Open: September 05, 2024, 9:00 a.m. to 9:45 a.m.

Agenda: Council Business.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 1425 & 1427, Bethesda, MD 20817 (In Person and Virtual Meeting).

Closed: September 05, 2024, 9:45 a.m. to 12:15 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human

Development, National Institutes of Health, 6710B Rockledge Drive, Room 1425 & 1427, Bethesda, MD 20817 (In Person and Virtual Meeting).

Contact Person: Rebekah S. Rasooly, Ph.D., Director, Division of Extramural Activities, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room: 2316, Bethesda, MD 20817, Phone: 301–827–2599, Email: *Rebekah.rasooly@nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/advisory/council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 9, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18135 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; NIA MSTEM Research in Undergraduate Education.

Date: October 24, 2024.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Ln., Rockville, MD 20852 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., M.P.H., Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, Rm. 2C212 Rockville, MD 20852, 301–402–7703, *cmoten@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18067 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: September 12–13, 2024.

Open: September 12, 2024, 10:00 a.m. to 4:15 p.m.

Agenda: Staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health, Neuroscience Center, Rooms 1135/45/55, 6001 Executive Boulevard, Rockville, MD 20852, In Person.

Closed: September 13, 2024, 8:30 a.m. to 9:10 a.m.

Agenda: To review and evaluate BSC Report.

Place: National Institutes of Health, Neuroscience Center, Rooms 1135/45/55, 6001 Executive Boulevard, Rockville, MD 20852, In Person.

Closed: September 13, 2024, 9:30 a.m. to 12:05 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, Rooms 1135/45/55, 6001 Executive Boulevard, Rockville, MD 20852, In Person.

Contact Person: Rebecca Wagenaar-Miller, Ph.D., Director, Division of Extramural Activities, NIDCD/NIH, 6001 Executive Boulevard, Bethesda, MD 20892, (301) 496–8693, *rebecca.wagenaar-miller@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nidcd.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: August 8, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18136 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; AD Research and Underrepresented Populations.

Date: October 17, 2024.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Lane, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., M.P.H., Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, Rm. 2C212, Rockville, MD 20852, 301–402–7703, *cmoten@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18080 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Aging Cell Repository.

Date: September 16, 2024.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place National Institute on Aging, 5601 Fishers Ln, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Kaitlyn Noel Lewis Hardell, Ph.D., MPH, Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane Rm 2E405, Rockville, MD 20852, (301) 555–1234, *kaitlyn.hardell@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18068 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Comparative Genomics of Longevity and AD.

Date: September 20, 2024.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Ln., Rockville, MD 20852 (Virtual Meeting).

Contact Person: Mariel Jais, M.D., Ph.D., Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, Rm. 2E400, Rockville, MD 20852, (301) 594–2614, *mariel.jais@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18066 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group Training and Workforce Development Study Section–D.

Date: October 22–23, 2024.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, Maryland 20892, (Virtual Meeting).

Contact Person: Marcienne Michele Wright, Scientific Review Officer, Office of Scientific Review, National Institutes of General Medical Sciences, National Institutes of Health, 45 Center Drive, Bethesda, Maryland 20892, 301–827–7635, *marci.wright@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18079 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Musculoskeletal regulation.

Date: September 5, 2024.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Ln, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 5601 Fishers Lane, Rm 2W200, Rockville, MD 20852, (301) 496–9667, *prasadnb@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 9, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18134 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; DEVELOP AD Research.

Date: October 10, 2024.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, 5601 Fishers Lane, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., MPH, Scientific Review Officer, National Institute of Aging, National Institute of Health, 5601 Fishers Lane, Rm 2C212, Rockville, MD 20852, 301–402–7703, *cmoten@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18082 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Informatics, Library and Data Sciences Review Committee.

Date: October 31, 2024–November 1, 2024.

Time: 9:30 a.m. to 5:30 p.m. Both Days.

Agenda: To review and evaluate grant applications in response to NLM programs.

Place: 6701 Rockledge Drive, Room 270 (A & B), Bethesda, MD 20892 (In Person and Virtual Meeting).

Contact Person: Zoe E. Huang, MD, Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, National Institutes of Health (NIH), 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–594–4937, *huangz@nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: August 8, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18084 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Clinical Research Center Grant (P50) Review.

Date: September 9, 2024.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Sonia Elena Nanescu, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Suite 8300, Bethesda, MD 20892, (301) 496–8683, *sonia.nanescu@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD T32/T35 Institutional Training Grant Applications Review.

Date: September 10, 2024.

Time: 12:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, 301–402–3587, *rayk@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Research Opportunities for New Investigators to Promote Workforce Diversity Review.

Date: September 18, 2024.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351 Bethesda, MD 20892, (301) 451–6339, *kellya2@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Education Grant Review.

Date: September 23, 2024.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351, Bethesda, MD 20892, (301) 451–6339, *kellya2@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Translational R01 Review.

Date: September 24, 2024.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Sonia Elena Nanescu, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Suite 8300, Bethesda, MD 20892, (301) 496–8683, *sonia.nanescu@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Inner Ear Imaging RFA Review.

Date: October 2, 2024.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, 301–402–3587, *rayk@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Voice, Speech, and Language Fellowship Applications Review.

Date: October 8, 2024.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Kausik Ray, Ph.D.; Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, 301–402–3587, *rayk@nidcd.nih.gov.*

Name of Committee: Communication Disorders Review Committee.

Date: October 15–16, 2024.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Bethesda, MD 20892, 301–496–8683, *shimk@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Hearing and Balance Fellowship Review Meeting.

Date: October 17, 2024.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Sonia Elena Nanescu, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Suite 8300, Bethesda, MD 20892, (301) 496–8683, *sonia.nanescu@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Chemosensory Fellowship Review.

Date: October 29, 2024.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351, Bethesda, MD 20892, (301) 451–6339, *kellya2@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: August 8, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–18137 Filed 8–13–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2024–0011; OMB No. 1660–0006]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; National Flood Insurance Program Policy Forms.

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning information collected for the selling and servicing of National Flood Insurance Program (NFIP) policies by FEMA's direct servicing agent, NFIP Direct.

DATES: Comments must be submitted on or before September 13, 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: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Joycelyn Collins, Underwriting Branch Program Analyst, Federal Insurance Directorate, at 202–701–3383 or *Joycelyn.Collins@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The NFIP is authorized by the National Flood Insurance Act of 1968 (NFIA) (Pub. L. 90–448) and expanded by the Flood Disaster Protection Act of 1973 (Pub. L.

93–234). The NFIA requires FEMA to provide flood insurance at full actuarial rates, reflecting the complete flood risk to structures built or substantially improved, on or after the effective date for the initial Flood Insurance Rate Map for the community, so that the risks associated with buildings in flood-prone areas are borne by those located in such areas and not by taxpayers at large. In accordance with the Flood Disaster Protection Act of 1973, the purchase of flood insurance is mandatory when Federal or Federally-related financial assistance is being provided for acquisition or construction of buildings located, or to be located, within FEMA-identified special flood hazard areas of communities that participate in the NFIP.

FEMA proposes minor revisions to the existing paper forms completed by licensed insurance agents and the addition of a new electronic form that property owners can complete online.

This proposed information collection previously published in the **Federal Register** on April 11, 2024, at 89 FR 25642 with a 60-day public comment period. One public comment discussing wildfires was received, but FEMA considers this comment to not be germane to this NFIP information collection. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Flood Insurance Program Policy Forms.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0006.

FEMA Forms: FEMA Form FF–206–FY–21–117 (formerly 086–0–1), Flood Insurance Application; FEMA Form FF–206–FY–21–118 (formerly 086–0–2), Flood Insurance Cancellation/Nullification Request Form; FEMA Form FF–206–FY–21–119 (formerly 086–0–3), Flood Insurance General Change Endorsement, and FEMA Form FF–206–FY–24–103, e-Flood Insurance Application.

Abstract: Flood insurance policies are marketed through the facilities of insurance agents or brokers licensed in the various states, or property owners can apply for quotes online. Applications and quote requests may be forwarded to the NFIP Servicing Agent designated as fiscal agent by the FEMA. Upon receipt and examination of the application and required premium, the servicing company may issue the appropriate Federal flood insurance policy.

Affected Public: Individuals or households; State, local or Tribal Government; Business or other for profit; Not-for-profit institutions; and Farms.

Estimated Number of Respondents: 184,273.

Estimated Number of Responses: 184,273.

Estimated Total Annual Burden Hours: 28,642.

Estimated Total Annual Respondent Cost: $1,307,508.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $8,817,913.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–18141 Filed 8–13–24; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2024–0013; OMB No. 1660–NW150]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; Generic Clearance for Information Sharing Agreements Involving Personal Identifiable Information and Sensitive Personal Identifiable Information.

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of new collection and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on a new information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning FEMA's sharing of information that includes personally identifiable information (PII) and sensitive personally identifiable information (SPII) of disaster survivors.

DATES: Comments must be submitted on or before September 13, 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: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Audrey Carter, Government Information Specialist, FEMA, at 202–288–6421 or *audrey.carter@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (Pub. L. 93–579, as amended) (5 U.S.C. 552a) establishes a Code of Fair Information Practice that governs the collection, maintenance,

use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by Federal Agencies.

The E-Government Act of 2002 (Pub. L. 107–347) (5 U.S.C. chapter 37; 44 U.S.C. 3501–3606) improves the management and promotion of electronic government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget (OMB), and by establishing a framework of measures that require using internet-based information technology to improve citizen access to government information and services, and for other purposes.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended), 42 U.S.C. 5121–5207 (''Stafford Act'') provides broad authority to the Federal Emergency Management Agency (FEMA) to carry out its mission of helping people before, during, and after disasters. FEMA shares information, to include PII and SPII, to meet the Agency's mission to: ''reduce the loss of life and property and protect our institutions from all hazards by leading and supporting the nation in a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery.'' As part of responding to requests to share information, FEMA engages in an interactive process with entities to determine the validity and scope of their data sharing request.

FEMA is creating this generic information collection to document the instruments FEMA uses to outline contractual sharing of protected information with external partners in disaster and non-disaster environments. This generic information collection will ensure all OMB-approved expiration dates are aligned across FEMA's Privacy Division and will also allow FEMA to update individual instruments as sub-collections under this generic collection instead of revising entire information collections and analyze individual instruments for burden reduction.

This proposed information collection previously published in the **Federal Register** on April 11, 2024, at 89 FR 25641 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Generic Clearance for Information Sharing Agreements Involving Personal Identifiable Information and Sensitive Personal Identifiable Information.

Type of Information Collection: New information collection.

OMB Number: 1660–NW150.

FEMA Forms: Not applicable.

Abstract: The Federal Emergency Management Agency (FEMA) must collect information for points of contact within State, local, territorial, and Tribal governments, as well as the purpose, need, and authority for the personally identifiable information, to initiate legal agreements. Once finalized, these legal agreements permit sharing of disaster survivors' and insurance policyholders' data for response and mitigation efforts.

Affected Public: State, Local or Tribal Governments.

Estimated Number of Respondents: 804.

Estimated Number of Responses: 828.

Estimated Total Annual Burden Hours: 828.

Estimated Total Annual Respondent Cost: $48,024.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $100,240.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–18143 Filed 8–13–24; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6479–N–01]

Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program, and Other Programs; Fiscal Year 2025

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, HUD.

ACTION: Notice of fiscal year (FY) 2025 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA), as amended by the Housing Opportunities Through Modernization Act of 2016 (HOTMA), requires the Secretary to publish FMRs not less than annually, adjusted to be effective on October 1 of each year. This notice describes the methods used to calculate the FY 2025 FMRs and lists the procedures for Public Housing Agencies (PHAs) to request reevaluations of their FMRs as required by HOTMA.

DATES:

Comment Due Date: October 1, 2024.

Implementation Date of Revised FMRs: October 1, 2024, unless HUD receives a valid request for reevaluation of specific area FMRs as described below.

ADDRESSES: HUD invites interested persons to submit comments regarding the FMRs and to request reevaluation of the FY 2025 FMRs. Communications must refer to the above docket number and title and should contain the information specified in the ''Request for Public Comments and FMR Reevaluations'' section. There are two methods for submitting public comments or reevaluation requests:

1. *Electronic Submission of Comments.* Interested persons may submit comments or reevaluation requests electronically through the Federal eRulemaking Portal at *https://www.regulations.gov.* HUD strongly encourages commenters to submit comments or reevaluation requests electronically. Electronic submission of comments or reevaluation requests allows the author maximum time to prepare and submit a comment or reevaluation request, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *https://www.regulations.gov* website can be viewed by other submitters and interested members of the public.

Commenters or reevaluation requestors should follow the instructions provided on that site to submit comments or reevaluation requests electronically.

2. *Submission of Comments by Mail.* Members of the public may submit comments or requests for reevaluation by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

Note: To receive consideration as public comments or reevaluation requests, comments or requests must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments or Reevaluation Requests. HUD does not accept facsimile (FAX) comments or requests for FMR reevaluation.

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at 800–245–2691 or access the information on the HUD USER website at *https://www.huduser.gov/portal/datasets/fmr.html*. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from 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*.

Questions related to the use of FMRs or voucher payment standards should be directed to the respective local HUD program staff or the Office of Public and Indian Housing Customer Service Center at *https://www.hud.gov/program_offices/public_indian_housing/about/css*. Questions on how to conduct FMR surveys may be addressed to the electronic mailbox for the Program Parameters and Research Division at *pprd@hud.gov*.

Electronic Data Availability. This **Federal Register** notice will be available electronically from the HUD User page at *https://www.huduser.gov/portal/datasets/fmr.html*. **Federal Register** notices also are available electronically from *https://www.federalregister.gov/*, the U.S. Government Publishing Office website. Complete documentation of the methods and data used to compute each area's FY 2025 FMRs is available at *https://www.huduser.gov/portal/datasets/fmr.html#2025_query*. FY 2025 FMRs are available in a variety of electronic formats at *https://www.huduser.gov/portal/datasets/fmr.html*, including in PDF and Microsoft Excel. Small Area FMRs for all metropolitan FMR areas and nonmetropolitan areas are available in Microsoft Excel format at: *https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html*. For informational purposes, HUD also publishes 50th percentile rents for all FMR areas at *https://www.huduser.gov/portal/datasets/50per.html*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid lower-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher (HCV) program, the FMR is the basis for determining the ''payment standard amount'' used to calculate the maximum monthly subsidy for an assisted family. See 24 CFR 982.503. HUD also uses the FMRs to determine initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, rent ceilings for rental units in both the HOME Investment Partnerships program and the Emergency Solution Grants program, calculation of maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and calculation of flat rents in Public Housing units. The FMR is also used to determine the Performance Based Contract Administration Fee in Multifamily Housing. In general, the FMR for an area is the amount that a tenant would need to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities. HUD's FMR calculations represent HUD's best effort to estimate the 40th percentile gross rent paid by recent movers into standard quality units in each FMR area. In addition, all rents subsidized under the HCV program must meet reasonable rent standards.

HUD's methodology for calculation FMRs is described in Section III. HUD first adopted this methodology for the calculation of FY 2024 FMRs, and it is unchanged for FY 2025.

II. Publication of FMRs

Section 8(c)(1) of the USHA,[1] as amended by HOTMA (Pub. L. 114–201, enacted July 29, 2016), requires the Secretary of HUD to publish FMRs not less than annually. Section 8(c)(1)(A) states that each FMR ''shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply. . . .'' Section 8(c)(1)(B) requires that HUD publish, not less than annually, new FMRs on the World Wide Web or in any other manner specified by the Secretary, and that HUD must also notify the public of when it publishes FMRs by **Federal Register** notice. After notification, the FMRs ''shall become effective no earlier than 30 days after the date of such publication,'' and HUD must provide a procedure for the public to comment and request a reevaluation of the FMRs in a jurisdiction before the FMRs become effective. Consistent with the statute, HUD is issuing this notice to notify the public that FY 2025 FMRs are available at *https://www.huduser.gov/portal/datasets/fmr.html* and will become effective on October 1, 2024. This notice also provides procedures for FMR reevaluation requests.

III. FMR Methodology

This section provides a brief overview of how HUD computes the FY 2025 FMRs. For complete information on how HUD derives each area's FMRs, see the online documentation at *https://www.huduser.gov/portal/datasets/fmr.html#2025_query*.

A. Geographic Area Definitions

The FY 2025 FMRs are based on the updated metropolitan area definitions published by the Office of Management and Budget (OMB) on September 14, 2018 and first incorporated by the Census Bureau into the 2019 American Community Survey (ACS) data, and the corresponding FY 2022 FMRs. On July 21, 2023, OMB published Bulletin No. 23–01 which contains revisions to metropolitan area definitions. However, the Census Bureau has not yet incorporated these revisions into the data available to HUD, and therefore HUD is not using these new definitions for FY 2025.

Pursuant to section 107(a) of HOTMA (Pub. L. 114–201) for FY 2025, HUD is adding Westchester County, NY to the New York, NY HUD Metropolitan Fair Market Rent Area. Westchester County, NY will remain a separate median family income and income limit area pursuant to 42 U.S.C. 1437(b)(2)(D).

B. Base Year Rents

For FY 2025 FMRs, HUD uses the U.S. Census Bureau's 5-year ACS data

[1] 42 U.S.C. 1437f.

collected between 2018 and 2022 as the ''base rents'' for the FMR calculations. These data are the most current ACS data available at the time that HUD calculates the FY 2025 FMRs. HUD pairs a ''margin of error'' test [2] with an additional requirement based on the number of survey observations supporting the estimate to improve the statistical reliability of the ACS data used in the FMR calculations. The Census Bureau does not provide HUD with an exact count of the number of observations supporting the ACS estimate; rather, the Bureau provides HUD with categories of the number of survey responses underlying the estimate, including whether the estimate is based on more than 100 observations. Using these categories, HUD requires that, in addition to meeting the ''margin of error'' test, ACS rent estimates must be based on at least 100 observations to be used as base rents.

For areas in which the 5-year ACS data for two-bedroom, standard quality gross rents do not pass the statistical reliability tests (*i.e.,* have a margin of error ratio greater than 50 percent or fewer than 100 observations), HUD uses an average of the base rents over the three most recent years [3] (provided that there is data available for at least two of these years),[4] or if such data are not available, using the two-bedroom rent data within the next largest geographic area. For a metropolitan subarea, the next largest area is its containing metropolitan area. For a non-metropolitan area, the next largest area is the state non-metropolitan portion.

C. Recent-Mover Factors

Following the assignment of the standard quality two-bedroom rent described above, HUD applies a recent-mover factor to these rents. HUD calculates the recent-mover factor as the change between the 5-year 2018–2022 standard quality two-bedroom gross rent and the 1-year 2022 recent mover gross rent for the recent mover factor area. HUD does not allow recent-mover factors to lower the standard quality base rent; therefore, if the 5-year standard quality rent is larger than the comparable 1-year recent mover rent, HUD sets the recent-mover factor to 1. When the recent-mover factor is greater than one and calculated for the same geographic area as the base rent, HUD is, in effect, replacing the base rent with the recent-mover rent for that area.

In determining the recent mover factor, HUD first considers the rents of households who moved into their unit only in the current ACS year. For ACS 2022, this means that the maximum length of time for a household to have lived in its current unit and still be considered a recent mover under this definition would be 11 months. HUD applies the same two statistical reliability checks to each ACS recent mover estimate as it does for the base rent estimate. First, the estimate must be supported by at least 100 sample cases from the ACS. Second, the estimate must have a margin of error that is smaller than half the estimate itself. HUD first considers the estimate for two-bedroom units, then for units of all bedroom sizes. For areas without an ACS estimate meeting these criteria, HUD next checks the estimate tabulated from two-year recent movers. If the local two-year recent mover estimates are not reliable, HUD considers the estimates for increasingly larger areas of geography.

D. Other Rent Survey Data

HUD calculates base rents for the insular areas using data collected during the 2010 decennial census of American Samoa, the Northern Mariana Islands, and the Virgin Islands beginning with the FY 2016 FMRs.[5] HUD updates the 2010 base year data to 2022 using the growth in national ACS data for the FY 2025 FMRs. Note that while the 2010 decennial census also included Guam, HUD uses the result of a more recent rent survey in calculating the FMRs for Guam, as discussed in the following paragraph. HUD is working with the Census Bureau to provide special tabulations of the 2020 Island Area Census and hopes to include these data in FY 2026 FMRs.

HUD does not use ACS data to establish the base rent or recent-mover factor in cases where it has locally collected survey data which are more recent than the 2022 ACS. For larger metropolitan areas that have valid ACS one-year recent-mover data, survey data may not be any older than the mid-point of the calendar year for the ACS one-year data. Since the ACS one-year data used for the FY 2025 FMRs is from 2022, larger areas with valid one-year recent mover data may not use other survey data collected before June 30, 2022 for the FY 2025 FMRs. Areas without statistically reliable 1-year ACS data may continue to use local survey data until the mid-point of the 5-year ACS data is more recent than the local survey. For FY 2025 FMRs, the following are Metropolitan Statistical Areas (MSAs), HUD Metro FMR Areas, or non-metropolitan counties that have FMRs based on local ad hoc surveys:

(1) HUD uses survey data from 2019 to calculate the FMRs for Guam.

(2) HUD uses survey data from 2021 to calculate the FMRs for Iron County, UT; Knox County, ME; Lincoln County, ME; Transylvania County, NC; and Waldo County, ME.

(3) HUD uses survey data from 2022 to calculate the FMRs for Grand Rapids-Wyoming, MI HUD Metro FMR Area; Hawaii County, HI; Hood River County, OR; Salinas, CA MSA; Seattle-Bellevue, WA HUD Metro FMR Area; and Wasco County, OR.

(4) HUD uses survey data from 2023 to calculate the FMRs for San Benito County, CA HUD Metro FMR Area; Santa Cruz-Watsonville, CA MSA; and Urban Honolulu, HI MSA.

E. Gross Rent Inflation Adjustment Factors

The ACS recent mover rent estimates as described above produce a rent value that is ''as of'' 2022. To account for inflation, HUD adjusts this value using an inflation factor that captures rent growth from 2022 to 2023. HUD uses a local measure of private rent inflation for markets that are covered by at least three of the six available sources of private rent data. HUD combines this local measure of rent inflation with either the local metropolitan area CPI rent of primary residence for the 23 areas where such data exist, or the regional CPI rent in areas without a local index.

HUD uses both private data and the CPI in an attempt to fully and accurately measure recent mover rent inflation. Research has shown that private data often provide a timelier measure of recent mover rent inflation than the CPI, which is constructed by measuring the rents of both in-place and new tenants. However, the CPI provides other advantages as a measure of rent inflation, such as consisting of a representative sample of all housing units, measuring rent in the same units

[2] HUD's margin of error test requires that the margin of error of the ACS estimate is less than half the size of the estimate itself.

[3] For FY 2025, the three years of ACS data in question are 2020, 2021 and 2022. HUD adjusts the 2020 and 2021 data to be denominated in 2022 dollars using the growth in Consumer Price Index (CPI)-based gross rents measured between those years and 2022.

[4] To be used in the three-year average calculation, the 5-year estimates must be minimally statistically qualified; that is, the margin of error of the estimates must be less than half the size of the estimate.

[5] The ACS is not conducted in the Pacific Islands (Guam, Northern Mariana Islands and American Samoa) or the US Virgin Islands. As part of the 2010 Decennial Census, the Census Bureau conducted ''long-form'' sample surveys for these areas. HUD uses the results gathered by this long form survey for the FY 2025 FMRs.

over time (a ''repeat rent'' sample), and adjusting for the aging of units.

The private measures of rent used by HUD are the ApartmentList Rent Estimate, CoStar Group average effective rent, CoreLogic, Inc., single-family combined 3-bedroom median rent, Moody's Analytics REIS average market rent, RealPage average effective rent per unit, and Zillow Observed Rent Index. In calculating a measure of inflation from these data, HUD first takes the annual average of each statistic, then its year-to-year change. HUD then takes the mean of the changes from all available sources for each area.

Next, HUD takes an average of this private-sector measure of rent inflation with rent inflation as captured by the CPI for the area, where the private-sector measure is weighted at approximately 75 percent and the CPI rent inflation measure is weighted at approximately 25 percent. HUD has determined and updated these weights by comparing the national average of the private rent changes and changes in CPI rent of primary residence to changes in the national average of recent mover rents from the ACS from 2018 through 2022. HUD weights the private data averages and overall CPI rent of primary residence in such a way as to minimize the root mean squared error between the resulting average and the ACS recent mover rents. For future FMRs, HUD will continue update the weights by adding the most recent years of ACS recent mover rents, private rent data, and CPI rent of primary residence to the analysis.

For areas without at least three of the six private rent data sources available, HUD uses a regional average of private rent inflation factors alongside the regional CPI rent of primary residence using the nationally derived weights described above. HUD constructs the regional average by taking the rental unit weighted average of the change in rents of each area in a region that does have private rent data coverage. This ensures that smaller areas which are not covered by the private sources directly still have current rental market conditions taken into account in the calculation of the rent inflation factor for such areas.

Finally, HUD averages the result of this step with the year-to-year change in the CPI housing fuels and utilities index for the area in order to make the resulting inflation measure reflective of gross rents. The results of this step are gross rent estimates that are ''as of'' 2023.

F. Trend Factor Forecasts

Following the application of the appropriate gross rent inflation factor, HUD trends the gross rent estimate from 2023 to FY 2025 using a trend factor which is based on local or regional forecasts of CPI gross rent data. HUD derived a trend factor for each Class A CPI area and Class B/C CPI region using time series models based on national inputs (National Input Model or NIM), local inputs (Local Input Model or LIM), and historical values of the predicted series (Pure Time Series—PTS). HUD chose the actual model used for each CPI area's trend factor based on which model generates the lowest Root Mean Square Error (RMSE) statistic and applied the trend factors to the corresponding FMR areas. HUD established the type of model for each forecast (NIM, LIM, or PTS) for the FY 2020 FMRs. HUD had previously stated it would reassess the model selections during the calculation of the FY 2025 FMRs. However, due to the high degree of volatility that occurred in rental markets from 2020–2023, HUD believes that evaluating model performance during this period will not result in the best long term model selection. More details on the trend factor forecasts are available in the June 5, 2019 **Federal Register** notice (84 FR 26141) and are available at *https://www.federalregister.gov/documents/2019/06/05/2019-11763/proposed-changes-to-the-methodology-used-for-estimating-fair-market-rents.*

G. Bedroom Rent Adjustments

HUD uses two-bedroom units for its primary calculation of FMR estimates. This is generally the most common size of rental unit and, therefore, the most reliable to survey and analyze. After estimating two-bedroom FMRs, HUD calculates bedroom ratios for each FMR area, which relate the prices of smaller and larger units to the cost of two-bedroom units. The bedroom ratios HUD uses in the calculation of FY 2025 FMRs are calculated from three five-year ACS data series (2016–2020, 2017–2021, and 2018–2022). HUD only uses estimates with a margin of error ratio of less than 50 percent. If an area does not have reliable estimates in at least two of the previous three ACS releases, HUD uses the bedroom ratios for the area's larger parent geography.

To ensure an adequate distributional fit in these bedroom ratio calculations for individual FMR areas, HUD establishes bedroom interval ranges which set upper and lower limits for bedroom ratios nationwide, based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations. In the calculation of FY 2025 FMR estimates, HUD sets the bedroom interval ranges as follows: efficiency FMRs are constrained to fall between 0.69 and 0.87 of the two-bedroom FMR; one-bedroom FMRs must be between 0.76 and 0.90 of the two-bedroom FMR; three-bedroom FMRs (prior to the adjustments described below) must be between 1.11 and 1.29 of the two-bedroom FMR; and four-bedroom FMRs (again, prior to adjustment) must be between 1.23 and 1.56 of the two-bedroom FMR. Given that these interval ranges partially overlap across unit bedroom counts, HUD further adjusts bedroom ratios for a given FMR area, if necessary, to ensure that higher bedroom-count units have higher rents than lower bedroom-count units within that area.

HUD further adjusts the rents for three-bedroom and larger units to reflect HUD's policy to set higher rents for these units.[6] This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates.

HUD derives FMRs for units with more than four bedrooms by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. Similarly, HUD derives FMRs for single-room occupancy units by subtracting 25 percent from the zero-bedroom FMR (*i.e.,* they are set at 0.75 times the zero-bedroom (efficiency) FMR).[7]

H. Minimum FMRs

All FMRs are subject to a minimum rent based on state or national non-metropolitan area median rent. HUD calculates a population-weighted median two-bedroom FMR across all non-metropolitan counties or county-equivalents of each state, which, for the purposes of FMRs, is the state minimum

[6] As mentioned above, HUD applies the interval ranges for the three-bedroom and four-bedroom FMR ratios prior to making these adjustments. In other words, the adjusted three- and four-bedroom FMRs can exceed the interval ranges but the unadjusted FMRs cannot.

[7] As established in the interim rules implementing the provisions of the Quality Housing and Work Responsibility Act of 1998 (Title V of the FY 1999 HUD Appropriations Act; Pub. L. 105–276) in 24 CFR 982.604.

rent. State-minimum rents for each FMR area are available in the FY 2025 FMR Documentation System, available at *https://www.huduser.gov/portal/datasets/fmr.html#2025_query*. HUD also calculates the population weighted median FMR rent across all non-metropolitan areas of the country, which, for the purposes of FMRs, is the national non-metropolitan rent. For FY 2025, the national non-metropolitan rent is $933. The applicable minimum rent for a particular area is the *lower* of the state or national non-metropolitan median. Each area's two-bedroom FMR must be no less than the applicable minimum rent.

I. Limit on FMR Decreases

HUD's regulations at 24 CFR 888.113 include a limit on the amount that FMRs may annually decrease. The current year's FMRs resulting from the application of the bedroom ratios, as discussed in section (E) above, may be no less than 90 percent of the prior year's FMRs for units with the same number of bedrooms. Accordingly, if the current year's FMRs are less than 90 percent of the prior year's FMRs as calculated by the above methodology, HUD sets the current year's FMRs equal to 90 percent of the prior year's FMRs. For areas where HUD has required the use of Small Area FMRs in the administration of their voucher programs since 2018, the FY 2025 Small Area FMRs may be no less than 90 percent of the FY 2024 Small Area FMRs. For newly designated mandatory Small Area FMR areas under the October 23, 2023 notice ''Small Area Fair Market Rents in the Housing Choice Voucher Program—Metropolitan Areas Subject to Small Area Fair Market Rents'', the FY 2025 Small Area FMRs may be no less than 90 percent of the greater of the FY 2024 metropolitan area wide FMRs or the applicable FY 2024 Small Area FMR, as Small Area FMRs were not yet in effect for these areas in FY 2024. For all other metropolitan areas, the FY 2025 Small Area FMRs may be no less than 90 percent of the greater of the FY 2024 metropolitan area wide FMRs or the applicable FY 2024 Small Area FMR. The following table demonstrates these scenarios:

Type of area	FY 2025 ''floor'' for small area FMRs	FY 2026 ''floor'' for small area FMRs
Areas where the use of Small Area FMRs was mandatory prior to FY 2025, or have optionally used Small Area FMRs before FY 2025.	90 percent of FY 2024 Small Area FMRs	90 percent of FY 2025 Small Area FMRs.
Areas where the use of Small Area FMRs is mandatory as of FY 2025 or optionally begin to use Small Area FMRs in FY 2025.	Higher of 90 percent of FY 2024 Small Area FMRs and 90 percent of FY 2024 Metropolitan FMRs.	90 percent of FY 2025 Small Area FMRs.
All other areas	Higher of 90 percent of FY 2024 Small Area FMRs and 90 percent of FY 2024 Metropolitan FMRs.	Higher of 90 percent of FY 2025 Small Area FMRs and 90 percent of FY 2025 Metropolitan FMRs.

PHAs operating in areas where the calculated FMR is lower than the published FMR (*i.e.,* those areas where HUD has limited the decrease in the annual change in the FMR to 10 percent) may request payment standards below the basic range (24 CFR 982.503(d)) and reference the ''unfloored'' rents (*i.e.,* the unfinalized FMRs calculated by HUD prior to application of the 10-percent-decrease limit) depicted in the FY 2025 FMR Documentation System (available at: *https://www.huduser.gov/portal/datasets/fmr.html#2025_query*).

IV. Small Area FMRs

A. SAFMR Mandatory Use

HUD lists Small Area FMRs for all areas in the Small Area FMR Schedule. PHAs operating in areas where the use of Small Area FMRs is not mandated should notify HUD of their use of Small Area FMRs in the operation of their Housing Choice Voucher program.

On October 25, 2023, HUD published the notice ''Small Area Fair Market Rents in the Housing Choice Voucher Program—Metropolitan Areas Subject to Small Area Fair Market Rents'', which requires 41 additional metropolitan areas to use Small Area Fair Market Rents in the administration of the Housing Choice Voucher program beginning in FY 2025.[8] These areas are as follows:

Akron, OH MSA
Augusta-Richmond County, GA-SC HUD Metro FMR Area
Beaumont-Port Arthur, TX MSA
Birmingham-Hoover, AL HUD Metro FMR Area
Buffalo-Cheektowaga-Niagara Falls, NY MSA
Charleston-North Charleston, SC MSA
Chattanooga, TN-GA MSA
Cincinnati, OH-KY-IN HUD Metro FMR Area
Cleveland-Elyria, OH MSA
Columbus, OH HUD Metro FMR Area
Dayton-Kettering, OH MSA
Des Moines-West Des Moines, IA HUD Metro FMR Area
Detroit-Warren-Livonia, MI HUD Metro FMR Area
Fort Wayne, IN MSA
Greensboro-High Point, NC HUD Metro FMR Area
Harrisburg-Carlisle, PA MSA
Indianapolis-Carmel, IN HUD Metro FMR Area
Jersey City, NJ HUD Metro FMR Area
Kansas City, MO-KS HUD Metro FMR Area
Knoxville, TN HUD Metro FMR Area
Los Angeles-Long Beach-Glendale, CA HUD Metro FMR Area
Louisville, KY-IN HUD Metro FMR Area
Memphis, TN-MS-AR HUD Metro FMR Area
Miami-Miami Beach-Kendall, FL HUD Metro FMR Area
Mobile, AL HUD Metro FMR Area
Montgomery, AL MSA
Nashville-Davidson-Murfreesboro-Franklin, TN HUD Metro FMR Area
Oklahoma City, OK HUD Metro FMR Area
Omaha-Council Bluffs, NE-IA HUD Metro FMR Area
Orlando-Kissimmee-Sanford, FL MSA
Oxnard-Thousand Oaks-Ventura, CA MSA
Phoenix-Mesa-Scottsdale, AZ MSA
Raleigh, NC MSA
San Jose-Sunnyvale-Santa Clara, CA HUD Metro FMR Area
Seattle-Bellevue, WA HUD Metro FMR Area
St. Louis, MO-IL HUD Metro FMR Area
Tucson, AZ MSA
Tulsa, OK HUD Metro FMR Area
Virginia Beach-Norfolk-Newport News, VA-NC HUD Metro FMR Area
Wichita, KS HUD Metro FMR Area
Winston-Salem, NC HUD Metro FMR Area

[8] 88 FR 73352, available at: *https://www.huduser.gov/portal/sites/default/files/pdf/federal-register-notice-2023.pdf*.

B. SAFMR Methodology

Newly for FY 2025, HUD has calculated SAFMRs for both metropolitan and non-metropolitan areas. The methodology for calculating SAFMRs is as follows:

First, HUD calculates Small Area FMRs directly from the standard quality gross rents provided to HUD by the Census Bureau for ZIP Code Tabulation Areas (ZCTAs) when such data are statistically reliable. The ZCTA two-bedroom equivalent 40th percentile gross rent is analogous to the standard quality base rents set for metropolitan areas and non-metropolitan counties.

For each ZCTA with statistically reliable gross rent estimates, using the expanded test of statistical reliability first used in FY 2018 (*i.e.,* estimates with margins of error ratios below 50 percent and based on at least 100 observations), HUD calculates a two-bedroom equivalent 40th percentile gross rent using the first statistically reliable gross rent distribution data from the following data sets (in this order): two-bedroom gross rents, one-bedroom gross rents, and three-bedroom gross rents. If either the one-bedroom or three-bedroom gross rent data are used because the two-bedroom gross rent data are not statistically reliable, HUD converts the one-bedroom or three-bedroom 40th percentile gross rent to a two-bedroom equivalent rent using the bedroom ratios for the ZCTA's parent metropolitan or non-metropolitan area. To increase stability to these Small Area FMR estimates, HUD averages the latest three years of gross rent estimates.[9]

For ZCTAs without usable gross rent data by bedroom count, HUD calculates Small Area FMRs using the rent ratio method. To calculate Small Area FMRs using a rent ratio, HUD divides the median gross rent across all bedrooms for the ZCTA by the similar median gross rent for the metropolitan or non-metropolitan area of the ZCTA. If a ZCTA does not have reliable rent data at the all-bedroom level, HUD will then check to see if the ZCTA borders other ZCTAs that themselves have reliable rent data. If at least half of a ZCTA's ''neighbors'' have such data, HUD will use the weighted average of those estimates as the basis for the Small Area FMR rather than a county proxy, where the weight is the length of the shared boundary between the ZCTA and its neighbor. In small areas where the neighboring ZCTA median gross rents are not statistically reliable, HUD substitutes the median gross rent for the county containing the ZIP code in the numerator of the rent ratio calculation. HUD multiplies this rent ratio by the current two-bedroom FMR for the metropolitan or non-metropolitan area containing the small area to generate the current year two-bedroom FMR for the small area.

HUD continues to use a rolling average of ACS data in calculating the Small Area FMR rent ratios. HUD believes coupling the most current data with previous year's data minimizes excessive year-to-year variability in Small Area FMR rent ratios due to sampling variance. Therefore, for FY 2025 Small Area FMRs, HUD has updated the rent ratios to use an average of the rent ratios calculated from the 2016–2020, 2017–2021, and 2018–2022 5-year ACS estimates.

HUD limits each two-bedroom Small Area FMR to be no more than 150 percent of the two-bedroom FMR for the metropolitan or non-metropolitan area where the ZIP code is located.

V. Request for Public Comments and FMR Reevaluations

HUD accepts public comments on the methods HUD uses to calculate FY 2025 FMRs and requests for reevaluation of FMRs for specific areas for 30 days after the publication of this notice. HUD lacks the resources to conduct local surveys of rents to address comments filed regarding the FMR levels for specific areas. PHAs may continue to fund such surveys independently, as specified below, using ongoing administrative fees or their administrative fee reserve if they so choose. HUD continually strives to calculate FMRs that meet the statutory requirement of using ''the most recent available data'' while also serving as an effective program parameter.

A. FMR Reevaluations

42 U.S.C. 1437f(c)(1)(B) includes the following: ''The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rentals in a jurisdiction before such rentals become effective.''

PHAs or other parties interested in requesting HUD's reevaluation of their area's FY 2025 FMRs, as provided for under section 8(c)(1)(B) of USHA, must follow the following procedures:

(1) By the end of the 30-day comment period, PHAs or other parties must submit reevaluation requests through *https://www.regulations.gov/* or directly to HUD as described in the **ADDRESSES** section above. The area's PHA or, in multi-jurisdictional areas, PHA(s) representing at least half of the voucher tenants in the FMR area, must agree that the reevaluation is necessary.

(2) The requestor(s) must supply HUD with data more recent than the 2022 ACS data used in the calculation of the FY 2025 FMRs. HUD requires data on gross rents paid in the FMR area for occupied standard quality rental housing units. Occupied recent mover units (defined as those who moved in the past 24 months, although a shorter definition may also be used at the requestor's discretion) provide the best data. The data delivered must be sufficient for HUD to calculate a 40th percentile two-bedroom gross rent. Should this type of data not be available, requestors may gather this information using the survey guidance available at *https://www.huduser.gov/portal/datasets/fmr/NoteRevisedAreaSurveyProcedures.pdf* and *https://www.huduser.gov/portal/datasets/fmr/PrinciplesforPHA-ConductedAreaRentSurveys.pdf.*

(3) Areas where valid reevaluation requests are submitted *may* continue to use FY 2024 FMRs, or *may* use the FY 2025 FMRs. Commenters should indicate whether they wish to maintain the FY 2024 or implement the FY 2025 FMR during the revaluation period as part of their reevaluation request. PHAs requesting reevaluation in areas newly designated as SAFMR areas must adopt SAFMRs, but they may be the FY 2024 SAFMRs or FY 2025 SAFMRs during the reevaluation period. Following the comment period, HUD will post a list, at *https://www.huduser.gov/portal/datasets/fmr.html,* of the areas requesting reevaluations where FY 2024 FMRs remain in effect.

(4) PHAs or other parties must supply data for reevaluations to HUD no later than Friday, January 10, 2025. All survey responses of rental units gathered as part of the survey efforts should be delivered to HUD via email. *New for FY 2025, HUD requests that survey responses include the ZIP Code or comparable small-area identifier (such as Census tract) of the housing unit.* In addition to the survey data, HUD requires a current utility schedule to evaluate the survey responses. Finally, HUD encourages PHAs to evaluate their survey data to ensure the survey supports their request. Should PHAs or their contractors undertake this evaluation, HUD requests that this analysis also be submitted.

HUD will use the data delivered by January 10, 2025 to reevaluate the FMRs and following the reevaluation, HUD will post revised FMRs in April of 2025 with an accompanying **Federal Register** notice stating the revised FMRs are available, which will include HUD's responses to comments filed during the comment period for this notice. By January 17, 2025, HUD will post at *https://www.huduser.gov/portal/datasets/fmr.html* a listing of the areas that requested FMR reevaluations and continued effect of the FY2024 FMRs, but did not deliver data, making the FY 2025 FMRs effective in these areas. HUD will incorporate any data supporting a change in FMRs supplied after January 10, 2025 into the FY 2026 FMRs.

[9] For example, for FY 2025 Small Area FMRs, HUD averages the gross rents from 2020, 2021, and 2022 5-Year ACS estimates. The 2020 and 2021 gross rent estimates would be adjusted to 2022 dollars using the metropolitan area's gross rent CPI adjustment factors.

Questions on how to conduct FMR surveys may be addressed to the Program Parameters and Research Division at *pprd@hud.gov.*

For small metropolitan areas without one-year ACS data and non-metropolitan counties, HUD has developed a method of using mail surveys that is discussed on the FMR web page: *https://www.huduser.gov/portal/datasets/fmr.html#survey_info.* This method allows for the a PHA to submit a valid survey consisting of as few as 100 one-bedroom, two-bedroom, and three-bedroom units.

Other survey methods are acceptable in providing data to support reevaluation requests if the survey method can provide statistically reliable, unbiased estimates of gross rents paid throughout the entire FMR area. In general, recommendations for FMR changes and supporting data must reflect the rent levels that exist within the entire FMR area and should be statistically reliable.

PHAs in non-metropolitan areas are required to get 100 eligible survey responses which means they should have at least 5,000 rental units, taking in to account survey non-response rates and the fact that some units will fail to qualify. PHAs may conduct surveys of groups of non-metropolitan counties to increase the number of rental units that are surveyed, but HUD must approve all county-grouped surveys in advance. HUD cautions that the resulting FMRs may not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, HUD advises that in counties where FMRs are based on the combined rents in the cluster of FMR areas, HUD will not revise their FMRs unless the grouped survey results show a revised FMR statistically different from the combined rent level.

Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The current 5-year ACS data should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock. HUD staff are available to work with PHAs in areas requesting re-evaluations to provide the minimum number of survey cases required to ensure that data submitted for re-evaluation represent a statistically valid sample. In cases where a submitted sample is not representative, HUD may attempt to weight the sample cases prior to calculating 40th percentile rent estimates.

A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements, but in no case will fewer than 100 eligible cases be considered.

VI. Environmental Impact

This notice involves the establishment of FMR schedules, which do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR part 888, are available at *https://www.huduser.gov/portal/datasets/fmr.html.*

Solomon Greene,

Principal Deputy Assistant Secretary for Policy Development and Research.

Fair Market Rents for the Housing Choice Voucher Program

Schedule B—General Explanatory Notes

Arrangement of FMR Areas and Identification of Constituent Parts

a. The Metropolitan and Non-Metropolitan FMR Area Schedule lists FMRs alphabetically by state, by metropolitan area and by non-metropolitan county within each state and are available at *https://www.huduser.gov/portal/datasets/fmr.html.*

b. The schedule lists the constituent counties (and New England towns and cities) included in each metropolitan FMR area immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. The schedule lists two non-metropolitan counties alphabetically on each line of the non-metropolitan county listings.

d. Similarly, the schedule lists the New England towns and cities included in a non-metropolitan county immediately following the county name.

[FR Doc. 2024–18002 Filed 8–13–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–NWRS–2024–0094; FXRS12630900000–245–FF09R81000; OMB Control Number 1018–0102]

Agency Information Collection Activities; National Wildlife Refuge Special Use Permit Applications and Reports

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to revise an existing collection of information.

DATES: Interested persons are invited to submit comments on or before October 15, 2024.

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (please reference ''1018–0102'' in the subject line of your comments):

- *Internet (preferred): https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–NWRS–2024–0094.
- *U.S. mail:* Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. 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: In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us

assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including 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 response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The National Wildlife Refuge System Administration Act of 1966 (Administration Act; 16 U.S.C. 668dd–668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, consolidated all refuge units into a single National Wildlife Refuge System (system). It also authorized us to offer visitor and public programs, including those facilitated by commercial visitor and management support services, on lands of the system when we find that the activities are appropriate and compatible with the purpose(s) for which the refuge was established and the system's mission. The Refuge Recreation Act of 1962 (Recreation Act; 16 U.S.C. 460k–460k–4) allows the use of refuges for public recreation when it is not inconsistent or does not interfere with the primary purpose(s) of the refuge. The Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C. 3101 *et seq.*) provides specific authorization and guidance for the administration and management of national wildlife refuges within the State of Alaska. Its provisions provide for the issuance of permits under certain circumstances.

We issue special use permits for a specific period as determined by the type and location of the management activity or visitor service provided. These permits authorize activities such as:

- Agricultural activities (haying and grazing, 50 CFR 29.1 and 50 CFR 29.2).
- Beneficial management tools that we use to provide the best habitat possible on some refuges (50 CFR 30.11, 50 CFR 31.14, 50 CFR 31.16, and 50 CFR 36.41).
- Special events, group visits, and other one-time events (50 CFR 25.41, 50 CFR 25.61, 50 CFR 26.36, and 50 CFR 36.41).
- Recreational visitor service operations (50 CFR 25.41, 50 CFR 25.61, and 50 CFR 36.41).
- Guiding for fishing, hunting, wildlife education, and interpretation (50 CFR 25.41 and 50 CFR 36.41).
- Commercial filming (43 CFR 5, 50 CFR 27.71) and other commercial activities (50 CFR 29.1 and 50 CFR 36.41).
- Building and using cabins to support subsistence or commercial activities (in Alaska) (50 CFR 26.35 and 50 CFR 36.41).
- Research, inventory and monitoring, and other noncommercial activities (50 CFR 26.36 and 50 CFR 36.41).

We currently use three types of special use permits to collect applicant information:

- Form 3–1383–G (General Activities Special Use Permit Application);
- Form 3–1383–C (Commercial Activities Special Use Permit Application); and
- Form 3–1383–R (Research and Monitoring Special Use Permit Application).

The information we collect helps ensure that:

- applicants are aware of the types of information that may be needed for permit issuance;
- requested activities are appropriate and compatible with the purpose(s) for which the refuge was established and the system's mission; and
- the applicant is eligible or is the most qualified applicant to receive the special use permit.

We may collect the necessary information in a non-form format (through discussions in person or over the phone, over the internet, by email, or by letter). In some instances, respondents will be able to provide information verbally. Often, a simple email or letter describing the activity will suffice. For activities that might have a large impact on refuge resources (*e.g.,* commercial visitor services, research, etc.), we may require applicants to provide more detail on operations, techniques, and locations. Because of the range of activities covered by special use permits and the different management needs and resources at each refuge, respondents may not be required to answer all questions. Depending on the requested activity, refuge managers have the discretion to ask for less information than appears on the forms. However, refuge managers must not ask for more or different information.

We issue permits for a specific period as determined by the type and location of the use or service provided. We use these permits to ensure that the applicant is aware of the requirements of the permit and the permit holder's legal rights. Refuge-specific special conditions may be required for the permit. We identify conditions as an addendum to the permit. Most of the special conditions pertain to how a permitted activity may be conducted and do not require the collection of information. However, some special conditions, such as activity reports, before and after site photographs, or data sharing, would qualify as an information collection, and we have included the associated burden below.

We also use FWS Form 3–1384, ''Bid Sheet—National Wildlife Refuge System,'' to streamline collection of the necessary pre-award information from applicants during bidding processes to conduct economic uses on Service lands, such as grazing livestock, harvesting hay and stock feed, or removing timber (50 CFR 29.21). This form simplifies the pre-award selection/bidding process for bidders and for refuge staff by enabling them to understand what information the refuge needs in order to select bids for economic use, and, therefore, reduces the time and burden for the public and Service staff in the pre-award selection bidding process. This form is customizable to the individual economic use being awarded. We will use the Commercial Special Use Permit (FWS Form 3–1383–C) as the actual award document that will outline the terms and conditions of the economic use on Service lands.

Proposed Revisions to This Information Collection

With this submission, we propose to add an additional form, Form 3–1383–EZ, General Activities Special Use Permit Simplified Application, which is a simplified version of 3–1383–G, General Activities Special Use Permit Application. The intent of this form is to provide a less intimidating and less intensive application for individuals wishing to engage in common, non-economic activities such as recreational berry picking or boat mooring. We expect this optional ''EZ'' form will reduce public burden, because, filling out form 3–1383–G, applicants will often consider even questions that are not relevant to them in order to determine whether a response is warranted. Our staff will have the option to offer this form after an initial request is received if the majority of questions on the full 1383–G form are expected to be left blank. Form 3–1383–EZ asks no questions that do not already appear on form 3–1383–G.

We are making alterations to the options available to select on question 13a in Form 3–1383–C, Commercial Activities Special Use Permit Application. Some of the existing options are rarely selected and certain types of activity are often entered as ''Other.'' We are adding some of these common activities in an effort to streamline completion of the form and collection of the activity type.

Specifically, the 3–1383–C form includes an option for mineral lease that is rarely used. We propose to strike that option and add an option for food and beverage vendors such as food trucks. We propose to change ''Recreation Events'' to ''Events'' to make it more broadly applicable. We also propose to remove ''Cabins'' and add ''Fishing/Frogging'' to cover these types of commercial use.

On form 3–1383–C, we also propose to modify the wording of question 11 to clarify the requested information. The present wording often leads to an answer which provides only a portion of the timing information that we require. The new question is worded, ''Describe the specific dates, times, and frequency of activities. Provide an occupancy timeline showing how the activity is expected to proceed.''

No substantive changes are being made to forms 3–1383–G (General Activities Special Use Permit Application), 3–1383–R (Research and Monitoring Special Use Permit Application), or 3–3–1384 (Bid Sheet—National Wildlife Refuge System); however, we plan to make minor updates to the forms' layout to improve readability and functionality. In some cases, selection boxes come after an option and in other cases the boxes come before. We are updating the forms to be more consistent.

The public may request a copy of any form contained in this information collection by sending a request to the Service Information Collection Clearance Officer (see **ADDRESSES**).

Title of Collection: National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36.

OMB Control Number: 1018–0102.

Form Numbers: 3–1383–EZ, 3–1383–G, 3–1383–C, 3–1383–R, and 3–1384.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals and households; businesses and other for-profit organizations; nonprofit organizations; farms; and State, local, or Tribal governments.

Total Estimated Number of Annual Respondents: 14,264.

Total Estimated Number of Annual Responses: 14,264.

Estimated Completion Time per Response: Varies from 10 minutes to 5 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 21,888.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Nonhour Burden Cost: $345,700 for fees associated with applications for commercial use activities ($100.00 per application for individuals and private sector respondents only).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2024–18113 Filed 8–13–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX24GG009950000]

Notice of Public Meeting of Scientific Earthquake Studies Advisory Committee

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of teleconference meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the U.S. Geological Survey (USGS) is hereby giving notice that the Scientific Earthquake Studies Advisory Committee (SESAC) will meet as noted below.

DATES: The teleconference meetings will be held on the fourth Friday of every month, from 2 p.m. to 4 p.m. eastern time. If a monthly SESAC meeting is canceled, an email will be sent to registered participants and posted on the SESAC's web page at least three (3) days prior to the SESAC meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Gavin Hayes, USGS, by email at *ghayes@usgs.gov* or by telephone at 303–374–4449. 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 teleconference meetings will be open to the public. The SESAC will review the current activities of the USGS Earthquake Hazards Program (EHP) and discuss future priorities. Agenda topics will include EHP updates; administration priorities and interactions; budget opportunities; balance of activities supported by the EHP; external grants; the National Earthquake Hazards Reduction Program; National Seismic Hazards Model; the Advanced National Seismic System; ShakeAlert; reports from SESAC subcommittees and preparation for a report to the USGS Director. Final agendas will be emailed to registered participants and posted on the SESAC's web page at least three (3) days prior to the SESAC meeting.

Members of the public wishing to participate in the teleconference meetings should contact Dr. Gavin Hayes by email at *ghayes@usgs.gov* at

least three (3) business days prior to the meeting. Teleconference meeting call-in information, participation information and final agendas will be provided via email to registered participants.

Time will be allowed at the public meeting for any individual or organization wishing to make formal oral comments. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited.

Written comments for the SESAC may be sent electronically in advance of the scheduled meeting to Dr. Gavin Hayes by email at *ghayes@usgs.gov* at least three (3) business days prior to the meeting. Any written comments received will be provided to the SESAC members.

Meeting Accessibility/Special Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

Authority: 5 U.S.C. ch. 10.

Gary Latzke,

Chief of Staff, U.S. Geological Survey Natural Hazards Mission Area.

[FR Doc. 2024–18049 Filed 8–13–24; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Between the White Earth Band of Chippewa Indians and the State of Minnesota for Blackjack

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Addendum to Tribal-State Compact for Control of Class III Blackjack on the White Earth Band of Chippewa Reservation in Minnesota for Class III Card Games.

DATES: The compact takes effect on August 14, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov;* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment authorizes Class III card games in addition to blackjack, adds definitions, regulatory standards for Class III card games, background investigations, and provisions for enforcement and dispute resolution. The Amendment is approved.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024–18044 Filed 8–13–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO# 4500180226]

Public Land Order No. 7948; Extension of Public Land Order No. 7613; Withdrawal of Public Lands for a Runway Safe Zone, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This Public Land Order (PLO) extends the duration of the withdrawal created by PLO No. 7613, which would otherwise expire on August 17, 2024, for an additional 20-year period. PLO No. 7613 withdrew 40 acres of public lands from settlement, sale, location, or entry under the general land laws, including the United States mining laws, subject to valid existing rights, for a period of 20 years, for the United States Air Force to protect a runway safe zone at Nellis Air Force Base located in Las Vegas, Nevada.

DATES: This PLO takes effect on August 14, 2024.

FOR FURTHER INFORMATION CONTACT: Eric Benavides, Realty Specialist, BLM Las Vegas Field Office, at (702) 515–5144, email: *ebenavides@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or Tele Braille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The purpose for which the withdrawal was first made requires this extension in order to protect a runway safe zone at Nellis Air Force Base. The lands withdrawn by PLO No. 7613 on August 18, 2004 (69 FR 51320) and serialized as N–74668 (NVNV106080782) are located wholly within Nellis Air Force Base, a secured military installation, at the northern end of an active runway; public access to these lands has been restricted since the 1950s.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, PLO No. 7613, which withdrew 40 acres of public lands from settlement, sale, location, or entry under the general land laws, including the United States mining laws, subject to valid existing rights, for the United States Air Force to protect a runway safe zone at Nellis Air Force Base, is hereby extended for an additional period of 20 years.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of land under lease, license, or permit, or governing the disposal of their mineral

or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this Order, unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

(Authority: 43 U.S.C. 1714)

Robert T. Anderson,

Solicitor.

[FR Doc. 2024–18154 Filed 8–13–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management [Docket No. BOEM–2023–0065]

Notice of Availability of a Final Environmental Assessment for Commercial Wind Lease Issuance on the Pacific Outer Continental Shelf, Oregon

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of an environmental assessment (EA) and its finding that possible wind energy-related leasing, right-of-way and right of use issuance, site assessment, and site characterization activities on the U.S. Pacific Outer Continental Shelf (OCS) offshore Oregon (the Proposed Action) will not significantly impact the human environment. The EA will inform BOEM's decision whether to issue wind energy leases on the OCS offshore the U.S. Pacific, Oregon.

ADDRESSES: The final EA and associated information are available on BOEM's website at: *www.boem.gov/oregonea.*

FOR FURTHER INFORMATION CONTACT: Lisa Gilbane, Chief, Environmental Analysis Section, Bureau of Ocean Energy Management, Camarillo, California Office, 760 Paseo Camarillo, Suite 102, Camarillo, CA 93010, (805) 384–6387 or *lisa.gilbane@boem.gov.*

SUPPLEMENTARY INFORMATION: The final EA analyzes the potential impacts from the Proposed Action, which involves BOEM issuing up to two commercial wind energy leases in the Oregon Wind Energy Areas (WEAs) and granting associated rights-of-way (ROWs) and rights-of-use and easement (RUEs) offshore the State of Oregon. A BOEM-issued lease provides lessees the exclusive right to submit site assessment and construction and operations plans to BOEM for possible approval. The EA considers the reasonably foreseeable environmental consequences associated with site characterization activities (geophysical, geotechnical, archaeological, and biological surveys) and site assessment activities (including the installation and operation of meteorological buoys) which are the types of activities that foreseeably follow BOEM's issuance of the leases, ROWs, and RUEs. BOEM prepared an EA for this proposed action to inform its planning and decision-making (40 CFR 1501.5(b)).

Alternative: In addition to the Proposed Action, BOEM considered a No Action Alternative. Under the No Action Alternative, BOEM would not issue commercial wind energy leases, ROWs, or RUEs in the two Oregon WEAs. BOEM's preferred alternative is the Proposed Action.

Finding of no significant impact: After carefully considering the alternatives and comments from the public and cooperating and consulting agencies on the draft EA, BOEM finds that approval of two commercial wind energy leases in the Oregon WEAs, and ROWs and RUEs associated with the lease areas, would not significantly impact the environment.

Availability of the final EA: The final EA and associated information are available on BOEM's website *www.boem.gov/oregonea.*

Authority: 42 U.S.C. 4231 *et seq.* (National Environmental Policy Act, as amended) and 40 CFR 1506.6.

Douglas Boren,

Pacific Regional Director, Bureau of Ocean Energy Management.

[FR Doc. 2024–18093 Filed 8–13–24; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Hydrodermabrasion Systems and Components Thereof II, DN 3766;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of HydraFacial LLC f/k/a Edge Systems LLC on August 8, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hydrodermabrasion systems and components thereof II. The complaint names as respondents: Luvo Medical Technologies Inc. of Canada; Clarion Medical Technologies, Inc. of Canada; Healthcare Markets, Inc. d/b/a Powered by MRP of Park City, UT; Medical Purchasing Resource, LLC of Little Elm, TX; Bio-Infusions USA Inc. of Seminole, FL; MIRAmedtech UG of Germany; eMIRAmed USA, LLC of Irvine, CA; and MIRAmedtech SP. Z.O.O. of Poland. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically

requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3766'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov*.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 9, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–18132 Filed 8–13–24; 8:45 am]

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[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*.

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–699–702 and 731–TA–1659–1660 (Final)]

Frozen Warmwater Shrimp From Ecuador, India, Indonesia, and Vietnam; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: August 8, 2024.

FOR FURTHER INFORMATION CONTACT: Calvin Chang (202–205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On May 30, 2024, the Commission established a schedule for the conduct of the final phase of the subject investigations (89 FR 53444, June 26, 2024). Subsequently, the U.S. Department of Commerce (''Commerce'') issued a memorandum tolling certain statutory and regulatory deadlines by a total of seven days (Memorandum to the Record, Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings, July 22, 2024). The Commission, therefore, 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 in the final phase of these investigations will be placed in the nonpublic record on October 7, 2024, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules. The deadline for filing prehearing briefs is 5:15 p.m. on October 7, 2024; if a brief contains business proprietary information, a nonbusiness proprietary version is due the following business day. The prehearing conference will be held at the U.S. International Trade Commission Building at 9:30 a.m. on October 18, 2024, if deemed necessary. Parties shall file and serve written

testimony and presentation slides in connection with their presentation at the hearing by no later than 4:00 p.m. on October 21, 2024. The hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on October 22, 2024. The deadline for filing posthearing briefs is October 29, 2024. Any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition(s), on or before October 29, 2024. On November 12, 2024, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before November 14, 2024. The deadline for filing appearances is 21 days before the hearing.

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 8, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–18086 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Robert Rowen, M.D.; Decision and Order

On May 23, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Robert Rowen M.D. (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certification of Registration No. AR9231919 at the registered address of 2200 County Center Dr., Ste. C, Santa Rosa, CA 95403. *Id.* at 1. The OSC alleged that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of California, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).[1]

The OSC notified Registrant of his right to file with DEA a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.[2] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, effective September 1, 2022, the Medical Board of California suspended Registrant's California medical license. RFAAX 1, at 1. According to California online records, of which the Agency takes official notice, Registrant's California medical license has since been revoked.[3] California DCA License Search, *https://search.dca.ca.gov* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in California, the state in which he is registered with DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, D.O.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, D.O.,* 43 FR 27616, 27617 (1978).[4]

According to California statute, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' Cal. Health & Safety Code section 11010

[1] According to Agency records, Registrant's registration expired on April 30, 2024. The fact that a registrant allows his registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68474, 68476–79 (2019).

[2] Based on the Government's submissions in its RFAA dated October 16, 2023, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the submitted Declaration from a DEA Diversion Investigator (DI) indicates that Registrant was personally served with the OSC on May 24, 2023. RFAAX 2, at 1. The DI also stated in his Declaration that he personally witnessed Registrant sign and date a duplicate copy of the OSC to verify receipt. *Id.; see also id.* at 5.

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 FR 71371–72; *Sheran Arden Yeates, D.O.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, D.O.,* 58 FR 51104, 51105 (1993); *Bobby Watts, D.O.,* 53 FR 11919, 11120 (1988); *Frederick Marsh Blanton,* 43 FR 27617.

(West 2024). Further, a ''practitioner'' means a person ''licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in [the] state.'' *Id.* section 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in California. As discussed above, a physician must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant currently lacks authority to practice medicine in California and, therefore, is not currently authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. AR9231919 issued to Robert Rowen, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Robert Rowen, M.D., to renew or modify this registration, as well as any other pending application of Robert Rowen, M.D., for additional registration in California. This Order is effective September 13, 2024.

Signing Authority

This document of the Drug Enforcement Administration was signed on August 8, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2024–18095 Filed 8–13–24; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Irene Kimura, M.D.; Decision and Order

On July 12, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Irene Kimura, M.D. (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 3, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BK4376112 at the registered address of 1017 W Broadway Ave., Moses Lake, WA 98837. *Id.* at 1. The OSC alleged that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Washington, the state in which [she is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of her right to file with DEA a written request for hearing, and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 3.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the [registrant's] right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, on or about November 9, 2021, the State of Washington Department of Health Washington Medical Commission issued an ''Ex Parte Order of Summary Action—Restriction'' that restricted Registrant from prescribing controlled substances. RFAAX 3, at 2. According to Washington's online records, of which the Agency takes official notice, Registrant's Washington medical license is revoked.[2] Washington State Department of Health Provider Credential Search, *https://fortress.wa.gov/doh/providercredentialsearch/* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in Washington, the state in which she is registered with DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, D.O.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, D.O.,* 43 FR 27616, 27617 (1978).[3]

[1] Based on the Government's submissions in its RFAA dated October 6, 2023, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the included email chain from a DEA Diversion Investigator to Registrant indicates that Registrant was successfully served with the OSC by email on July 17, 2023. RFAAX 2, at 1–2.

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

[3] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress

According to Washington statute, ''[a] practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession.'' Wash. Rev. Code section 69.50.308(j) (2024). Further, a ''prescription'' means ''an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.'' *Id.* section 69.50.101(oo). Finally, a ''practitioner'' as defined by Washington statute includes ''[a] physician under chapter 18.71 RCW.'' *Id.* section 69.50.101(nn)(1).[4]

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in Washington. As discussed above, a physician must be a licensed practitioner to dispense or prescribe a controlled substance in Washington. Thus, because Registrant currently lacks authority to practice medicine in Washington and, therefore, is not currently authorized to handle controlled substances in Washington, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BK4376112 issued to Irene Kimura, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Irene Kimura, M.D., to renew or modify this registration, as well as any other pending application of Irene Kimura, M.D., for additional registration in Washington. This Order is effective September 13, 2024.

Signing Authority

This document of the Drug Enforcement Administration was signed on August 8, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2024–18100 Filed 8–13–24; 8:45 am]

BILLING CODE 4410–09–P

has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 71371–72; *Sheran Arden Yeates, D.O.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, D.O.,* 58 FR 51104, 51105 (1993); *Bobby Watts, D.O.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton,* 43 FR 27617.

[4] Chapter 18.71 regulates physicians.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Thomas M. Fausset, O.D.; Decision and Order

On August 8, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Thomas Fausset O.D. (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 4. The OSC proposed the revocation of Registrant's Certification of Registration No. MF5263481 at the registered address of 237 N Western Ave., Los Angeles, CA 90004. *Id.* at 1. The OSC alleged that Registrant's registration should be revoked because Registrant is ''currently without authority to handle controlled substances in the State of California, the state in which he is registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file with DEA a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

[1] Based on the Government's submissions in its RFAA dated October 23, 2023, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the submitted Declaration from a DEA Diversion Investigator indicates that Registrant was successfully mailed a copy of the OSC at both his last known home address and his registered address on August 11, 2023. RFAAX 3, at 2; *see also* RFAAX 3, Appendix A, at 1–2.

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 2; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, effective April 22, 2023, the California State Board of Optometry revoked Registrant's California optometry license. RFAAX 2, at 2. According to California online records, of which the Agency takes official notice, Registrant's California optometry license remains revoked.[2] California DCA License Search, *https://search.dca.ca.gov* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice optometry in California, the state in which he is registered with DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

a practitioner's registration. *See, e.g., James L. Hooper, D.O.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, D.O.,* 43 FR 27616, 27617 (1978).[3]

According to California statute, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' Cal. Health & Safety Code section 11010 (West 2024). Further, a ''practitioner'' means a person ''licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in [the] state.'' *Id.* section 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice optometry in California. As discussed above, an optometrist must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant currently lacks authority to practice optometry in California and, therefore, is not currently authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. MF5263481 issued to Thomas Fausset, O.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Thomas Fausset, O.D., to renew or modify this registration, as well as any other pending application of Thomas Fausset, O.D., for additional registration in California. This Order is effective September 13, 2024.

Signing Authority

This document of the Drug Enforcement Administration was signed on August 8, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2024–18096 Filed 8–13–24; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Michael L. Brodie, M.D.; Decision and Order

On July 12, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Michael L. Brodie, M.D. (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. FB0279150 at the registered address of 2851 Geer Road, Suite B, Turlock, CA 95382. *Id.* at 1. The OSC alleged that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in California, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file with DEA a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, effective March 2, 2023, Registrant surrendered his California medical license. RFAAX 1, at 1. According to California online records, of which the Agency takes official notice, Registrant's California medical license remains surrendered.[2] California DCA License Search, *https://search.dca.ca.gov* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in California, the state in which he is registered with DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding

[3] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 FR 71371–72; *Sheran Arden Yeates, D.O.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, D.O.,* 58 FR 51104, 51,105 (1993); *Bobby Watts, D.O.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton,* 43 FR 27617.

[1] Based on the Government's submissions in its RFAA dated October 18, 2023, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the submitted Declaration from a DEA Diversion Investigator includes as an attachment a Form DEA–12 signed by Registrant indicating that Registrant was personally served with the OSC on July 20, 2023. RFAAX 2, at 3.

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, D.O.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, D.O.,* 43 FR 27616, 27617 (1978).[3]

According to California statute, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' Cal. Health & Safety Code section 11010 (West 2024). Further, a ''practitioner'' means a person ''licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in [the] state.'' *Id.* section 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in California. As discussed above, a physician must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant currently lacks authority to practice medicine in California and, therefore, is not currently authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FB0279150 issued to Michael Brodie, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Michael Brodie, M.D., to renew or modify this registration, as well as any other pending application of Michael Brodie, M.D., for additional registration in California. This Order is effective September 13, 2024.

Signing Authority

This document of the Drug Enforcement Administration was signed on August 8, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2024–18094 Filed 8–13–24; 8:45 am]

BILLING CODE 4410–09–P

[3] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 FR 71371–72; *Sheran Arden Yeates, D.O.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, D.O.,* 58 FR 51104, 51105 (1993); *Bobby Watts, D.O.,* 53 FR 11919, 11120 (1988); *Frederick Marsh Blanton,* 43 FR 27617.

DEPARTMENT OF JUSTICE

[OMB Number 1110–0046]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Friction Ridge Cards: Arrest and Institution FD–249; Applicant FD–258; Identity History Summary Request FD–1164; FBI Standard Palm Print FD–884; Supplemental Finger and Palm Print FD–884a; Voluntary Appeal File Fingerprint FD–1212; Firearm-Related Challenge Fingerprint FD–1211

AGENCY: Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 30-Day notice.

SUMMARY: The DOJ, FBI, CJIS Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until September 13, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Brian A. Cain, Management and Program Analyst, FBI, CJIS, Criminal History Information and Policy Unit, BTC–3, 1000 Custer Hollow Road, Clarksburg, WV 26306; phone: 304–625–5590 or email *bacain@fbi.gov*.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on June 28, 2024, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public

Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1110–0046. This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view DOJ, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an Information Clearance Request (ICR) cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Friction Ridge Cards.

3. *Agency form number, if any, and the applicable component of the DOJ sponsoring the collection:* Forms FD–249 (Arrest and Institution), FD–258 (Applicant), and FD–1164 (Identity History Summary Request); FD–884 (FBI Standard Palm Print); FD–884a (Supplemental Finger and Palm Print); FD–1212 (Voluntary Appeal File Fingerprint); FD–1211 (Firearm-Related Challenge Fingerprint) encompassed under OMB 1110–0046; DOJ, FBI, CJIS Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, State, Federal and Tribal law enforcement agencies; civil entities requesting security clearance and background checks. This collection is needed to collect information on individuals requesting background checks, security clearance, or those individuals who have been arrested for or accused of criminal activities. Acceptable data is stored as part of the Next Generation Identification System (NGI) of the FBI.

5. *Obligation to Respond:* Mandatory: Title 28, United States Code, section 534.

6. *Total Estimated Number of Respondents:* 459,238.

7. *Estimated Time per Respondent:* 10 minutes.

8. *Frequency:* Annually.

9. *Total Estimated Annual Time Burden:* 12.4 million hours.

10. *Total Estimated Annual Other Costs Burden:* $0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: August 9, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–18119 Filed 8–13–24; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Defined Monetary Assistance Victims Reserve

AGENCY: Executive Office for United States Attorneys, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Executive Office for United States Attorneys, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on November 1, 2023, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until September 13, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Karen Rolley, Executive Office for United States Attorneys, United States Department of Justice, 950 Pennsylvania Avenue NW, Room 2242, Washington, DC 20530–0001; telephone: 202–256–6278, email: *karen.rolley@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and enter the title of the information collection. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *Title of the Form/Collection:* Defined Monetary Assistance Victims Reserve.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No form number. Sponsor: Executive Office for United States Attorneys.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals or households.

Abstract: The Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (''the Act''), Public Law 115–299, established the Child Pornography Victims Reserve (Reserve) to provide defined monetary assistance to eligible victims who are depicted in child pornography that is the basis of

certain convictions. The Department will make payment from the Reserve to an eligible individual pursuant to a court order issued under the AVAA, upon receipt of the order, and requisite information from the claimant.

5. *Obligation to Respond:* Required to obtain or retain a benefit.

6. *Total Estimated Number of Respondents:* 150.

7. *Estimated Time per Respondent:* 2 hours.

8. *Frequency:* Annually/on occasion.

9. *Total Estimated Annual Time Burden:* 300 hours.

10. *Total Estimated Annual Other Costs Burden:* $47,000.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: August 9, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–18121 Filed 8–13–24; 8:45 am]

BILLING CODE 4410–07–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Statement of Expenditures and Financial Adjustments of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Servicemembers Report

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Statement of Expenditures and Financial Adjustments of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Servicemembers Report.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 15, 2024.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Cindy Le by telephone at (202) 693–2829 (this is not toll-free numbers), or by email at *OUI-PRA@dol.gov.* For person with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S–4524, 200 Constitution Avenue NW, Washington, DC 20210, by email: *OUI-PRA@dol.gov;* or by fax (202) 693–3975.

FOR FURTHER INFORMATION CONTACT: Contact Cynthia Greene by telephone at 202–693–2724 (this is not a toll-free number) or by email at *OUI-PRA@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure 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 can be properly assessed.

Public Law 97–362, Miscellaneous Revenue Act of 1982, amended the Unemployment Compensation for Ex-Servicemembers (UCX) law (5 U.S.C. 8509), and Public Law 96–499, Omnibus Budget Reconciliation Act, amended the Unemployment Compensation for Federal Employees (UCFE) law (5 U.S.C. 8501, *et seq.*) requiring each Federal employing agency to pay the costs of regular and extended UCFE/UCX benefits paid to its separated employees by the State Workforce Agencies (SWAs). The Statement of Expenditures and Financial Adjustments of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Servicemembers report, commonly referred to as the ETA 191 report submitted quarterly by each SWA shows the amount of benefits that should be charged to each Federal employing agency. The Office of Unemployment Insurance uses this information to aggregate the SWA quarterly charges and submit one official bill to each Federal agency being charged. Federal agencies then reimburse the Federal Employees Compensation Account maintained by the U.S. Department of the Treasury. The Social Security Act, Section 303(a)(6), and 5 U.S.C. 8506(b) authorizes this information collection.

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 it is approved by OMB under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0162.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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).

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Statement of Expenditures and Financial Adjustments of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Servicemembers Report.

Form: ETA 191.

OMB Control Number: 1205–0162.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Quarterly.

Total Estimated Annual Responses: 212.

Estimated Average Time per Response: 6 hours.

Estimated Total Annual Burden Hours: 1,272 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

José Javier Rodríguez,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2024–18152 Filed 8–13–24; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0025]

UL LLC: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for UL LLC, as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add one test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on August 14, 2024.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–1911 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of UL LLC, (UL) as a NRTL. UL's expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including UL, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *https://www.osha.gov/dts/otpca/nrtl/index.html.*

UL submitted an application, dated July 26, 2022 (OSHA–2009–0025–0062) to expand the NRTL scope of recognition to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing UL's expansion application in the **Federal Register** on May 28, 2024 (89 FR 46164). The agency requested comments by June 12, 2024, but it received no comments in response to this notice.

To obtain or review copies of all public documents pertaining to the UL application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2009–0025 contains all materials in the record concerning UL's recognition. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined UL's expansion application, its capability to meet the requirements of the test standard, and other pertinent information. Based on its review of this evidence, OSHA finds that UL 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 UL's expanded scope of recognition. OSHA limits the expansion of UL's recognition to testing and certification of products for demonstration of conformance to the test standard listed below in Table 1.

TABLE 1—TEST STANDARD FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 3741 *	Photovoltaic Hazard Control.

* Represents the standard that OSHA will add to the NRTL Program's List of Appropriate Test Standards.

In this notice, OSHA also announces the final decision to add one new test standard to the NRTL Program's List of Appropriate Test Standards. Table 2 below lists the standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard and will add it to the NRTL Program's List of Appropriate Test Standards.

TABLE 2—STANDARD OSHA WILL ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 3741	Photovoltaic Hazard Control.

The American National Standards Institute (ANSI) may approve the test standard listed above as an American National Standard. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 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

In addition to those conditions already required by 29 CFR 1910.7, UL must abide by the following conditions of the recognition:

1. UL 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. UL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. UL must continue to meet the requirements for recognition, including all previously published conditions on UL'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 UL as a NRTL, subject to the limitations and conditions specified above. Additionally, OSHA will add one standard to the NRTL Program's List of Appropriate Test Standards.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020)), and 29 CFR 1910.7.

Signed at Washington, DC, on July 23, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–18140 Filed 8–13–24; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 4 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from David Travis, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *travisd@arts.gov,* or call 202–682–5001.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to 5 U.S.C. 10.

The upcoming meetings are:

Creative Forces (Clinical and Community Component) Panel (review of applications): This meeting will be closed.

Date and time: September 10, 2024; 1 p.m. to 3 p.m.

Local Arts Agencies National Cohort Program Panel (review of applications): This meeting will be closed.

Date and time: September 10, 2024; 1 p.m. to 3 p.m.

Sound Health Network Cooperative Agreement Panel (review of applications): This meeting will be closed.

Date and time: September 23, 2024; 3 p.m. to 5 p.m.

Arts, Health, and Well-Being Panel (review of applications): This meeting will be closed.

Date and time: September 25, 2024; 1 p.m. to 3 p.m.

Dated: August 9, 2024.

David Travis,

Specialist, National Endowment for the Arts.

[FR Doc. 2024–18164 Filed 8–13–24; 8:45 am]

BILLING CODE 7537–01–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Notice of Meeting: National Intelligence University Board of Visitors

AGENCY: National Intelligence University (NIU), Office of the Director of National Intelligence (ODNI).

ACTION: Notice of Federal advisory committee meeting of the National Intelligence University Board of Visitors.

SUMMARY: ODNI is publishing this notice to announce that the following Federal Advisory Committee meeting of the NIU Board of Visitors (BoV) will take place. This meeting is closed to the public.

DATES: Tuesday, 24 September, 2024 8:30 a.m. to 5 p.m., Bethesda, MD.

ADDRESSES: National Intelligence University, 4600 Sangamore Road, Bethesda, MD 20816.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia ''Patty'' Larsen, Designated Federal Officer, (301) 243–2118 (Voice), *excom@odni.gov* (email). Mailing address is National Intelligence University, Roberdeau Hall, Washington, DC 20511. Website: *http://ni-u.edu/wp/about-niu/leadership-2/board-of-visitors/.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. 1001–1014), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150. The meeting includes the discussion of classified information and classified materials regarding intelligence education issues, internal personnel rules and practices of NIU, and pre-decisional strategic planning matters; and the Director of National Intelligence, or her designee, in consultation with the ODNI Office of General Counsel, has determined the meeting will be closed to the public under the exemptions set forth in 5

U.S.C. 552b(c)(1),552b(c)(2), and 552b(c)(9)(B).

I. *Purpose of the Meeting:* The Board will discuss and provide written observations and recommendations on matters relating to NIU personnel, budget, facilities, strategic planning, information technology, intelligence programs, and whole of institution assessment data, as well as discuss current classified intelligence education issues.

II. *Agenda:* Welcome and Call to Order; Opening Remarks; Resources—Budget, Information Technology, Personnel, Whole of Institution Assessment Data, Break for Lunch; AY25 Transition, Strategic Planning.

III. *Meeting Accessibility:* The public or interested organizations may submit written statements to the NIU BoV about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the NIU BoV.

IV. *Written Statements:* All written statements shall be submitted to the Designated Federal Officer for the NIU BoV, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: August 5, 2024.

Robert A. Newton,

Committee Management Officer and Deputy Chief Operating Officer.

[FR Doc. 2024–18144 Filed 8–13–24; 8:45 am]

BILLING CODE 3910–A79–P–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–482 and CP2024–489; MC2024–484 and CP2024–491; MC2024–485 and CP2024–492; MC2024–486 and CP2024–493; MC2024–487 and CP2024–494]

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 15, 2024.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

[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).

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2024–482 and CP2024–489; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 43 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 7, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* August 15, 2024.

2. *Docket No(s).:* MC2024–484 and CP2024–491; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 203 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 7, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 15, 2024.

3. *Docket No(s).:* MC2024–485 and CP2024–492; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 204 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 7, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory S. Stanton; *Comments Due:* August 15, 2024.

4. *Docket No(s).:* MC2024–486 and CP2024–493; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 205 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 7, 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 15, 2024.

5. *Docket No(s).:* MC2024–487 and CP2024–494; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 206 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 7, 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 15, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–18041 Filed 8–13–24; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–620, OMB Control No. 3235–0675]

Proposed Collection; Comment Request; Extension: Rule 15Ga–2 and Form ABS–15G

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 15Ga–2 and Form ABS–15G (17 CFR 249.1400) is used for reports of information required under Rule 15Ga–1 and Rule 15Ga–2 (17 CFR 240.15Ga–1) (17 CFR 240.15Ga–2) of the Exchange Act of 1934 (''Exchange Act''). Exchange Act Rule 15Ga–1 requires asset-backed securitizers to provide disclosure regarding fulfilled an unfulfilled repurchase requests with respect to asset-backed securities. The purpose of the information collected on Form ABS–15G is to implement the disclosure requirements of Section 943 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide information regarding the use of representations and warranties in the asset-backed securities markets. Rule 15Ga–1 had a one-time reporting requirement that expired on February 14, 2012. We estimate that approximately 2,007 securitizers will file Form ABS–15G annually at estimated (19.307 hours) burden hours per response. In addition, we estimate that 75% of the 19.307 hours per response (14.48 hours) is carried internally by the securitizers for a total annual reporting burden of 29,061 hours (14.48 hours per response × 2,007 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by October 15, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: August 9, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18169 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–563, OMB Control No. 3235–0656]

Submission for OMB Review; Comment Request; Extension: Rule 17g–7

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

Rule 17g–7 (17 CFR 240.17g–7) requires each nationally recognized statistical rating organization (''NRSROs'') to publish certain items, including a form containing specified information, when taking a rating action with respect to a credit rating [1] and to disclose rating histories for free on an easily accessible portion of its corporate internet website.[2] There are currently 10 NRSROs registered with the Commission, and it is estimated that the NRSROs will take collectively approximately 1,908,530 rating actions per year.

Based on Commission staff's experience, it is estimated that the total annual hour burden to comply with Rule 17g–7 will be 641,673 hours. The Commission further estimates that this annual hour burden will result in a total annual cost of $238,688,856, reflecting the cost of preparing the form required to be published by Rule 17g–7 and standardizing and tailoring certain required disclosures, and the cost of maintaining a database of rating histories to comply with Rule 17g–7.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by September 13, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov*.

Dated: August 9, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18171 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* 240.17g–7(a).

[2] *See* 240.17g–7(b).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100675; File No. SR–MIAX–2024–03]

Self-Regulatory Organizations; MIAX International Securities Exchange LLC; Notice of Withdrawal of Proposed Rule Change To Permit the Exchange To List and Trade Options on Exchange-Traded Fund Shares That Represent Interests in a Trust That Holds Bitcoin

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] MIAX International Securities Exchange LLC (''MIAX'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to permit the Exchange to list and trade options on exchange-traded fund shares that represent interests in a trust that holds bitcoin (''Proposal'').

On January 25, 2024, the Proposal was published for comment in the **Federal Register**.[3] On March 6, 2024, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the Proposal, disapprove the Proposal, or institute proceedings to determine whether to disapprove the Proposal.[5] On April 24, 2024, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the Proposal.[7] The Commission received comments addressing the Proposal.[8]

On July 19, 2024, the Commission designated a longer time for Commission action on the Proposal.[9] On August 1, 2024, MIAX withdrew the Proposal (SR–MIAX–2024–03).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18073 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99397 (Jan. 19, 2024), 89 FR 5079 (SR–MIAX–2024–03).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99684 (Mar. 6, 2024), 89 FR 17887 (Mar. 12, 2024).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100024 (Apr. 24, 2024), 89 FR 34290 (Apr. 30, 2024).

[8] Comment letters on the Proposal are available at *https://www.sec.gov/comments/sr-miax-2024-03/srmiax202403.htm.*

[9] *See* Securities Exchange Act Release No. 100567 (Jul. 19, 2024), 89 FR 60482 (Jul. 25, 2024).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100674; File No. SR–NYSEAMER–2024–46]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Modify Rule 971.2NYP To Clarify the Definition of CUBE BBO

August 8, 2024.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 24, 2024, NYSE American LLC (''NYSE American'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 971.2NYP to clarify the definition of CUBE BBO. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify Rule 971.2NYP to clarify the definition of CUBE BBO.

In October 2023, the Exchange completed its transition to its Pillar trading technology platform (''Pillar'').[4] In May 2024, the Exchange adopted Rule 971.2NYP (the ''Rule''), which describes the operation of its Complex Customer Best Execution (''CUBE'') Auction on Pillar (''Auction'').[5] On June 10, 2024, the Exchange deployed the Complex CUBE Auction functionality.[6] The Exchange proposes to amend the Rule to clarify the definition of CUBE BBO, which would add transparency and alleviate potential investor confusion.

The Complex CUBE Auction is a paired auction, with a price improvement mechanism, for Electronic Complex Orders. The Rule sets forth the definitions applicable to the Auction as well as the requirements for initiating an Auction. In particular, the Rule specifies that, to initiate an Auction, ''the net price of a Complex CUBE Order to buy (sell) must be equal to or higher (lower) than the CUBE BB (BO).'' [7]

Per the Rule, the CUBE BBO refers to the CUBE BB and the CUBE BO and the CUBE BBO is comprised of higher of the Complex BBO [8] or DBBO [9] as follows.

The CUBE BB for a Complex CUBE Order to buy is comprised of the higher of: the Complex BB or the Complex BB plus one cent ($0.01) if there is a Customer Complex Order on the Complex BB; or the DBB or the DBB plus one cent ($0.01) if there is displayed Customer interest on the Exchange BBO and the DBB is calculated using the Exchange BBO. The CUBE BO for a Complex CUBE Order to sell is comprised of the lower of: the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Trader Update, NYSE American Options: NYSE Pillar Final Migration Tranche, dated October 30, 2023, *available here: https://www.nyse.com/trader-update/history#110000748137* (announcing the last phase of the Pillar migration).

[5] *See* Securities Exchange Act Release No. 100033 (April 25, 2024) 89 FR 35270 (May 1, 2024) (SR–NYSEAMER–2024–24) (immediately effectiveness filing to adopt Rule 971.2NYP regarding the Complex CUBE Auction on Pillar). *See* generally Rule 971.2NYP (Complex Electronic Cross Transactions).

[6] *See* Trader Update, NYSE American Options: Complex CUBE Available June 10, 2024, dated May 13, 2024, *available here: https://www.nyse.com/trader-update/history#110000748137 https://www.nyse.com/trader-update/history#110001076051* (announcing implementation of Complex CUBE Auctions on Pillar effective June 10, 2024).

[7] *See* Rule 971.2NYP(a)(2) (Initiation of Auction).

[8] *See* Rule 971.2NYP(a)(1)(A)(i) (defining Complex BBO as ''the best-priced complex order(s) in the same complex strategy to buy (sell)'' and providing that ''[t]he Complex BB cannot exceed the DBO and the Complex BO cannot exceed the DBB'').

[9] *See* Rule 971.2NYP(a)(1)(A)(ii) (specifying that the DBBO has the meaning set forth in Rule 980NYP(a)(5). Rule 980NYP described Complex Order Trading on the Exchange.

Complex BO or the Complex BO minus one cent ($0.01) if there is a Customer Complex Order on the Complex BO; or the DBO or the DBO minus one cent ($0.01) if there is displayed Customer interest on the Exchange BBO and the DBO is calculated using the Exchange BBO.[10]

Thus, to initiate an Auction, a Complex CUBE Order must be priced at least equal to the best priced interest on the Exchange, unless the best-priced interest represents Customer interest, in which case such interest must be price improved. In instances where the DBB (DBO) represents the best-priced interest on the Exchange, the rule text specifies that the DBO (DBB) must be improved by one cent ($0.01) ''if there is displayed Customer interest on the Exchange BBO'' and the DBB (DBO) ''is calculated using the Exchange BBO.'' [11]

The Exchange believes that, while accurate, the Rule could be more transparent regarding what interest on the DBBO (*i.e.,* side of market) must be price improved when there is Customer interest at the DBBO and the CUBE BBO is based on the DBBO. Thus, as proposed, the modified Rule would specify that the DBB (DBO) must be price improved when there is displayed Customer interest on the Exchange BBO and the DBB (DBO) is calculated using the *price of that displayed Customer interest.*[12] The proposed modification also would help clarify the circumstance under which price improvement is not required, *e.g.,* the CUBE BB (when based on the DBB) is not impacted when both component legs of a Complex Order are buying and, for one of the component legs, there is displayed Customer interest at the Exchange BO.

Example

Trading interest on the Exchange when Complex CUBE Order is submitted
MM1 Leg A: 10 × 10 @0.85 × 1.05
Firm1 Leg A to sell 4 @1.00 (Limit Order)
MM1 Leg B: 10 × 40 @0.10 × 0.30
Cust1 Leg B: buy 4@0.10 (Limit Order)
cCUBE to buy {5A–7B} 40 @4.32 × cContra to sell {5A–7B} @4.10
—The complex strategy to Auction is buy 5 LegA and sell 7 LegB
—The Complex Contra Order specifies an automatch limit price
DBBO for {5A–7B}: 2.15 × 4.30
DBB = 4.25 − 2.10 = 2.15
Calculation: Sum of (best bid of each buy leg * leg ratio) (0.85 × 5) − Sum of (best offer of each sell leg * leg ratio) (0.30 × 7)
4.25 − 2.10 = 2.15
DBO = 5.00 − 0.70 = 4.30
Calculation: Sum of (best offer of each buy leg * leg ratio)
(1.00 × 5) − Sum of (best bid of each sell leg * leg ratio) (0.10 × 7)
CUBE BBO: 2.15 × 4.29
For purposes of the CUBE BBO, the DBO (calculated at 4.30) must be improved by one cent (down to 4.29) because the DBO contains Customer interest on the leg market (*i.e.,* LegB bid @0.10)

To initiate the Auction, the price of the cCUBE @4.32 is adjusted to @4.29 (to be on the CUBE BBO).

RFR announcing the Auction @4.29 is disseminated.

During Auction, only one RFR Response is received:

Firm2 Complex GTX Order to sell {5A–7B} 5 @4.10

The allocation of the cCUBE Order at the conclusion of Auction, is as follows:

Trades 5 with Firm2 @4.10; then
Trades 5 with cContra @4.10;
Trades 30 (*i.e.,* the balance) with cContra @4.29

As shown in this example, because there is displayed Customer interest at the Exchange BB, which is used to calculate the DBO for the strategy (*i.e.,* a Customer order to buy LegB @0.10), the CUBE BO must price improve such interest by one cent. Also illustrated is the fact that, to initiate the Auction, the price of the Complex CUBE Order must be priced (back) to comply with the CUBE BBO requirements. This existing (and clarified) Auction functionality is designed to ensure that displayed Customer interest (in this case on the leg markets) is not disadvantaged by the Auction.

The Exchange believes this proposed rule change would add clarity and transparency to Exchange rules making them easier to navigate and comprehend to the benefit of investors.

2. Statutory Basis

For the reasons set forth above, the Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade,remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanisms of a free and open market and a national market system and would protect investors and the public interest because it would elucidate what interest on the DBBO (*i.e.,* side of market) must be price improved when there is Customer interest at the DBBO, and thus improve the accuracy and comprehensibility of the Rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule is not designed to impact competition but is instead designed to improve the clarity (and thus enhance the accuracy) of the Rule by making more explicit the pricing requirements to initiate a Complex CUBE Auction. The Exchange does not believe that the proposed rule changes would impact intra-market competition as the proposed rule changes would be applicable to all similarly-situated ATP Holders that trade on the Exchange. To the extent that this improved clarity encourages ATP Holders to utilize the Auction, all market participants stand to benefit from additional liquidity being directed to the Exchange.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. To the extent that the proposed clarification leads to an increase in Exchange volume, this increase should allow the Exchange to better compete against other options markets that already offer similar price improvement mechanisms and for this reason the proposal does not create an undue burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the

[10] *See* Rule 971.2NYP(a)(1)(A)(i)–(ii).

[11] *See id.*

[12] *See* proposed Rule 971.2NYP(a)(1)(A)(i)–(ii).

public interest, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6)[14] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it would clarify the definition of the CUBE BBO and the circumstances under which price improvement over displayed Customer interest is required, thus improving the accuracy and comprehensibility of the Rule, without undue delay. For these reasons, and because the proposal does not raise any new or novel issues, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2024–46 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–NYSEAMER–2024–46. 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–NYSEAMER–2024–46 and should be submitted on or before September 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18072 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100677; File No. SR–BOX–2024–07]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Withdrawal of Proposed Rule Change To Permit the Exchange To List and Trade Options on Exchange-Traded Fund Shares That Represent Interests in a Trust That Holds Bitcoin

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] BOX Exchange LLC (''BOX'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to permit the Exchange to list and trade options on exchange-traded fund shares that represent interests in a trust that holds bitcoin (''Proposal'').

On March 25, 2024, the Proposal was published for comment in the **Federal Register**.[3] On April 24, 2024, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[4] to determine whether to approve or disapprove the Proposal.[5] The Commission received comments addressing the Proposal.[6]

On July 19, 2024, the Commission designated a longer time for Commission action on the Proposal.[7] On August 6, 2024, BOX withdrew the Proposal (SR–BOX–2024–07).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18075 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99777(Jan. 19, 2024), 89 FR 20712 (SR–BOX–2024–07).

[4] 15 U.S.C. 78s(b)(2)(B).

[5] *See* Securities Exchange Act Release No. 100024 (Apr. 24, 2024), 89 FR 34290 (Apr. 30, 2024).

[6] Comment letters on the Proposal are available at *http://www.sec.gov/comments/sr-box-2024-07/srbox202407.htm.*

[7] *See* Securities Exchange Act Release No. 100567 (Jul. 19, 2024), 89 FR 60482 (Jul. 25, 2024).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–662, OMB Control No. 3235–0720]

Proposed Collection; Comment Request; Extension: Form 1–K

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 1–K (17 CFR 239.91) is used to file annual reports by Tier 2 issuers under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Tier 2 issuers under Regulation A conducting offerings of up to $50 million within a 12-month period are required to file Form 1–K. Form 1–K provides audited year-end financial statements and information about the issuer's business operation, ownership, management, liquidity, capital resources and operations on an annual basis. In addition, Part I of the Form 1–K collects information on any offerings under Regulation A that have been terminated or completed unless it has been previous reported on Form 1–Z. The purpose of the Form 1–K is to better inform the public about companies that have conducted Tier 2 offerings under Regulation A. We estimate that approximately 353 issuers file Form 1–K annually. We estimate that Form 1–K takes approximately 600 hours to prepare. We estimate that 75% of the 600 hours per response (450 hours) is prepared by the company for a total annual burden of 158,850 hours (450 hours per response × 353 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by October 15, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 9, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18165 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–563, OMB Control No. 3235–0649]

Submission for OMB Review; Comment Request; Extension: Rule 17g–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

Rule 17g–5(a)(3) and (e) (17 CFR 240.17g–5(a)(3) and (e)) contain collection of information requirements. Specifically, Rule 17g–5(a)(3) prohibits a person within a nationally recognized statistical rating organization (''NRSRO'') from having a conflict of interest relating to the issuance or maintenance of a credit rating for a security or money market instrument issued by an asset pool or as part of any asset-backed securities transaction that was paid for by the issuer, sponsor, or underwriter of the security or money market instrument unless certain information and representations relating to the security are disclosed or furnished.

Currently, there are 6 credit rating agencies registered as NRSROs in the issuer of asset-backed securities category of credit ratings, and it is estimated based on recent issuance data that there are approximately 1,480 new asset-backed securities transactions per year that implicate Rule 17g–5(a)(3). Based on Commission staff's experience, it is estimated that the total annual hour burden to comply with Rule 17g–5(a)(3) will be 61,899 hours. The Commission further estimates that this annual hour burden will result in a total annual cost of $14,126,168. This cost is attributable to costs that may be incurred by NRSROs and arrangers of asset-backed securities posting information on a password-protected website, as required by Rule 17g–5, and preparing and procuring representations to determine whether an exemption under the rule applies, as well as costs incurred by NRSROs preparing certifications required under the rule to gain access to websites maintained by other NRSROs or arrangers of asset-backed securities.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by September 13, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street, NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 9, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18172 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100679; File No. SR–ICC–2024–008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Back-Testing Framework

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 30, 2024, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise the ICE CDS Clearing: Back-Testing Framework (''Back-Testing Framework''). These revisions do not require any changes to the ICC Clearing Rules (the ''Rules'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC 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

(a) Purpose

ICC proposes revising the Back-Testing Framework, which describes ICC's back-testing approach and procedures and includes guidelines for remediating poor back-testing results. The proposed amendments enhance how credit default swap index options that expire in-the-money—within the margin period of risk, are treated for profit or loss purposes in back-testing and other clarifications. ICC believes that such revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC proposes to make such changes effective following Commission approval of the proposed rule change. The proposed revisions are described in detail as follows.

ICC proposes to enhance Subsection 2.4. of the Back-Testing Framework by adding a detailed description on how in-the-money (''ITM'') expiring credit default swap (''CDS'') index option (''Index Swaption'') positions, within the margin period of risk (''MPOR''),[3] are treated in back-testing. Specifically, the proposed revisions enhance how Index Swaptions that expire ITM within the MPOR, are treated for profit or loss (''P/L'') purposes in back-testing. The proposed revisions provide that with respect to Index Swaptions that expire ITM within the MPOR, for back-testing calculation purposes, the mark to market (''MTM'') value of the expired ITM Index Swaption positions are replaced with their corresponding intrinsic values (''IV'')[4] of such Index Swaptions based on their corresponding underlying CDS index's end-of-day price at the given back-testing day. The ITM Index Swaption position, with a positive IV, results in an option exercise on the expiration date and reflects the positive value to the option holder of buying/selling the underlying CDS index position at the fixed option strike price and selling/buying the underlying CDS index position at the end-of-day price for a profit. Likewise, the sold ITM Index Swaption position, with negative IV, results in the assignment of an underlying CDS index position to the seller of the option on the expiration date, where the assigned underlying CDS index position could be bought or sold protection position depending on the type of the sold option instrument. The unrealized P/L for the exercised/assigned ITM Swaption positions, within the MPOR, are computed against the underlying MTM, after the ITM Index Swaptions expiration date, for back-testing purposes.

Also, ICC proposes the addition of Table 5, 'Minimum 5-Day P/L Detail for Expiring Options Positions' to Subsection 2.4. Table 5 provides an illustrative example of the computation of MTM and unrealized P/L for back-testing purposes for an ITM Index Swaption position that expires within the MPOR. The example calculation provided in Table 5 is intended to provide further transparency of ICC's back-testing P/L treatment of ITM Index Swaptions that expire within the MPOR.

ICC proposes additional clarifications to the Back-Testing Framework. The proposed amendments include the addition of footnote 1 in Subsection 1.1 that clarifies 'Net Asset Value' is also referred to and is equivalent to 'Mark to Market.' Also, ICC proposes to change references from ''P&L'' in Table 3 and Table 4 to ''P/L'' to consistently refer to 'profit or loss' throughout the Back-Testing Framework.

Lastly, ICC proposes to update Section 6, ''Revision History''.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[5] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[6] In particular, Section 17A(b)(3)(F) of the Act[7] requires, in part, that the rules of ICC (as a registered clearing agency) promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, assure the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and protect investors and the public interest. The proposed amendments include enhancements on how expiring Index Swaptions are valued in back-testing. The additional revisions further ensure clarity and transparency with respect to ICC's back-testing approach, procedures, and guidelines for remediating poor back-testing results. As such, ICC believes that the proposed rule change would help assure the soundness of the model by ensuring that back-testing analysis is conducted properly to assess the performance of the model. The proposed rule change is therefore consistent with the prompt and accurate clearing and settlement of the contracts cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Margin-period-of-risk or MPOR for back testing purposes reflects the greatest considered risk horizon used for ICC's initial margin requirements.

[4] In the context of ITM Index Swaptions, intrinsic value or IV is the difference between the current price of the underlying CDS index and the Swaption's exercise price.

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 240.17Ad–22.

[7] 15 U.S.C. 78q–1(b)(3)(F).

the meaning of Section 17A(b)(3)(F) of the Act.[8]

Rules 17Ad–22(e)(2)(i) and (v)[9] require each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. ICC's Back-Testing Framework clearly assigns and documents responsibility and accountability for performing back-testing analyses and remediating poor back-testing results. The enhancements on how expiring Index Swaptions are treated in back-testing, the Back-Testing Framework would continue to ensure that ICC maintains clear and transparent governance procedures and arrangements with respect to the performance, review, and reporting of back-testing results and the remediation of poor back-testing results. As such, in ICC's view, the proposed rule change continues to ensure that ICC maintains policies and procedures that are reasonably designed to provide for clear and transparent governance arrangements and specify clear and direct lines of responsibility, consistent with Rules 17Ad–22(e)(2)(i) and (v).[10]

Rule 17Ad–22(e)(4)(ii)[11] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. As discussed above, the proposed revisions would enhance how expiring Index Swaptions are treated in back-testing. The additional revisions enhance the clarity and transparency of the Back-Testing Framework, which would strengthen the documentation and ensure that it remains up-to-date, clear, and transparent. ICC believes that the proposed changes would enhance ICC's ability to manage risks and maintain appropriate financial resources, including by ensuring that back-testing analysis is conducted properly to assess the performance of the model. As such, the proposed amendments would strengthen ICC's ability to maintain its financial resources and withstand the pressures of defaults, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[12]

Rule 17Ad–22(e)(6)(vi)[13] requires each covered clearing agency 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, is monitored by management on an ongoing basis and is regularly reviewed, tested, and verified by (A) conducting back-tests of its margin model at least once each day using standard predetermined parameters and assumptions; and (B) conducting a sensitivity analysis of its margin model and a review of its parameters and assumptions for back-testing on at least a monthly basis, and considering modifications to ensure the back-testing practices are appropriate for determining the adequacy of ICC's margin resources. The Back-Testing Framework continues to require the performance of daily, weekly, monthly, and quarterly portfolio-level back-testing analyses, and the remediation of poor-back-testing results. The proposed amendments consist of enhancements to the treatment of expiring Index Swaptions for back-testing purposes, and other clarifications to the Back-Testing Framework. These procedures in the Back-Testing Framework continue to promote the soundness of ICC's model and ensure that ICC's risk management system is effective and appropriate in addressing the risks associated with discharging its responsibilities. The proposed changes are thus consistent with the requirements of Rule 17Ad–22(e)(6)(vi).[14]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed changes to ICC's Back-Testing Framework will apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ICC–2024–008 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–ICC–2024–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*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

[8] *Id.*

[9] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

[10] *Id.*

[11] 17 CFR 240.17Ad–22(e)(4)(ii).

[12] *Id.*

[13] 17 CFR 240.17Ad–22(e)(6)(vi).

[14] *Id.*

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 filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.ice.com/clear-credit/regulation.*

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–ICC–2024–008 and should be submitted on or before September 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18077 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100672; File No. SR–SAPPHIRE–2024–06]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Option Contracts Open for Trading, To Modify the Strike Interval for Options on SPDR® Gold Shares

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 1, 2024, MIAX Sapphire, LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 Exchange 404, Series of Option Contracts Open for Trading.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings,* at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 404, Series of Options Contracts Open for Trading.

Proposal

The Exchange proposes to amend Exchange Rule 404, Series of Options Contracts Open for Trading. Specifically, the Exchange proposes to amend Interpretations and Policies .10 to allow for the interval between strike prices of series of options on Exchange-Traded Fund Shares[3] of SPDR® Gold Trust or ''GLD'' to be $1 or greater where the strike price is greater than $200. The Exchange also proposes to amend paragraph (g) to add rule text related to the interval between strike prices of series of options on Exchange-Traded Fund Shares to provide that the interval 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. Today, Cboe Exchange, Inc. (''Cboe'') permits the interval between strike prices of series of options on Exchange-Traded Fund Shares to 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.[4] Today, the Exchange may fix the interval between strike prices of series of options on Exchange-Traded Fund Shares at such intervals as may have been established on another options exchange prior to the initiation of trading on the Exchange. The Exchange proposes to adopt Cboe's language to provide a strike interval for Exchange-Traded Fund Shares in the event a different interval is not elected 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.

Further, Policy .10 of Rule 404 allows for the interval between the strike prices of series of options on Exchange-Traded Fund Shares of the SPDR S&P 500 ETF (''SPY''), iShares S&P 500 Index ETF (''IVV''), Invesco QQQ Trust (''QQQ''), iShares Russell 2000 Index Fund (''IWM''), and the SPDR Dow Jones Industrial Average ETF (''DIA'') to be $1 or greater where the strike price is greater than $200.

At this time, the Exchange proposes to modify the interval setting regime to be $1 or greater where the strike price is greater than $200 for GLD options, similar to SPY IVV, QQQ, IWM, and DIA. The Exchange believes that the proposed rule change would make GLD options easier for investors and traders to use and more tailored to their investment needs.

GLD is an Exchange-Traded Fund Share designed to closely track the price and performance of gold bullion. GLD is widely quoted as an indicator of gold stock prices and is a significant indicator of overall economic health. Investors use GLD to diversify their portfolios and benefit from market trends. Additionally, GLD is a leading product in its asset class that trades within a ''complex'' where, in addition to the underlying security, there are multiple instruments available for hedging such as, COMEX Gold Futures; Gold Daily Futures; iShares GOLD Trust; SPDR GOLD Minishares Trust; Aberdeen Physical Gold Trust; and GraniteShares Gold Shares.

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange-Traded Fund Shares include shares or other securities that are traded on a national securities exchange and are defined as an ''NMS stock'' under Rule 600 of Regulation NMS. *See* Exchange Rule 402(i).

[4] *See* Interpretation and Policy .07(a) of Cboe Rule 4.5.

Accordingly, the Exchange believes that offering a wider base of GLD options affords traders and investors important hedging and trading opportunities, particularly in the midst of current price trends. The Exchange believes that not having the proposed $1 strike price intervals above $200 in GLD significantly constricts investors' hedging and trading possibilities. The Exchange therefore believes that by having smaller strike intervals in GLD, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 interval above the $200 strike price, will result in having at-the-money series based upon the underlying ETF moving less than 1%. The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Considering the fact that $1 intervals already exist below the $200 price point and that GLD have consistently inclined in price toward the $200 level, the Exchange believes that continuing to maintain the current $200 level (above which intervals increase 500% to $5), may have a negative effect on investing, trading and hedging opportunities, and volume. The Exchange believes that the investing, trading, and hedging opportunities available with GLD options far outweighs any potential negative impact of allowing GLD options to trade in more finely tailored intervals above the $200 price point.

The proposed strike setting regime would permit strikes to be set to more closely reflect the increasing value in the underlying and allows investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movements of the underlying ETF. Under the current rule, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions would be impaired. Accordingly, to move a position from a $200 strike to a $205 strike under the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. The Exchange believes that with the proposed rule change, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying. As a result, the proposed rule change will allow the Exchange to better respond to customer demand for GLD strike prices more precisely aligned with the smaller, longer-term incremental increases in the underlying ETF. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using GLD options. Moreover, by allowing series of GLD options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of options series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that Members [5] will not have a capacity issue due to the proposed rule change. In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity, but rather, believes that finer strike intervals will serve to increase liquidity available as well as price efficiency by providing more trading opportunities for all market participants.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes that its proposed rule change is consistent with Section 6(b)(5) [7] requirements 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.

The Exchange believes the proposed change will allow investors to more easily use GLD options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in GLD options where the strike price is greater than $200, and ensure that investors in both options are not at a disadvantage simply because of the strike price.

The Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The proposal allows the Exchange to respond to customer demand to allow GLD options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality. As noted above, ETF options trade in wider $5 intervals above a $200 strike price, whereby options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the $200 strike price above which options intervals increase by 500%. This proposal remedies the situation by establishing an exception to the current ETF interval regime for GLD options to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. By way of example, GLD is a leading product in its asset class and it trades within a ''complex'' where, in addition to the underlying security, there are multiple instruments available for hedging such as, COMEX Gold Futures; Gold Daily Futures; iShares GOLD Trust; SPDR GOLD Minishares Trust; Aberdeen Physical Gold Trust; and GraniteShares Gold Shares.

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

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

[5] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of MIAX Sapphire Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

of the purposes of the Act. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that GLD options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to GLD options is currently applied to SPY, IVV, QQQ, IWM, and DIA options, which are similarly popular and widely traded ETF products and track indexes at similarly high price levels. Thus, the proposed strike setting regime for GLD options will allow options on this an actively traded ETF with index levels at corresponding price levels to trade pursuant to the same strike setting regime. This will permit investors to employ similar investment and hedging strategies for each of these options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that its proposal is substantively identical to a proposal filed by another exchange that the Commission recently approved,[12] and that a waiver of the operative delay would permit the Exchange to implement the proposal immediately, thus fostering competition among GLD options throughout the industry. The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–SAPPHIRE–2024–06 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–SAPPHIRE–2024–06. 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–SAPPHIRE–2024–06 and should be submitted on or before September 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18070 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] *See* Securities Exchange Act Release No. 100447 (June 28, 2024), 89 FR 55293 (July 3, 2024) (SR–ISE–2024–17).

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2)(B).

[15] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–660, OMB Control No. 3235–0722]

Proposed Collection; Comment Request; Extension: Form 1–U

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 1–U (17 CFR 239.93) is used to file current event reports by Tier 2 issuers under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C 77a *et seq.*). Form 1–U provides information to the public within four business days of fundamental changes in the nature of the issuer's business and other significant events. We estimate that approximately 1,502 issuers file Form 1–U annually. We estimate that Form 1–U takes approximately 5.0 hours to prepare. We estimate that 85% of the 5.0 hours per response is prepared by the company for a total annual burden of 6,384 hours (4.25 hours per response × 1,502 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by October 15, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 9, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18166 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100673; File No. SR-CboeEDGX–2024–050]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend its Fees Schedule

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 1, 2024, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*) at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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 its Fees Schedule, effective August 1, 2024.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 17 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 12% of the market share.[3] Thus, in such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange assesses fees in connection with orders routed away to various exchanges. The Exchange notes that its current approach to routing fees is to set forth in a simple manner certain sub-categories of fees that approximate the cost of routing to other options exchanges based on the cost of transaction fees assessed by each venue as well as a flat $0.15 assessment that covers costs to the Exchange for routing (*i.e.,* clearing fees, connectivity and other infrastructure costs, membership fees, etc.) (collectively, ''Routing Costs''). The Exchange then monitors the fees charged as compared to the costs of its routing services and adjusts its routing fees and/or sub-categories to ensure that the Exchange's fees do indeed result in a rough approximation of overall Routing Costs, and are not significantly higher or lower in any area. The Exchange notes that another options exchange currently assesses routing fees in a similar manner as the

[3] *See* Cboe Global Markets U.S. Options Monthly Market Volume Summary (July 30, 2024), available at *https://markets.cboe.com/us/options/market_statistics/.*

Exchange's current approach to assessing approximate routing fees.

Currently, under the Fee Codes and Associated Fees section of the Fees Schedule, fee code RP is appended to routed Customer orders to NYSE American (''AMEX''), BOX Options Exchange (''BOX''), Cboe Exchange, Inc. (''Cboe''), MIAX Options Exchange (''MIAX'') or Nasdaq PHLX LLC (''PHLX'') (excluding orders in SPY options to PHLX) and assesses a charge of $0.25 per contract. The Exchange proposes to amend fee code RP to add applicable Customer orders routed to MIAX Sapphire, LLC (''SPHR''), in anticipation of the launch of the new options exchange. The charge assessed per contract for fee code RP remains the same under the proposed rule change.

The proposed changes result in an assessment of fees that, in anticipation of the launch of another options exchange, is in line with the Exchange's current approach to routing fees, that is, in a manner that approximates the cost of routing Customer orders to other away options exchanges, based on the general cost of transaction fees assessed by the sub-category of away options exchanges for such orders (as well as the Exchange's Routing Costs). The Exchange notes that routing through the Exchange is optional and that Members will continue to be able to choose where to route applicable Customer orders.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed rule change to amend fee code RP to account for SPHR's expected assessment of fees for Customer orders is reasonable because it is reasonably designed to assess routing fees in line with the Exchange's current approach to routing fees. That is, the proposed rule change is intended to include Customer orders routed to SPHR in the most appropriate sub-category of fees that approximates the cost of routing to a group of away options exchanges based on the cost of transaction fees assessed by each venue as well as Routing Costs to the Exchange. As noted above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange notes that routing through the Exchange is optional and that Members will continue to be able to choose where to route their Customer orders in the same sub-category group of away exchanges as they currently may choose to route. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. The Exchange further notes that another options exchange currently approximates routing fees in a similar manner as the Exchange's current approach.[8] The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because all Members' applicable Customer orders routed to SPHR will be automatically and uniformly assessed the applicable routing charge.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the Exchange does not believe the proposed rule change to amend fee code RP will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Members' applicable Customer orders routed to SPHR will automatically yield fee code RP and uniformly be assessed the corresponding fee. The Exchange notes that another options exchange approximates routing costs in a similar manner as the Exchange's current approach.[9]

The Exchange also does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 16 other options exchanges and off-exchange venues. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 16% of the market share.[10] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[11] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78f(b)(4).

[8] *See e.g.,* MIAX Options Exchange Fee Schedule, Section 1(c), ''Fees for Customer Orders Routed to Another Options Exchange.''

[9] *See e.g.,* MIAX Options Exchange Fee Schedule, Section 1(c), ''Fees for Customer Orders Routed to Another Options Exchange.''

[10] *See supra* note 3.

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[12] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and paragraph (f) of Rule 19b–4 [14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2024–050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2024–050. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2024–050, and should be submitted on or before September 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18071 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[12] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100678; File No. SR–CBOE–2024–005]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Permit Cboe To List and Trade Options on ETPs That Hold Bitcoin

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] Cboe Exchange, Inc. (''Cboe'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to permit Cboe to list and trade options on exchange-traded product shares that hold bitcoin (''Proposal'').

On January 25, 2024, the Proposal was published for comment in the **Federal Register**.[3] On March 6, 2024, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the Proposal, disapprove the Proposal, or institute proceedings to determine whether to disapprove the Proposal.[5] On April 24, 2024, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the Proposal.[7] The Commission received comments addressing the Proposal.[8] On July 19, 2024, the Commission designated a longer time for Commission action on the Proposal.[9] On August 2, 2024, Cboe withdrew the Proposal (SR–CBOE–2024–005).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18076 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99395 (Jan. 19, 2024), 89 FR 5075 (SR–CBOE–2024–005).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99680 (Mar. 6, 2024), 89 FR 17887 (Mar. 12, 2024).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100024 (Apr. 24, 2024), 89 FR 34290 (Apr. 30, 2024).

[8] Comment letters on the Proposal are available at *https://www.sec.gov/comments/sr-cboe-2024-005/srcboe2024005.htm.*

[9] *See* Securities Exchange Act Release No. 100567 (Jul. 19, 2024), 89 FR 60482 (Jul. 25, 2024).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100680; File No. SR–CboeEDGX–2024–009]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change To Amend the Definition of Retail Order, and Codify Interpretations and Policies Regarding Permissible Uses of Algorithms by RMOs

August 8, 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. On August 6, 2024, the Commission designated a longer period within which to approve or disapprove the proposed rule change.[10] On August 7, 2024, the Exchange withdrew the proposed rule change (SR–CboeEDGX–2024–009).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18078 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[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] *See* Securities Exchange Act Release No. 100665 (designating October 10, 2024 as the date by which the Commission shall either approve or disapprove the proposed rule change).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100676; File No. SR–PEARL–2024–03]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Withdrawal of Proposed Rule Change To Permit the Exchange To List and Trade Options on Exchange-Traded Fund Shares That Represent Interests in a Trust That Holds Bitcoin

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] MIAX PEARL, LLC (''MIAX Pearl'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to permit the Exchange to list and trade options on exchange-traded fund shares that represent interests in a trust that holds bitcoin (''Proposal'').

On January 25, 2024, the Proposal was published for comment in the **Federal Register**.[3] On March 6, 2024, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the Proposal, disapprove the Proposal, or institute proceedings to determine whether to disapprove the Proposal.[5] On April 24, 2024, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the Proposal.[7] The Commission received comments addressing the Proposal.[8] On July 19, 2024, the Commission designated a longer time for Commission action on the Proposal.[9] On August 1, 2024, MIAX Pearl withdrew the Proposal (SR–PEARL–2024–03).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18074 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99394 (Jan. 19, 2024), 89 FR 5058 (SR–PEARL–2024–03).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99682 (Mar. 6, 2024), 89 FR 17887 (Mar. 12, 2024).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100024 (Apr. 24, 2024), 89 FR 34290 (Apr. 30, 2024).

[8] Comment letters on the Proposal are available at *http://www.sec.gov/comments/sr-pearl-2024-03/srpearl202403.htm.*

[9] *See* Securities Exchange Act Release No. 100567 (Jul. 19, 2024), 89 FR 60482 (Jul. 25, 2024).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–253, OMB Control No. 3235–0260]

Proposed Collection; Comment Request; Extension: Rule 23c–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 23c–1(a) under the Investment Company Act (17 CFR 270.23c–1(a)) permits a closed-end fund to repurchase its securities for cash if, in addition to the other requirements set forth in the rule, the following conditions are met: (i) payment of the purchase price is accompanied or preceded by a written confirmation of the purchase (''written confirmation''); (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent (''asset coverage disclosure''); and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock (''six month notice''). Commission staff estimates that 48 closed-end funds undertake a total of 192 repurchases annually under rule 23c–1.[1] Staff estimates further that, with respect to each repurchase, each fund

[1] The number of closed-end funds that undertake repurchases annually under rule 23c–1 is based on information provided in response to Item C.7.i of Form N–CEN from January 1, 2023 through December 31, 2023; we estimate that each of the 48 funds undertook an average of 4 repurchases annually (48 funds × 4 repurchases = 192 repurchases annually).

spends 2.5 hours to comply with the rule's written confirmation, asset coverage disclosure and six month notice requirements. Thus, Commission staff estimates the total annual respondent reporting burden is 480 hours.[2] Commission staff further estimates that the cost of the hourly burden per repurchase is approximately $388 (one half hour of a compliance attorney's time at $440 per hour,[3] and two hours of clerical time at $84 per hour[4]). The total annual cost for all funds is estimated to be $186,240.[5]

In addition, the fund must file with the Commission a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The copy must be filed as an exhibit to Form N–CSR (17 CFR 249.331and 274.128).[6] The burden associated with filing Form N–CSR is addressed in the submission related to that form.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by October 15, 2024.

[2] This estimate is based on the following calculation: 192 repurchases × 2.5 hours per repurchase = 480 hours.

[3] The $440/hour figure for a compliance attorney is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[4] The $84/hour figure for a compliance clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[5] This estimate is based on the following calculation: 192 repurchases × 2.5 hours per repurchase × $388 hourly cost = $186,240.

[6] In addition, Item 9 of Form N–CSR requires closed-end funds to disclose information similar to the information that was required in Form N–23C–1, which was discontinued in 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 9, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–18168 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100671; File No. SR–CBOE–2024–034]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List P.M.-Settled Broad-Based Index Options With Expirations on the Third Friday-of-the-Month

August 8, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 2, 2024, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to list P.M.-settled broad-based Index options with expirations on the Third Friday-of-the-month. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Rules to permit the listing of P.M.-settled[3] options on any broad-based index eligible for standard options trading that expire on the standard third Friday-of-the-month (''Expiration Friday''). Currently, pursuant to Rule 4.13, Interpretations and Policies .13 and .14, the Exchange is permitted to list P.M.-settled options on the S&P 500 Index (''SPX options''), the Mini-S&P 500 Index (''XSP options''), and the Mini-Russell 2000 Index (''MRUT options'') that expire on Expiration Fridays. Additionally, pursuant to Rule 4.13(e), the Exchange may list P.M.-settled options on any broad-based index eligible for standard options trading that expire on any Monday, Tuesday, Wednesday, Thursday, or Friday (other than Expiration Friday or days that coincide with an EOM Expiration (as defined below)) (''Weekly Expirations'') or that expire on the last trading day of the month (''EOM Expirations'' and, combined with Weekly Expirations, ''Nonstandard Expirations''). As a result, currently, the Exchange may list P.M-settled SPX, XSP, and MRUT options with expirations on any day of the week, including all Fridays, while the Exchange may list P.M-settled options on all other broad-based index options with expirations on any day of the week, including all Fridays except Expiration Fridays.

The proposed rule change would permit the Exchange to list P.M.-settled options on all broad-based index options that expire on Expiration Fridays. Specifically, the proposed rule

[3] An option with P.M.-settlement has its exercise settlement value derived from the closing prices on the expiration date.

change amends Rule 4.13, Interpretation and Policy .13 to state that in addition to A.M.-settled options on any broad-based index approved for trading on the Exchange pursuant to Rule 4.13, the Exchange may also list options on any broad-based index whose exercise settlement value is derived from closing prices on their expiration dates [4] (''P.M.-Settled Third Friday Index Options'').[5] The Exchange notes that permitting P.M.-Settled Third Friday Index Options for all broad-based indexes, as proposed, would be in addition to the P.M.-settled options with expirations on all Fridays other than Expiration Fridays that the Exchange may already list on those indexes as Weekly Expirations pursuant to Rule 4.13(e)(1). Current Rule 4.13, Interpretations and Policies .13 and .14 together with Rule 4.13(e)(1) permit the Exchange to list P.M-settled SPX, XSP, and MRUT options on all Fridays (including Expiration and non-Expiration Fridays). The proposal merely expands this same ability to all other broad-based indexes eligible for A.M.-settled standard option trading.

P.M.-Settled Third Friday Index Options are subject to all provisions of Rule 4.13 and treated the same as A.M.-settled options on the same underlying index that expire on Expiration Fridays, except they are P.M.-settled. P.M.-Settled Third Friday Index Options have the same exercise style, same number of permissible expirations, same exercise interval prices and limitations, and same position and exercise limits, and will trade in the same minimum price increment, as A.M.-settled options on the same underlying index.

The Exchange believes expanding the availability of P.M.-Settled Third Friday Index Options to all broad-based index options (rather than having those expirations available for three broad-based indexes only) will expand hedging tools available to market participants while also providing greater trading opportunities, regardless of in which index option market they participate. By expanding the availability of P.M.-Settled Third Friday Index Options, the proposed rule change (together with currently available Weekly Expirations for all broad-based index options) will provide market participants with opportunities to purchase options on all broad-based index options available for trading on the Exchange in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies and manage their portfolios. In particular, the proposed rule change will allow market participants to roll their positions for additional index options on more trading days, thus with more precision, spread risk across more trading days and incorporate daily changes in the markets, which may reduce the premium cost of buying protection. The Exchange believes there is sufficient investor interest in and demand for P.M.-Settled Third Friday Index Options for broad-based index options beyond SPX, XSP, and MRUT to warrant adding these expirations for additional broad-based index options and that P.M.-Settled Third Friday Index Options will continue to provide investors with additional means of managing their risk exposures and carrying out their investment objectives. Overall, the Exchange believes that permitting the trading of P.M.-Settled Third Friday Index Options in more broad-based indexes will encourage greater trading in these index options. The Exchange believes the proposed rule change will provide opportunities for market participants to benefit from exposure to the market for all broad-based index options with additional P.M.-settlement flexibility.

The Exchange also proposes to amend Rule 5.1, which governs trading days and hours, in conjunction with the proposed addition of P.M.-settled options on Expiration Fridays in all broad-based index options. Rule 5.1(b)(2)(C) currently provides that on their last trading day, Regular Trading Hours for expiring P.M.-settled SPX, XSP, and MRUT options, as well as Index Options with Nonstandard Expirations, may be effected on the Exchange between 9:30 a.m. and 4:00 p.m. Eastern Time [6] (as opposed to the 9:30 a.m. to 4:15 p.m. Regular Trading Hours for options with those expirations that are non-expiring). The proposed rule change amends Rule 5.1(b)(2)(C) to include P.M.-Settled Third Friday Index Options for all broad-based indexes (and thus deletes the specific references to p.m.-settled SPX, XSP, and MRUT options, as those options are captured by the proposed defined term ''P.M.-Settled Third Friday Index Options''). The primary listing markets for the component securities that comprise broad-based indexes close trading in those securities at 4:00 p.m., just as the primary listing markets for the component securities that comprise the SPX, XSP, and MRUT Indexes close trading at 4:00 p.m. The primary listing exchanges for the component securities disseminate closing prices for the component securities, which are used to calculate the exercise settlement value of broad-based indexes on which the Exchange lists options. The Exchange believes that, under normal trading circumstances, the primary listing markets have sufficient bandwidth to prevent any data queuing that may cause any trades that are executed prior to the closing time from being reported after 4:00 p.m. If trading in expiring P.M.-Settled Third Friday Index Options continued an additional fifteen minutes until 4:15 p.m. on their last trading day, expiring P.M.-Settled Third Friday Index Options would be trading after the settlement index value for those expiring options was calculated.[7] Therefore, in order to mitigate potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day, the Exchange believes that it is appropriate to cease trading in the expiring P.M.-Settled Third Friday Index Options at 4:00 p.m., as it already does for expiring P.M.-settled SPX, XSP, and MRUT options that expire on Expiration Fridays and for expiring broad-based indexes with

[4] The Exchange corrects outdated language in Rule 4.13, Interpretation and Policy .13 by updating the definition of P.M.-settled. The exercise settlement value of a P.M.-settled option is derived from closing prices on the expiration date, rather than the last trading day prior to expiration (which would have been Friday when options settled on Saturdays; however, options now settle on Fridays). This is consistent with the fact that expiring P.M.-settled options trade on their expiration dates, as set forth in Rule 5.1(b)(2)(C).

[5] The proposed rule change also deletes Rule 4.13, Interpretation and Policy .14, as the proposed changes to Interpretation and Policy .13 make Interpretation and Policy .14 redundant and, thus, unnecessary (*i.e.,* as the Mini-SPX Index and Mini-RUT Index are broad-based indexes, those indexes are included in the phrase ''all broad-based indexes'' in proposed Rule 4.13, Interpretation and Policy .13).

[6] *See* Rule 1.6, which states that unless otherwise specified, all times in the Rules are Eastern Time.

[7] Further, the Exchange expects that all P.M.-Settled Third Friday Index Options (as the Exchange understands is the case for P.M.-settled SPX, XSP and MRUT options that expire on Expiration Friday and all broad-based index options with Nonstandard Expirations) will typically be priced in the market based on corresponding futures values. If trading expiring P.M.-Settled Third Friday Index Options continued until 4:15 p.m. on their last trading day, expiring P.M.-Settled Third Friday Index Options could not be priced on corresponding futures values, but rather would have to be priced on the known cash value. At the same time, the prices of non-expiring P.M.-Settled Third Friday Index Options series would continue to move and likely be priced in response to changes in corresponding futures prices. As a result, a potential pricing divergence could occur between 4:00 p.m. and 4:15 p.m. on the final trading day in expiring P.M.-Settled Third Friday Index Options (*e.g.,* a switch from pricing off of futures to cash). The Exchange understands that the switch from pricing off of futures to cash can be a difficult and risky crossover for liquidity providers. As a result, if expiring P.M.-settled contracts closed at 4:15 p.m., Market-Makers may react by widening spreads in order to compensate for the additional risk.

Nonstandard Expirations (which are p.m.-settled) for the same aforementioned reasons.[8] The Exchange does not believe that the proposed rule change will impact volatility on the underlying cash market comprising broad-based indexes at the close on Expiration Fridays, as it already closes trading on the last trading day for expiring P.M.-settled options at 4:00 p.m. (such as P.M.-settled SPX, XSP, and MRUT options that expire on Expiration Fridays and broad-based index options with Nonstandard Expirations), which the Exchange does not believe has had an adverse impact on fair and orderly markets on Expiration Fridays for the underlying stocks comprising the corresponding indexes.[9]

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it believes that the Exchange and OPRA have the necessary systems capacity to handle any potential additional traffic associated with trading of P.M.-Settled Third Friday Index Options. The Exchange does not believe that its Trading Permit Holders (''TPHs'') will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with any possible additional options series listed as a result of this proposal and the effect (if any) of these additional series on market fragmentation and on the capacity of the Exchange's automated systems.

In addition to this, the Exchange believes that its existing surveillance and reporting safeguards in place are adequate to deter and detect possible manipulative behavior which might arise from listing and trading P.M.-Settled Third Friday Index Options on all broad-based index options and will support the protection of investors and the public interest. Furthermore, the trading of P.M.-Settled Third Friday Index Options will be subject to Exchange Rules governing customer accounts, position and exercise limits, margin requirements and trading halt procedures, among other Rules, which are designed to prevent fraudulent and manipulative acts and practices.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] 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 proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that expanding the availability of P.M.-Settled Third Friday Index Options to all broad-based index options (rather than having these expirations available for three broad-based indexes only) will provide investors with expanded hedging tools and greater trading opportunities and flexibility, regardless of in which broad-based index option market they participate. As a result, investors will have additional means for additional index options to manage their risk exposures and carry out their investment objectives. By offering expanded P.M.-Settled Third Friday Index Options along with Weekly Expirations (including expirations on Fridays other than Expiration Friday) for all broad-based index options, the proposed rule change will allow market participants to purchase options on all broad-based index options available for trading on the Exchange in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies and manage their portfolios. For example, the proposed rule change will allow market participants to roll their positions in more index options on more trading days, thus with more precision, spread risk across more trading days and incorporate daily changes in the markets, which may reduce the premium cost of buying protection. The Exchange represents that it believes that it has the necessary systems capacity to support any additional traffic associated with trading of options on all broad-based index options with P.M.-Settled Third Friday Index Options and does not believe that its TPHs will experience any capacity issues as a result of this proposal.

The Commission previously recognized that listing P.M.-Settled Third Friday Index Options for SPX, XSP, and MRUT options was consistent with the Act.[13] The Commission noted that P.M.-Settled Third Friday Index Options in these index options ''has benefitted investors and other market participants by providing more flexible trading and hedging opportunities while also having no disruptive impact on the market.'' [14] The proposed rule change is consistent with these findings, as it will benefit investors and other market participants that participate in the markets for broad-based index options other than SPX, XSP, and MRUT options in the same manner as SPX, XSP, and MRUT options that expire on Expiration Fridays do by providing investors with more flexible trading and hedging opportunities in these additional index options. Additionally, the Exchange does not believe listing of P.M.-settled options that expire on Expiration Fridays on additional broad-based indexes will have any significant economic impact on the underlying component securities surrounding the close as a result of expiring p.m.-settled options or impact market quality, based on the data provided to and reviewed by the Commission (and the Commission's own conclusions based on that review, as noted above) and due to the

[8] *See* Securities Exchange Act Release Nos. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120) (''SPXPM Pilot Approval Order''); 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR–CBOE–2013–055) (''XSPPM Pilot Approval Order''); and 91067 (February 5, 2021), 86 FR 9108 (February 11, 2021) (SR–CBOE–2020–116) (''MRUTPM Pilot Approval Order'').

[9] *See* Securities Exchange Act Release Nos. 98454 (September 20, 2023), 88 FR 66103 (September 26, 2023) (SR–CBOE–2023–005) (''SPXPM Permanent Approval Order''); and 98455 (September 20, 2023), 88 FR 66073 (September 26, 2023) (SR–CBOE–2023–019) (''XSPPM and MRUTPM Permanent Approval Order'').

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] *See* SPXPM, XSPPM, and MRUTPM Pilot Approval Orders (the Exchange initially listed P.M.-Settled Third Friday SPX, XSP, and MRUT Options pursuant to pilot programs, so the Commission could monitor the impact of P.M. settlement of cash-settled index derivatives on the underlying cash markets (while recognizing that these risks may have been mitigated given enhanced closing procedures in use in the primary equity markets); and SPXPM, XSPPM, and MRUTPM Permanent Approval Orders.

[14] *See* SPXPM Permanent Approval Order at 66106; and XSPPM and MRUTPM Permanent Approval Order at 66076 (citing data the Commission reviewed in connection with the pilot programs).

significant changes in closing procedures in the decades since index options moved to a.m.-settlement.[15]

In addition, the Exchange believes that the proposal to end trading at 4:00 p.m. on the last trading day for transactions in expiring P.M.-Settled Third Friday Index Options will prevent continued trading on a product after the exercise settlement value has been fixed, thereby mitigating potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day.

Finally, the proposed rule change to correct the definition of p.m.-settled in Rule 4.13, Interpretation and Policy .13 will benefit investors, as it will mitigate potential confusion of having an outdated definition in the Exchange's Rules. This proposed rule change will have no impact on trading, as the proposed definition of p.m.-settled is consistent with how p.m.-settled options currently settle.

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 because P.M.-Settled Third Friday Index Options in all broad-based indexes will be available to all market participants. By permitting P.M.-settled options that expire on Expiration Fridays in additional broad-based indexes, the proposed rule change will provide all investors that participate in the markets for options on more broad-based indexes (in addition to SPX, XSP, and MRUT options) available for trading on the Exchange with greater trading and hedging opportunities and flexibility to meet their investment and hedging needs, which are already available for SPX, XSP, and MRUT options. Additionally, P.M.-Settled Third Friday Index Options will trade in the same manner as A.M-settled options on the same indexes. Further, the proposed 4:00 p.m. closing time on Expiration Fridays will apply equally to all market participants trading in P.M.-Settled Third Friday Index Options.

The Exchange does not believe that the proposal to list P.M.-Settled Third Friday Index Options in all broad-based indexes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these options are proprietary Exchange products. Other exchanges offer P.M.-settlement on Expiration Fridays for other broad-based index options.[16] Additionally, options on equity options (including options on certain exchange-traded funds (''ETFs'') that track broad-based indexes on which the Exchange lists options) are P.M.-settled, and exchanges offer short-term options programs for certain equity options,[17] making options on certain ETFs that track broad-based indexes on which the Exchange lists options available with expirations on all Fridays. To the extent that the addition of P.M.-Settled Third Friday Index Options on additional broad-based indexes available for trading on the Exchange makes 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.

The Exchange does not believe the proposed rule change to correct the definition of p.m.-settled in Rule 4.13, Interpretation and Policy .13 will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as it is not a competitive change. This proposed change merely updates an outdated definition in the Exchange's Rules and will have no impact on trading, as the proposed definition of p.m.-settled is consistent with how p.m.-settled options currently settle.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

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 Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CBOE–2024–034 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–CBOE–2024–034. 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

[15] *See id.*

[16] *See, e.g.,* Nasdaq PHLX, LLC Options 4A, Section 12(a)(6) (permitting P.M.-settlement for options on the Nasdaq-100 and Nasdaq-100 Micro Indexes that expire on Expiration Fridays).

[17] *See, e.g.,* Nasdaq PHLX, LLC Options 4A, Section 12 (permitting nonstandard expirations, including expirations on Tuesdays and Thursdays, for Nasdaq-100 index options and Nasdaq 100-Micro index options); and Nasdaq ISE, LLC Options 4, Section 5, Supplementary Material .03 (permitting short-term options series with daily expirations for SPY and QQQ options). [update] [sic]

subject to copyright protection. All submissions should refer to file number SR–CBOE–2024–034 and should be submitted on or before September 4, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–18069 Filed 8–13–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20445 and #20446; TEXAS Disaster Number TX–20016]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4798–DR), dated 07/12/2024.

Incident: Hurricane Beryl.

Incident Period: 07/05/2024 through 07/09/2024.

DATES: Issued on 08/07/2024.

Physical Loan Application Deadline Date: 10/10/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 04/14/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 07/12/2024, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 10/10/2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–18052 Filed 8–13–24; 8:45 am]

BILLING CODE 8026–09–P

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 20505 and # 20506; TEXAS Disaster Number TX–20021]

Administrative Disaster Declaration of a Rural Area for the State of Texas

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 Texas dated 08/07/2024.

Incident: Severe Storms, Straight-Line Winds, Tornadoes and Flooding.

Incident Period: 04/26/2024 through 06/05/2024.

DATES: Issued on 08/07/2024.

Physical Loan Application Deadline Date: 10/07/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/07/2025.

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: Bosque, Delta, Grimes, Madison

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 205056 and for economic injury is 205060.

The State which received an EIDL Declaration is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman

Administrator.

[FR Doc. 2024–18056 Filed 8–13–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20501 and #20502; INDIANA Disaster Number IN–20004]

Administrative Declaration of a Disaster for the State of Indiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Indiana dated 08/07/2024.

Incident: Severe Storms and Tornadoes.

Incident Period: 07/15/2024.

DATES: Issued on 08/07/2024.

Physical Loan Application Deadline Date: 10/07/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/07/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Elkhart, Porter

Contiguous Counties:

Indiana: Jasper, Kosciusko, LaGrange, LaPorte, Lake, Marshall, Noble, St. Joseph, Starke

Michigan: Berrien, Cass, St. Joseph

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 20501C and for economic injury is 205020.

The States which received an EIDL Declaration are Indiana, Michigan.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–18062 Filed 8–13–24; 8:45 am]

BILLING CODE 8026–09–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The purpose of this meeting is to consider grant applications for the 4th quarter of FY 2024, and other business.

DATES: The SJI Board of Directors will be meeting on Monday, September 9, 2024 at 1 p.m. ET.

ADDRESSES: District of Columbia Court of Appeals, 430 E Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 12700 Fair Lakes Circle, Suite 340, Fairfax, VA 22033, 703–660–4979, *contact@sji.gov*.

(Authority: 42 U.S.C. 10702(f))

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2024–18120 Filed 8–13–24; 8:45 am]

BILLING CODE 6820–SC–P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from the Chicago Region Environmental and Transportation Efficiency Program (WB24–39—8/1/24) for permission to use select data from the Board's 2020–2022 masked Carload Waybill Samples. A copy of this request may be obtained from the Board's website under docket no. WB24–39.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2024–18153 Filed 8–13–24; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1–31, 2024.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.gov*. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR part 806, subpart E, for the time period specified above:

1. Team Ten LLC dba American Eagle Paper Mills, GF Certificate No. GF–202407278, Warriors Mark Township, Huntingdon County, and Snyder Township and Tyrone Borough, Blair County, Pa.; Hundred Springs, Cold Springs, Stover Springs, and South Bald Eagle Creek and consumptive use; Issue Date: July 18, 2024.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: August 9, 2024.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2024–18126 Filed 8–13–24; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on September 12, 2024 in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the **Federal Register** on July 9, 2024, concerning its public hearing on August 1, 2024, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, September 12, 2024, at 9 a.m.

ADDRESSES: This public meeting will be conducted in person and digitally from the Lord Baltimore Hotel, 20 W Baltimore Street, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717–238–0423; fax: 717–238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Adoption of the FY 2026 current expense budget; (2) Adoption of the member allocation for FY 2026; (3) approval of contracts and grants; (4) action on rulemaking for agency procurement, bid protest procedures and other changes to Part 801 (tabled at June Meeting); and (5) actions on 24 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that

the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person at the Lord Baltimore Hotel, 20 W. Baltimore Street, Baltimore, Maryland and digitally. The public is invited to attend the Commission's business meeting. The public may access the Business Meeting remotely via Zoom: *https://us02web.zoom.us/j/89292000071?pwd=S1E2Qi9QNHUyTkhjY3ZoRUJJeXpqUT09* Meeting ID 892 9200 0071; Passcode: SRBC4423! or via telephone: 305–224–1968 or 309–205–3325; Meeting ID 892 9200 0071.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically at the link Business Meeting Comments. Comments are due to the Commission for all items on the business meeting agenda on or before September 9, 2024. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 801, 806, and 808.

Dated: August 9, 2024.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2024–18128 Filed 8–13–24; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1–31, 2024.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net*. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22 (f) for the time period specified above.

Water Source Approval—Issued Under 18 CFR 806.22(f)

1. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Baumunk North B Drilling Pad; ABR–201406004.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

2. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Benscoter ; ABR–20090601.R3; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

3. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Clark Drilling Pad; ABR–201406008.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

4. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Evanchick; ABR–20090604.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

5. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Mowry; ABR–20090527.R3; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

6. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Otten; ABR–20090526.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

7. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Przybyszewski; ABR–20090555.R3; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

8. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: SGL 12 O PAD; ABR–201906002.R1; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

9. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Strom; ABR–20090602.R3; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

10. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: VanNoy; ABR–20090535.R3; Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

11. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Vargson; ABR–20090605.R3; Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

12. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: WGC; ABR–201205014.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

13. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Wissler Drilling Pad; ABR–201406005.R2; McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2024.

14. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: SHEDDEN (01 013/043) D; ABR–20090603.R3; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 15, 2024.

15. RENEWAL—Seneca Resources Company, LLC; Pad ID: CRV D08-Pad G; ABR–201406007.R2; Norwich and Sargeant Townships, McKean County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 15, 2024.

16. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Czop Drilling Pad; ABR–201406009.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2024.

17. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: MTL; ABR–201906003.R1; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2024.

18. RENEWAL—EQT ARO LLC; Pad ID: C.O.P. Tract 285 (1000); ABR–20090408.R3; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 26, 2024.

19. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 252 #1000H; ABR–20090444.R3; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2024.

20. RENEWAL—EQT ARO LLC; Pad ID: COP Tract 285 (1001H, 1002H); ABR–20090413.R3; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2024.

21. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 001); ABR–20090609.R3; Ward Township, Tioga County, Pa.; Consumptive Use of

Up to 6.0000 mgd; Approval Date: July 26, 2024.

22. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: Guillaume 714; ABR–201206009.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 26, 2024.

23. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: WILLIAMS (01 041/042) R; ABR–20090611.R3; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 26, 2024.

24. RENEWAL—Seneca Resources Company, LLC; Pad ID: CRV Pad C08–X; ABR–201406010.R2; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2024.

25. RENEWAL—SWN Production Company, LLC; Pad ID: Humbert Pad (RU–8); ABR–201206003.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 26, 2024.

26. RENEWAL—XTO Energy Inc.; Pad ID: Jenzano; ABR–20090713.R3; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 26, 2024.

27. RENEWAL—XTO Energy Inc.; Pad ID: Temple; ABR–20090714.R3; Moreland Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 26, 2024.

28. Blackhill Energy LLC; Pad ID: Black Sam Bellamy Well Pad; ABR–202407001; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 6.5000 mgd; Approval Date: July 29, 2024.

29. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Welles 1; ABR–20090610.R3; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 29, 2024.

30. RENEWAL—XTO Energy Inc.; Pad ID: Marquardt; ABR–20090712.R3; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 29, 2024.

31. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Deremer; ABR–201407001.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2024.

32. RENEWAL—SWN Production Company, LLC; Pad ID: KOZIOL PAD; ABR–201206016.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 30, 2024.

33. RENEWAL—EQT ARO LLC; Pad ID: COP Tract 289 Pad A; ABR–20090410.R3; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 31, 2024.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: August 9, 2024.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2024–18127 Filed 8–13–24; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

General Permit Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists General Permits approved by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1–31, 2024

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax (717) 238–2436; email: *joyler@srbc.gov*. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists General Permits for projects, described below, pursuant to 18 CFR 806.17(c)(4), for the time period specified above.

1. Furman Foods, Inc., dba Furmano's—Well 9, General Permit Approval of Coverage No. GP–02–20240707, Point Township, Northumberland County, Pa.; emergency or maintenance activity groundwater withdrawal approved up to 0.504 mgd (30-day average) Approval Date: July 16, 2024.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: August 9, 2024.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2024–18129 Filed 8–13–24; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2024–0058]

Proposed Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of Maine, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed MOU; request for comments.

SUMMARY: The FHWA and the State of Maine, acting by and through its Department of Transportation (State), propose a MOU providing participation of the State in the Categorical Exclusion Assignment program. This program allows FHWA to assign its authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State, as specified in the proposed MOU, are categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act.

DATES: Comments must be received on or before September 13, 2024.

ADDRESSES: You may submit comments, identified by Docket Number FHWA–2024–0058, by any of the methods described below. To ensure that you do not duplicate your submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m. ET, except Federal holidays.

Instructions: You must include the agency name and docket number FHWA–2024–0058 at the beginning of your comments. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For FHWA: Gary Scholze; by email at *Gary.Scholze@dot.gov* or by telephone at 207–512–4917. The Maine Division

Office's normal business hours are 8 a.m. to 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. For the State of Maine: Kristen Chamberlain; by email at *Kristen.Chamberlain@maine.gov* or by telephone at 207–557–5089. The Maine Department of Transportation's business hours are 7:30 a.m. to 4:30 p.m. (eastern standard time), Monday through Friday, except State and Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, a complete copy of the proposed MOU, background documents, and comments received may be viewed online through the Federal eRulemaking portal at *www.regulations.gov.* The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at *www.federalregister.gov* and the Government Publishing Office's website at *www.govinfo.gov.* This document is also available on the Maine Department of Transportation (MDOT) website at *https://www.maine.gov/mdot/env/NEPA/assignment/index.shtml.*

Background

Section 326 of title 23, United States Code (U.S.C.), creates a program that allows the Secretary of the U.S. Department of Transportation (Secretary), to assign, and a State to assume, responsibility for determining whether certain highway projects are included within classes of action that are categorically excluded (CE) from requirements for environmental assessments or environmental impact statements pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). In addition, this program allows the assignment of other environmental review requirements applicable to Federal highway projects. The FHWA is authorized to act on behalf of the Secretary with respect to these matters.

The FHWA would execute Maine's participation in this program through an MOU. Statewide decisionmaking responsibility would be assigned for all activities identified in the MOU within the categories listed in 23 CFR 771.117(c) and those listed as examples in 23 CFR 771.111(d), and any activities added through FHWA rulemaking to those listed in 23 CFR 771.117(c) or example activities listed in 23 CFR 771.117(d) after the date of the execution of this MOU. In addition to the NEPA CE determination responsibilities, the MOU would assign to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

- Clean Air Act (CAA), 42 U.S.C. 7401–7671q. *Including determinations for project-level conformity if required for the project, except as specified in Stipulation II.B.2 of the MOU*
- Noise Control Act of 1972, 42 U.S.C. 4901–4918
- Compliance with the noise regulations in 23 CFR part 772 (except approval of the State noise policy in accordance with 23 CFR 772.7)
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and 1536
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Bald and Golden Eagle Treaty Act, as amended, 16 U.S.C. 668–668c
- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470aa–mm
- Title 54, Chapter 3125—Preservation of Historical and Archeological Data, 54 U.S.C. 312501–312508
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170
- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209
- Clean Water Act, 33 U.S.C. 1251–1377, Sections 401, 404, and 319
- Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931
- Wetlands Mitigation, 23 U.S.C.103(b)(6)(m), 133(b)(3)
- FHWA wetland and natural habitat mitigation regulations, 23 CFR part 777
- Flood Disaster Protection Act, 42 U.S.C. 4001–4128
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–6
- Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; and 23 CFR part 774
- Land and Water Conservation Fund (LWCF), Public Law 88–578, 78 Stat. 897 (known as Section 6(f))
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675
- Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 9671–9675
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k
- Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319
- E.O. 11990, Protection of Wetlands
- E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR 650.113 and 650.115)
- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 11593, Protection and Enhancement of Cultural Resources
- E.O. 13007, Indian Sacred Sites
- E.O. 13175, Consultation and Coordination with Indian Tribal Governments
- E.O. 13122 and E.O. 13751, Invasive Species
- E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- Planning and Environmental Linkages, 23 U.S.C. 168, except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Programmatic Mitigation Plans, 23 U.S.C. 169, except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

The MOU allows the State to act in the place of FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian Tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian Tribes, which is required under some of the above-listed laws and Executive Orders. The State may also assist FHWA with formal consultations, with consent of a Tribe, but FHWA remains responsible for the consultation.

This assignment includes transfer to the State of Maine the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the criteria in Stipulation 1(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

The FHWA will consider the comments submitted on the proposed MOU when making its decision on whether to execute this MOU. The

FHWA will make the final, executed MOU publicly available.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Todd Jorgensen,

Division Administrator, Federal Highway Administration.

[FR Doc. 2024–18085 Filed 8–13–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Transit Bus Manufacturer Public Roundtable

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: The Federal Transit Administration (FTA) will hold a public roundtable meeting concerning bus operator visibility. Transit bus manufacturers will present their research and actions to improve bus operator visibility through vehicle design. This roundtable will be a forum for discussion of bus safety design elements that impact operator visibility, including mirror size and placement and A-pillar design. Participants will also discuss opportunities for manufacturers to standardize safety features. The meeting will include time for public comment.

DATES: The roundtable will be held on September 10, 2024, from 2 p.m. to 4 p.m. ET.

ADDRESSES: The roundtable will be held virtually. Those interested in attending this public meeting should register in advance at *https://usdot.zoomgov.com/meeting/register/vJIsdOuvrDwtHSeycO2VVrd1wuPG9px721o.* Access information and codes will be provided to those groups and interested members of the public who register for the event. The total number of participants in the virtual roundtable will be limited to the maximum allowed by the live webcast platform. The meeting will be recorded, and the recording will be placed on FTA's website at *https://www.transit.dot.gov/TSOWebinars.*

FOR FURTHER INFORMATION CONTACT: For information on the roundtable meeting, contact Ethan Novak, Office of Transit Safety and Oversight, FTA, by telephone at (202) 366–1662 or *ethan.novak@dot.gov.* Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

FTA is holding a public roundtable to better understand how bus manufacturers consider bus operator visibility in bus design. This meeting is intended for bus manufacturers and other stakeholders interested in improving bus operator visibility through vehicle design. The roundtable meeting is open to the public.

Joseph P. DeLorenzo,

Associate Administrator for Transit Safety and Oversight.

[FR Doc. 2024–18098 Filed 8–13–24; 8:45 am]

BILLING CODE 4910–57–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 Assistant Director for Enforcement, Compliance and 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 (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On July 30, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. HASHEMI, Sayyed Ali Seraj (a.k.a. HASHEMI, Ali; a.k.a. SERAJHASHEMI, Seyed Ali), China; Iran; DOB 05 Sep 1976; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 0452521629 (Iran) (individual) [NPWMD] [IFSR] (Linked To: BEIJING SHINY NIGHTS TECHNOLOGY DEVELOPMENT CO., LTD).

Designated pursuant to section 1(a)(iv) of Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters,'' 70 FR 38567, 3 CFR, 2005 Comp., p. 170 (E.O. 13382), for acting or purporting to act for or on behalf of, directly or indirectly, BEIJING SHINY NIGHTS TECHNOLOGY DEVELOPMENT CO., LTD, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. JAVAR, Saeed Hamidi (a.k.a. JOVAR, Said Hamidi), Tehran, Iran; DOB 16 Sep 1983; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport F24341979 (Iran) expires 27 May 2017; National ID No. 0063519445 (Iran) (individual) [NPWMD] [IFSR] (Linked To: BEIJING SHINY NIGHTS TECHNOLOGY DEVELOPMENT CO., LTD).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, BEIJING SHINY NIGHTS TECHNOLOGY DEVELOPMENT CO., LTD, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. SORBANI, Ezzatullah Ghasemian (a.k.a. GASEMIAN, Ezzatollah; a.k.a. SORBONI, Ezzatollah Ghasemian; a.k.a. SURBENI, Ezzatollah Ghasemian), Tehran, Iran; DOB 01 Feb 1967; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 2090512385 (Iran) (individual) [NPWMD] [IFSR] (Linked To: AZMOON PAJOHAN HESGAR LIMITED LIABILITY COMPANY).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for acting or purporting to act for or on behalf of, directly or indirectly, AZMOON PAJOHAN HESGAR LIMITED LIABILITY COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

4. ABDOLLAHI, Mohammad (a.k.a. RICHTER, Aurik), Esfahan, Iran; DOB 18 Sep 1992; POB Esfahan, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [NPWMD] [IFSR] (Linked To: ELECTRO OPTIC SAIRAN INDUSTRIES CO.).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for acting or purporting to act for

or on behalf of, directly or indirectly, ELECTRO OPTIC SAIRAN INDUSTRIES CO., a person whose property and interests in property are blocked pursuant to E.O. 13382.

5. TONG, Thomas Ho Ming, Hong Kong, China; DOB 19 Nov 1971; POB Hong Kong, China; nationality China; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport HA0872080 (Hong Kong) (individual) [NPWMD] [IFSR] (Linked To: ELECTRO OPTIC SAIRAN INDUSTRIES CO.).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, ELECTRO OPTIC SAIRAN INDUSTRIES CO., a person whose property and interests in property are blocked pursuant to E.O. 13382.

Entities

1. AZMOON PAJOHAN HESGAR LIMITED LIABILITY COMPANY (a.k.a. AZMOUN PAZOHAN HESGAR; a.k.a. AZMUN PEZHUHAN HESGAR CO), No. 265, Ground Floor, Twenty-Seventh St, Amir Sarlashgar Hossein Lashgari Highway, Esteghlal Town (Jadeh Makhsos), Tehran 1399816111, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 22 Jun 2011; National ID No. 10320581166 (Iran); Registration Number 407278 (Iran) [NPWMD] [IFSR] (Linked To: MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. BUY BEST ELECTRONIC PARS COMPANY (a.k.a. KHARID–E BARTAR ELECTRONIC PARS; a.k.a. ''BUY BEST ELECTRONIC''), Block No. 20, 3rd Floor, North Unit, Sadeqiyeh Square, Shahid Ayatollah Ashrafi Esfahani Highway, Marvdasht St, District 14, Tehran 1451613418, Iran; Number 20, Unit 7, Marvdasht Street, 2nd Sadeghiyeh Square, Tehran, Iran; Number 110, First Floor, Tavakol Shopping Center, Tehran, Iran; 1201 Room, Guo Li Building-Zhonghang Road, Futian District, Shenzhen, China; website *https://buybestelectronic.com;* alt. Website *https://bbe.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 20 Oct 2009; National ID No. 10104073089 (Iran); Registration Number 358871 (Iran) [NPWMD] [IFSR] (Linked To: JAVAR, Saeed Hamidi).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, JAVAR, Saeed Hamidi, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. SHENZHEN RION TECHNOLOGY CO., LTD. (a.k.a. RION TECHNOLOGY), 4F, Building 1, Phase II Workshop, Fu'an Industrial City, Dayang Development Zone, Fuyong Sub-District, Baoan District, Shenzhen, Guangdong 518100, China; No. 90, Dayang Road, Fuyong Town, Baoan District, Shenzhen, Guangdong 518100, China; website *www.rion-tech.net;* alt. Website *www.rionsystem.com;* Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 24 Apr 2008; Unified Social Credit Code (USCC) 914403006748114670 (China) [NPWMD] [IFSR] (Linked To: MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS, a person whose property and interests in property are blocked pursuant to E.O. 13382.

4. BRIGHT SHORE INC LIMITED, Room 1004, 10/F, Block B, Hung Hom Commercial Centre, 37–39 Ma Tau Wai Road, Hung Hom, Kowloon, Hong Kong, China; 7/F, Pearl Oriental Tower, 225 Nathan Road, Kowloon, Hong Kong, China; Organization Established Date 09 May 2018; Company Number 2692320 (Hong Kong); Business Registration Number 69335785 (Hong Kong) [NPWMD] (Linked To: TONG, Thomas Ho Ming).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, TONG, Thomas Ho Ming, a person whose property and interests in property are blocked pursuant to E.O. 13382.

5. BTW INTERNATIONAL LIMITED, Flat 1512, 15/F, Lucky Centre, Hong Kong, China; Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 26 Jan 2022; Company Number 3124719 (Hong Kong); Business Registration Number 73761413 (Hong Kong) [NPWMD] [IFSR] (Linked To: ELECTRO OPTIC SAIRAN INDUSTRIES CO.).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, ELECTRO OPTIC SAIRAN INDUSTRIES CO., a person whose property and interests in property are blocked pursuant to E.O. 13382.

6. CLOUD ELEMENT COMPANY LIMITED, Kowloon, Hong Kong, China; Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 25 Jan 2021; Company Number 3014512 (Hong Kong); Business Registration Number 72602997 (Hong Kong) [NPWMD] [IFSR] (Linked To: ELECTRO OPTIC SAIRAN INDUSTRIES CO.).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, ELECTRO OPTIC SAIRAN INDUSTRIES CO., a person whose property and interests in property are blocked pursuant to E.O. 13382.

7. TAS TECHNOLOGY COMPANY LIMITED (a.k.a. TAS TECHNOLOGY CO., LIMITED), Room 6, Block A, 23/F Hover Industrial Building 26–38 Kwai Cheong Road, Kwai Chung, Hong Kong, China; Room 2306, Block A, 23/F Hover Industrial Building, 26–38 Kwai Cheong Road, Kwai Chung, Hong Kong, China; Room 610, 6th Floor, Xusheng Research and Development Building, Yintian, Xixiang, Bao'an District, Shenzhen, China; website *tas-tek.com*; Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 26 Jan 2010; Company Number 1415623 (Hong Kong) [NPWMD] [IFSR] (Linked To: ELECTRO OPTIC SAIRAN INDUSTRIES CO.).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, ELECTRO OPTIC SAIRAN INDUSTRIES CO., a person whose property and interests in property are blocked pursuant to E.O. 13382.

Dated: July 30, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–18101 Filed 8–13–24; 8:45 am]

BILLING CODE 4810–AL–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 Assistant Director Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On July 31, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individual

1. AL–SHAHARE, Ahmed Khaled Yahya (a.k.a. ALSHAHARE, Ahmed Khaled Yahya), Guangzhou, China; DOB 1990; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 06085991 (Yemen) expires 14 Mar 2022 (individual) [SDGT] (Linked To: GUANGZHOU ALSHAHARI UNITED CORPORATION LIMITED).

Designated pursuant to section 1(a)(iii)(E) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224), 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041, 3 CFR, 2019 Comp., p. 356 (E.O. 13224, as amended) for being a leader or official of, GUANGZHOU ALSHAHARI UNITED CORPORATION LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. AL–KINAI, Maher Yahya Muhammad Mutahar (a.k.a. AL–KAYNA'I, Mahir Yahya; a.k.a. AL–KAYNA'I, Mahir Yahya Muhammad), Sanaa, Yemen; DOB 1987; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 01010036435 (Yemen) (individual) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Entities

1. AL–SHAHARI UNITED CORPORATION LTD, Office 602, Al Kinddy Tower, Haddah Street, Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2016; Organization Type: Other transportation support activities [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. GUANGZHOU ALSHAHARI UNITED CORPORATION LIMITED (a.k.a. GUANGZHOU SHA HAOLI TRADING CO., LTD.), Zhu Jiang Xi Lu 15 Hao 21 Ceng, Guangzhou, Guangdong 510000, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 01 Sep 2016; Registration Number 440101400191266 (China); Unified Social Credit Code (USCC) 91440101MA59ELM08Q (China) [SDGT] (Linked To: AL–SHAHARI UNITED CORPORATION LTD).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–SHAHARI UNITED CORPORATION LTD, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. HONGKONG ALSHAHARI UNITED CORPORATION LIMITED, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 27 Jun 2016; Company Number 2395642 (Hong Kong); Business Registration Number 66349242 (Hong Kong) [SDGT] (Linked To: GUANGZHOU ALSHAHARI UNITED CORPORATION LIMITED).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13224, as amended, for owning or controlling, directly or indirectly, GUANGZHOU ALSHAHARI UNITED CORPORATION LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13224.

4. YEMEN TELECOMMUNICATION ASSET COMPANY FOR INFORMATION TECHNOLOGY (a.k.a. YTAC COMPANY; a.k.a. ''Y–TAC''), Bayt Baws, Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 20 Dec 2020; Trade License No. 295003 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: July 31, 2024

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–18102 Filed 8–13–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 5884–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 5884–A, Employee Retention Credit for Employers Affected by Qualified Disaster.

DATES: Written comments should be received on or before October 15, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control No. 1545–1978 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jason.m.schoonmaker@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Employee Retention Credit for Employers Affected by Qualified Disaster.

OMB Number: 1545–1978.

Form Number: Form 5884–A.

Abstract: Form 5884–A is used to figure certain credits for disaster area employers. These credits typically include employee retention credits for eligible employers who conducted an active trade or business in certain disaster areas. The credit is equal to 40 percent of qualified wages for each eligible employee (up to a maximum of $6,000 in qualified wages per employee). The estimates in this notice are for estates and trusts filing Form 5884–A.

Current Actions: There is no change to the burden previously approved by OMB. However, the estimated number of responses was reduced to eliminate duplication of burden estimates. The estimated burden for individuals filing Form 5884–A is approved under OMB control number 1545–0074, and the estimated burden for businesses filing Form 5884–A is approved under OMB control number 1545–0123.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and farms.

Estimated Number of Respondents: 120.

Estimated Time per Respondent: 2.55 hours.

Estimated Total Annual Burden Hours: 306.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 8, 2024.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2024–18088 Filed 8–13–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Correction to Filing of Petition for Nylon 6

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Supplemental notice of filing and additional request for comments.

SUMMARY: This supplemental notice of filing announces a correction to the stoichiometric material consumption equation in the notice of filing for the nylon 6 petition that was published in the **Federal Register** on February 22, 2024. This supplemental notice of filing also requests comments on the corrected petition. This supplemental notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before October 15, 2024.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *http://www.regulations.gov gov* (indicate public docket number IRS–2024–0005 or nylon 6) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:LPD:PR (Supplemental Notice of Filing for Nylon 6), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Camille Edwards Bennehoff at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.*

A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), requesting that nylon 6 be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The notice of filing summarizing the nylon 6 petition and requesting comments was published in the **Federal Register** on February 22, 2024 (89 FR 13399)(original notice of filing). The Treasury Department and the IRS received no written comments in response to the original notice of filing and a public hearing was neither requested nor held. After the comment period for the original notice of filing closed, an error was discovered in the stoichiometric material consumption equation for nylon 6, and the petitioner subsequently provided a corrected petition.

This supplemental notice of filing provides the corrected stoichiometric material consumption equation for nylon 6 in paragraph (b) of this document. The stoichiometric material consumption equation is corrected to read as follows:

$$n C_6H_6 \text{ (benzene)} + n C_3H_6 \text{ (propylene)} + 2.5n O_2 \text{ (oxygen)} + 0.5n CH_4 \text{ (methane)} + 5n NH_3 \text{ (ammonia)} + 2n H_2O \text{ (water)} + 2n SO_2 \text{ (sulfur dioxide)} \rightarrow (C_6H_{11}NO)_n \text{ (nylon 6)} + n C_3H_6O \text{ (acetone)} + 2n(NH_4)_2SO_4 \text{ (ammonium sulfate)} + 0.5n\ CO_2 \text{ (carbon dioxide)}$$

The other petition information provided in paragraph (b) of this document is unchanged from the original notice of filing for nylon 6. Although the only change from the original notice of filing is to the stoichiometric material consumption equation, this document also includes all of the other information presented on the corrected petition to avoid confusion and is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26.

The petition requesting the addition of nylon 6 to the List is based on weight and—as noted previously—contains the information detailed in paragraph (b) of this document. The publication of petition information in this supplemental notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

Pursuant to section 10.02 of Rev. Proc. 2022–26, the IRS and Petitioner agreed to extend the 180-day determination period.

(b) *Petition Content.*

(1) *Substance name:* Nylon 6.

(2) *Petitioner:* AdvanSix Inc., an exporter of nylon 6.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 3908.10.00.

(ii) *Schedule B number:* 3908.10.0000.

(iii) *CAS number:* 25038–54–4.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* November 8, 2023.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26:* July 1, 2022.

(5) *Description from petition:* According to the petition, nylon 6, or poly(caprolactam), is a semicrystalline polyamide that has broad use in textile fibers, engineering plastics, food packaging films, and monofilaments. The number ''6'' in nylon 6 refers to the number of carbon atoms in each polymeric repeat unit. Nylon 6 may be utilized neat or with functional additives by melt processing into the desired final form.

Nylon 6 is made from benzene, propylene, ammonia, methane, and sulfuric acid; however, sulfuric acid is cancelled from the stoichiometric material consumption equation due to no net consumption/production. Taxable chemicals constitute 46.64 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of production of nylon 6 is the ''hydrolytically initiated ring-opening polymerization of caprolactam'' which is also referred to in industry literature as the ''hydrolytic polymerization of nylon 6.'' This process is termed ''hydrolytic'' because water plays a key role in the chemical mechanism. Nylon 6 is produced almost exclusively through this method because it is easier to control and better adapted for large-scale operations.

The hydrolytic polymerization of nylon 6 generally entails heating a mixture of caprolactam and water to ~270°C in an inert atmosphere of nitrogen and holding until equilibrium conditions are achieved. The three principal reactions in this process are summarized below:

1. In the initiation step of the process, the caprolactam ring is hydrolyzed via ring opening with the addition of one water molecule to become amino-caproic acid.

2. In the next step of the mechanism, the amino-caproic acid acts as the initiating species to begin the addition polymerization by ring-opening of caprolactam.

3. The last major mechanism step of the hydrolytic polymerization of nylon 6 is the condensation of primary amine and carboxylic acid chain-ends to form an amide linkage in the now higher molecular weight polyamide with the simultaneous loss of a water molecule.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*

nC_6H_6 (benzene) + nC_3H_6 (propylene) + $2.5nO_2$ (oxygen) + $0.5nCH_4$ (methane) + $5nNH_3$ (ammonia) + $2nH_2O$ (water) + $2nSO_2$ (sulfur dioxide) → $(C_6H_{11}NO)_n$ (nylon 6) + nC_3H_6O (acetone) + $2n(NH_4)_2SO_4$ (ammonium sulfate) + $0.5n\ CO_2$ (carbon dioxide)

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $14.77 per ton.

(ii) *Conversion factors:* 0.69 for benzene; 0.37 for propylene; 0.75 for ammonia; 0.07 for methane.

(9) *Public docket number:* IRS–2024–0005.

Michael Beker,

Senior Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel.

[FR Doc. 2024–18050 Filed 8–13–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council; Meeting

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Notice of meeting.

SUMMARY: The Internal Revenue Service Advisory Council will hold a public meeting.

DATES: The meeting will be held Thursday, September 5, 2024.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Millikan, Office of National Public Liaison, at 202–317–6564 or send an email to *PublicLiaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 5 U.S.C. 10(a)(2) of the Federal Advisory Committee Act, that a public meeting of the Internal Revenue Service Advisory Council (IRSAC) will be held on Thursday, September 5, 2024, to discuss topics that may be recommended for inclusion in a future report of the Council. The virtual meeting will take place at 3 p.m. eastern time.

To confirm your attendance, members of the public may contact Anna Millikan at 202–317–6564 or send an email to *PublicLiaison@irs.gov.* Attendees are encouraged to join at least five minutes before the meeting begins.

Should you wish the IRSAC to consider a written statement germane to the Council's work, please call 202–317–6564 or email *PublicLiaison@irs.gov* by September 3, 2024.

Dated: August 9, 2024.

John A. Lipold,

Designated Federal Official, Office of National Public Liaison, Internal Revenue Service.

[FR Doc. 2024–18159 Filed 8–13–24; 8:45 am]

BILLING CODE P

UNITED STATES SENTENCING COMMISSION

Final Priorities for Amendment Cycle

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In June 2024, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2025. After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

In June 2024, the Commission asked members of the public and stakeholders in the criminal justice system to tell the Commission what policymaking, research, and operational work it should conduct in the amendment cycle ending

May 1, 2025. *See* 89 FR 48029 (June 4, 2024). The Commission received a tremendous amount of input from across the country, including more than 1,200 pages of comments. The Commission is grateful to the many judges, members of Congress, executive branch agencies, probation officers, advisory groups, attorneys, professors, advocates, organizations, and incarcerated individuals who took the time to provide such thoughtful ideas that aim to make federal sentencing fairer and more just. While the Commission received a wide array of comments, there were a clear set of themes among them, including the following:

(1) Simplifying the guidelines and clarifying their role in sentencing, including revising the ''categorical approach'' for purposes of the career offender guideline and possibly amending the *Guidelines Manual* to address the three-step process set forth in § 1B1.1 (Application Instructions) and the use of departures and policy statements relating to specific personal characteristics.

(2) Reducing the costs of unnecessary incarceration.

(3) Promoting public safety.

(4) Improving community supervision.

(5) Expanding the Commission's use of expertise, evidence, and best practices.

(6) Promoting evidence-based approaches to offense and individual characteristics.

While the Commission will continue to evaluate all the ideas it has received, the Commission is committed to prioritizing—during the upcoming amendment cycle and beyond—one or more of these themes, as well as implementing any legislation warranting Commission action and resolving circuit conflicts pursuant to the Commission's authority under 28 U.S.C. 991(b)(1)(B) and *Braxton* v. *United States,* 500 U.S. 344 (1991). In prioritizing some themes, the Commission may submit related guideline amendments to Congress not later than May 1, 2025. In prioritizing other themes, the Commission may use issues for comment, workshops, roundtables, conferences, and other tools to solicit input about what, if any, action the Commission should take in the future.

(Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 2.2, 5.2.)

Carlton W. Reeves,

Chair.

[FR Doc. 2024–18089 Filed 8–13–24; 8:45 am]

BILLING CODE 2210–40–P

UNITED STATES SENTENCING COMMISSION

Request for Applications; Tribal Issues Advisory Group

AGENCY: United States Sentencing Commission.

ACTION: Notice.

SUMMARY: In view of an upcoming vacancy in the at-large membership of the Tribal Issues Advisory Group, the United States Sentencing Commission hereby invites any individual who is eligible to be appointed to the at-large membership of the Tribal Issues Advisory Group to apply. An applicant for membership in the Tribal Issues Advisory Group should apply by sending a letter of interest and resume to the Commission as indicated in the **ADDRESSES** section below.

DATES: Application materials for the at-large membership of the Tribal Issues Advisory Group should be received not later than October 14, 2024.

ADDRESSES: An applicant for the at-large membership of the Tribal Issues Advisory Group should apply by sending a letter of interest and resume to the Commission by electronic mail or regular mail. The email address is *pubaffairs@ussc.gov.* The regular mail address is United States Sentencing Commission, One Columbus Circle NE, Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs—TIAG Membership.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597. More information about the Tribal Issues Advisory Group is available on the Commission's website at *http://www.ussc.gov/about/who-we-are/advisory-groups.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

The Tribal Issues Advisory Group is a standing advisory group of the United States Sentencing Commission established pursuant to 28 U.S.C. 995 and Rule 5.4 of the Commission's Rules of Practice and Procedure. Under the charter for the Tribal Issues Advisory Group, the purpose of the advisory group is (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. 994(o); (2) to provide to the Commission its views on federal sentencing issues relating to American Indian and Alaska Native defendants and victims, and to offenses committed in Indian country; (3) to engage in meaningful consultation and outreach with tribes, tribal governments, and tribal organizations regarding federal sentencing issues that have tribal implications; (4) to disseminate information regarding federal sentencing issues to tribes, tribal governments, and tribal organizations; and (5) to perform any other related functions as the Commission requests. The advisory group consists of no more than nine members, each of whom may serve not more than two consecutive three-year terms. Of those nine members, not more than one shall be a federal judge; two shall be from the Executive Branch (one from the United States Department of Justice and one from the United States Department of the Interior); one shall be from a federal public defender organization or community defender organization; one shall be a tribal court judge; and not more than four shall be at-large members.

Members of the Tribal Issues Advisory Group are appointed by the Commission. To be eligible to serve as a member, an individual must have expertise, knowledge and/or experience in the issues considered by the Tribal Issues Advisory Group. The Commission intends that the at-large membership shall include individuals with membership in or experience with tribes, tribal governments, and tribal organizations, appointed in a manner that ensures representation among tribal communities diverse in size, geographic location, and other unique characteristics.

In view of an upcoming vacancy in the at-large membership of the Tribal Issues Advisory Group, the Commission invites any individual who is eligible to be appointed to the at-large membership of the Tribal Issues Advisory Group to apply by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section above.

Authority: 28 U.S.C. 994(a), (o), (p), 995; USSC Rules of Practice and Procedure 2.2(c), 5.4.

Carlton W. Reeves,

Chair.

[FR Doc. 2024–18091 Filed 8–13–24; 8:45 am]

BILLING CODE 2210–40–P

UNITED STATES SENTENCING COMMISSION

Request for Applications; Victims Advisory Group

AGENCY: United States Sentencing Commission.

ACTION: Notice.

SUMMARY: In view of five upcoming vacancies in the membership of the Victims Advisory Group, the United States Sentencing Commission hereby invites any individual who has knowledge, expertise, or experience in federal crime victimization to apply to be appointed to the advisory group. An applicant for membership in the Victims Advisory Group should apply by sending a letter of interest and resume to the Commission as indicated in the **ADDRESSES** section below.

DATES: Application materials for membership in the Victims Advisory Group should be received not later than October 14, 2024.

ADDRESSES: An applicant for membership in the Victims Advisory Group should apply by sending a letter of interest and resume to the Commission by electronic mail or regular mail. The email address is *pubaffairs@ussc.gov.* The regular mail address is United States Sentencing Commission, One Columbus Circle, NE, Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs—VAG Membership.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597. More information about the Victims Advisory Group is available on the Commission's website at *www.ussc.gov/advisory-groups.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

The Victims Advisory Group is a standing advisory group of the United States Sentencing Commission established pursuant to 28 U.S.C. 995 and Rule 5.4 of the Commission's Rules of Practice and Procedure. Under the charter for the advisory group, the purpose of the advisory group is (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. 994(o); (2) to provide to the Commission its views on the Commission's activities and work, including proposed priorities and amendments, as they relate to victims of crime; (3) to disseminate information regarding sentencing issues to organizations represented by the Victims Advisory Group and to other victims of crime and victims advocacy groups, as appropriate; and (4) to perform any other functions related to victims of crime as the Commission requests. The advisory group consists of not more than nine members, each of whom may serve not more than two consecutive three-year terms. Each member is appointed by the Commission.

In view of five upcoming vacancies in the membership of the Victims Advisory Group, the Commission invites any individual who has knowledge, expertise, or experience in federal crime victimization to apply to be appointed to the Victims Advisory Group by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section above.

Authority: 28 U.S.C. 994(a), (o), (p), 995; USSC Rules of Practice and Procedure 2.2(c), 5.4.

Carlton W. Reeves,

Chair.

[FR Doc. 2024–18092 Filed 8–13–24; 8:45 am]

BILLING CODE 2210–40–P

UNITED STATES SENTENCING COMMISSION

Requests for Applications; Practitioners Advisory Group

AGENCY: United States Sentencing Commission.

ACTION: Notice.

SUMMARY: In view of upcoming vacancies in the voting membership of the Practitioners Advisory Group, the United States Sentencing Commission hereby invites any individual who is eligible to be appointed to one of the vacancies to apply. The voting memberships covered by this notice are two circuit memberships (for the First and Eleventh Circuits) and one at-large membership. An applicant for voting membership of the Practitioners Advisory Group should apply by sending a letter of interest and resume to the Commission as indicated in the **ADDRESSES** section below.

DATES: Application materials for voting membership of the Practitioners Advisory Group should be received not later than October 14, 2024.

ADDRESSES: An applicant for voting membership of the Practitioners Advisory Group should apply by sending a letter of interest and resume to the Commission by electronic mail or regular mail. The email address is *pubaffairs@ussc.gov.* The regular mail address is United States Sentencing Commission, One Columbus Circle NE, Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs—PAG Membership.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597. More information about the Practitioners Advisory Group is available on the Commission's website at *www.ussc.gov/advisory-groups.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

The Practitioners Advisory Group is a standing advisory group of the United States Sentencing Commission established pursuant to 28 U.S.C. 995 and Rule 5.4 of the Commission's Rules of Practice and Procedure. Under the charter for the advisory group, the purpose of the advisory group is (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. 994(o); (2) to provide to the Commission its views on the Commission's activities and work, including proposed priorities and amendments; (3) to disseminate to defense attorneys, and to other professionals in the defense community, information regarding federal sentencing issues; and (4) to perform other related functions as the Commission requests. The advisory group consists of not more than 17 voting members, each of whom may serve not more than two consecutive three-year terms. Of those 17 voting members, one shall be Chair, one shall be Vice Chair, 12 shall be circuit members (one for each federal judicial circuit other than the Federal Circuit), and three shall be at-large members.

To be eligible to serve as a voting member, an individual must be an

attorney who (1) devotes a substantial portion of his or her professional work to advocating the interests of privately-represented individuals, or of individuals represented by private practitioners through appointment under the Criminal Justice Act of 1964, within the federal criminal justice system; (2) has significant experience with federal sentencing or post-conviction issues related to criminal sentences; and (3) is in good standing of the highest court of the jurisdiction or jurisdictions in which he or she is admitted to practice. Additionally, to be eligible to serve as a circuit member, the individual's primary place of business or a substantial portion of his or her practice must be in the circuit concerned. Each voting member is appointed by the Commission.

In view of three upcoming vacancies in the voting membership of the Practitioners Advisory Group, the Commission invites any individual who is eligible to be appointed to a voting membership covered by this notice (*i.e.,* the circuit memberships for the First and Eleventh Circuits, and one at-large membership) to apply by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section above.

Authority: 28 U.S.C. 994(a), (o), (p), 995; USSC Rules of Practice and Procedure 2.2(c), 5.4.

Carlton W. Reeves,

Chair.

[FR Doc. 2024–18090 Filed 8–13–24; 8:45 am]

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