



# FEDERAL REGISTER

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 354

[Docket No. APHIS–2022–0023]

RIN 0579–AE71

#### User Fees for Agricultural Quarantine and Inspection Services; Correction

**AGENCY:** Animal and Plant Health Inspection Service, USDA.5

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a typographical error in the final rule entitled “User Fees for Agricultural Quarantine and Inspection Services,” which was published in the **Federal Register** on May 7, 2024, and has an effective date of October 1, 2024.

**DATES:** This document is effective on October 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Balady, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 36, Riverdale, MD 20737; (301) 851–2338; [aqi.user.fees@usda.gov](mailto:aqi.user.fees@usda.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of May 7, 2024 (89 FR 38596–38644), we published a final rule entitled “User Fees for Agricultural Quarantine” that listed the designation for paragraph (h)(1) twice in 7 CFR 354.3. This document corrects that error.

#### Correction

In FR Doc. 2024–09348, appearing on pages 38596–38644 in the **Federal Register** of Tuesday, May 7, 2024, the following correction is made:

#### § 354.3 [Corrected]

■ On page 38643, in the second column, in § 354.3, paragraph (h)(1), the first sentence after the paragraph heading “(1) Each importer of a consignment of articles that require treatment upon arrival from a place outside of the

customs territory of the United States, either as a preassigned condition of entry or as a remedial measure ordered following the inspection of the consignment, must pay an AQI user fee.” is corrected to read “Each importer of a consignment of articles that require treatment upon arrival from a place outside of the customs territory of the United States, either as a preassigned condition of entry or as a remedial measure ordered following the inspection of the consignment, must pay an AQI user fee.”.

Done in Washington, DC, this 26th day of July 2024.

Jennifer Moffitt,

*Under Secretary for Marketing and Regulatory Programs.*

[FR Doc. 2024–18206 Filed 8–15–24; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA–2024–1626; Special Conditions No. 25–867–SC]

#### Special Conditions: Textron Aviation Inc. (Textron) Model 560XL Airplane; Hydrophobic Windshield Coatings

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Textron Model 560XL airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is hydrophobic windshield coatings to maintain a clear view. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** This action is effective on Textron on August 16, 2024. Send comments on or before September 30, 2024.

**ADDRESSES:** Send comments identified by Docket No. FAA–2024–1626 using any of the following methods:

- **Federal eRegulations Portal:** Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.

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

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

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

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

**FOR FURTHER INFORMATION CONTACT:** Eric Brown, Flight Test and Human Factors, AIR–621A, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 S 216th Street, Des Moines, Washington 98198, telephone and (206) 231–3563; email [Eric.M.Brown@faa.gov](mailto:Eric.M.Brown@faa.gov).

**SUPPLEMENTARY INFORMATION:** The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

#### Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information you provide. The

FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

### Confidential Business Information

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

### Comments Invited

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

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

### Background

On June 30, 2021, Textron applied for a change to Type Certificate No. A22CE for hydrophobic coatings in lieu of windshield wipers on the Model 560XL. The Textron Model 560XL airplane is a derivative of the Model 560XLS+ and is currently approved under Type Certificate No. A22CE. The Model 560XL is a twin-engine business jet, with a maximum seating capacity for 12 passengers, and a maximum take-off weight of 20,330 pounds.

### Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Textron must show that the Textron

Aviation Inc. Model 560XL airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A22CE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Textron Model 560XL airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Textron Model 560XL airplane must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

### Novel or Unusual Design Features

The modified Textron Model 560XL series airplane will incorporate the following novel or unusual design feature:

Hydrophobic windshield coatings to maintain a clear view. The airplane flightdeck design incorporates hydrophobic windshield coating that, during precipitation, provides an adequate outside view from the pilot compartment. Sole reliance on such coating, without windshield wipers, constitutes a novel or unusual design feature for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. Therefore, special conditions are required to provide a level of safety equivalent to that established by the regulations.

### Discussion

Title 14 CFR 25.773(b)(1) requires a means to maintain a clear portion of the windshield for both pilots to have a

sufficiently extensive view along the flight path during precipitation conditions. The regulations require this means to maintain such an area during precipitation in heavy rain at speeds up to 1.5  $V_{SR1}$ .

Effective December 26, 2002, amendment 25–108 changed the speed for effectiveness of the means to maintain an area of clear vision from up to 1.6  $V_{S1}$  to 1.5  $V_{SR1}$  to accommodate the redefinition of the reference stall speed from the minimum speed in the stall,  $V_{S1}$ , to greater than or equal to the 1g stall speed,  $V_{SR1}$ . As noted in the preamble to the final rule for that amendment, the reduced factor of 1.5 on  $V_{SR1}$  is to maintain approximately the same speed as the 1.6 factor on  $V_{S1}$ . Textron was granted an Equivalent Level of Safety (ELOS) to § 25.773(b)(1)(i) amendment 25–136 to use 1.6  $V_{S1}$  instead of 1.5  $V_{SR1}$  as documented in ELOS Memorandum No. TXTAV–18571–SM–03, dated December 6, 2023.

The requirement that the means to maintain a clear area of forward vision must function at high speeds and high precipitation rates is based on the use of windshield wipers as the means to maintain an adequate area of clear vision in precipitation conditions. The effectiveness of windshield wipers to maintain an area of clear vision normally degrades as airspeed and precipitation rates increase. It is assumed that because high speeds and high precipitation rates represent limiting conditions for windshield wipers, they will also be effective at lower speeds and precipitation levels. Accordingly, § 25.773(b)(1)(i) does not require maintenance of a clear area of forward vision at lower speeds or lower precipitation rates.

A forced airflow blown directly over the windshield has also been used to maintain an area of clear vision in precipitation. The limiting conditions for this technology are comparable to those for windshield wipers. Accordingly, introduction of this technology did not present a need for special conditions to maintain the level of safety embodied in the existing regulations.

Hydrophobic windshield coatings may depend to some degree on airflow to maintain a clear vision area. The heavy rain and high-speed conditions specified in the current rule do not necessarily represent the limiting condition for this new technology. For example, airflow over the windshield, which may be necessary to remove moisture from the windshield, may not be adequate to maintain a sufficiently clear area of the windshield in low-

speed flight or during surface operations. Alternatively, airflow over the windshield may be disturbed during such critical times as the approach to land, where the airplane is at a higher-than-normal pitch attitude. In these cases, areas of airflow disturbance or separation on the windshield could cause failure to maintain a clear vision area on the windshield.

In addition to potentially depending on airflow to function effectively, hydrophobic coatings may also be dependent on water-droplet size for effective precipitation removal. For example, precipitation in the form of a light mist may not be sufficient for the coating's properties to result in maintaining a clear area of vision.

The current regulations identify speed and precipitation rate requirements that represent limiting conditions for windshield wipers and blowers, but not for hydrophobic coatings. Likewise, it is necessary to issue special conditions to maintain the level of safety represented by the current regulations.

These special conditions provide an appropriate safety standard for the hydrophobic-coating technology as the means to maintain a clear area of vision by requiring coating to be effective at low speeds and low precipitation rates, as well as at the higher speeds and precipitation rates identified in the current regulation.

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

#### Applicability

As discussed above, these special conditions are applicable to the Textron Model 560XL airplane. Should Textron apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

#### Conclusion

This action affects only a certain novel or unusual design feature on the Textron Model 560XL airplane. It is not a rule of general applicability.

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

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### Authority Citation

The authority citation for these special conditions is as follows:

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

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 560XL.

The airplane must have a means to maintain a clear portion of the windshield, during precipitation conditions, enough for both pilots to have a sufficiently extensive view along the ground or flight path in normal taxi and flight altitudes of the airplane. This means must be designed to function, without continuous attention on the part of the crew, in conditions from light misting precipitation to heavy rain, at speeds from fully stopped in still air, to 1.6 V<sub>s</sub> with lift and drag devices retracted.

Issued in Kansas City, Missouri, on August 8, 2024.

**Patrick R. Mullen,**

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

[FR Doc. 2024–18425 Filed 8–15–24; 8:45 am]

**BILLING CODE 4910–13–P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2024–0383; Airspace Docket No. 24–ASO–2]

**RIN 2120–AA66**

#### Amendment of Class D Airspace; Fort Liberty, NC; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting a final rule that was published in the **Federal Register** on July 18, 2024. The final rule amended Class D airspace extending upward from the surface for Fort Liberty, NC. This action corrects errors in the Class D legal description.

**DATES:** Effective 0901 UTC, October 31, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11H, Airspace Designations, and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact

the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### FOR FURTHER INFORMATION CONTACT:

Justin T. Rhodes, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 305–5478.

#### SUPPLEMENTARY INFORMATION:

#### History

The FAA published a final rule in the **Federal Register** on July 18, 2024 (89 FR 58262) for Docket No. FAA–2024–0383, updating the Class D airspace for Fort Liberty, NC, by excluding 1,400 feet MSL from the vertical limits (previously “including”), updating the airport’s geographic coordinates, replacing “Notice to Airmen” with “Notice to Air Missions” in the description, and updating the reference to “Chart Supplement” (previously “Airport Facility Directory”). After publication, the FAA found updates to the FAA’s database rendering the Airport Reference Point (ARP) data incorrect, which, as dependent upon the ARP, rendered other airspace description information incorrect. This action corrects these errors.

#### Correction to the Final Rule

In FR Doc 2024–15483 at 58262, published in the **Federal Register** on July 18, 2024, the FAA makes the following corrections:

On page 58263, in the second column, correct the ASO NC D description for Fort Liberty, NC, to read as follows:

\* \* \* \* \*

#### ASO NC D Simmons AAF, NC [Corrected]

Simmons AAF, NC  
(Lat. 35°07′56″ N, long. 78°56′07″ W)

That airspace extending upward from the surface to but not including 1,400 feet MSL within a 3.9-mile radius of Simmons AAF, excluding the portion northwest of a line extending from lat. 35°11′48″ N, long. 78°55′35″ W; to lat. 35°06′19″ N, long. 79°00′27″ W, excluding the portion within the Fayetteville, NC, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

Issued in College Park, Georgia, on August 12, 2024

**Andree C. Davis,**

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

[FR Doc. 2024–18298 Filed 8–15–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 129

#### International Aviation Safety Assessment (IASA) Program

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

**ACTION:** Suspension of policy statement.

**SUMMARY:** On September 28, 2022, the FAA published a Policy Statement in the **Federal Register** that described policy changes to the FAA's International Aviation Safety Assessment (IASA) program as well as clarification or restatement of prior policy to “enhance engagement with civil aviation authorities (CAAs) through pre- and post-IASA assessment and to promote greater transparency.” After receiving inquiries and questions about the changes described in that policy statement, the FAA is suspending implementation of the September 28, 2022, Policy Statement while the agency reassesses the policy. The policy statement published March 8, 2013, remains active.

**DATES:** The policy statement published at 87 FR 58725 (September 28, 2022) is suspended as of August 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Rolandos Lazaris, Division Manager, International Program Division (AFS–50), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267–3719.

#### SUPPLEMENTARY INFORMATION:

##### Background

The IASA program is the means by which the FAA determines whether another country's oversight of its air carriers that (1) operate, or seek to operate, services to/from the United States using their own aircraft and crews, or (2) seek to display the code of a U.S. air carrier on any services, complies with safety standards established by the International Civil Aviation Organization (ICAO). The published IASA results of a country's placement in Category 1 or Category 2

is the notification to the U.S. traveling public as to whether a foreign air carrier's homeland civil aviation authority meets ICAO safety standards. A Category 1 rating indicates that the civil aviation authority meets ICAO safety standards for these operations, and a Category 2 rating indicates that the civil aviation authority does not meet ICAO safety standards. The IASA program was established by a document published in the **Federal Register** in 1992. Subsequent published documents in the **Federal Register** notified of the program's evolution. These **Federal Register** documents are as follows:

- August 24, 1992—Established the FAA Procedures for Examining and Monitoring Foreign Air Carriers (57 FR 38342).
- September 8, 1994—Established the Public Disclosure of the Results of Foreign Civil Aviation Authority Assessments, through a three-category numbered rating system (59 FR 46332).
- October 31, 1995—DOT Notice Clarification Concerning Examination of Foreign Carriers' Request for Expanded Economic Authority, clarified the Department's licensing policy regarding requests for expanded economic authority from foreign air carriers whose CAA's safety oversight capability has been assessed by the FAA as conditional (Category II) or unacceptable (Category III) (60 FR 55408).
- May 25, 2000—Changes to the International Aviation Safety Assessment program removed the Category 3 rating and combined it with Category 2 (65 FR 33751).
- March 8, 2013—Changes to the International Aviation Safety Assessment program removed inactive countries (countries with no air carrier operations to the United States or code-shares with U.S. air carrier for four years and no significant interaction between the country's CAA and the FAA) from the IASA Category list (78 FR 14912).

Through the IASA program, the FAA seeks continuous improvement to global aviation safety. As noted in the above-referenced policy statement of September 8, 1994, initial IASA assessments found that two-thirds of the assessed CAAs were deficient in meeting their safety oversight obligations under the Convention on International Civil Aviation.

The September 28, 2022, Policy Statement (87 FR 58725) (now suspended) announced certain changes to the IASA program and provided clarification to other aspects of the IASA policy. Since that publication, the FAA and DOT have received inquiries and questions that warrant reassessment of those changes and clarifications, and an

opportunity for public comment before they are adopted permanently. As noted above, the FAA is suspending implementation of the September 28, 2022, Policy Statement while the agency reassesses the policy and considers public comments. Public comment is invited on the matters and issues described in the companion document published elsewhere in this issue of the **Federal Register**.

Issued in Washington, DC.

**Jodi L. Baker,**

*Deputy Administrator for Aviation Safety.*

[FR Doc. 2024–16954 Filed 8–15–24; 8:45 am]

**BILLING CODE 4910–13–P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 1

**RIN 3084–AB79**

#### Horseracing Integrity and Safety Authority Oversight

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) is issuing a final rule (“Final Rule”) regarding oversight of the Horseracing Integrity and Safety Authority (“Authority”). The Final Rule includes new oversight provisions to ensure that the Authority remains publicly accountable and operates in a fiscally prudent, safe, and effective manner.

**DATES:** This rule is effective on September 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Sarah Botha, (202) 326–2036, [sbotha@ftc.gov](mailto:sbotha@ftc.gov), Office of the Executive Director, Federal Trade Commission.

**SUPPLEMENTARY INFORMATION:** This document states the basis and purpose for the Commission's decision to adopt the Final Rule addressing the Commission's oversight of the Authority. The new oversight provisions were proposed and published for public comment in the **Federal Register** on February 8, 2024, in a notice of proposed rulemaking (“NPRM”).<sup>1</sup> After careful review and consideration of the entire record on the issues presented in this rulemaking proceeding, including 10 comments submitted by interested parties, the Commission has decided to adopt, with a few modifications, the proposed new oversight rule.

<sup>1</sup> FTC, Horseracing Integrity and Safety Authority Oversight, Proposed Rule, 89 FR 8578 (Feb. 8, 2024).

## I. Background

The Horseracing Integrity and Safety Act of 2020 (“HISA” or “the Act”), Public Law 116–260, Title XII, 134 Stat. 1182, 3252 (2020) (codified as amended at 15 U.S.C. 3051–3060), recognizes the Authority as a self-regulatory nonprofit organization charged with developing and enforcing rules relating to racetrack safety, anti-doping, and medication control. *See* 15 U.S.C. 3052. The Act expressly provides for Commission oversight of several aspects of the Authority’s operations. For example, the Commission must approve any proposed rule or rule modification by the Authority relating to the Authority’s bylaws, racetrack safety standards, anti-doping and medication control, and the formula or methodology for determining assessments. *See* 15 U.S.C. 3053. In December 2022, Congress amended HISA to expand the Commission’s oversight role over the Authority. *See* Consolidated Appropriations Act, 2023, Public Law 117–328, sec. 701, 136 Stat. 4459, 5231 (2022). As amended, the Act gives the Commission the power to issue rules under the procedures set forth in the Administrative Procedure Act, 5 U.S.C. 553, “as the Commission finds necessary or appropriate to ensure the fair administration of the Authority . . . or otherwise in furtherance of the purposes of this Act.” 15 U.S.C. 3053(e).

## II. Overview of the Proposed Oversight Rule

In light of the Commission’s experience in overseeing the Authority’s operations to date, the Commission proposed several new rule provisions to ensure effective Commission oversight over the Authority. The proposed provisions were designed to ensure that the Authority is promoting transparency and integrity in its operations. For example, the proposed new rule sections would require the Authority to submit and publish annual and midyear reports about its performance and financial position. The proposed new rules would also require the Authority to develop, maintain, and publish a multiyear strategic plan, after taking public comments on a draft plan. The proposed rules would require the Authority to effectively manage risk and take steps to prevent conflicts of interest, waste, fraud, embezzlement, and abuse. The proposed rules would also mandate other operational requirements and identify best practices for the Authority to follow.

### Section-by-Section Analysis

#### Section 1.153 *Submission of the Authority’s annual reports, midyear*

*reports, and strategic plans.* This proposed new section would impose certain requirements on the Authority to report on its finances for the preceding calendar year by May 15. This would include a complete accounting of the Authority’s budget (as audited by a qualified, independent, registered public accounting firm and in accordance with Generally Accepted Accounting Principles), a discussion of budgetary line items, a summary of travel expenses, and a summary of any new or continuing risks or issues raised by audits or other reviews. The proposed section also would impose certain requirements on the Authority to report by March 31 on its performance for the prior calendar year. The report would include efforts made to carry out the requirements of the Act, a description of the cooperation with the States as set forth in 15 U.S.C. 3060(b), a summary of final civil sanctions, an assessment of the Authority’s progress in meeting or not meeting its performance measures contained in its strategic plan per § 1.153(d), and a summary of Board of Directors committee recommendations and activities. It would also include information about any changes in the composition of the Authority’s Board of Directors or standing committees, information about the relationship between the Authority and the anti-doping and medication control enforcement agency, a summary of all litigation to which the Authority is a party (including actions commenced by the Authority under 15 U.S.C. 3054(j)), a summary of all subpoenas issued by the Authority under 15 U.S.C. 3054(c), a description of any areas in which the Authority believes improvements to its operations are warranted, and the Authority’s plans to achieve those improvements. The proposed section would also require the Authority to submit to the FTC by August 15 a same-year midyear report covering January to June that describes spending and staffing levels and budgetary information. This midyear report would provide operational insight about the Authority’s budget execution and risk management activities. The proposed section would have also required the Authority to develop and publish for public comment a multiyear strategic plan by June 30, 2024. The Authority would be required to re-evaluate its strategic plan no less frequently than every five years. The strategic plan must align with the Authority’s annual budget, discuss its priority initiatives, and set forth a set of performance measures. The Authority would be

required publish its annual financial reports, annual performance reports, and strategic plans on its website.

*Section 1.154 Enterprise risk management.* This proposed new section would impose certain requirements on the Authority to ensure that it effectively manages risk to prevent conflicts of interest, waste, fraud, embezzlement, or abuse. Paragraph (a) sets forth guiding principles around separation of duties and corrective action plans, and noted that risk management activities must ensure compliance, the avoidance of conflicts of interest or the appearance thereof, and the appropriate handling of funds received and expended by the Authority. Given the confidential nature of much of the Authority’s work and the data that it collects, Paragraph (b) would require the Authority to ensure the privacy and security of its data in its systems, including those operated by third-party contractors, and require a complete annual evaluation of the status of its overall information technology program and practices as audited by a qualified, independent, third-party auditor. Given that the Authority leverages contractor resources in its operations, Paragraph (c) would require the Authority to document its market research for any action estimated at over \$10,000 to ensure the lowest cost or best value for goods and services to be provided, and to develop policies and procedures covering procurement activities. Given the FTC’s need for regular communication and awareness of the Authority’s activities, Paragraph (d) would require the Authority to provide advance notice to Commission staff of all significant Authority-planned events (e.g., press conferences, media events, summits, etc.) via a calendar, list, email, or other reasonable means, to summarize key aspects of all such events on its website, and to give Commission staff prompt notice after significant adverse events in the horseracing industry that might reasonably lead to sanctions or track closures.

*Section 1.155 Other best practices.* This proposed new section included a set of best practices to promote accountability, transparency of operations, and effective resource stewardship of the Authority. These proposals included holding regular monitoring meetings with the FTC; recommendations for how the Authority may maintain its records and information; recommendations for how the Authority should treat confidential information; a standing data request from the FTC for the Authority’s Board of Directors minutes; recommendations

about the Authority's personnel and compensation policies and practices; recommendations about the Authority's customer service program (and the development of associated metrics); and recommendations regarding the Authority's travel policies.

**Section 1.156 Severability.** This proposed new section noted that provisions of this subpart are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the Commission's intention that the remaining provisions would continue in effect.

### III. Overview of Public Comments Received in Response to the NPRM

The Commission received 10 comments in response to the NPRM,<sup>2</sup> representing the views of an industry trade group, individuals and groups concerned with animal welfare issues, attorneys who have represented clients in Authority enforcement actions, and individuals with an interest in the horseracing industry. The Authority also submitted a comment in which it responded to the comments filed in response to the NPRM and shared its views regarding the proposed rule.

The majority of the comments focused on the FTC's proposed oversight rule, but three comments addressed topics related to the Authority's rules or suggested other areas that the Commission should consider for rulemaking.<sup>3</sup> The remaining comments expressed support for the proposed rule,<sup>4</sup> but some comments also submitted suggestions for additional or amended rule provisions.

One comment, submitted by two attorneys who have represented Covered Persons in enforcement actions brought under the Authority's rules, stated that increased scrutiny of the Authority by the FTC is needed and welcomed, but urged the Commission to include

additional requirements for the Authority, such as public disclosure of all contracts, travel expenses, and line item costs for hearings.<sup>5</sup> The Commission appreciates the commenters' suggestions but believes the proposed rule strikes the right balance between mandating the disclosure of information to bring greater transparency and accountability to the Authority's operations without depleting limited resources with overly burdensome disclosure requirements. The rule will require the Authority to publish on its website annual financial and performance reports providing significant details regarding the Authority's expenditures and operations, along with a multiyear strategic plan that is developed with public input. Existing Commission rules require further information to be submitted annually during the budget review process, which the Commission publishes in the **Federal Register**, and the Commission can seek additional information through its process of reviewing and approving the Authority's budget.<sup>6</sup>

Another commenter expressed support for the proposed rule, but opined that the rule provisions fall short in the area of enforcement.<sup>7</sup> The commenter seems to be under the impression that the Authority has exempted sales companies and breeders from the application of 15 U.S.C. 3059. That statutory provision says that in connection with the sale of Covered Horses (or horses anticipated to be covered), it is a violation of section 5 of the FTC Act, 15 U.S.C. 45, to fail to make certain disclosures. *See* 15 U.S.C. 45(a) (prohibiting "unfair or deceptive acts or practices in or affecting commerce"). Section 5, however, is enforced only by the FTC, not the Authority. Another section of HISA does permit the Authority to refer matters to the Commission and recommend that the Commission pursue an enforcement action under 15 U.S.C. 3059. *See* 15 U.S.C. 3054(c)(2). The discretion to pursue such an action, however, rests solely with the Commission.

Another commenter believed that the proposed rule would be greatly beneficial to the horseracing industry but opined that the rule was "lacking in the enforcement of best practices" and should include penalties for violations

of the rule in order to incentivize compliance.<sup>8</sup> The Commission fully expects that the Authority will comply with the Final Rule, and that the Authority would seek a modification from the Commission if there were any provisions in the rule that the Authority anticipated would present compliance difficulties. In fact, the Authority has filed a comment expressing its thoughts on the proposed rule and requesting some minor changes to the rule, as discussed below. To date, the Authority has complied with the rules the Commission has promulgated addressing submissions to the FTC under the Act,<sup>9</sup> review of final civil sanctions,<sup>10</sup> and review of the Authority's annual budget.<sup>11</sup> The Commission fully anticipates that the Authority will comply with the Final Rule.

A comment from the National Horsemen's Benevolent & Protective Association ("NHBPA") supported the Commission's goal to bring transparency to the Authority's operations, but opined that the proposed rule is not authorized by the Act.<sup>12</sup> Specifically, the NHBPA posited that 15 U.S.C. 3053(e) allows the FTC to initiate rules to "abrogate, add to, [or] modify the rules of the Authority promulgated in accordance with [HISA]," but that the proposed rule does not abrogate, add to, or modify the Authority's rules and is therefore unauthorized by the Act.<sup>13</sup> The Commission disagrees that it lacks statutory authority to promulgate the proposed rule.

The proposed rule is in accordance with 15 U.S.C. 3053(e). Congress provided there that "[t]he Commission, by rule in accordance with" the Administrative Procedure Act, "may . . . add to . . . the rules of the Authority promulgated in accordance with" HISA "as the Commission finds necessary or appropriate to ensure the

<sup>2</sup> All comments submitted can be found at [www.regulations.gov](http://www.regulations.gov) under Docket ID FTC-2024-0012. We cite public comments by name of the commenting organization or individual and the comment number.

<sup>3</sup> *See* Anonymous 5 (seeking the expansion of rules and regulations for animal welfare, cruelty and abuse); Lange 6 (requesting a change in the Authority's rules addressing eligibility requirements for Covered Horses); WhoPoo App 9 (asking the FTC to mandate that all horseracing venues include a horse/equine rescue allotment and fund).

<sup>4</sup> *See, e.g.,* Bell 2 (expressing support for actions to improve the integrity of the governing of horseracing, and opining that Congress authorized the FTC to engage in this rulemaking); Humane Society of the United States and Humane Society Legislative Fund 12 (noting that "increased transparency will be integral to ensuring the safety and welfare of horses and jockeys, and key to monitoring effective enforcement of the Horseracing Integrity and Safety Act").

<sup>5</sup> Fisco 7. The commenters also opined on several existing rules of the Authority, which are beyond the scope of this rulemaking.

<sup>6</sup> *See* 16 CFR 1.151(a).

<sup>7</sup> Roberts 4. The commenter also opined on several existing rules of the Authority, which are beyond the scope of this rulemaking.

<sup>8</sup> Newcomer 11. The commenter also criticized the rule for failing to address the treatment of horses by parties involved in horseracing. This falls outside the scope of this rulemaking. The Authority, however, has rules that address the topics raised by the commenter, including the humane treatment of equine athletes and bans on performance-enhancing drugs, and all of the commenters are encouraged to file comments on those rules when proposed modifications are published by the Authority or by the Commission. *See, e.g.,* FTC, Horseracing Integrity and Safety Authority Anti-Doping and Medication Control Rule Modification, proposed rule modification, 88 FR 65683 (Sept. 25, 2023); FTC, Horseracing Integrity and Safety Authority Racetrack Safety Rule Modification, proposed rule modification, 89 FR 24574 (Apr. 8, 2024).

<sup>9</sup> 16 CFR 1.140 through 1.144.

<sup>10</sup> 16 CFR 1.145 through 1.149.

<sup>11</sup> 16 CFR 1.150 through 1.152.

<sup>12</sup> NHBPA 8.

<sup>13</sup> *Id.*

fair administration of the Authority . . . or otherwise in furtherance of the purposes of [the Act].” 15 U.S.C. 3053(e). The proposed rule “add[s] to” the rules that the Authority has promulgated in accordance with the Act and does so “to ensure the fair administration of the Authority . . . or otherwise in furtherance of the purposes of [the Act].” *Id.* The plain text of HISA thus authorizes the Commission to promulgate the proposed rule.<sup>14</sup>

Apart from its belief that Congress would be the appropriate entity to promulgate the proposed rule, the NHBPA stated that it “supports the substance behind” proposed §§ 1.153, 1.154, and 1.155, including the requirements for an annual financial report with an independent audit, an annual performance report with summaries of the Authority’s enforcement activities, a multiyear strategic plan, and enterprise risk management activities.<sup>15</sup>

Finally, the Authority submitted a comment in which it responded to some of the public comments submitted in response to the NPRM and suggested some modifications to the rule as proposed.<sup>16</sup> Specifically, the Authority requested that the deadline for submitting the first annual financial report under § 1.153(a) be changed from May 15, 2024, to June 17, 2024. This request is now moot.

The Authority also requested that the annual deadline for submitting a same-year midyear report under § 1.153(c) be changed from August 15 to August 30, to “provide adequate time for the CFO to complete this report after the proposed budget is submitted to the Commission.”<sup>17</sup> Under the FTC’s Rules, the Authority’s proposed annual budget for the following year must be submitted to the Commission by August 1 each year,<sup>18</sup> and the Commission must approve or disapprove the proposed budget by November 1, or as soon thereafter as practicable, after publishing the proposed budget for public comment.<sup>19</sup> The Commission believes that the midyear report required under § 1.153(c) will inform the Commission’s consideration of the Authority’s proposed budget for the following year and that delaying the

submission of the midyear report would hinder the Commission’s ability to fully consider the report prior to voting on the proposed budget. The Commission’s need for the midyear report outweighs the Authority’s need for an extension and, for this reason, the Authority’s request is denied and the proposed reporting deadline of August 15 is retained in the Final Rule.

The Authority requested that the submission deadline for the initial multiyear strategic plan under § 1.153(d) be changed from June 30, 2024, to August 30, 2024.<sup>20</sup> In order to permit the Authority sufficient time to publish its draft strategic plan for public comment and finalize the plan subsequent to the effective date of the Final Rule, the Commission has changed the deadline for submission of the initial multiyear strategic plan to October 15, 2024.

The Authority requested that the documented market research requirement for procurement actions required under § 1.154(c) be applicable to procurement actions estimated at over \$50,000, rather than (as proposed) procurement actions estimated at over \$10,000.<sup>21</sup> The Commission does not believe that documenting market research for procurement actions estimated at over \$10,000 will be unreasonably burdensome, so it declines this request.

The Authority requested that the recommendation of § 1.155(d) for the Authority to submit Board of Directors minutes to the Commission’s Office of the Secretary be changed from within 15 days following each Board meeting to within 30 days following each Board meeting, to provide adequate time for the Board minutes to be prepared and approved by the Board.<sup>22</sup> The Commission finds this request to be reasonable and has changed the recommended submission deadline in the Final Rule to within 30 days following each Board meeting.

Finally, regarding the recommendation in § 1.155(g) that the Authority “use standard, GSA [General Services Administration]-established, published per diem rates when determining how much a person may spend on lodging, meals, and incidental expenses,” the Authority commented that it “does not receive government lodging rates and therefore, the Authority does not believe that the use of standard GSA-established, published per diem rates will be practical.”<sup>23</sup> The

Commission believes that the travel policy recommendation in the proposed rule is reasonable, and has retained it in the Final Rule.<sup>24</sup> The Commission notes that the recommendation also states, “Nevertheless, actual subsistence expenses may be authorized under unusual circumstances with justification and prior approval from the appropriate approving official.” This recommendation is similar to GSA regulations that apply to Federal agencies.<sup>25</sup> The Authority’s travel policy should specify what rate it will use when authorizing travel, and the Final Rule recommends that rate should be based upon standard, GSA-established, published per diem rates. The Authority could, however, establish a policy whereby it authorizes the standard, GSA-established, published per diem rates for mileage reimbursement and for meals and incidental expenses, while basing its rate for lodging on the GSA rate with allowances for deviations from that rate within a certain range. For example, the Authority could require that lodging be within the GSA-established rate but, if an employee cannot find a room within that rate, the Authority could allow lodging to exceed the GSA-established rate by up to 300 percent, as necessary and with approval from a designated official.

#### IV. The Final Rule

In this document, the Commission adopts the proposed new provisions as final, with the two minor changes discussed above. The Final Rule also adds references in § 1.153(c) and (d) to following the procedures in § 1.143 for submissions to the Commission and, in this way, mirrors § 1.153(a) and (b) and clarifies the applicable submissions requirements. The Final Rule also clarifies that the midyear reporting requirement in § 1.153(c) is an annual one.

The Commission is adding the Final Rule as 16 CFR 1.153 through 1.156 in subpart U of part 1 of its Rules of Practice. Subpart U is therefore renamed “Oversight of the Horseracing Integrity and Safety Authority” to more accurately reflect the content of the amended subpart.

#### V. Paperwork Reduction Act

The Paperwork Reduction Act (“PRA”), 44 U.S.C. chapter 35, requires

<sup>14</sup> The NHBPA opined that the Act prohibits the FTC from promulgating a proposed rule unless the Authority has “already adopted a rule *on the topic*.” *Id.* (emphasis added). That supposed limitation on the Commission’s authority is nowhere in the plain text of the statute.

<sup>15</sup> NHBPA 8.

<sup>16</sup> Horseracing Integrity and Safety Authority 10.

<sup>17</sup> *Id.*

<sup>18</sup> See 16 CFR 1.150(a).

<sup>19</sup> See 16 CFR 1.150(d) and 1.151(a).

<sup>20</sup> Horseracing Integrity and Safety Authority 10.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Government per diem rates are updated annually at <https://www.gsa.gov/travel>, and available to Authority staff to refer to.

<sup>25</sup> See 41 CFR 301–11.30 (“What is my option if the Government lodging rate exceeds my lodging reimbursement? . . . You may request reimbursement on an actual expense basis, not to exceed 300 percent of the maximum per diem allowance.”).



Federal agencies to seek and obtain Office of Management and Budget approval before undertaking a collection of information directed to ten or more persons. Under the PRA, a rule creates a “collection of information” when ten or more persons are asked to report, provide, disclose, or record information in response to “identical questions.”<sup>26</sup> The Commission concludes that the PRA does not apply to the amendments because they only apply to one “person,” the Authority.

## VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (“RFA”), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to either provide a Final Regulatory Flexibility Analysis with a final rule, or certify that the rule will not have a significant impact on a substantial number of small entities.<sup>27</sup> The RFA defines a “small entity” as a small business, a small governmental jurisdiction, or a small not-for-profit organization. See 5 U.S.C. 601(6).

The Final Rule applies only to the Authority, and the Authority is not a small business or a small governmental jurisdiction. While the Authority is a nonprofit entity, it is not a small not-for-profit organization, defined in the RFA as “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” *Id.* 601(5). The Authority is not “independently owned and operated,” and it is dominant in its field. The Commission therefore certifies under the RFA that the Final Rule will not have a significant economic impact on a substantial number of small entities, and hereby provides notice of that certification to the Small Business Administration.

## VII. Congressional Review Act

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

### List of Subjects in 16 CFR Part 1

Administrative practice and procedure, Animal drugs, Animal welfare.

For the reasons set forth in the preamble, the Federal Trade Commission amends title 16, chapter I, subchapter A of the Code of Federal Regulations as follows:

## PART 1—GENERAL PROCEDURES

### Subpart U—Oversight of the Horseracing Integrity and Safety Authority

■ 1. The authority citation for part 1, subpart U, continues to read as follows:

**Authority:** 15 U.S.C. 3053(e).

■ 2. Revise the heading for subpart U to read as set forth above.

■ 3. Add §§ 1.153 through 1.156 to subpart U to read as follows:

\* \* \* \* \*

Sec.

1.153 Submission of the Authority’s annual reports, midyear reports, and strategic plans.

1.154 Enterprise risk management.

1.155 Other best practices.

1.156 Severability.

\* \* \* \* \*

#### § 1.153 Submission of the Authority’s annual reports, midyear reports, and strategic plans.

(a) *Annual financial report.* Every year, by May 15, the Authority must follow the procedures in § 1.143 to submit an annual financial report to the Commission, detailing the items listed in paragraphs (a)(1) through (9) of this section for the previous calendar year. The Authority must also publish this report on its website. The report must contain:

(1) A complete accounting of the Authority’s budget, as audited by a qualified, independent, registered public accounting firm and in accordance with Generally Accepted Accounting Principles (including a statement from the auditor attesting to the auditor’s independence and its opinion regarding the financial statements presented in the annual financial report);

(2) Line-item comparisons between the approved budget’s revenues and expenditures for the previous year and the actual revenues and expenditures for the previous year;

(3) An explanation of how the Authority has considered the relative costs and benefits in formulating the programs, projects, and activities described in the budget;

(4) A description and accounting of the Authority’s insurance coverage;

(5) A description and accounting of any budgetary reserves;

(6) Summaries of contracts or other liabilities that the Authority has entered into or may potentially incur;

(7) A summary of travel expenses, including an itemized list of any first-class travel (defined as the highest and most expensive class of service);

(8) Any new or continuing material or significant risks or issues raised by the audit, internal quality or control reviews, other inspections or peer reviews of the Authority, or any inquiry or investigation by governmental or professional authorities, along with any steps taken (e.g., corrective actions) to deal with any such issues, consistent with § 1.154; and

(9) Any other information requested by Commission staff.

(b) *Annual performance report.* Every year, by March 31, the Authority must follow the procedures in § 1.143 to submit an annual performance report to the Commission, detailing the items listed in paragraphs (b)(1) through (11) of this section for the previous calendar year. The Authority must also publish this report on its website. The report must contain:

(1) Narrative summaries of all the major efforts by the Authority to carry out the requirements of the Act, including the status or results of any publicly announced investigations conducted by the Authority;

(2) Information about the Authority’s cooperation with the States as set forth in 15 U.S.C. 3060(b), including whether each State has covered horseraces, elects to remit fees, or has entered into an agreement under 15 U.S.C. 3060(a)(1) to implement a component of the programs on racetrack safety or anti-doping and medication control;

(3) A summary of all final civil sanctions imposed by the Authority in the previous year, in a tabular format. At a minimum, the summary should be broken down by violation category (e.g., racetrack safety program, anti-doping and controlled medication protocol rules, etc.) and should include the total number of alleged violations by category, the number of times the violations were admitted and resolved without adjudication, the number of times any violations were contested and adjudicated, the number of times any sanctions were imposed, the number of times that no sanctions were imposed, the number of civil sanction notices that needed to be reissued or corrected, the total fines imposed, the total amount of purses forfeited, and the number of times the sanctions were appealed to the Commission’s Administrative Law Judge;

(4) An assessment of the Authority’s progress in meeting or not meeting its performance measures contained in its strategic plan per paragraph (d) of this section;

(5) A statement from each Board of Directors committee summarizing its work in the previous year and all

<sup>26</sup> 44 U.S.C. 3502(3)(A).

<sup>27</sup> 5 U.S.C. 603–605.

recommendations each such committee has made to the Board;

(6) Information about any changes in the composition of the Authority's Board of Directors or standing committees;

(7) Information about the relationship between the Authority and the anti-doping and medication control enforcement agency, including how the enforcement agency is performing under its contract with the Authority and how many years remain under the contract;

(8) A summary of all litigation to which the Authority is a party, including actions commenced by the Authority under 15 U.S.C. 3054(j);

(9) A summary of all subpoenas issued by the Authority under 15 U.S.C. 3054(c);

(10) Descriptions of any areas in which the Authority believes that improvements to its operations are warranted, together with the Authority's plans to achieve those improvements. Forward-looking information should reflect known and anticipated risks, uncertainties, future events or conditions, and trends that could significantly affect the Authority's future financial position, condition, or operating performance, as well as Authority actions that have been planned or taken to address those challenges; and

(11) Any other information requested by Commission staff.

(c) *Midyear reporting.* Every year, by August 15, the Authority must follow the procedures in § 1.143 to furnish to the Commission a same-year midyear report covering January through June, to include:

(1) Spending and staffing levels for the quarter ending June 30, compared to the levels in the Commission-approved budget;

(2) A summary of travel expenses, including an itemized list of any first-class travel (defined as the highest and most expensive class of service);

(3) The status of outstanding and completed corrective actions; and

(4) Any other information requested by Commission staff.

(d) *Strategic plan.* The Authority must develop and maintain a multiyear strategic plan. The Authority must follow the procedures in § 1.143 to submit its first strategic plan to the Commission on or before October 15, 2024. The Authority must reevaluate the strategic plan no less frequently than every five years. The Authority's annual budget must align with, and link spending to, the strategic goals. The strategic plan must include items such as a description of its State-by-State relationships and a discussion of

planned rulemaking activities. The Authority must:

(1) Post its draft strategic plan on its website for a public comment period of at least 14 days;

(2) Present its final strategic plan to the Commission, along with a summary of its responses to public comments; and

(3) Publish its final strategic plan on its website.

(e) *Further guidance on strategic plan.*

The Authority's strategic plan should include forecasts of the Authority's industry environment and its priority initiatives for the current and subsequent years. The strategic plan should also consider the impact that program levels and changes in methods of program delivery, including advances in technology, could have on program operations and administration. The strategic plan should identify several strategic goals aligned with the Authority's mission statement. Each strategic goal should have accompanying objectives, strategies, and performance measures. As guiding principles, performance measures should:

(1) Be limited to the vital few and demonstrate results;

(2) Cover multiple priorities;

(3) Provide useful information for decision-making;

(4) Be clear, measurable, objective, and reliable; and

(5) Focus on core program activities and priorities.

#### **§ 1.154 Enterprise risk management.**

(a) *Guiding principles.* The Authority must effectively manage risk to prevent conflicts of interest, waste, fraud, embezzlement, and abuse. To manage risk, the Authority must align the enterprise risk-management process to the goals and objectives noted in the Authority's strategic plan. The Authority must assess risks, select risk responses, monitor whether responses are successful, and communicate and report on risks, consistent with § 1.153. The Authority must ensure that all internal controls have appropriate separation of duties (e.g., requester, approver, recorder). In addition, the Authority must develop corrective action plans no later than 90 days after receiving a notice of finding from its auditors or other internal assessments. The Board of Directors (or one of the Authority's standing committees) must review and evaluate identified risks and proposed corrective action plans. The Authority must review regularly its corrective actions identified from all audits and internal assessments and should develop criteria by which to

prioritize its response activities. The Authority must ensure that its risk management activities encompass:

(1) Compliance with applicable laws, rules, and regulations;

(2) The avoidance of conflicts of interest, or the appearance thereof, in all aspects of the Authority's operations, including investigation and enforcement, vendor selection, personnel assignments and responsibilities, and actions by the Board of Directors or management; and

(3) Handling funds received and expended by the Authority, including revenue/expense policies, fundraising practices, contracting policies, travel policies, and real and personal property agreements and expenses.

(b) *Data security and privacy.* The Authority must ensure the privacy and security of data, including all reasonable measures to protect the confidentiality of any sensitive health information (SHI), personally identifiable Information (PII), and sensitive PII (SPII) stored in its systems, including those operated by the anti-doping and medication control program, the Horseracing Integrity and Welfare Unit, and the Authority's third-party contractors. The Authority must ensure a complete annual evaluation of the status of its overall information technology security program and practices, as audited by a qualified, independent, third-party auditor. The Authority must also ensure that it has policies, programs, and practices in place to protect SHI, PII, and SPII. The Authority must send a copy of the annual evaluation to Commission staff.

(c) *Vendor selection.* Procurement actions estimated at over \$10,000 must be accompanied by documented market research (e.g., comparing the prices and other terms offered by the selected vendor against the prices and other terms offered by at least two other vendors) to ensure lowest cost or best value for goods or services to be provided. The Authority should also develop policies and procedures covering procurement activities.

(d) *Notice.* The Authority must provide advance notice to Commission staff of all significant Authority-planned events (e.g., press conferences, media events, summits, etc.) via a calendar, a list, email, or some other reasonable means. The Authority must also summarize key aspects of all such events on its website within a reasonable timeframe. The Authority must also give Commission staff prompt notice after it has been alerted to significant, adverse events in the horseracing industry (e.g., adverse safety

or medical events that might reasonably lead to sanctions, track closures, etc.).

#### **§ 1.155 Other best practices.**

(a) *Regular monitoring meetings.* The Commission recommends that the Authority hold regular meetings with Commission staff to discuss upcoming or potential risks, challenges, and opportunities for improvement.

(b) *Records and information management.* The Commission recommends that the Authority maintain records and information in sufficient detail to support the Authority's programs and operations, as well as any records relating to its information management policies or procedures. The Commission expects that the Authority will make any of these records available to Commission staff upon request, to allow the Commission to carry out its statutorily mandated oversight.

(c) *Treatment of confidential information.* The Commission recommends that the Authority's submissions to the Commission not include any SHI, PII, or SPII, such as a Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. If the Authority submits documents to the Commission containing confidential commercial or financial information, it should so designate that material and request confidential treatment pursuant to § 4.10(g) of this chapter.

(d) *Standing data requests.* The Commission recommends that the Authority submit Board of Directors minutes to the Commission's Office of the Secretary within 30 days following each Board meeting.

(e) *Personnel and compensation.* The Commission recommends that the Authority develop compensation policies and practices with the primary objective of attracting, developing, and retaining high-performing individuals capable of achieving the Authority's mission. The Authority should strive to recruit a diverse team of industry leaders whose unique backgrounds, education, cultures, and perspectives help position the Authority as an effective and innovative self-regulatory organization. The Commission also recommends that the Authority conduct periodic salary benchmarks to ensure that employee compensation is in line with other like organizations.

(f) *Customer service.* The Commission recommends that the Authority maintain publicly accessible points of contact (e.g., email addresses, phone

numbers) and monitor the timeliness with which it responds to inquiries. In this regard, the Commission urges the Authority to develop a policy and associated metrics covering its customer service activities, to be incorporated into its strategic plan and its regular reporting to the Commission.

(g) *Travel.* The Commission recommends that the Authority use standard, General Services Administration (GSA)-established, published per diem rates when determining how much a person may spend on lodging, meals, and incidental expenses. Nevertheless, actual subsistence expenses may be authorized under unusual circumstances with justification and prior approval from the appropriate approving official. The Commission urges the Authority to prohibit the use of first-class travel (defined as the highest and most expensive class of service) by employees, except when no other option is available or when a disability or exceptional security conditions require it. The Commission also recommends that the Authority not reimburse its contractors for first-class travel unless exceptional circumstances warrant.

#### **§ 1.156 Severability.**

The provisions of this subpart are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

By direction of the Commission.

**April J. Tabor,**

*Secretary.*

[FR Doc. 2024-18245 Filed 8-15-24; 8:45 am]

**BILLING CODE 6750-01-P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

#### **21 CFR Part 866**

**[Docket No. FDA-2024-N-3655]**

#### **Medical Devices; Immunology and Microbiology Devices; Classification of the Device To Detect and Identify Nucleic Acid Targets Including SARS-CoV-2 in Respiratory Specimens**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final amendment; final order.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is classifying the device to detect and

identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the device to detect and identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

**DATES:** This order is effective August 16, 2024. The classification was applicable on March 17, 2021.

**FOR FURTHER INFORMATION CONTACT:** Uwe Scherf, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3110, Silver Spring, MD 20993-0002, 301-796-5456, [Uwe.Scherf@fda.hhs.gov](mailto:Uwe.Scherf@fda.hhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Upon request, FDA has classified the device to detect and identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as "postamendments devices" because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through “De Novo” classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2) of the FD&C Act.

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a

classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining “substantial equivalence”). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

## II. De Novo Classification

On May 19, 2020, FDA received BioFire Diagnostics, LLC’s request for De Novo classification of the BioFire Respiratory Panel 2.1 (RP2.1) device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the

safety and effectiveness of the device for its intended use (see 21 U.S.C.

360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on March 17, 2021, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 866.3981.<sup>1</sup> We have named the generic type of device as device to detect and identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test, and it is identified as an in vitro diagnostic device intended for the detection and identification of SARS-CoV-2 and other microbial agents when in a multi-target test in human clinical respiratory specimens from patients suspected of respiratory infection who are at risk for exposure or who may have been exposed to these agents. The device is intended to aid in the diagnosis of respiratory infection in conjunction with other clinical, epidemiologic, and laboratory data or other risk factors.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

**TABLE 1—DEVICE TO DETECT AND IDENTIFY NUCLEIC ACID TARGETS IN RESPIRATORY SPECIMENS FROM MICROBIAL AGENTS THAT CAUSE THE SARS-COV-2 RESPIRATORY INFECTION AND OTHER MICROBIAL AGENTS WHEN IN A MULTI-TARGET TEST RISKS AND MITIGATION MEASURES**

Identified risks	Mitigation measures
Risk of an inaccurate test result (false positive or false negative result) leading to improper patient management.	Certain labeling information, including limitations, warnings, device descriptions, explanation of procedures, and performance information identified in special controls (1), (3), (5), and (6); Use of certain specimen collection devices identified in special control (2); Certain design verification and validation, documentation of certain analytical studies and clinical studies, risk analysis strategies, and device descriptions identified in special control (4); and Testing of characterized viral samples and labeling information identified in special control (7).
Misinterpretation of test results leading to misdiagnosis and associated risk of false test results.	Certain labeling information, including limitations, warnings, device descriptions, explanation of procedures, results interpretation information, and performance information identified in special controls (1), (3), and (5); Certain design verification and validation, documentation of certain analytical studies and clinical studies, risk analysis strategies, and device descriptions identified in special control (4).

<sup>1</sup> FDA notes that the “ACTION” caption for this final order is styled as “Final amendment; final order,” rather than “Final order.” In December 2019, FDA began adding the term “Final amendment” to the “ACTION” caption for these

documents, typically styled “Final order,” to indicate an amendment to the Code of Federal Regulations. This editorial change was made in accordance with the Office of Federal Register’s (OFR) interpretations of the **Federal Register Act**

(44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

TABLE 1—DEVICE TO DETECT AND IDENTIFY NUCLEIC ACID TARGETS IN RESPIRATORY SPECIMENS FROM MICROBIAL AGENTS THAT CAUSE THE SARS-CoV-2 RESPIRATORY INFECTION AND OTHER MICROBIAL AGENTS WHEN IN A MULTI-TARGET TEST RISKS AND MITIGATION MEASURES—Continued

Identified risks	Mitigation measures
Failure to correctly operate the device leading to inaccurate test results.	Certain labeling information, including limitations, warnings, device descriptions, explanation of procedures, and performance information identified in special controls (1), (3), (5), and (6); Use of certain specimen collection devices identified in special control (2); and Certain design verification and validation, documentation of certain analytical studies and clinical studies, risk analysis strategies, and device descriptions identified in special control (4).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809, regarding labeling,

have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 866.3981 to read as follows:

§ 866.3981 Device to detect and identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test.

(a) *Identification.* A device to detect and identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test is an in vitro diagnostic device intended for the detection and identification of SARS-CoV-2 and other microbial agents when in a multi-target test in human clinical respiratory specimens from patients suspected of respiratory infection who are at risk for exposure or who may have been exposed to these agents. The device is intended to aid in the diagnosis of respiratory infection in conjunction with other clinical, epidemiologic, and laboratory data or other risk factors.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The intended use in the labeling required under § 809.10 of this chapter must include a description of the following: Analytes and targets the device detects and identifies, the specimen types tested, the results provided to the user, the clinical

indications for which the test is to be used, the specific intended population(s), the intended use locations including testing location(s) where the device is to be used (if applicable), and other conditions of use as appropriate.

(2) Any sample collection device used must be FDA-cleared, -approved, or -classified as 510(k) exempt (standalone or as part of a test system) for the collection of specimen types claimed by this device; alternatively, the sample collection device must be cleared in a premarket submission as a part of this device.

(3) The labeling required under § 809.10(b) of this chapter must include:

(i) A detailed device description, including reagents, instruments, ancillary materials, all control elements, and a detailed explanation of the methodology, including all pre-analytical methods for processing of specimens;

(ii) Detailed descriptions of the performance characteristics of the device for each specimen type claimed in the intended use based on analytical studies including the following, as applicable: Limit of Detection, inclusivity, cross-reactivity, interfering substances, competitive inhibition, carryover/cross contamination, specimen stability, precision, reproducibility, and clinical studies;

(iii) Detailed descriptions of the test procedure(s), the interpretation of test results for clinical specimens, and acceptance criteria for any quality control testing;

(iv) A warning statement that viral culture should not be attempted in cases of positive results for SARS-CoV-2 and/or any similar microbial agents unless a facility with an appropriate level of laboratory biosafety (e.g., BSL 3 and BSL 3+, etc.) is available to receive and culture specimens; and

(v) A prominent statement that device performance has not been established for specimens collected from individuals not identified in the intended use population (e.g., when applicable, that device performance has not been established in individuals

without signs or symptoms of respiratory infection).

(vi) Limiting statements that indicate that:

(A) A negative test result does not preclude the possibility of infection;

(B) The test results should be interpreted in conjunction with other clinical and laboratory data available to the clinician;

(C) There is a risk of incorrect results due to the presence of nucleic acid sequence variants in the targeted pathogens;

(D) That positive and negative predictive values are highly dependent on prevalence;

(E) Accurate results are dependent on adequate specimen collection, transport, storage, and processing. Failure to observe proper procedures in any one of these steps can lead to incorrect results; and

(F) When applicable (*e.g.*, recommended by the Centers for Disease Control and Prevention, by current well-accepted clinical guidelines, or by published peer-reviewed literature), that the clinical performance may be affected by testing a specific clinical subpopulation or for a specific claimed specimen type.

(4) Design verification and validation must include:

(i) Detailed documentation, including performance results, from a clinical study that includes prospective (sequential) samples for each claimed specimen type and, as appropriate, additional characterized clinical samples. The clinical study must be performed on a study population consistent with the intended use population and compare the device performance to results obtained using a comparator that FDA has determined is appropriate. Detailed documentation must include the clinical study protocol (including a predefined statistical analysis plan), study report, testing results, and results of all statistical analyses.

(ii) Risk analysis and documentation demonstrating how risk control measures are implemented to address device system hazards, such as Failure Modes Effects Analysis and/or Hazard Analysis. This documentation must include a detailed description of a protocol (including all procedures and methods) for the continuous monitoring, identification, and handling of genetic mutations and/or novel respiratory pathogen isolates or strains (*e.g.*, regular review of published literature and periodic *in silico* analysis of target sequences to detect possible mismatches). All results of this protocol, including any findings, must be

documented and must include any additional data analysis that is requested by FDA in response to any performance concerns identified under this section or identified by FDA during routine evaluation. Additionally, if requested by FDA, these evaluations must be submitted to FDA for FDA review within 48 hours of the request. Results that are reasonably interpreted to support the conclusion that novel respiratory pathogen strains or isolates impact the stated expected performance of the device must be sent to FDA immediately.

(iii) A detailed description of the identity, phylogenetic relationship, and other recognized characterization of the respiratory pathogen(s) that the device is designed to detect. In addition, detailed documentation describing how to interpret the device results and other measures that might be needed for a laboratory diagnosis of respiratory infection.

(iv) A detailed device description, including device components, ancillary reagents required but not provided, and a detailed explanation of the methodology, including molecular target(s) for each analyte, design of target detection reagents, rationale for target selection, limiting factors of the device (*e.g.*, saturation level of hybridization and maximum amplification and detection cycle number, etc.), internal and external controls, and computational path from collected raw data to reported result (*e.g.*, how collected raw signals are converted into a reported signal and result), as applicable.

(v) A detailed description of device software, including software applications and hardware-based devices that incorporate software. The detailed description must include documentation of verification, validation, and hazard analysis and risk assessment activities, including an assessment of the impact of threats and vulnerabilities on device functionality and end users/patients as part of cybersecurity review.

(vi) For devices intended for the detection and identification of microbial agents for which an FDA recommended reference panel is available, design verification and validation must include the performance results of an analytical study testing the FDA recommended reference panel of characterized samples. Detailed documentation must be kept of that study and its results, including the study protocol, study report for the proposed intended use, testing results, and results of all statistical analyses.

(vii) For devices with an intended use that includes detection of Influenza A and Influenza B viruses and/or detection and differentiation between the Influenza A virus subtypes in human clinical specimens, the design verification and validation must include a detailed description of the identity, phylogenetic relationship, or other recognized characterization of the Influenza A and B viruses that the device is designed to detect, a description of how the device results might be used in a diagnostic algorithm and other measures that might be needed for a laboratory identification of Influenza A or B virus and of specific Influenza A virus subtypes, and a description of the clinical and epidemiological parameters that are relevant to a patient case diagnosis of Influenza A or B and of specific Influenza A virus subtypes. An evaluation of the device compared to a currently appropriate and FDA accepted comparator method. Detailed documentation must be kept of that study and its results, including the study protocol, study report for the proposed intended use, testing results, and results of all statistical analyses.

(5) When applicable, performance results of the analytical study testing the FDA recommended reference panel described in paragraph (b)(4)(vi) of this section must be included in the device's labeling under § 809.10(b) of this chapter.

(6) For devices with an intended use that includes detection of Influenza A and Influenza B viruses and/or detection and differentiation between the Influenza A virus subtypes in human clinical specimens in addition to detection of SARS-CoV-2 and similar microbial agents, the required labeling under § 809.10(b) of this chapter must include the following:

(i) Where applicable, a limiting statement that performance characteristics for Influenza A were established when Influenza A/H3 and A/H1–2009 (or other pertinent Influenza A subtypes) were the predominant Influenza A viruses in circulation.

(ii) Where applicable, a warning statement that reads if infection with a novel Influenza A virus is suspected based on current clinical and epidemiological screening criteria recommended by public health authorities, specimens should be collected with appropriate infection control precautions for novel virulent influenza viruses and sent to State or local health departments for testing. Viral culture should not be attempted in these cases unless a BSL 3+ facility is

available to receive and culture specimens.

(iii) Where the device results interpretation involves combining the outputs of several targets to get the final results, such as a device that both detects Influenza A and differentiates all known Influenza A subtypes that are currently circulating, the device's labeling must include a clear interpretation instruction for all valid and invalid output combinations, and recommendations for any required followup actions or retesting in the case of an unusual or unexpected device result.

(iv) A limiting statement that if a specimen yields a positive result for Influenza A, but produces negative test results for all specific influenza A subtypes intended to be differentiated (i.e., H1–2009 and H3), this result requires notification of appropriate local, State, or Federal public health authorities to determine necessary measures for verification and to further determine whether the specimen represents a novel strain of Influenza A.

(7) If one of the actions listed at section 564(b)(1)(A) through (D) of the Federal Food, Drug, and Cosmetic Act occurs with respect to an influenza viral strain, or if the Secretary of Health and Human Services determines, under section 319(a) of the Public Health Service Act, that a disease or disorder presents a public health emergency, or that a public health emergency otherwise exists, with respect to an influenza viral strain:

(i) Within 30 days from the date that FDA notifies manufacturers that characterized viral samples are available for test evaluation, the manufacturer must have testing performed on the device with those influenza viral samples in accordance with a standardized protocol considered and determined by FDA to be acceptable and appropriate.

(ii) Within 60 days from the date that FDA notifies manufacturers that characterized influenza viral samples are available for test evaluation and continuing until 3 years from that date, the results of the influenza emergency analytical reactivity testing, including the detailed information for the virus tested as described in the certificate of authentication, must be included as part of the device's labeling in a tabular format, either by:

(A) Placing the results directly in the device's labeling required under § 809.10(b) of this chapter that accompanies the device in a separate section of the labeling where analytical reactivity testing data can be found, but

separate from the annual analytical reactivity testing results; or

(B) In a section of the device's label or in other labeling that accompanies the device, prominently providing a hyperlink to the manufacturer's public website where the analytical reactivity testing data can be found. The manufacturer's website, as well as the primary part of the manufacturer's website that discusses the device, must provide a prominently placed hyperlink to the website containing this information and must allow unrestricted viewing access.

Dated: August 12, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–18266 Filed 8–15–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 866

[Docket No. FDA–2024–N–3358]

#### Medical Devices; Immunology and Microbiology Devices; Classification of the Device To Detect and Identify Selected Microbial Agents That Cause Acute Febrile Illness

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final amendment; final order.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is classifying the device to detect and identify selected microbial agents that cause acute febrile illness into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the device to detect and identify selected microbial agents that cause acute febrile illness's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

**DATES:** This order is effective August 16, 2024. The classification was applicable on November 20, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Bryan Grabias, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3260, Silver Spring,

MD 20993–0002, 240–402–9563, [Bryan.Grabias@fda.hhs.gov](mailto:Bryan.Grabias@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Upon request, FDA has classified the device to detect and identify selected microbial agents that cause acute febrile illness as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as “postamendments devices” because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through “De Novo” classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also 21 CFR part 860, subpart D). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying

the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially

equivalent device (see section 513(i) of the FD&C Act, defining “substantial equivalence”). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

## II. De Novo Classification

On June 26, 2020, FDA received BioFire Defense, LLC’s request for De Novo classification of the FilmArray Global Fever Panel. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general

controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on November 20, 2020, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 866.3966.<sup>1</sup> We have named the generic type of device as a device to detect and identify selected microbial agents that cause acute febrile illness, and it is identified as an in vitro device intended for the detection and identification of microbial agents in human clinical specimens from patients with signs and symptoms of acute febrile illness who are at risk for exposure or who may have been exposed to these agents. It is intended to aid in the diagnosis of acute febrile illness in conjunction with other clinical, epidemiologic, and laboratory data, including patient travel, pathogen endemicity, or other risk factors.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—DEVICE TO DETECT AND IDENTIFY SELECTED MICROBIAL AGENTS THAT CAUSE ACUTE FEBRILE ILLNESS RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Risk of an inaccurate test result (false positive or false negative result) leading to improper patient management.	Certain labeling information, including certain limiting statements and performance information; Certain design verification and validation, including certain analytical studies and clinical studies; and Use of certain specimen collection devices.
Misinterpretation of test results leading to misdiagnosis and associated risk of false test results.	Certain labeling information, including certain limiting statements and performance information; and Certain design verification and validation, including certain analytical studies and clinical studies.
Failure to correctly operate the device leading to inaccurate test results	Certain labeling information, including certain limiting statements and performance information; Certain design verification and validation, including certain analytical studies and clinical studies; and Use of certain specimen collection devices.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification

requirements under section 510(k) of the FD&C Act.

## III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

## IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the

<sup>1</sup> FDA notes that the “ACTION” caption for this final order is styled as “Final amendment; final order,” rather than “Final order.” Beginning in December 2019, this editorial change was made to

indicate that the document “amends” the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register’s (OFR) interpretations of the Federal Register Act (44

U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.



collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809, regarding labeling, have been approved under OMB control number 0910–0485.

#### List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

#### PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 866.3966 to read as follows:

##### **§ 866.3966 Device to detect and identify selected microbial agents that cause acute febrile illness.**

(a) *Identification.* A device to detect and identify selected microbial agents that cause acute febrile illness is identified as an in vitro device intended for the detection and identification of microbial agents in human clinical specimens from patients with signs and symptoms of acute febrile illness who are at risk for exposure or who may have been exposed to these agents. It is intended to aid in the diagnosis of acute febrile illness in conjunction with other clinical, epidemiologic, and laboratory data, including patient travel, pathogen endemicity, or other risk factors.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Any sample collection device used must be FDA-cleared, -approved, or -classified as 510(k) exempt (standalone or as part of a test system) for the collection of specimen types claimed by this device; alternatively, the sample collection device must be cleared in a premarket submission as a part of this device.

(2) The labeling required under § 809.10(b) of this chapter must include:

(i) An intended use that includes a detailed description of targets the device detects and measures, the results provided to the user, the clinical indications appropriate for test use, and the specific population(s) for which the device is intended.

(ii) Limiting statements indicating:

(A) Not all pathogens that cause febrile illness are detected by this test and negative results do not rule out the presence of other infections;

(B) Evaluation of more common causes of acute febrile illness should be considered prior to evaluation with this test;

(C) Test results are to be interpreted in conjunction with other clinical, epidemiologic, and laboratory data available to the clinician; and

(D) When using this test, consider patient travel history and exposure risk, as some pathogens are more common in certain geographical locations.

(iii) A detailed device description, including reagents, instruments, ancillary materials, all control elements, and a detailed explanation of the methodology, including all pre-analytical methods for processing of specimens.

(iv) Detailed discussion of the performance characteristics of the device for all claimed specimen types as shown by the analytical and clinical studies required under paragraphs (b)(3)(ii) and (iii) of this section, except specimen stability performance characteristics.

(v) A statement that nationally notifiable results are to be reported to public health authorities in accordance with local, state, and federal law.

(3) Design verification and validation must include:

(i) A detailed device description (e.g., all device parts, control elements incorporated into the test procedure, reagents required but not provided, the principle of device operation and test methodology), and the computational path from collected raw data to reported result (e.g., how collected raw signals are converted into a reported result).

(ii) Detailed documentation of analytical studies, including those demonstrating Limit of Detection (LoD), inclusivity, cross-reactivity, microbial interference, interfering substances, competitive inhibition, carryover/cross contamination, specimen stability, within lab precision, and reproducibility, as appropriate.

(iii) Detailed documentation and performance results from a clinical study that includes prospective (sequentially collected) samples for each claimed specimen type and, when determined to be appropriate by FDA,

additional characterized clinical samples. The study must be performed on a study population consistent with the intended use population and compare the device performance to results obtained from FDA-accepted comparator methods. Documentation from the clinical studies must include the clinical study protocol (including a predefined statistical analysis plan), study report, testing results, and results of all statistical analyses.

(iv) A detailed description of the impact of any software, including software applications and hardware-based devices that incorporate software, on the device's functions.

Dated: August 12, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–18264 Filed 8–15–24; 8:45 am]

**BILLING CODE 4164–01–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### 21 CFR Part 880

[Docket No. FDA–2024–N–3356]

##### **Medical Devices; General Hospital and Personal Use Devices; Classification of the Intravenous Catheter Force-Activated Separation Device**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final amendment; final order.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is classifying the intravenous catheter force-activated separation device into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the intravenous catheter force-activated separation device's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

**DATES:** This order is effective August 16, 2024. The classification was applicable on May 27, 2021.

##### **FOR FURTHER INFORMATION CONTACT:**

Florencia Wilson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2458, Silver Spring,

MD 20993–0002, 240–402–9978,  
*Florencia.Wilson@fda.hhs.gov*.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Upon request, FDA has classified the intravenous catheter force-activated separation device as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as “postamendments devices” because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through “De Novo” classification, a common name for the process authorized under section 513(f)(2) of the

FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining “substantial equivalence”). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

##### II. De Novo Classification

On September 18, 2019, FDA received Site Saver, Inc. d/b/a Lineus Medical's request for De Novo classification of the SafeBreak Vascular. FDA reviewed the request to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on May 27, 2021, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 880.5220.<sup>1</sup> We have named the generic type of device intravenous catheter force-activated separation device and it is identified as a device placed in-line with an intravenous (IV) catheter and an intravascular administration set, including any administration set accessories. It separates into two parts when a specified force is applied. The device is intended to reduce the risk of IV catheter failure(s) requiring IV catheter replacement.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—INTRAVENOUS CATHETER FORCE-ACTIVATED SEPARATION DEVICE RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Delays of therapy due to failure of device to function as expected (e.g., if separation force too low).	Performance data, Non-clinical performance testing, and Labeling.
Mechanical complications (e.g., IV dislodgement, IV infiltration, occlusion, and phlebitis events requiring IV replacement) due to failure of device to function as expected (e.g., if separation force too high).	Performance data, Non-clinical performance testing, and Labeling.
Infection .....	Sterilization validation, Shelf life testing, Non-clinical performance testing, and Labeling.
Air embolism .....	Non-clinical performance testing, and Labeling.

<sup>1</sup> FDA notes that the “ACTION” caption for this final order is styled as “Final amendment; final order,” rather than “Final order.” Beginning in December 2019, this editorial change was made to

indicate that the document “amends” the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the **Federal Register** Act

(44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

TABLE 1—INTRAVENOUS CATHETER FORCE-ACTIVATED SEPARATION DEVICE RISKS AND MITIGATION MEASURES—  
Continued

Identified risks to health	Mitigation measures
Adverse tissue reaction .....	Biocompatibility evaluation, Pyrogenicity testing, and Non-clinical performance testing.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 880

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 880 is amended as follows:

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

- 1. The authority citation for part 880 continues to read as follows:  
**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.
- 2. Add § 880.5220 to read as follows:

**§ 880.5220 Intravenous catheter force-activated separation device.**

(a) *Identification.* An intravenous catheter force-activated separation device is placed in-line with an intravenous (IV) catheter and an intravascular administration set, including any administration set accessories. It separates into two parts when a specified force is applied. The device is intended to reduce the risk of IV catheter failure(s) requiring IV catheter replacement.

(b) *Classification.* Class II (special controls). The special controls for this device are:

- (1) Performance data must be provided to demonstrate clinically acceptable performance for the intended use of the device.
- (2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:
  - (i) Separation force testing;
  - (ii) Validation of anti-reconnect features;
  - (iii) Air and liquid leakage testing, both before and after separation;
  - (iv) Luer connection testing;
  - (v) Flow rate testing;
  - (vi) Particulate testing; and
  - (vii) Microbial ingress testing.
- (3) The device must be demonstrated to be biocompatible.
- (4) Performance testing must demonstrate that the device is sterile and non-pyrogenic.
- (5) Performance testing must support the shelf life of the device by demonstrating continued sterility and device functionality over the identified shelf life.

- (6) Device labeling must include:
    - (i) Instructions for use; and
    - (ii) A discussion of catheter dressings intended to be used with the device.
- Dated: August 12, 2024.

**Lauren K. Roth,**  
*Associate Commissioner for Policy.*  
[FR Doc. 2024–18267 Filed 8–15–24; 8:45 am]  
**BILLING CODE 4164–01–P**

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9998]

RIN 1545–BQ62

Increased Amounts of Credit or Deduction for Satisfying Certain Prevailing Wage and Registered Apprenticeship Requirements; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; correction.

**SUMMARY:** This document contains corrections to Treasury Decision 9998 published in the **Federal Register** on Tuesday, June 25, 2024. Treasury Decision 9998 sets forth final regulations regarding the increased credit amounts or the increased deduction amount available for taxpayers satisfying prevailing wage and registered apprenticeship (collectively, PWA) requirements established by the Inflation Reduction Act of 2022.

**DATES:**  
*Effective date:* These corrections are effective on August 26, 2024.  
*Applicability date:* For date of applicability, see §§ 1.30C–3(c), 1.45–6(d), 1.45–7(e), 1.45–8(h), 1.45–12(f), 1.45L–3(c), 1.45Q–6(c), 1.45U–3(c), 1.45V–3(c), 1.45Y–3(c), 1.45Z–3(c), 1.48C–3(b), 1.179D–3(c).

**FOR FURTHER INFORMATION CONTACT:** Concerning these final regulations, Barbara Campbell or Nicole Cimino of the Office of the Associate Chief Counsel (Passthroughs & Special Industries) at (202) 317–6853 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

## Background

The final regulations (TD 9998) subject to these corrections are issued under sections 30C, 45, 45L, 45Q, 45U, 45V, 45Y, 45Z, 48C, and 179D of the Internal Revenue Code.

## Correction of Publication

Accordingly, the final regulations (TD 9998) that are the subject of FR Doc. 2024–13331, published on Tuesday, June 25, 2024, at 89 FR 53184 are corrected as follows:

1. On page 53184, in the second column, in the third line of the second full paragraph, the language “credits” is corrected to read “credit”.

2. On page 53187, in the first column, under the heading “*IV. Prior Guidance*”, in the fifth line from the top of the paragraph, the language “credits” is corrected to read “credit”.

3. On page 53188, in the first column, in the second line from the bottom of the column, the language “grammatical or stylistic” is corrected to read “grammatical and stylistic”.

4. On page 53193, in the second column, in the eleventh line from the top of the column, the language “applicable” is corrected to read “applicable”.

5. On page 53196, in the first column, the sixth line from the top of the column is corrected to read “equivalent under the DBA, looks solely at”.

6. On page 53196, in the third column, the sixth line from the bottom of the column is corrected to read “definition of a qualified facility under”.

7. On page 53199, in the third column, the thirteenth line from the bottom of the column is corrected to read “laborer or mechanic”.

8. On page 53200, in the first column, the fourteenth line from the bottom of the column is corrected to read “but not all of the requests for qualified”.

9. On page 53204, in the first column, in the nineteenth line from the bottom of the column, the language “a” is removed.

10. On page 53204, in the first column, the third line from the bottom of the column is corrected to read “prevailing rates in accordance with”.

11. On page 53205, in the third column, the last line of the footnote is corrected to read “of section 179D(f); and in each case including any”.

12. On page 53209, in the first column, the tenth line from the top of the column is corrected to read “determinations is <https://www.sam.gov>”.

13. On page 53210, in the third column, the fifth line of the first full

paragraph is corrected to read “the greatest number of laborers or”.

14. On page 53213, in the third column, in the fifth line of the first full paragraph, the language “apprenticeships” is corrected to read “apprentices”.

15. On page 53222, in the first column, in the fifth line from the top of the first full paragraph, the language “and amount” is removed.

16. On page 53225, in the first column, in the first line of the column, the language “applies” is corrected to read “apply”.

17. On page 53228, in the third column, the fourth line from the bottom of the second full paragraph is corrected to read “apprenticeship agency pursuant to 29 CFR”.

18. On page 53233, in the third column, in the second line of the footnote, the language “an NPRM” is corrected to read “a notice of proposed rulemaking”.

19. On page 53235, in the first column, the fourth line of last partial paragraph is corrected to read “programs. Under section 45(b)(8)(D)(ii), to”.

20. On page 53238, in the first column, the fourth line from the bottom of the partial paragraph is corrected to read “Under section 30C(c)(g)(3), rules similar”.

21. On page 53242, in the third column, in the sixth line of the second full paragraph, the language “48C(c)(2)” is corrected to read “section 48C(c)(2)”.

22. On page 53243, in the first column, in third line from the bottom of the first partial paragraph, the language “179D(b)” is corrected to read “section 179D(b)”.

23. On page 53244, in the second column, the fourth line of the last partial paragraph is corrected to read “suggested that the final regulations”.

24. On page 53246, in the third column, the fifth line from the second full paragraph is corrected to read “as it applies to facilities, property, projects,”.

25. On page 53247, in the third column, the sixth line of the second full paragraph is corrected to read “preamble to the notice of proposed rulemaking estimated these”.

26. On page 53248, in the second column, in the sixth line of the third paragraph, the language “paying” is removed.

27. On page 53248, in the second column, in the seventh line of the third paragraph, the language “qualified” is corrected to read “of qualified”.

28. On page 53248, in the third column, in the third line from the top of the column, the language “be” is removed.

29. On page 53249, in the second column, the ninth line of the second full paragraph is corrected to read “data includes approximately 18 million”.

30. On page 53249, in the second column, the eleventh line of the second full paragraph is corrected to read “the tax data includes more small”.

31. On page 53249, in the second column, the thirteenth line of the second full paragraph is corrected to read “one employee. Tax data provides a more”.

32. On page 53249, in the second column, the sixteenth line of the second full paragraph is corrected to read “tax data is an appropriate resource for”.

33. On page 53250, in the third column, the seventh line from the bottom of the first full paragraph is corrected to read “rates. Commenters suggested that the”.

34. On page 53251, in the first column, the fourth line from the bottom of the first full paragraph is corrected to read “processes for setting standards are”.

## PART 1 [Corrected]

■ 35. On page 53251, in the third column, in amendatory instruction 1 for part 1, “§ 1.48C–3,” is removed.

## §§ 1.45–9—1.45–12 [Corrected]

■ 36. On page 53252, in the first column, in amendatory instruction 3 for §§ 1.45–9 through 1.45–12, in the table of contents for the sections, the text “1.45–9—1.45.11 [Reserved]” is corrected to read “1.45–9—1.45–11 [Reserved]”.

## § 1.45–7 [Corrected]

■ 37. In amendatory instruction 3, in § 1.45–7:

■ i. On page 53255, in the first column, the fourteenth line from the bottom of paragraph (b)(5) is corrected to read “repair starts within 180 days of”.

■ ii. On page 53255, in the third column, the fifth line from the bottom of paragraph (b)(7)(i) is corrected to read “Wage Requirements by paying”.

■ iii. On page 53257, in the first column, the tenth line of paragraph (c)(1)(vi)(C) is corrected to read “facility for 22 weeks in 2023 and was paid”.

■ iv. On page 53257, in the second column, the seventh line of paragraph (c)(3)(i) introductory text is corrected to read “the requirements—”.

■ v. On page 53258, in the first column, the ninth line from the bottom of paragraph (c)(3)(i)(f) is corrected to read “action, and whether the taxpayer”.

■ vi. On page 53258, in the second column, the seventeenth line from the bottom of paragraph (c)(3)(iv)(A) is

corrected to read “wages paid to any laborers and”.

■ vii. On page 53260, in the third column, the sixth line from the bottom of paragraph (c)(6)(iv)(E) is corrected to read “period of August 1, 2023, to September”.

**§ 1.45–8 [Corrected]**

- 38. In amendatory instruction 3, in § 1.45–8:
- i. On page 53262, in the third column, the third line from the bottom of paragraph (b)(1) is corrected to read “dividing the total hours worked by all”.
- ii. On page 53265, in the third column, the third line of paragraph (f)(2)(i)(A) is corrected to read “failures to meet the percentage of the total”.
- iii. On page 53266, in the first column, last line of the partial paragraph (f)(2)(i)(A) is corrected to read “Exception.”.
- iv. On page 53266, in the third column, the sixth line from bottom of paragraph (f)(2)(i)(D)(2) is corrected to read “(5) on the construction of the”.
- v. On page 53267, in the third column, the fourth line of paragraph (f)(2)(ii)(C)(13) is corrected to read “Apprenticeship Requirements for”.
- vi. On page 53268, in the first column, the sixth line of paragraph (f)(2)(ii)(D)(1) is corrected to read “include contract provisions that require”.

**§ 1.45U–3 [Corrected]**

- 39. On page 53271, in the second column, in amendatory instruction 6, in § 1.45U–3, the second line of paragraph (b)(1) is corrected to read “agreement with one or more labor”.

**Regina L. Johnson,**  
*Federal Register Liaison, Publications and Regulations Section, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2024–17143 Filed 8–15–24; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 301**

**[TD 9988]**

**RIN 1545–BQ63**

**Elective Payment of Applicable Credits; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final rule; correction and correcting amendments.

**SUMMARY:** This document contains corrections to Treasury Decision 9988,

which was published in the **Federal Register** for Monday, March 11, 2024. Treasury Decision 9988 issued final regulations concerning the election under the Inflation Reduction Act of 2022 to treat the amount of certain tax credits as a payment of Federal income tax.

**DATES:** These corrections are effective on August 16, 2024 and for dates of applicability see §§ 1.6417–1(q), 1.6417–2(f), 1.6417–3(f), 1.6417–4(f), 1.6417–5(d), 1.6417–6(e), 301.6241–1(b)(1), and 301.6241–7(k)(3).

**FOR FURTHER INFORMATION CONTACT:** Concerning these final regulations, Jeremy Milton at (202) 317–5665 and James Holmes at (202) 317–5114 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 9988) that are the subject of this correction are under section 6417 of the Code.

**Corrections to Publication**

Accordingly, the final regulations (TD 9988) that are the subject of FR Doc. 2024–04604, published on March 11, 2024, are corrected to read:

1. On page 17550, in the first column, in the fourth line from the top of the first full paragraph, the language “designed” is corrected to read “designated”.

2. On page 17552, in the third column, in the eighth line from the bottom of the first full paragraph, the language “cert denied” is corrected to read “*cert. denied*”.

3. On page 17559, in the third column, in the twelfth line from the top of the first partial paragraph, the language “[ ]” is corrected to read “... ”.

4. On page 17560, in the first column, in the tenth line from the top of the first partial paragraph, the language “book” is corrected to read “books”.

5. On page 17561, in the second column, in the eighth line from the bottom of the last partial paragraph, the language “tax-exempt” is corrected to read, “tax exempt”.

6. On page 17561, in the third column, in the fifteenth line from the top of the first partial paragraph, the language “tax-exempt” is corrected to read “tax exempt”.

7. On page 17562, in the second column, the third line from the bottom of the second full paragraph is corrected to read, “so as not to incur an addition to tax due”.

8. On page 17575, in the first column, in the tenth line from the top of the first partial paragraph, the language “tax-exempt” is corrected to read “tax exempt”.

9. On page 17577, in the second column, in the tenth line from the top of the first full paragraph, the language “Section” is corrected to read “part”.

10. On page 17581, in the third column, the second line from the bottom of the last partial paragraph the language “Section” is corrected to read “section”.

11. On page 17582, in the third column, the last sentence of the first full paragraph is corrected to read, “Although there is uncertainty as to the exact number of small businesses within this group, the current estimated number of respondents to these final rules is 20,000 taxpayers.”.

12. On page 17583, in the first column, in the fourth line the from the bottom of the second full paragraph, the column is corrected to read, “verified or have received registration”.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Corrections to the Regulations**

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 is amended by adding the entries for Sections 1.6417–0 through 1.6417–6 in numerical order and removing the entry for section 1.6417–5T to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

\* \* \* \* \*

Section 1.6417–0 also issued under 26 U.S.C. 6417(h).

Section 1.6417–1 also issued under 26 U.S.C. 6417(h).

Section 1.6417–2 also issued under 26 U.S.C. 6417(h).

Section 1.6417–3 also issued under 26 U.S.C. 6417(h).

Section 1.6417–4 also issued under 26 U.S.C. 6417(h).

Section 1.6417–5 also issued under 26 U.S.C. 6417(h).

Section 1.6417–6 also issued under 26 U.S.C. 6417(h).

\* \* \* \* \*

■ **Par. 2.** Section 1.6417–0 is amended by revising the entry for § 1.6417–1(b) to read as follows:

**§ 1.6417–0 Table of contents.**

\* \* \* \* \*

**§ 1.6417–1 Elective payment election of applicable credits.**

\* \* \* \* \*

(b) Annual tax return.

\* \* \* \* \*

**§ 1.6417–2 [Corrected]**

■ **Par. 3.** Section 1.6417–2 is amended by removing the language “book and records” in the second sentence of paragraph (b)(3)(i) and adding the language “books and records” in its place.

**§ 1.6417–4 [Corrected]**

■ **Par. 4.** Section 1.6417–4 is amended by removing the language “corporation (such as, for investment)” in paragraph (c)(1)(vi) and adding the language “corporation (such as, for investment)” in its place.

**Oluwafunmilayo A. Taylor,**

*Section Chief, Publications & Regulations Section, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2024–17945 Filed 8–15–24; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Parts 1, 31, and 301**

[TD 10000]

**RIN 1545–BP71**

**Gross Proceeds and Basis Reporting by Brokers and Determination of Amount Realized and Basis for Digital Asset Transactions; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document includes corrections to the final regulations (Treasury Decision 10000) published in the **Federal Register** on Tuesday, July 9, 2024, regarding information reporting and the determination of amount realized and basis for certain digital asset sales and exchanges.

**DATES:** These corrections are effective on September 9, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Concerning the final regulations under sections 1001 and 1012, Alexa Dubert or Kyle Walker of the Office of the Associate Chief Counsel (Income Tax and Accounting) at (202) 317–4718; concerning the international sections of the final regulations under sections 3406 and 6045, John Sweeney or Alan Williams of the Office of the Associate Chief Counsel (International) at (202) 317–6933; and concerning the remainder of the final regulations under sections 3406, 6045, 6045A, 6045B, 6050W, 6721, and 6722, Roseann Cutrone of the Office of the Associate Chief Counsel (Procedure and

Administration) at (202) 317–5436 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:****Background**

The final regulations (TD 10000) subject to these corrections are issued under sections 1001, 1012, 3406, 6045, 6045A, 6045B, 6050W, 6721, and 6722 of the Internal Revenue Code.

**Corrections of Publication**

Accordingly, FR Doc. 2024–14004 (TD 10000), appearing on page 56480 in the **Federal Register** of Tuesday, July 9, 2024, is corrected as follows:

1. On page 56488, in the second column, the eighth line from the bottom of the column, is corrected to read “B) and not as a digital asset sale described”;

2. On page 56489, in the first column, the eighth line from the bottom of the first full paragraph is corrected to read “(and not by any customers or investors)”;

3. On page 56490, in the third column, the fourteenth line from the top is corrected to read “these final regulations, provides that”;

4. On page 56499, in the first column, in the eleventh line from the bottom, the word “consequence” is corrected to read “consequences”;

5. On page 56502, in the third column, the nineteenth line from the bottom, is corrected to read “returns under section 6045 is March 31 of the”;

6. On page 56502, in the third column, the tenth line from the bottom, is corrected to read “before the statute of limitations”;

7. On page 56504, in the third column, in the twenty-fourth line of the first full paragraph, the word “stablecoins” is corrected to read, “stablecoin”;

8. On page 56508, in the first column, the fourth line of the continuing paragraph is corrected to read, “According to comments, the average”;

9. On page 56508, in the first column, in the tenth line of the continuing paragraph the word “comment” is corrected to read “comments”;

10. On page 56508, in the first column, the first line of footnote 3 is corrected to read “One comment cited an article that referenced a report from”;

11. On page 56508, in the first column, the fourth and fifth sentences of footnote 3 are corrected to read “Another said: “The data sets underlying these estimates consist of public blockchain data regarding NFT volume, centralized exchange volume, and decentralized exchange volume. See Dune Analytics, <https://dune.com/browse/dashboards> (last visited October

30, 2023); Dune Analytics, <https://github.com/duneanalytics/spellbook/tree/main> (last visited October 30, 2023); The Block, <https://www.theblock.co/data/cryptomarkets/spot/cryptocurrency-exchange-volume/monthly> (last visited Oct. 30, 2023).” “;

12. On page 56508, in the first column, the first line of footnote 4 is corrected to read “One comment referenced data”;

13. On page 56516, in the third column, the third line of the continuing paragraph, “non-U.S. digital asset broker, a”, is removed;

14. On page 56517, in the first column, the twelfth line from the bottom of the continuing paragraph is corrected to read “activities as an MSB was permitted”;

15. On page 56521, in the third column, in the fifth line of the first full paragraph the language “Am.” is corrected to read “Amend”;

16. On page 56536, in the third column, in the eighth line from the bottom of the first full paragraph, the word “stablecoins” is corrected to read “stablecoin”; and

17. On page 56542, in the first column, the sixth sentence of the second full paragraph is corrected to read, “Based on tax return data, only 200 of the 9,700 firms identified as impacted issuers in the upper bound estimate exceed the \$41.5 million threshold.”.

**Oluwafunmilayo A. Taylor,**

*Section Chief, Publications and Regulations Section, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2024–17946 Filed 8–15–24; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 938**

[SATS No. PA–165–FOR; Docket ID: OSM–2016–0013; S1D1S SS08011000 SX064A000 245S180110; S2D2S SS08011000 SX064A000 24XS501520]

**Pennsylvania Abandoned Mine Land Reclamation Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Pennsylvania Abandoned Mine

Land Reclamation Plan (Pennsylvania Plan or Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Pennsylvania proposed to modify its Plan by adding Reclamation Plan Amendment No. 3 to allow the Pennsylvania Department of Environmental Protection (PADEP) to administer a State Emergency Abandoned Mine Land Reclamation Program (Program). The amendment to the Pennsylvania Plan covers coordination of emergency reclamation work between Pennsylvania and OSMRE as well as procedures for implementing the National Environmental Policy Act and other Pennsylvania procedures.

**DATES:** This rule is effective September 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Owens, Acting, Chief, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2827, Email: [bowens@OSMRE.gov](mailto:bowens@OSMRE.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Pennsylvania Plan
- II. Submission of the Amendment
- III. OSMRE's Findings
- IV. Summary and Disposition of Comments
- V. OSMRE's Decision
- VI. Procedural Determinations

**I. Background on the Pennsylvania Plan**

The Abandoned Mine Land (AML) Reclamation Program was established by title IV of SMCRA (30 U.S.C. 1231–1245) in response to concerns over threats to the health and safety of the public and environmental damage caused by coal mining activities conducted before the enactment of the Act. The program is funded primarily by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and other authorized activities. Section 405 of the Act allows States and Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior (Secretary) for approval a program (often referred to as a plan) for the reclamation of abandoned coal mines within their jurisdiction.

On July 31, 1982, the Secretary approved the Pennsylvania Plan. You can find background information on the Plan, including the Secretary's findings, the disposition of comments, and the approval of the Plan in the July 30, 1982, **Federal Register** (47 FR 33081). You can find later actions concerning

the Pennsylvania Plan and amendments to the Plan at 30 CFR 938.25.

**II. Submission of the Amendment**

By letter dated November 22, 2016 (Administrative Record No. PA 898.00), Pennsylvania sent us an amendment to its Plan under SMCRA at its own initiative. Within the proposed amendment, Pennsylvania requested to modify its Plan to allow PADEP to administer an Emergency AML Reclamation Program under title IV of SMCRA (30 U.S.C. 1231–1245).

We announced receipt of the proposed amendment in the May 16, 2018, **Federal Register** (83 FR 22607). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not receive any public comments and did not hold a public hearing or meeting because none was requested. The public comment period ended on June 11, 2018.

**III. OSMRE's Findings**

We have made the following findings concerning the amendment under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15. We are approving the amendment as described below. Any revisions that are not specifically discussed below concerning non-substantive wording or editorial changes can be found in the full text of the program amendment available at [www.regulations.gov](http://www.regulations.gov).

The proposed amendment consists of new Part G, The Pennsylvania Emergency Response Reclamation Program, to be added to the Pennsylvania Plan.

Section 410 of SMCRA (30 U.S.C. 1240) authorizes the Secretary to use funds under the AML Reclamation Program to abate or control emergency situations in which adverse effects of past coal mining pose an immediate danger to public health, safety, or general welfare. On September 29, 1982, OSMRE proposed delegating States and Tribes the authority to undertake emergency reclamation projects on behalf of the Secretary. States and Tribes were invited to amend their AML Reclamation Plans and demonstrate that they: (1) have the statutory authority to undertake emergencies; (2) the technical capability to design and supervise the emergency work; (3) the administrative mechanisms to quickly respond to emergencies either directly or through contractors; (4) have the staff qualified to make the findings of fact described in section 410 that emergency projects to be funded meet the definition of “emergency” under 30 CFR 700.5; and

(5) that the scope of the work undertaken to reduce the emergency will be established by qualified staff, will not exceed the activities necessary to stabilize the life-threatening situation, and should allow remaining reclamation work to be undertaken later as a lower priority project. *See* 47 FR 42729 (Sept. 29, 1982). On May 28, 2010, OSMRE notified the States with approved AML Reclamation Plans that due to Federal budgetary constraints, as of Fiscal Year 2011, States would assume the responsibility for funding of the AML emergency programs from their title IV AML grants.

**1. Statutory Authority**

Part G of the Pennsylvania Plan includes a copy of the letter dated November 1, 1978, that Pennsylvania included in its original Plan submission, wherein the Governor of Pennsylvania designated the Pennsylvania Department of Environmental Resources (PADER) as the State agency responsible for the AML Program in Pennsylvania. According to additional information provided in Part G, on July 1, 1995, DER was split into the Department of Conservation and Natural Resources and PADEP, the latter of which administers Pennsylvania's Plan. The Pennsylvania Plan also includes: (1) the 1978 legal opinion of the Pennsylvania Attorney General that PADER (now PADEP) is authorized by Pennsylvania law to administer the Plan; and (2) a 2016 memorandum from PADEP's Office of Chief Counsel specifying PADEP's statutory authority to administer an Emergency AML Reclamation Program as part of its Plan.

**OSMRE Findings:** In addition to the general police power granted to PADEP to conduct reclamation work under the Clean Streams Law (35 P.S. 691.1 *et seq.*) and the Administrative Code of 1929 (71 P.S. 510–15), section 16 of the Land and Water Conservation and Reclamation Act (32 P.S. 5116) and the Mine Fire and Subsidence Remedial Project Indemnification Law (52 P.S. 30.201–30.206) provide for the right of entry on any land where an emergency exists, and any other land to have access to the land where the emergency exists, with requirements to attempt to notify appropriate landowners and the option, at the agency's discretion, to recoup costs from the improved value of the land. Based on our review of Pennsylvania's relevant statutory provisions, and the inclusion of the 1978 legal opinion and the 2016 memorandum, we have determined that Pennsylvania has the statutory authority to undertake emergencies in compliance



with SMCRA and all other applicable State and Federal laws and regulations.

## 2. Technical Capability

On October 1, 2010, OSMRE ceased implementing the Emergency AML Reclamation Program in Pennsylvania and transferred emergency AML reclamation responsibilities to PADEP. Pennsylvania subsequently created an Accelerated Response Program (ARP) in 2010, which was administered by the PADEP's Bureau of Abandoned Mine Reclamation (BAMR), to address AML emergencies that have occurred throughout Pennsylvania's eligible coalfields.

As of the end of evaluation year 2022, Pennsylvania has reclaimed a total of 1,574,786 feet of dangerous highwalls, 2,016 acres of dangerous spoil piles and embankments, 47 dangerous impoundments, 153 hazardous water bodies, 1,601 vertical openings, and 771 miles of sediment-clogged streams. In its submission, Pennsylvania states that these are the same types of abandoned mine land features that the State will likely continue to encounter in emergency reclamation projects, and the technical capabilities used for emergency reclamation projects are generally the same as those used for normal, high priority reclamation projects, but with a potentially accelerated project schedule. In addition, Pennsylvania indicated that current staffing levels should be sufficient for the implementation of the emergency program, but PADEP may adjust the personnel structure as needed to accommodate the program in the future.

Pennsylvania states that BAMR maintains two field offices: one in eastern Pennsylvania (Anthracite Region) in Wilkes-Barre and one in western Pennsylvania (Bituminous Region) in Ebensburg, both of which have the capability to address emergency AML problems with both in-house staff and outside contractors. Pennsylvania indicates that both field offices maintain in-house construction crews with significant equipment available to respond to and address many small AML emergencies such as pothole (or cavehole) subsidences and mine drainage breakouts. Pennsylvania provides that emergency project development, design, realty, construction inspection, and administration are performed by BAMR staff or outside consultants. Pennsylvania indicates that approximately eighty percent of emergency projects have been constructed by PADEP's in-house crews between 2010 and 2020. In addition,

Pennsylvania states that for larger AML emergencies, such as subsidence events causing structural damage to homes, businesses, and roads; mine fires; coal refuse fires; landslides; or other large-scale or complex AML problems, projects are completed by outside contractors awarded contracts using Pennsylvania's emergency contracting procedures.

*OSMRE Findings:* We have found that Pennsylvania has run ARP since 2010 in a cost efficient and professional manner. For example, having the in-house construction crews affords Pennsylvania a major time and cost saving advantage. We have found the in-house constructed projects require minimal design or construction management resources because the construction staff is proficient and experienced, and requires minimal, if any, construction inspection or oversight.

In addition, throughout the years, PADEP, through its partnership with OSMRE, has assembled the necessary funding, staff resources, expertise, and implementation measures to effectively address and mitigate suddenly occurring, dangerous abandoned mine land problems. OSMRE has recognized 18 Pennsylvania projects since 1993 with regional and national awards for going beyond standard reclamation requirements to achieve superior results in returning a site to productive use after completion of mining.

Based on Pennsylvania's demonstrated historical success in executing their Plan, the proficiency of ARP since 2010, and the description of its technical staff and processes described in section III of its submission, we have determined that Pennsylvania has the technical capability to design and supervise emergency work.

## 3. Administrative Mechanisms

Pennsylvania explains in its submission that the organizational and management structure to be used for the proposed emergency program will be similar to that used for ARP.

Pennsylvania states that key elements of the State's proposed program that provide essential flexibility to address emergency conditions include:

- access to accelerated contracting procedures provided within Pennsylvania's Procurement Code;
- use of multiple staff with the necessary technical skills working in parallel to advance reclamation quickly; and
- supplementary technical, legal, contracting, and administrative services from respective sections of PADEP as needed.

*OSMRE Findings:* PADEP has been operating ARP since OSMRE ceased implementing the Emergency AML Reclamation Program in 2010 in Pennsylvania. We find that Pennsylvania has run ARP in a cost efficient and professional manner. Many of the administrative processes required to implement the proposed emergency program are the same as those already in place for ARP and the Pennsylvania Plan, which has run successfully since approval in 1982. Based on Pennsylvania's description of its administrative and managerial structure in section IV of its submission, we have determined that Pennsylvania has the administrative mechanisms in place to manage and implement an emergency program.

## 4. Finding of Fact

In its submission, Pennsylvania provides that it will perform the investigations and eligibility findings for the proposed emergency projects under title IV of SMCRA. Pennsylvania indicates that it will then submit this information to the OSMRE official with delegated authority to make the requisite Finding of Fact and emergency declarations as required under section 410 of SMCRA. Moreover, Pennsylvania states that PADEP will follow the approved procedures contained in the OSMRE Federal Assistance Manual (FAM) chapter 4–120, which includes the Finding of Fact requirements.

*OSMRE Findings:* Given Pennsylvania's description of how PADEP will coordinate with OSMRE in establishing the Finding of Fact and emergency declaration, including the appropriate OSMRE official finding whether the problem meets the definition of "emergency" under 30 CFR 700.5, we have determined that Pennsylvania has the necessary procedures in place to make a Finding of Fact determination consistent with section 410 of SMCRA.

## 5. Scope of Work

In its submission, Pennsylvania indicates that it will coordinate its emergency reclamation projects with OSMRE, including following the procedures found in FAM chapter 4–120. FAM 4–120 provides procedures for OSMRE to define the scope of work necessary to abate the emergency. In addition, FAM 4–120 provides information on how the State must determine the extent and scope of non-emergency work.

*OSMRE Findings:* Based on Pennsylvania's description of how it intends to coordinate with OSMRE on its emergency projects consistent with



the FAM, we have determined that Pennsylvania has sufficient procedures, consistent with OSMRE guidelines, in place to ensure the scope of work for emergency projects will be established by qualified staff, is limited to that necessary to eliminate the life threatening situation, and will allow remaining reclamation work to be undertaken later as a lower priority project.

In accordance with section 405 of SMCRA and 30 CFR 884.14, Pennsylvania has submitted an amendment to its Plan, and we have determined that:

(1) The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

(2) Views of other Federal agencies have been solicited and considered.

(3) The State has the legal authority, policies, and administrative structure necessary to implement the amendment.

(4) The proposed plan amendment meets all requirements of the Federal AML Reclamation program regulations at 30 CFR chapter VII, subchapter R.

(5) The State has an approved State Regulatory Program.

(6) The amendment is in compliance with all applicable State and Federal laws and regulations.

Therefore, we find that the proposed Pennsylvania plan amendment allowing the State to assume responsibility for an Emergency AML Reclamation Program on behalf of OSMRE is in compliance with SMCRA and meets the requirements of Federal regulations. We are approving Pennsylvania's assumption of the Program.

#### IV. Summary and Disposition of Comments

##### *Public Comments*

In the May 16, 2018, **Federal Register** notice announcing our receipt of this amendment, OSMRE asked for public comments (Administrative Record No. PA-898.08). No requests for public meetings or hearings were received. OSMRE did not receive any comments.

##### *Federal Agency Comments*

On November 30, 2016, under 30 CFR 884.14(a)(2) and 884.15(a), OSMRE requested comments on the amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program (Administrative Record No. PA 898.01). OSMRE did not receive any comments.

##### *Environmental Protection Agency (EPA) Concurrence and Comments*

On November 30, 2016, under 30 CFR 884.14(a)(6), OSMRE requested

comments from the EPA on the amendment (Administrative Record No. PA 898.01). The EPA responded with a letter dated January 6, 2017 (Administrative Record PA 898.03) that it has reviewed the proposed amendment and would not be providing comment.

##### *State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Under 30 CFR 884.14(a)(6), OSMRE is required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On November 30, 2016, OSMRE requested comments on the Pennsylvania amendment (Administrative Record No. 898.01). OSMRE did not receive any comments.

#### V. OSMRE's Decision

Based on the above findings, OSMRE is approving the Pennsylvania amendment sent on November 22, 2016 (Administrative Record No. PA 898.00).

To implement this decision, we are amending the Federal regulations at 30 CFR part 938 that codify decisions concerning the Pennsylvania program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

#### VI. Statutory and Executive Order Reviews

##### *Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights*

This rule would not affect a taking of private property or otherwise have taking implications that would result in private property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

##### *Executive Orders 12866—Regulatory Planning and Review, 13563—Improving Regulation and Regulatory Review, and 14094—Modernizing Regulatory Review*

Executive Order 12866, as amended by Executive Order 14094, provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993 (OMB Memo M-94-3), the approval of State program and/or plan amendments is exempted from OMB review under Executive Order 12866, as amended by Executive Order 14094. Executive Order 13563, which

reaffirms and supplements Executive Order 12866, retains this exemption.

##### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive order did not extend to the language of the plan amendment that Pennsylvania drafted.

##### *Executive Order 13132—Federalism*

This rule has potential Federalism implications as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to "grant the States the maximum administrative discretion possible" with respect to Federal statutes and regulations administered by the States. Pennsylvania, through its approved reclamation program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves an amendment to the Pennsylvania Plan submitted and drafted by the State and, thus, is consistent with the direction to provide maximum administrative discretion to States.

##### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175, and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal government and Tribes. The

basis for this determination is that our decision is on the Pennsylvania program and plan that does not include Indian lands, as defined by SMCRA, or regulation of activities on Indian lands. Indian lands are regulated independently under the applicable, approved Federal program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

*Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not a significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

*National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. We are not required to provide a detailed statement under the National Environmental Policy Act of 1969 because this rule qualifies for a categorical exclusion under the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(B)(29).

*National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 3701 *et seq.*)

directs OSMRE to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. (OMB Circular A–119 at p. 14). This action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA.

*Paperwork Reduction Act*

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

*Regulatory Flexibility Act*

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not

have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

*Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

**List of Subjects in 30 CFR Part 938**

Intergovernmental relations, Surface mining, Underground mining.

**Thomas D. Shope,**  
*Regional Director, North Atlantic-Appalachian Region.*

For the reasons set out in the preamble, 30 CFR part 938 is amended as follows:

**PART 938—PENNSYLVANIA**

■ 1. The authority citation for part 938 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.* Inserting required closing tag for E.

■ 2. In § 938.25, amend the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

**§ 938.25 Approval of Pennsylvania abandoned mine land reclamation plan amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
* * *	* * *	* * *
November 22, 2016 .....	8/16/2024	Part G—The Pennsylvania Emergency Response Reclamation Program.

**SELECTIVE SERVICE SYSTEM****32 CFR Part 1662****RIN 3240-AA03****Freedom of Information Act Regulations****AGENCY:** United States Selective Service System.**ACTION:** Final rule.

**SUMMARY:** The Selective Service System (SSS) is finalizing revisions to its Freedom of Information Act (FOIA) regulations to meet the requirements set forth in the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA); the Openness Promotes Effectiveness requirement in the National Government Act of 2007 (the OPEN Government Act); and the FOIA Improvement Act of 2016 (FOIA Improvement Act). This final rule comprehensively updates the Agency's FOIA regulations.

**DATES:** This rule is effective September 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel A. Lauretano, Sr., General Counsel, 703-605-4012, [dlauretano@sss.gov](mailto:dlauretano@sss.gov).

**SUPPLEMENTARY INFORMATION:** SSS published a proposed rule on February 6, 2024 (89 FR 8112). Public comments were received and were considered. Based on public comments, SSS is finalizing this rule with a few changes. Specifically, proposed subsection (a) and (b) were deleted from the proposed § 1662.23 (FOIA Exemption 6) and it now reads, "The FOIA exempts from disclosure records about individuals if disclosure would constitute a clearly unwarranted invasion of their personal privacy." Additionally, minor edits were made to proposed § 1662.6 (c) (Requirements of a FOIA request) and it now reads, "The FOIA requires an Agency to provide the record in any form or format requested by the person if the record is readily reproducible by the Agency in that form or format. SSS will not search or produce records in response to a FOIA request that the FOIA Officer determines would be unduly burdensome (*as defined in case law*) to process. FOIA requests are unreasonably burdensome when *it is a broad, sweeping request that lacks specificity*."

**I. Background & Legal Basis for This Rule****A. The Housekeeping Statute**

The Housekeeping Statute, 5 U.S.C. 301, authorizes agency heads to promulgate regulations governing "the

custody, use, and preservation of its records, papers, and property." The FOIA is a Federal statute that allows the public to request records from the Federal government. The FOIA provides that any person has a right, enforceable in court, to obtain access to Federal agency records subject to the FOIA, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions or other law. Additionally, under the FOIA, agencies must make records specified in 5 U.S.C. 552(a)(2) (*e.g.*, instructional manuals issued to employees, general statements of policy, etc.) available for public inspection in an electronic format. The FOIA also statutorily requires Federal agencies to annually report on numerous and various metrics to the Department of Justice (DOJ).

Since the most recent update to 32 CFR part 1662, the E-FOIA, the OPEN Government Act, and the FOIA Improvement Act have been enacted. These laws provide guidance to agencies for the implementation of the FOIA requirements. This final rule updates and revises part 1662 consistent with these laws.

The final rule will better streamline the process for the Agency's FOIA policies and procedures. These updates are consistent with the Plain Writing Act of 2010 which requires Federal agencies to use clear communications that the public can understand and use. They underscore the FOIA guidelines issued by Attorney General Merrick Garland in his March 15, 2022, Memorandum for Heads of Executive Departments and Agencies. The Memorandum directs the heads of all executive branch departments and agencies to apply a presumption of openness in administering the FOIA, instructs agencies to remove barriers to access, and asks agencies to help requesters understand the FOIA process.

**B. The E-FOIA**

The E-FOIA requires agencies to make certain types of records, created by the Agency on or after November 1, 1996, available electronically. It requires agencies to make available for public inspection, via an electronic reading room, "copies of all records, regardless of form or format that have been released to any person [under the FOIA] and which, because of the nature of their subject matter, the Agency determines have become or are likely to become the subject of subsequent requests for substantially the same records." The final rule complies with this requirement.

**C. The OPEN Government Act**

The OPEN Government Act amended the FOIA by providing new procedural and reporting requirements agencies must implement in their administration of the FOIA. It requires that (1) all FOIA requests that will take longer than ten days to process must be assigned an individualized tracking number and (2) agencies must provide requesters with a telephone line or internet service from which requesters can receive the status of their request(s).

The statute established the Office of Government Information Services (OGIS) within the National Archives and Records Administration that, among other duties, offers mediation services between FOIA requesters and Federal agencies as an alternative to litigation. It further directs agencies to designate a Chief FOIA Officer, who: (1) has responsibility for FOIA compliance; (2) monitors FOIA implementation; (3) makes recommendations to the Agency head concerning improvements to FOIA implementation; (4) reports to the Attorney General (through the Agency Head), as requested, on the Agency's FOIA implementation; (5) facilitates public understanding of the purposes of FOIA's statutory exemptions; and (6) designates one or more FOIA Public Liaisons. The FOIA Public Liaison serves as an official to whom a FOIA requester can raise concerns about service and is responsible for assisting in reducing delays in FOIA request processing, helping resolve disputes, and helping requesters understand the status of their requests.

The OPEN Government Act also revised annual reporting obligations, mandating reports on agency compliance with the FOIA to include information on: (1) FOIA denials based upon particular statutes; (2) response times; and (3) compliance by the agency and by each principal component thereof.

Regarding FOIA request processing, the OPEN Government Act: (1) modifies and specifies the time limits for an agency to determine whether to comply with a FOIA request; (2) establishes limitations on the circumstances under which the statutory time period may be "tolled"; and (3) prohibits an agency from assessing search or duplication fees under the FOIA if it fails to comply with time limits, provided that no unusual or exceptional circumstances apply.

Lastly, the OPEN Government Act provides for the definition of "representative of the news media" and amends the definition of "record" to include any information maintained by

an agency contractor “for the purposes of record management.” This final rule conforms with the requirements of the OPEN Government Act.

#### *D. The FOIA Improvement Act*

The FOIA Improvement Act took effect on June 30, 2016, and applies to any FOIA request made after the date of enactment. Its intent is to improve Agency transparency and responsiveness in processing FOIA requests.

The statute codifies the “foreseeable harm” standard, establishing that agencies may only withhold information if the Agency reasonably foresees that disclosure would harm an interest protected by a statutory exemption, or if disclosure is prohibited by existing law. Unless the record is prohibited from disclosure by law, asserting a FOIA exemption alone is not sufficient; an agency must also determine that release of the record would cause foreseeable harm to others/interests protected under the exemption.

The FOIA Improvement Act also imposes numerous administrative and procedural requirements upon Federal agencies. It adds new elements to the annual reports that capture the number of record denials and the number of records of general interest or use to the public that are made available for public inspection. It also creates new duties for the Chief FOIA Officer, requiring the Chief FOIA Officer to (1) serve as the primary liaison between OGIS and the Office of Information Policy at DOJ and (2) offer training to staff regarding their FOIA responsibilities. It also creates a council of Chief FOIA Officers whose purpose is to improve an agency’s administration of the FOIA. Within the Agency’s final revisions to part 1662, it is not addressing the additional reporting requirements provided in the FOIA Improvement Act, as they do not affect its day-to-day administration of the FOIA.

This law also requires agencies to offer the services of the FOIA Public Liaison and OGIS in all decision letters. It further increases the time for appeals, now allowing requesters at least 90 days to file an administrative appeal of an adverse determination. Additionally, it codifies the “rule of three,” which requires agencies to make available for public inspection, in an electronic format, records that are of general interest or have been requested three or more times and released to any person.

Further, it prohibits an agency from charging search and/or duplication fees under the FOIA for providing records if the agency misses a deadline for complying with a FOIA request, unless

unusual circumstances exist, and the agency takes certain action to notify the requester. Additionally, it amends one of the privileges recognized under the FOIA Exemption 5, the deliberative process privilege, by providing that this privilege cannot be applied to records that are 25 years or older at the time of the FOIA request.

Finally, the FOIA Improvement Act requires the head of each agency to (1) review agency regulations and issue regulations on procedures for disclosure of records in accordance with the amendments made by the bill and (2) include in such regulations procedures for engaging in dispute resolution through the FOIA Public Liaison and OGIS.

This final rule conforms with the requirements of the FOIA Improvement Act.

## **II. The FOIA Process at SSS**

This final rule ensures the SSS FOIA program is easier for the public to navigate. Under this final rule, the Chief FOIA Officer conducts a thorough review to ensure proper disclosure. The Agency’s Chief FOIA Officer makes the final determination on the release of records in response to initial requests and the Director of Selective Service is designated the final authority on appeal determinations. SSS also makes available for public inspection, in an electronic format, records that have been requested and released three or more times and other specified records described in revised § 1662.26, available at [www.sss.gov/foia](http://www.sss.gov/foia).

## **III. Regulatory Procedures**

### *A. Expected Impact of the Final Rule*

The Agency does not anticipate any additional costs associated with promulgations of the regulations contained herein.

The Agency anticipates qualitative benefits from the final rule which includes revisions to the FOIA regulations from streamlined and codified FOIA policies and procedures. SSS expects the codified regulations will benefit both the Agency and the public because the administration of the FOIA will be better organized and user friendly for requesters. The purpose of the FOIA is to provide the public with access to government records, and administrative transparency is paramount to a successful FOIA program. Clear policies generate efficient and effective processing of FOIA requests.

*B. Executive Order (E.O.) 12866, “Regulatory Planning and Review,” E.O. 13563, Improving Regulation and Regulatory Review,” and Congressional Review Act (5 U.S.C. 801–08)*

E.O.s 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Following the requirements of these E.O.s, the Office of Management and Budget (OMB) has determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866 nor a “major rule” as defined by 5 U.S.C. 804(2).

*C. Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. 601)*

SSS certifies that this final rule is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601, because it would not have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require SSS to prepare a regulatory flexibility analysis.

*D. Section 202 of Public Law 104–4, “Unfunded Mandates Reform Act” (2 U.S.C. 1532)*

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require the expenditure of \$100 million or more (in 1995 dollars, adjusted annually for inflation) in any one year. This final rule will not mandate any requirements for state, local, or tribal governments, nor will it affect private sector costs.

*E. Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)*

This final rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act.

*F. E.O. 13132, “Federalism”*

E.O. 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. This final rule will not

have a substantial effect on state and local governments.

*G. E.O. 11623, Delegation of Authority & Coordination Requirements*

In E.O. 11623, the President delegated to the Director of Selective Service the authority to prescribe the necessary rules and regulations to carry out the provisions of the Military Selective Service Act. In carrying out the provisions of E.O. 11623, as amended by E.O. 13286, the Director shall request the views of the Secretary of Defense; the Attorney General; the Secretary of Labor; the Secretary of Health and Human Services; the Secretary of Homeland Security (when the Coast Guard is serving under the Department of Homeland Security); the Director of the Office of Emergency Preparedness; and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow not less than 10 days for the submission of such views before publication of the proposed rule or regulation. On January 24, 2024, SSS completed its coordination requirements, and the Director certifies that he has requested the views of the officials required to be consulted pursuant to subsection (a) of E.O. 11623, considered those views and as appropriate incorporated those views in these regulations, and that none of these officials has requested that the matter be referred to the President for decision.

*This final rule was reviewed and approved by Joel C. Spangenberg, Acting Director of Selective Service.*

**List of Subjects in 32 CFR Part 1662**

Freedom of information.

■ For the reasons stated in the preamble, the Selective Service System revises 32 CFR part 1662 to read as follows:

**PART 1662—FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES**

**Sec.**

- 1662.1 Scope and purpose of this part.
- 1662.2 Definitions.
- 1662.3 SSS's FOIA policy.
- 1662.4 Relationship between the FOIA and the Privacy Act of 1974.
- 1662.5 Who can file a FOIA request?
- 1662.6 Requirements of a FOIA request.
- 1662.7 Where to submit a FOIA request.
- 1662.8 Requests not processed under the FOIA.
- 1662.9 Chief FOIA Officer's authority.
- 1662.10 Responsibility for responding to requests.
- 1662.11 How does SSS process FOIA requests?
- 1662.12 Expedited processing.

- 1662.13 Fees associated with processing FOIA requests.
- 1662.14 Release of records.
- 1662.15 FOIA Public Liaison and the Office of Government Information Services.
- 1662.16 Appeals of the Chief FOIA Officer's determination.
- 1662.17 U.S. District Court action.
- 1662.18 The FOIA Exemption 1: National defense and foreign policy.
- 1662.19 The FOIA Exemption 2: Internal personnel rules and practices.
- 1662.20 The FOIA Exemption 3: Records exempted by other statutes.
- 1662.21 The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.
- 1662.22 The FOIA Exemption 5: Internal documents.
- 1662.23 The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.
- 1662.24 The FOIA Exemption 7: Law enforcement.
- 1662.25 The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.
- 1662.26 Records available for public inspection.
- 1662.27 Where records are published.
- 1662.28 Publications for sale through the Government Publishing Office.

**Authority:** 5 U.S.C. 301; 50 U.S.C. 3809; 5 U.S.C. 552 and 552a; 18 U.S.C. 1905; 31 U.S.C. 9701; & E.O. 11623, as amended by E.O. 13286, Feb 28, 2003.

**§ 1662.1 Scope and purpose of this part.**

(a) The purpose of this part is to describe the Selective Service System's (SSS) policies and procedures for implementing the requirements of the Freedom of Information Act (FOIA) as set forth at 5 U.S.C. 552. The FOIA mandates disclosure to the public of Federal agency records unless specific exemptions apply. The FOIA also requires an agency to proactively disclose records and make certain records available for public inspection.

(b) The rules in this part describe how SSS makes records available to the public, including:

- (1) What constitutes a proper request for records;
- (2) How to make a FOIA request;
- (3) Who has the authority to release and withhold records;
- (4) What fees may be charged to process a request for records;
- (5) The timing of determinations regarding release;
- (6) The exemptions that permit the withholding of records;
- (7) A requester's right to seek assistance from the FOIA Public Liaison;
- (8) A requester's right to appeal the Agency's FOIA determination;
- (9) A requester's right to seek assistance from the Office of Government Information Services

(OGIS) and then go to court if they still disagree with the Agency's release determination; and

(10) The records available for public inspection.

(c) The rules in this part do not revoke, modify, or supersede the SSS regulations relating to disclosure of information in parts 1660 or 1665 of this chapter.

**§ 1662.2 Definitions.**

As used in this part:

*Agency* means the Selective Service System. Agency may also refer to any executive department, military department, government corporation, government-controlled corporation, or other establishment in the executive branch of the Federal Government, or any independent regulatory agency. A private organization is not an agency even if it is performing work under contract with the Government or is receiving Federal financial assistance.

*Chief FOIA Officer* means a senior official of SSS who has an Agency-wide responsibility for ensuring efficient and appropriate compliance with the FOIA, monitoring implementation of the FOIA throughout SSS, and making recommendations to the Director of Selective Service to improve SSS's implementation of the FOIA. The Director of Selective Service designates a Chief FOIA Officer for the Agency.

The Director of Selective Service makes final decisions in response to appeals of the Chief FOIA Officer's determinations.

*Commercial interest* includes interests relating to business, trade, and profit, as well as non-profit corporations, individuals, unions, and other associations. The interest of a representative of the news media in using the information for news dissemination purposes will not be considered a commercial interest.

*Component* consists of the Office of the Director, National Headquarters Directorates and Offices, Data Management Center, Region Offices, and all other organizational entities within SSS that may maintain Agency records subject to a request under the FOIA.

*Duplication* means the process of reproducing a copy of a record, or of the information contained in it, to the extent necessary to respond to a request. Copies include paper, electronic records, audiovisual materials, and other formats of Agency records.

*Educational institution* means a preschool, elementary or secondary school, institution of undergraduate or graduate higher education, or institution of professional or vocational education, which operates a program of scholarly research. To qualify for this category, a

requester must show that the FOIA request is authorized by, and is made under the auspices of, a qualifying institution and that the records are sought to further a scholarly research goal of the institution, and not for a commercial use or purpose, or for individual use or benefit.

*Exemption* means one of the nine exemptions to the mandatory disclosure of records permitted under section 552(b) of the FOIA.

*Expedited processing* means the process set forth in the FOIA that allows requesters to request faster processing of their FOIA request if they meet specific criteria noted in § 1662.12.

*Fee category* means one of the three categories established by the FOIA to determine whether a requester will be charged fees under FOIA for search, review, and duplication. The categories are: commercial use requests; non-commercial scientific or educational institutions and news media requests; and all other requests.

*Fee waiver* means the waiver or reduction of fees if a requester meets the requirements set forth in § 1662.13.

*FOIA Officer* means an SSS official whom the Director of Selective Service has delegated the authority to assist the Chief FOIA Officer in releasing or withholding records; assessing, waiving, or reducing fees in response to FOIA requests; and all other determinations regarding the processing of a FOIA request. In this capacity, the FOIA Officer is authorized to request and receive responsive records that may be maintained by other Agency components. Except for records subject to proactive disclosure pursuant to section (a)(2) of the FOIA, only the Chief FOIA Officer has the authority to release or withhold records or to waive fees in response to a FOIA request.

*FOIA Public Liaison* means an Agency official who reports to the Agency Chief FOIA Officer and serves as a supervisory official to whom a requester can raise concerns about the service the requester received concerning the processing of the FOIA request. This individual is responsible for increasing transparency in the Agency's FOIA business process, helping requesters understand the status of requests, and assisting in the resolution of disputes. The FOIA Public Liaison may be contacted via email at [FOIA.Public.Liaison@sss.gov](mailto:FOIA.Public.Liaison@sss.gov).

*FOIA request* means a written request that meets the criteria in § 1662.6.

*Freedom of Information Act or FOIA* means the law codified at 5 U.S.C. 552 that provides the public with the right to request Agency records from Federal executive branch agencies.

*News* means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast news to the public at large and publishers of periodicals, including print and online publications that disseminate news and make their products available through a variety of means to the public. SSS does not consider FOIA requests for records that support the news dissemination function of the requester to be commercial use. SSS considers "freelance" journalists who demonstrate a solid basis for expecting publication through a news media entity as working for that entity. A publishing contract provides the clearest evidence that a journalist expects publication; however, SSS also considers a requester's past publication record.

*Non-commercial scientific institution* means an institution that does not further the commercial, trade, or profit interests of any person or entity and is operated for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.

*Online FOIA portal* means the electronic application that SSS uses to process FOIA requests. The public may also submit requests directly to SSS via the online [FOIA.gov](https://www.foia.gov)—Freedom of Information Act.

*Other requester* means any individual or organization whose FOIA request does not qualify as a commercial-use request, representative of the news media request (including a request made by a freelance journalist), or an educational or non-commercial scientific institution request.

*Production* means the process of preparing the records for duplication, including the time spent in preparing the records for duplication (i.e., materials used, records/database retrieval, employee, and contractor time, as well as systems processing time).

*Reading room* means an electronic location(s) that SSS uses to post records that are made available to the public without a specific request. SSS makes reading room records electronically available to the public through the SSS website, <https://www.sss.gov/>, including at <https://www.sss.gov/foia/>.

*Record(s)* means any information maintained by an Agency, regardless of format, that is made or received in connection with official Agency business that is under the Agency's control at the time of the FOIA request. Record(s) includes any information maintained for an Agency by a third party. Record(s) does not include

personal records of an employee, or other information in formally organized and officially designated SSS libraries and reading rooms, where such materials are available under the rules of the particular library.

*Redact* means delete or mark over.

*Representative of the news media* means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.

*Request* means asking for records, whether or not the requester refers specifically to the FOIA. Requests from federal agencies, subpoenas, and court orders for documents are not included within this definition.

*Review*, unless otherwise specifically defined in this part, means examining records responsive to a request to determine whether any portions are exempt from disclosure. Review time includes processing a record for disclosure (i.e., doing all that is necessary to prepare the record for disclosure), including redacting the record and marking the appropriate FOIA exemptions. It does not include the process of resolving general legal or policy issues regarding exemptions.

*Search* means the process of identifying, locating, and retrieving records responsive to a request, whether in hard copy or in electronic form or format, or by manual or automated/electronic means.

*Special services* mean performing additional services outside of those required under the FOIA to respond to a request. Examples include using an overnight mail service to send the Agency's response to a FOIA request.

SSS means the Selective Service System.

*Submitter* means any person or entity that provides trade secrets or commercial or financial information to the Agency, and includes individuals, corporations, other organizational entities, and state and foreign governments.

*Tolling* means temporarily stopping the running of a time limit. SSS may toll a FOIA request to seek clarification from the requester or to address fee issues, as further described in § 1662.11.

*Trade secrets and commercial or financial information* means trade secrets and commercial or financial information that are confidential, and are obtained by the Agency from a submitter, such that it may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

**§ 1662.3 SSS's FOIA policy.**

(a) *Presumption of openness.* The Agency will withhold information only if the Chief FOIA Officer reasonably foresees that disclosure would harm an interest protected by a FOIA exemption or if disclosure is prohibited by law.

(b) *Authority to release and withhold records.* As described in § 1662.9, the Agency's Chief FOIA Officer has the authority to:

(1) Release or withhold records in response to initial requests;

(2) Grant or deny expedited processing; and

(3) Reduce or waive fees.

(c) *Records publicly available.* The Agency makes available for public inspection, in an electronic format, records that have been requested and released three or more times and other specified records described in § 1662.26.

(d) *Required record production.* The FOIA does not require an Agency to give opinions, conduct research, answer questions, or create records.

**§ 1662.4 Relationship between the FOIA and the Privacy Act of 1974.**

(a) *Coverage.* The FOIA and the rules in this part apply to all SSS records. The Privacy Act, 5 U.S.C. 552a, applies to records that are about individuals, but only if the records are in a system of records.

(b) *Requesting your own records.* If you have filed a FOIA request and are an individual requesting your own records that are maintained in a system of records, or if you are a parent or legal guardian authorized to act on behalf of a minor or custodian who is seeking the records about a minor or individual who has been declared incompetent, the Agency will handle your request under the Privacy Act.

**§ 1662.5 Who can file a FOIA request?**

Any member of the public may submit a FOIA request to SSS. Under the FOIA, "member of the public" includes requests from individuals, corporations, state, and local agencies, as well as foreign entities. Requests from Federal agencies and Federal or state courts are not covered by the FOIA.

**§ 1662.6 Requirements of a FOIA request.**

(a) To be considered a FOIA request under this part, the following must occur:

(1) The request must be written (either by hand or electronically);

(2) The request must be submitted in accordance with § 1662.7;

(3) The requester must provide the following required contact information: requester's name, U.S. or foreign postal address, description of records sought,

and fee willing to pay. While not required, the Agency encourages requesters to provide us with their email address and phone number; and

(4) The request must clearly state and reasonably describe what SSS records are requested. Broad, sweeping requests and vague requests are not reasonably described. The requester must describe the records sought in sufficient detail to enable the Agency to locate the records within a reasonable amount of effort. When known, requests should identify the records sought by providing the name/title of the record, applicable date range, subject matter, offices, or employees involved, and record type. If the request is for electronic communications, such as email records, it would assist SSS if the requestor could provide as much information as possible, such as the names, position titles, or other identifying information about the Agency employees involved, as well as the applicable timeframe. Absent sufficient details, the Agency may be unable to search for or locate the records sought. The greater the date range, the longer it may take to process the request and the greater amount of fees that may be charged.

(b) Requests that do not meet the required criteria above are not considered proper FOIA requests.

(c) The FOIA requires an Agency to provide the record in any form or format requested by the person if the record is readily reproducible by the Agency in that form or format. SSS will not search or produce records in response to a FOIA request that the FOIA Officer determines would be unduly burdensome (as defined in case law) to process. FOIA requests are unreasonably burdensome when it is a broad, sweeping request that lacks specificity.

**§ 1662.7 Where to submit a FOIA request.**

*Submission of requests.* Requesters must submit FOIA requests in writing to the Agency through one of the following options:

(a) *Online FOIA portal:* link available from the Agency's [www.sss.gov/foia](http://www.sss.gov/foia) website.

(b) *Email:* [FOIA@sss.gov](mailto:FOIA@sss.gov).

(c) *Mail:* SSS, ATTN: Freedom of Information Act Officer, 1501 Wilson Boulevard, Suite 700, Arlington, VA 22209.

**§ 1662.8 Requests not processed under the FOIA.**

(a) The Chief FOIA Officer will not process a request under the FOIA and the regulations in this part to the extent it asks for records that are currently publicly available, either from SSS or from another part of the Federal

Government, unless the requester does not have access to the internet and cannot retrieve records online. See § 1662.26.

(b) The Chief FOIA Officer will not process a request under the FOIA and the regulations in this part if the records sought are distributed by the Agency as part of its regular program activity, for example, public information leaflets distributed by SSS. See §§ 1662.26 through 1662.28.

(c) The Chief FOIA Officer will not process a request under the FOIA that does not meet the requirements of a FOIA request as defined in § 1662.21. When a request under FOIA does not meet the requirements of § 1662.21, the Chief FOIA Officer will send written correspondence to the requester:

(1) Providing instructions for how to submit a proper FOIA request; or

(2) Asking for additional information to make the request a proper FOIA request.

**§ 1662.9 Chief FOIA Officer's authority.**

(a) *Release determination.* The Chief FOIA Officer is authorized to make determinations about:

(1) Release or withholding of records;

(2) Expedited processing;

(3) Charging or waiver of fees; and

(4) Other matters relating to processing a request for records under this part.

(b) *Determination provided in writing.* The Chief FOIA Officer's determination is provided in writing to the requester via emailed communication or, in the absence of the requester's email address, via U.S. postal mail. If the requester disagrees with the FOIA Officer's determination in response to items identified in paragraph (a) of this section, the requester may appeal the determination to the Director of Selective Service, as described in § 1662.16.

**§ 1662.10 Responsibility for responding to requests.**

(a) *In general.* When the Chief FOIA Officer first receives a request for a record and SSS maintains that record, it is the responsibility of SSS to respond to the request. In determining which records are responsive to a request, SSS ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, SSS will inform the requester of that date. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), is not considered responsive to a request.

(b) *Authority to grant or deny requests.* The Chief FOIA Officer is authorized to grant or to deny any



requests for records that are maintained by SSS. Denials may be appealed to the Director of the Selective Service.

(c) *Consultation, referral, and coordination.* When reviewing records located by SSS in response to a request, the Chief FOIA Officer will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA. As to any such record, the Agency must proceed in one of the following ways:

(1) *Consultation.* When records originated with SSS but contain within them information of interest to another agency or other Federal Government office, SSS will consult with that other entity prior to making a release determination.

(2) *Referral.* (i) When the Chief FOIA Officer believes that a different agency or component is best able to determine whether to disclose the record, the Chief FOIA Officer will refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if the Chief FOIA Officer and the originating agency jointly agree that SSS is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever the Chief FOIA Officer refers any part of the responsibility for responding to a request to another agency, it will document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that Agency's FOIA contact information.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. For example, if a non-law enforcement agency responding to a request for records on a living third party locates within its file's records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if the Chief FOIA Officer locates within its files material originating from an Intelligence Community agency, and the involvement of that agency in the matter

is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. In such instances, in order to avoid harm to an interest protected by an applicable exemption, the Chief FOIA Officer will coordinate with the originating agency to seek its views on whether the record may be disclosed. The release determination for the record that is the subject of the coordination will then be conveyed to the requester by the Chief FOIA Officer.

(d) *Classified information.* On receipt of any request involving classified information, the Chief FOIA Officer must determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, the Chief FOIA Officer will refer the responsibility for responding to the request regarding that information to the agency that classified the information, or that should consider the information for classification. Whenever the record of SSS contains information that has been derivatively classified (for example, when it contains information classified by another agency), the Chief FOIA Officer will refer the responsibility for responding to that portion of the request to the agency that classified the underlying information.

(e) *Timing of responses to consultations and referrals.* All consultations and referrals received by the Chief FOIA Officer will be handled according to the date that SSS received the perfected FOIA request.

(f) *Agreements regarding consultations and referrals.* The Chief FOIA Officer may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

#### **§ 1662.11 How does SSS process FOIA requests?**

(a) *Acknowledgement.* (1) The Chief FOIA Officer acknowledges all FOIA requests in writing within ten business days after the Agency's receipt of the request. The acknowledgement email or letter restates the FOIA request and provides the requester with the request's tracking number.

(2) If the Chief FOIA Officer requires clarification to process the FOIA request, the Chief FOIA Officer will contact the requester either via email,

U.S. postal mail, or phone call. The Chief FOIA Officer will attempt to contact requesters twice. If the Chief FOIA Officer does not receive a response to their clarification attempts within 30 calendar days from the date of the first contact to the requester, the Chief FOIA Officer will close the FOIA request due to insufficient information.

(b) *Perfected requests.* FOIA requests are considered "perfected," *i.e.*, the 20-business day statutory time begins, when the request meets the requirements of the proper FOIA request listed in § 1662.6. There may be times that the Chief FOIA Officer requires more information from the requester after perfecting a request. The 20-business day period may be extended in unusual circumstances by written notice to the requester. See paragraph (e) of this section.

(c) *Expedited processing.* Unless granted expedited processing, the Chief FOIA Officer processes FOIA requests according to a first-in, first-out basis. See § 1662.12 for information on expedited processing.

(d) *Multi-tracking procedures.* FOIA requests are categorized as either simple or complex, depending on the nature of the request and the estimated processing time:

(1) *Simple.* For most non-expedited requests, the Chief FOIA Officer makes a determination about release of the record(s) requested within 20 business days.

(2) *Complex.* The Chief FOIA Officer will place into a complex processing queue any request that cannot be completed within 20 business days due to unusual circumstances. The Chief FOIA Officer notifies requesters in writing if it is necessary for SSS to take additional time to process a request and of the requester's right to seek dispute resolution services with the OGIS. See § 1662.15.

(e) *Unusual circumstances.* (1) Unusual circumstances exist when there is a need to:

(i) Search for and collect records from SSS components or locations that are separate from National Headquarters;

(ii) Search for, collect, and review a voluminous number of records that are part of a single request; and/or

(iii) Consult with two or more SSS components or another agency having substantial interest in the request before releasing the records.

(2) Within the unusual circumstances letter to the requester, the Chief FOIA Officer will provide an estimated date that they will contact the requester with the applicable fee notice and/or further correspondence. The Chief FOIA Officer will also advise the requester that they



may modify or narrow the scope of their request.

(f) *Fee notice.* FOIA requesters are issued a fee notice from the Chief FOIA Officer that informs them of the estimated search and review time associated with processing their FOIA request. For more information on fees, see § 1662.13.

(g) *Tolling.* (1) The Chief FOIA Officer may stop or toll the 20 business days in two circumstances:

(i) The Chief FOIA Officer may stop the clock one time if they require additional information regarding the specifics of the request; and

(ii) The Chief FOIA Officer may stop the clock as many times as needed regarding fee assessments.

(2) The processing time will resume upon the Chief FOIA Officer's receipt of the requester's response. There may be instances when the Chief FOIA Officer requires multiple clarifications on a FOIA request. After the first request for clarification, any additional clarifications are performed without tolling the clock. Should the requester not respond to any correspondence wherein the Chief FOIA Officer requests clarification, or should the correspondence be returned as undeliverable, the Agency reserves the right to administratively close the FOIA request if the Chief FOIA Officer does not receive a response within 30 business days of the date of their correspondence requesting clarification.

(h) *Retrieving records.* The Agency is required to furnish copies of records only when they are in the Agency's possession or SSS can retrieve them from storage. The Federal government follows National Archives and Records Administration (NARA) rules on record retention. Records are retained or destroyed under the guidelines of the Federal Records Act.

(i) *Unproductive searches.* SSS will search for records to satisfy a request using methods that can be reasonably expected to produce the requested records. Nevertheless, the Agency may not be able to find the records requested using the information provided by the requester, or they may not exist. If the Chief FOIA Officer advises that SSS is unable to find the records despite a diligent search, the requester may appeal the no records determination to the Director of Selective Service, as described in § 1662.16.

(j) *Furnishing records.* The Chief FOIA Officer will provide the requester with the record(s) requested unless disclosure would harm an interest protected by a FOIA exemption or disclosure is prohibited by law. When information within a responsive

record(s) is exempt from disclosure, the information is redacted and the applicable FOIA exemption(s) are noted within the redacted cell. The Chief FOIA Officer will make reasonable efforts to provide the records in the form or format requested if the record is readily reproducible in that form or format. The Chief FOIA Officer may provide individual records as the Agency processes them on a rolling basis, or the Chief FOIA Officer may release all responsive records once the request is completed. See § 1662.14 for more information on the release of records by SSS.

#### § 1662.12 Expedited processing.

(a) Expedited processing must be requested at the same time as the FOIA request. The Chief FOIA Officer provides expedited processing when the requester can demonstrate a "compelling need" for the requested information, such as:

(1) When there is an imminent threat to the life or safety of a person;

(2) When the request is from the media, or others primarily engaged in disseminating information, and shows an immediate urgency to inform the public about actual or alleged government activities; or

(3) When the requester can show, in detail and to the Chief FOIA Officer's satisfaction, that a prompt response is needed because the requester may be denied a legal right, benefit, or remedy without the requested information, and that it cannot be obtained elsewhere in a reasonable amount of time.

(b) Only the Chief FOIA Officer may make the decision to grant or deny expedited processing. Requests that do not meet the "compelling need" criteria will be processed normally. If the Chief FOIA Officer does not grant the request for expedited processing, the requester may appeal the denial to the Director of Selective Service. In the appeal letter, the requester should explain why they believe their request demonstrates a "compelling need," such as describing how the request meets the criteria in paragraphs (a)(1) through (3) of this section. The process described in § 1662.16 will apply to these appeals.

#### § 1662.13 Fees associated with processing FOIA requests.

(a) *Charging fees.* In responding to FOIA requests, the Chief FOIA Officer shall charge the following fees unless a waiver or reduction of fees has been granted under paragraph (i) of this section. Because the fee amounts provided below already account for the direct costs associated with a given fee type, the Chief FOIA Officer should not

add any additional costs to charges calculated under this section.

(1) *Search.* (i) Requests made by educational institutions, non-commercial scientific institutions, or representatives of the news media are not subject to search fees. Search fees shall be charged for all other requesters, subject to the restrictions of paragraph (b) of this section. The Chief FOIA Officer may properly charge for time spent searching even if the Agency does not locate any responsive records or if the Chief FOIA Officer determines that the records are entirely exempt from disclosure.

(ii) For each quarter hour spent by personnel searching for requested records, including electronic searches that do not require new programming, the fees shall be as follows: professional—\$10.00; and clerical/administrative—\$4.75.

(iii) Requesters shall be charged the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. Requesters shall be notified by the Chief FOIA Officer of the costs associated with creating such a program and must agree to pay the associated costs before the costs may be incurred.

(iv) For requests that require the retrieval of records stored by the Agency at a Federal records center operated by NARA, additional costs shall be charged in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* Duplication fees shall be charged to all requesters, subject to the restrictions of paragraph (b) of this section. The Chief FOIA Officer shall honor a requester's preference for receiving a record in a particular form or format where it is readily reproducible in the form or format requested. Where photocopies are supplied, the Chief FOIA Officer shall provide one copy per request at a cost of five cents per page. For copies of records produced on tapes, disks, or other media, components shall charge the direct costs of producing the copy, including operator time. Where paper documents must be scanned to comply with a requester's preference to receive the records in an electronic format, the requester shall pay the direct costs associated with scanning those materials. For other forms of duplication, the Chief FOIA Officer shall charge the direct costs.

(3) *Review.* Review fees shall be charged to requesters who make commercial use requests. Review fees shall be assessed in connection with the initial review of the record, *i.e.*, the

review conducted by the Chief FOIA Officer to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with the Agency's re-review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees shall be charged at the same rates as those charged for a search under paragraph (a)(1)(ii) of this section.

(b) *Restrictions on charging fees.* (1) No search fees will be charged for requests by educational institutions (unless the records are sought for commercial use), non-commercial scientific institutions, or representatives of the news media.

(2) If the Agency fails to comply with the FOIA's time limits in which to respond to a request, the Chief FOIA Officer may not charge search fees, or, in the instances of requests from requesters described in paragraph (b)(1) of this section, may not charge duplication fees, except as described in paragraphs (b)(2)(i) through (iii) of this section.

(i) If the Chief FOIA Officer has determined that unusual circumstances as defined by the FOIA apply and they provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(ii) If the Chief FOIA Officer has determined that unusual circumstances as defined by the FOIA apply, and more than 5,000 pages are necessary to respond to the request, the Chief FOIA Officer may charge search fees, or, in the case of requesters described in paragraph (b)(1) of this section, may charge duplication fees if the following steps are taken. The Chief FOIA Officer must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the Chief FOIA Officer must have discussed with the requester via written mail, email, or telephone (or made not less than three good faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the Chief FOIA Officer may charge all applicable fees incurred in the processing of the request.

(iii) If a court has determined that exceptional circumstances exist as defined by the FOIA, a failure to comply with the time limits shall be excused for

the length of time provided by the court order.

(3) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(4) Except for requesters seeking records for a commercial use, the Chief FOIA Officer shall provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(5) When, after first deducting the 100 free pages (or its cost equivalent) and the first two hours of search, a total fee calculated under paragraph (a) of this section is \$25.00 or less for any request, no fee will be charged.

(c) *Notice of anticipated fees in excess of \$25.00.* (1) When the Chief FOIA Officer determines or estimates that the fees to be assessed in accordance with this section will exceed \$25.00, the Chief FOIA Officer shall notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review, or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the Chief FOIA Officer shall advise the requester accordingly. If the requester is a non-commercial use requester, the notice shall specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, two hours of search time at no charge, and shall advise the requester whether those entitlements have been provided.

(2) In cases in which a requester has been notified that the actual or estimated fees are in excess of \$25.00, the request shall not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay, or in the case of a non-commercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment or designation in writing to the Chief FOIA Officer, and must, when applicable, designate an exact dollar amount the requester is willing to pay. The Agency is not required to accept payments in installments.

(3) If the requester has indicated a willingness to pay some designated

amount of fees, but the Chief FOIA Officer estimates that the total fee will exceed that amount, they shall toll the processing of the request when they notify the requester of the estimated fees more than the amount the requester has indicated a willingness to pay. The Chief FOIA Officer shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(4) The Agency shall make available the FOIA Public Liaison or other FOIA professional to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(d) *Charges for other services.* Although not required to provide special services, if the Chief FOIA Officer chooses to do so as a matter of administrative discretion, the direct costs of providing the service shall be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(e) *Charging interest.* The Chief FOIA Officer may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges shall be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the Chief FOIA Officer. The Chief FOIA Officer shall follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(f) *Aggregating requests.* When the Chief FOIA Officer reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, the Chief FOIA Officer may aggregate those requests and charge accordingly. The Chief FOIA Officer may presume that multiple requests of this type made within a 30-day period have been made to avoid fees. For requests separated by a longer period, the Chief FOIA Officer will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters shall not be aggregated.

(g) *Advance payments.* (1) For requests other than those described in paragraph (g)(2) or (g)(3) of this section, the Chief FOIA Officer shall not require the requester to make an advance

payment before work on a request is commenced or continued. Payment owed for work already completed (*i.e.*, payment before copies are sent to a requester) is not an advance payment.

(2) When the Chief FOIA Officer determines or estimates that a total fee to be charged under this section will exceed \$250.00, they may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. The Chief FOIA Officer may elect to process the request prior to collecting fees when they receive a satisfactory assurance of full payment from a requester with a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to the Agency within 30 calendar days of the billing date, the Chief FOIA Officer may require that the requester pay the full amount due, plus any applicable interest on that prior request, and the Chief FOIA Officer may require that the requester make an advance payment of the full amount of any anticipated fee before the FOIA Officer begins to process a new request or continues to process a pending request or any pending appeal. Where the Chief FOIA Officer has a reasonable basis to believe that a requester has misrepresented the requester's identity to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) In cases in which the Chief FOIA Officer requires advance payment, the request shall not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of the Chief FOIA Officer's fee determination, the request will be closed.

(h) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily based fee schedule program, the Chief FOIA Officer shall inform the requester of the contact information for that program.

(i) *Requirements for waiver or reduction of fees.* (1) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is

not primarily in the commercial interest of the requester.

(2) The Chief FOIA Officer must furnish records responsive to a request without charge or at a reduced rate when they determine, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. In deciding whether this standard is satisfied the component must consider the factors described in paragraphs (i)(2)(i) through (iii) of this section:

(i) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the Federal government with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested information would be likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. The Chief FOIA Officer will presume that a representative of the news media will satisfy this consideration.

(iii) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, the Chief FOIA Officer will consider the following criteria:

(A) FOIA requires an Agency requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters must be given an opportunity to provide

explanatory information regarding this consideration.

(B) If there is an identified commercial interest, the Chief FOIA Officer must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraphs (i)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. The Chief FOIA Officer ordinarily will presume that when a news media requester has satisfied the requirements of paragraphs (i)(2)(i) and (ii) of this section, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(3) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(4) Requests for a waiver or reduction of fees should be made when the request is first submitted to the Chief FOIA Officer and should address the criteria referenced above. A requester may submit a fee waiver request later so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

#### **§ 1662.14 Release of records.**

(a) *Records previously released.* If the Agency has released a record, or a part of a record, to others in the past, the Chief FOIA Officer will ordinarily release it to the requester, as well. However, the Chief FOIA Officer will not release it to a requester if a statute forbids this disclosure; an exemption applies that was not previously applicable; or if the previous release was unauthorized.

(b) *Withholding records.* Section 552(b) of the FOIA explains the nine exemptions under which the Chief FOIA Officer may withhold records requested under the FOIA. Within §§ 1662.18 through 1662.25, the Agency describes the FOIA exemptions and explain how the Chief FOIA Officer applies them to disclosure determinations. In some cases, more than one exemption may apply to the same document. Section 552(b) of the FOIA, while providing nine exemptions from mandatory disclosure, does not

itself provide any assurance of confidentiality by the Agency.

(c) *Reading room.* If the record(s) requested are already publicly available, either in the SSS electronic reading room or elsewhere online, such as at [www.sss.gov](http://www.sss.gov), SSS will direct the requester to the publicly available record(s), unless the requester does not have access to the internet.

(d) *Poor copy.* If the Chief FOIA Officer cannot make a legible copy of a record to be released, they do not attempt to reconstruct it. Instead, the Chief FOIA Officer will furnish the best copy possible and note its poor quality in their reply.

#### **§ 1662.15 FOIA Public Liaison and the Office of Government Information Services.**

The Chief FOIA Officer notifies requesters of their right to seek dispute resolution from the FOIA Public Liaison or OGIS within the SSS fee notices, responses to determinations identified in § 1662.9(a), and responses to appeals.

(a) *FOIA Public Liaison.* If requesters have questions about the response to their request or wish to seek dispute resolutions services within SSS, the requester may contact the FOIA Public Liaison via email to [FOIA.Public.Liaison@sss.gov](mailto:FOIA.Public.Liaison@sss.gov).

(b) *OGIS.* OGIS is an entity outside of SSS that offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. OGIS' contact information will be provided in any decision letter issued by the Chief FOIA Officer and Director of Selective Service.

#### **§ 1662.16 Appeals of the Chief FOIA Officer's determination.**

(a) *Appeal requirements.* If a requester disagrees with the Chief FOIA Officer's determination in response to items specified in § 1662.9, the requester may appeal the decision to the Director of Selective Service. The appeal must meet the following requirements:

(1) Be submitted in writing via the avenues identified in § 1662.7;

(2) Be received within 90 days from the date of the determination the requester is appealing; and

(3) Explain what the requester is appealing and include additional information to support the appeal.

(b) *Acknowledgement.* The Director of Selective Service acknowledges all appeals in writing within 10 business days after their receipt of the appeal. The acknowledgement is provided via email or, when the requester does not provide an email address, via U.S. postal mail. The acknowledgement email or letter restates the FOIA appeal

and provides the requester with the appeal's tracking number.

(c) *Processing timeframe.* FOIA appeals are categorized as either simple or complex, based on the designation of the initial request.

(1) *Simple.* Generally, the Director of Selective Service makes a determination about release of the requested record(s) within 20 business days.

(2) *Complex.* Appeals of complex requests cannot be completed within 20 business days due to unusual circumstances. During the Director of Selective Service's processing of the appeal, they will need to consult with appropriate SSS component(s), including legal counsel; therefore, the Director of Selective Service generally requires more than 20 business days to issue a final decision on the appeal.

(d) *Final decision.* The Director of Selective Service makes decisions on appeals of the Chief FOIA Officer's determinations.

(1) The Director of Selective Service's final decision is provided in writing to the requester via email or, in the absence of the requester's email address, via U.S. postal mail.

(2) The final decision letter will explain the basis of the decision (for example, the reasons why an exemption applies).

(e) *Disagreement with final decision.* If a requester disagrees with the final decision issued by the Director of Selective Service, they may seek assistance from OGIS, as described in § 1662.15. Requesters may also ask a U.S. District Court to review the Director of Selective Service's final decision. See 5 U.S.C. 552(a)(4)(B).

#### **§ 1662.17 U.S. District Court action.**

If the Director of Selective Service, upon review, affirms the denial of the Chief FOIA Officer's determination of items specified in § 1662.9(a), requesters may ask a U.S. District Court to review that denial. See 5 U.S.C. 552(a)(4)(B).

#### **§ 1662.18 The FOIA Exemption 1: National defense and foreign policy.**

The FOIA exempts from disclosure records that are specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order.

#### **§ 1662.19 The FOIA Exemption 2: Internal personnel rules and practices.**

The FOIA exempts from disclosure records that are related solely to the internal personnel rules and practices of an agency.

#### **§ 1662.20 The FOIA Exemption 3: Records exempted by other statutes.**

The FOIA exempts from disclosure records if another statute specifically allows or requires the agency to withhold them. The Chief FOIA Officer may use another statute to justify withholding only if it prohibits disclosure; it sets forth criteria to guide the Chief FOIA Officer's decision on releasing; or identifies types of material to be withheld.

#### **§ 1662.21 The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.**

The FOIA exempts from disclosure trade secrets as well as commercial or financial information that is obtained from a person that is either privileged or confidential. SSS will allow submitters to designate information as trade secrets and confidential commercial or financial information at the time of submission or within a reasonable time thereafter. Submitters must use good faith efforts to designate, by appropriate markings, any portion of its submission that it considers to be protected from disclosure under the FOIA exemptions. These designations expire ten years after the due date of the submission unless the submitter requests a longer designation period.

(a) *Steps of submitters notice—(1) The submitter's notice.* When trade secrets or confidential commercial or financial information is requested under the FOIA, the Chief FOIA Officer will provide written submitter's notice if they have substantial reason to believe that information in the records could reasonably be considered exempt under the FOIA Exemption 4. The submitter's notice will describe and include a copy of the trade secret, or commercial or financial information requested. In cases involving many submitters, SSS may publish a submitter's notice to inform the submitters of the proposed disclosure instead of sending individual notifications. The submitter's notice requirements of this section do not apply if:

(i) The Chief FOIA Officer determines the information is fully exempt under the FOIA, and therefore will not be disclosed;

(ii) The information has been previously published or made generally available; or

(iii) Disclosure of the information is required by statute other than the FOIA.

(2) *Submitter's opportunity to object to disclosure.* (i) The submitter must respond to the notice within five business days of the Chief FOIA Officer issuing the submitter's notice or the information may be released in

accordance with these regulations and the FOIA. A submitter who fails to respond within five business days will be considered to have no objection to the disclosure of the information. The Chief FOIA Officer is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(ii) If a submitter objects to disclosure, the submitter should provide the Chief FOIA Officer with a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. To rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(iii) The Chief FOIA Officer will consider a submitter's timely made objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(3) *Notice of intent to disclose.* Whenever the Chief FOIA Officer decides to disclose information over the objection of a submitter, they must provide the following to the submitter:

(i) A Release Over Objection letter explaining the reasons why each of the submitter's disclosure objections did not meet the requirements for withholding under the FOIA;

(ii) A copy of the information as SSS intends to release it; and

(iii) A statement of the Chief FOIA Officer's intent to disclose the information five business days from the date on the Release Over Objection letter unless the submitter files an action in a U.S. District Court to prevent the release.

(b) *Notice of FOIA lawsuit.* When a submitter's notice is issued for a request that is the subject of a lawsuit, the Chief FOIA Officer shall notify the submitter of the lawsuit within the notice.

(c) *Requester notification.* To the extent the Chief FOIA Officer expects substantial delays in the processing of FOIA requests due to the Agency's communications with the submitter, they will notify the requester in writing via email, or when the requester's email is not provided, via U.S. postal mail.

#### **§ 1662.22 The FOIA Exemption 5: Internal documents.**

This exemption covers inter-agency or intra-agency government documents that fall within an evidentiary privilege recognized in civil discovery. Such internal government communications include an agency's communications with an outside consultant or other

outside person, with a court, or with Congress, when those communications are for a purpose similar to the purpose of privileged intra-agency communications. Some of the most commonly applicable privileges are described in the following paragraphs:

(a) *Deliberative process privilege.* This privilege protects the decision-making processes of government agencies. Information is protected under this privilege if it is pre-decisional and deliberative. The purpose of the privilege is to prevent injury to the quality of the agency decision-making process by encouraging open and frank internal discussions, by avoiding premature disclosure of decisions not yet adopted, and by avoiding the public confusion that might result from disclosing reasons that were not in fact the ultimate grounds for an agency's decision. Purely factual material in a deliberative document is within this privilege only if it is inextricably intertwined with the deliberative portions so that it cannot reasonably be segregated, if it would reveal the nature of the deliberative portions, or if its disclosure would in some other way make possible an intrusion into the decision-making process. The privilege continues to protect pre-decisional documents even after a decision is made; however, the Chief FOIA Officer will release pre-decisional deliberative communications that were created 25 years or more before the date on which the records are requested, unless disclosure is otherwise prohibited by law.

(b) *Attorney work product privilege.* This privilege protects records prepared by or for an attorney in anticipation of or for litigation. It includes documents prepared for purposes of administrative and court proceedings. This privilege extends to information directly prepared by an attorney, as well as materials prepared by non-attorneys working for an attorney.

(c) *Attorney-client communication privilege.* This privilege protects confidential communications between an attorney and the attorney's client where legal advice is sought or provided.

#### **§ 1662.23 The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.**

The FOIA exempts from disclosure records about individuals if disclosure would constitute a clearly unwarranted invasion of their personal privacy.

#### **§ 1662.24 The FOIA Exemption 7: Law enforcement.**

The FOIA exempts from disclosure information or records that the

government has compiled for law enforcement purposes. The records may apply to actual or potential violations of either criminal or civil laws or regulations. The Agency can withhold these records only to the extent that releasing them would cause harm in at least one of the following situations:

(a) *Enforcement proceedings.* Pursuant to the FOIA Exemption 7(A) (5 U.S.C. 552(b)(7)(a)), the Chief FOIA Officer may withhold information whose release could reasonably be expected to interfere with prospective or ongoing law enforcement proceedings. Investigations of fraud and mismanagement, employee misconduct, and civil rights violations may fall into this category.

(b) *Fair trial or impartial adjudication.* Under the FOIA Exemption 7(B) (5 U.S.C. 552(b)(7)(b)), the FOIA exempts from disclosure records whose release would deprive a person of a fair trial or an impartial adjudication because of prejudicial publicity.

(c) *Personal privacy.* Under the FOIA Exemption 7(C) (5 U.S.C. 552(b)(7)(c)), the FOIA exempts from disclosure personally identifiable information of individuals when the disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

(d) *Confidential sources and information.* Pursuant to the FOIA Exemption 7(D) (5 U.S.C. 552(b)(7)(d)), the FOIA exempts from disclosure the identity of confidential sources, as well as the records obtained from the confidential sources in criminal investigations or by an agency conducting a lawful national security investigation. A confidential source may be an individual; a state, local, or foreign government agency; or any private organization. The exemption applies whether the source provides information under an express promise of confidentiality or under circumstances from which such an assurance could be reasonably inferred; however, inferred confidentiality is determined in a case-by-case analysis. Also protected from mandatory disclosure is any information which, if disclosed, could reasonably be expected to jeopardize the system of confidentiality that assures a flow of information from sources to investigatory agencies.

(e) *Techniques and procedures.* Under the FOIA Exemption 7(E) (5 U.S.C. 552(b)(7)(e)), the FOIA exempts from disclosure records reflecting special techniques or procedures of investigation or prosecution, not otherwise generally known to the

public. In some cases, it is not possible to describe even in general terms those techniques without disclosing the very material to be withheld. The Chief FOIA Officer may also withhold records whose release would disclose guidelines for law enforcement investigations or prosecutions if this disclosure could reasonably be expected to create a risk that someone could circumvent requirements of law or of regulation.

(f) *Life and physical safety.* Under the FOIA Exemption 7(F) (5 U.S.C. 552(b)(7)(f)), the Chief FOIA Officer may withhold records whose disclosure could reasonably be expected to endanger the life or physical safety of any individual. This protection extends to threats and harassment, as well as to physical violence.

**§ 1662.25 The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.**

Exemption 8 exempts from disclosure records about regulation or supervision of financial institutions. Exemption 9 exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

**§ 1662.26 Records available for public inspection.**

Under the FOIA, SSS is required to make available for public inspection in an electronic format:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) The Agency's statements and interpretations of policy that have been adopted but are not published in the **Federal Register**;

(c) Administrative staff manuals and instructions that affect the public; and

(d) Copies of records, regardless of form or format, that an agency determines will likely become the subject of subsequent requests, as well as records that have been requested and released three or more times, unless said materials are published and copies are offered to sale.

**§ 1662.27 Where records are published.**

Materials SSS is required to publish pursuant to the provisions of 5 U.S.C. 552(a)(1) and (a)(2) are published in one of the following ways:

(a) By publication in the **Federal Register** of Selective Service System regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(b) By publication in the **Federal Register** of appropriate general notices; and/or

(c) By other forms of publication, when incorporated by reference in the

**Federal Register** with the approval of the Director of the Federal Register.

**§ 1662.28 Publications for sale through the Government Publishing Office.**

The public may purchase publications containing information pertaining to the program, organization, functions, and procedures of SSS from the electronic U.S. Government Bookstore maintained by the Government Publishing Office. The publications for sale include but are not limited to:

(a) Title 50, Chapter 49, of the United States Code (the Military Selective Service Act);

(b) Title 32, Subtitle B, Chapter XVI, of the Code of Federal Regulations (Selective Service System Regulations);

(c) **Federal Register** issues; and

(d) Legal Aspects of the Selective Service System.

Daniel A. Lauretano, Sr.,

General Counsel.

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**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 21**

**RIN 2900-AS14**

**Veteran Readiness and Employment Program: Delegation of Concurrence for Entitlement Extensions**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its regulations to authorize VA Regional Office (RO) Veteran Readiness and Employment Officers (VREO) to delegate their concurrence authority to extend a Veteran's entitlement to a rehabilitation program. The inability to delegate can delay the delivery of services if a VREO is unexpectedly out of the office for an extended period. A delegation of authority for entitlement extensions would follow other established procedures that allow for delegation of authority to a designee.

**DATES:** This rule is effective August 16, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Loraine Spangler, Policy Analyst, Veteran Readiness and Employment Services (28), 810 Vermont Avenue NW, Washington, DC 20420, [loraine.spangler@va.gov](mailto:loraine.spangler@va.gov), 202-461-9600. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** VA is amending 38 CFR 21.78(d) to authorize

VREOs to delegate their concurrence authority to extend a Veteran's entitlement to a rehabilitation program. The lack of authority to delegate can delay the delivery of services if a VREO is out of the office for an extended period. A delegation of authority for entitlement extensions would follow other established procedures that allow for delegation of authority to a designee.

The total period a Veteran may participate in a Veteran Readiness and Employment rehabilitation program under chapter 31 alone may not exceed 48 months; however, there are situations when VA may extend a Veteran's entitlement to meet their individual needs. This is not automatically granted, and the Veteran must meet established criteria. Currently, only a VREO can provide the required concurrence for an extension that will exceed the 48-month limitation.

VA has general delegation authority under 38 U.S.C. 512(a). This amendment aligns with 38 U.S.C. 3105(b), will decrease approval times for entitlement extensions, and will allow for more timely services to Veterans.

**Administrative Procedure Act**

The Secretary of Veterans Affairs finds that there is good cause under the Administrative Procedure Act (APA) to publish this rule without prior opportunity for public comment and with an immediate effective date. Pursuant to 5 U.S.C. 553(b)(B), general notice and opportunity for public comment are not required with respect to a rulemaking when an "agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." The Secretary finds that it is unnecessary to delay issuance of this rule for the purpose of soliciting prior public comment. This final rule will neither amend the substantive content of the regulation cited nor have a substantive impact on the public. Rather, the delegation of authority in 38 CFR 21.78(d) is procedural in nature and within VA's general delegation authority under 38 U.S.C. 512(a). Consequently, this rule is exempt from the notice-and-comment requirement as a rule of agency organization, procedure, or practice pursuant to 5 U.S.C. 553(b)(A).

The APA also requires a 30-day delayed effective date, except for "(1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise

provided by the agency for good cause found and published with the rule.” 5 U.S.C. 553(d). For the reasons stated above, the Secretary finds that there is also good cause for this rule to be effective immediately upon publication. Any delay in implementation would be unnecessary for purposes of 5 U.S.C. 553(d)(3).

#### **Executive Orders 12866, 13563, and 14094**

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at [www.regulations.gov](http://www.regulations.gov).

#### **Regulatory Flexibility Act**

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

#### **Unfunded Mandates**

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

#### **Paperwork Reduction Act**

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

#### **Congressional Review Act**

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

#### **List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—Veterans, Health care, Loan programs—education, Loan programs—Veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Veteran readiness.

#### **Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, approved this document on August 13, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

#### **Luvenia Potts,**

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

For the reasons stated in the preamble, the Department of Veterans Affairs is amending 38 CFR part 21 as set forth below:

#### **PART 21—VETERAN READINESS AND EMPLOYMENT AND EDUCATION**

##### **Subpart A—Veteran Readiness and Employment**

- 1. The authority citation for part 21, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

##### **§ 21.78 [Amended]**

- 2. Amend § 21.78, in paragraph (d), by adding in the first sentence, after the

word “Officer”, the words “or designee”.

[FR Doc. 2024–18419 Filed 8–15–24; 8:45 am]

**BILLING CODE 8320–01–P**

#### **POSTAL SERVICE**

##### **39 CFR Part 111**

##### **Parcel Processing Categories Simplification**

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is amending *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to simplify the parcel processing categories.

**DATES:** Effective November 4, 2024.

##### **FOR FURTHER INFORMATION CONTACT:**

Steven Jarboe at (202) 268–7690, or Garry Rodriguez at (202) 268–7281.

**SUPPLEMENTARY INFORMATION:** On June 28, 2024, the Postal Service published a notice of proposed rulemaking (89 FR 53914–53932) to simplify the parcel processing categories by making revisions to the physical standards of the machinable processing category, and consolidating the irregular and nonmachinable processing categories and renaming it “Nonstandard Parcels.” In response to the proposed rule, the Postal Service received three formal responses each containing several comments as follows:

*Comment:* One comment questioned whether the Postal Service intended to reduce the maximum height from 18 inches to 15 inches, and increase the maximum thickness/width from 15 inches to 18 inches?

*Response:* No, the Postal Service is just expressing the industry wide terms of length, width, and height for consistency within the DMM. The Postal Service will also revise the renumbered DMM Exhibit 201.7.5 and USPS Marketing Mail DMM subsection 201.8.4.2a to reflect width and height.

*Comment:* One comment provided that the proposal eliminates the minimum weight for Bound Printed Matter machinable parcels and given that change it appears there is very little Bound Printed Matter that would be nonstandard, except perhaps nonrectangular containers such as mailing tubes, which are rarely used for BPM. Any BPM that is nonstandard would be difficult and likely unproductive to bundle, due to its shape. As a result, it was requested that the Postal Service consider removing the bundling requirement for BPM



nonstandard parcels weighing less than ten pounds, currently in DMM 245.8.2.

*Response:* The Postal Service agrees with the request and will remove DMM subsection 245.8.2 and will revise DMM 245.8.3 as the general requirement for mailing nonstandard parcels regardless of weight.

*Comment:* One comment provided that DMM subsection 255.4.4.3 currently requires DNDC nonmachinable parcels that each weigh 25 pounds or less must be sacked under DMM section 5.0, *Preparing Machinable Parcels*, and that line 2 of the sack labels be marked as MACH, rather than NONSTD.

*Response:* The issue is beyond the scope of this notice, however, the Postal Service will take this into consideration for a future revision.

*Comment:* One comment provided that DMM subsection 255.4.3.3f requires the use of PSCV PARCELS SCF for DSCF SCF sacks. However, there is no CIN code in 204 Exhibit 3.2.4 that matches the human readable line PSCV PARCELS SCF. We suggest that the human readable line should instead be PSVC MACH SCF (which does have a listed CIN code), since only machinable parcels are sacked at the SCF level. (Nonstandard parcels are required to be sacked at the 3D level, before reaching the SCF level.)

*Response:* While the comment is beyond the scope of this FRN, the Postal Service has reviewed the request and will revise the CIN code in DMM Exhibit 204.3.2.4 to read as PSVC MACH SCF.

*Comment:* Two comments stated the proposed November implementation date does not realistically reflect the effort required to execute necessary changes irrespective of whenever the Postal Service publishes a final rule.

*Response:* The Postal Service realized the needs of mailers and as a result the proposed rule provided that while the effective date was November 1, 2024, implementation was not expected until January 19, 2025.

*Comment:* One comment provided that parallel regulatory developments could affect the regulatory categorization of lightweight packages. For example, were the Postal Regulatory Commission to determine that Parcel Select—whole or in part—would be more properly categorized as a Market Dominant product, further development efforts would then be required.

*Response:* The revisions in the proposed rule address current products as they exist today.

*Comment:* One comment stated the DMM references included in the Notice are inconsistent regarding whether the

term Nonstandard will be used for all retail parcels, all commercial parcels, or all parcels.

*Response:* Retail parcels are not categorized by processing categories. The proposed rule outlined what products would not be affected and the products that would be affected along with the applicable revisions.

*Comment:* One comment stated any package weighing less than 3.5 ounces, or in which contents may shift within a container, would be subject to an additional fee. Such a broad proposal could significantly impact certain categories such as clothing and pharmaceuticals. These categories often utilize standard fulfillment practices making use of poly bagging because it allows greater flexibility. Many users in these categories are price sensitive and imposition of a fee could put substantial volumes at risk by obviating the Postal Service's cost advantages with shipments that fit inside a mailbox.

*Response:* Nonstandard fees only to apply to packages that exceed set limits. Packages under 3.5 ounces would not be charged non-standard fees unless they exhibited a length over 22", over 30", or over 2 cubic feet in volume.

*Comment:* One comment provided the minimum size requirement warrants further clarification as the proposed rule implies that packages smaller than 4 inches x 6 inches may be non-mailable. Our concern is that this could force shippers into larger containers to avoid a fee and thereby increase postal handling costs.

*Response:* There is no dimensional requirement in the proposed rule for a package to be 4 inches x 6 inches. The only requirement is for a properly prepared label to be placed on a single optical plane without bending, folding, or overlapping. The "Parcel Labeling Guide" provides further information on label requirements.

The Postal Service is revising the "machinable" processing category by removing the minimum size dimensions requirement and, except for USPS Marketing Mail parcels, the minimum weight requirement. Except for cylindrical tubes and rolls or similar shaped pieces, and for labeling requirements in Publication 52, *Hazardous, Restricted, and Perishable Mail*, the minimum size of a machinable parcel will be determined by if it is large enough to hold the required delivery address, return address, mailing labels, postage, barcode, endorsements, and other mail markings on a single optical plane without bending, folding, or overlapping. All labels and markings must meet the applicable specifications (e.g., DMM, Publication 199, Parcel

Labeling Guide). A parcel that does not meet this requirement will be considered nonmailable. Except for USPS Marketing Mail parcels, which will continue to have the 3.5 ounce minimum to be a machinable parcel, the minimum weight requirement for other parcels will no longer be a factor in determining machinability.

The "Nonstandard Parcels" processing category will continue to have a size and weight component that will consist of parcels that exceed the maximum dimensions of a machinable parcel, parcels that weigh less than the 3.5 ounce minimum weight for USPS Marketing Mail parcels only, and parcels that exceed the 25 pound maximum weight for a machinable parcel. The "Nonstandard Parcels" processing category will also have a "Characteristics" component that will define the criteria that will be used to determine if a parcel is nonstandard (e.g., cylindrical tubes and rolls, packaging). The "Characteristics" component of "Nonstandard Parcels" will be supported by DMM sections 601.3.0, *Packaging*, and 601.4.0, *Acceptable Mailing Containers*. The packaging criteria in DMM section 601.7.0, *Packaging Standards for Mail Processed at Network Distribution Centers*, will be consolidated into DMM section 601.3.0. The Postal Service is also revising the packaging standards under DMM section 601.3.0 to include that except for hazardous, restricted, and perishable items as provided in Publication 52, all other parcel priced pieces must be packaged in a box or other acceptable container that meets the applicable standards under DMM sections 601.3.0 and 601.4.0.

The revisions to parcel processing categories will not affect the Priority Mail Express®, Priority Mail®, USPS Ground Advantage®, or USPS Connect® Local, products. The revisions will result in no minimum size dimensions requirement, except for USPS Marketing Mail no minimum weight requirements, and a nomenclature change, for parcel preparation under the Parcel Select® Destination Entry, Library Mail, Media Mail®, Bound Printed Matter, Periodicals, and USPS Marketing Mail parcels (regular and nonprofit) products. Based on a request in the comments above, the Postal Service will revise the nonstandard Bound Printed Matter preparation standards.

In addition, the Postal Service is making minor revisions to the "Additional Physical Standards" subsections under DMM 101 and 201 to remove redundancy.

The Postal Service intends to notify the Postal Regulatory Commission (PRC)



of these revisions for updates to the Mail Classification Schedule in a future filing. The Postal Service also intends to revise all collateral material (e.g., Notice 123, Price List) in a future update.

#### Effective Date

While the effective date is November 4, 2024, sack, tray, and pallet, label compliance will not be required until January 19, 2025.

We believe these revisions will simplify the parcel processing categories providing mailers with a more efficient process for shipping.

The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

#### PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

#### Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

\* \* \* \* \*

#### 100 Retail Mail Letters, Cards, Flats, and Parcels

##### 101 Physical Standards

\* \* \* \* \*

#### 3.0 Physical Standards for Parcels

##### 3.1 Processing Categories

*[Revise the text of 3.1 to read as follows:]*

USPS categorizes parcels into one of two mail processing categories: machinable or nonstandard parcel. These categories are based on the physical dimensions of the parcel, and the placement of the delivery address and all required labels on the parcel (see 601.1.1.5 for mailability). For additional information on the machinable and nonstandard processing categories see 201.7.0.

*[Revise the heading and text of 3.2 to read as follows:]*

#### 3.2 Size and Weight

##### 3.2.1 Size

Parcel sizes are as follows:

a. Minimum size: Except for cylindrical tubes and rolls or similar shaped pieces and labeling exceptions in Publication 52, all parcels must be large enough to hold the required delivery address, return address, mailing labels, postage, barcode, endorsements, and other mail markings on a single optical plane without bending, folding, or overlapping (see 601.1.1.5). All labels and markings must meet the applicable specifications (e.g., DMM, Publication 199, Parcel Labeling Guide).

b. Maximum size: Except for USPS Ground Advantage—Retail, which may not measure more than 130 inches in length and girth combined, no mailpiece may measure more than 108 inches in length and girth combined. For parcels, length is the distance of the longest dimension and girth is the distance around the thickest part.

##### 3.2.2 Weight

Except as provided under 4.0 through 7.0, no mailpiece may weigh more than 70 pounds.

\* \* \* \* \*

#### 4.0 Additional Physical Standards for Priority Mail Express

*[Revise the text of 4.0 to read as follows:]*

Lower size and weight standards than provided under 3.2 may apply to Priority Mail Express addressed to certain APO/FPO and DPO mail subject to 703.2.0, and 703.4.0, and for Department of State mail subject to 703.3.0.

#### 5.0 Additional Physical Standards for Priority Mail

*[Revise the text of 5.0 to read as follows:]*

Lower size and weight standards than provided under 3.2 may apply to Priority Mail addressed to certain APO/FPO and DPO mail subject to 703.2.0, and 703.4.0, and for Department of State mail subject to 703.3.0.

#### 6.0 Additional Physical Standards for First-Class Mail and USPS Ground Advantage—Retail

##### 6.1 Maximum Weight

*[Delete the heading 6.1.1 and move revised text under 6.1 to read as follows:]*

First-Class Mail (letters and flats) must not exceed 13 ounces.

*[Delete 6.1.2, USPS Ground Advantage—Retail, in its entirety.]*

\* \* \* \* \*

#### 6.4 Parcels

*[Revise the introductory text of 6.4 to read as follows:]*

A USPS Ground Advantage—Retail parcel is the following:

\* \* \* \* \*

*[Delete item d in its entirety.]*

#### 7.0 Additional Physical Standards for Media Mail and Library Mail

*[Delete the introductory text and items a and b. Move the text of item c under 7.0 and revise as follows:]*

Lower size and weight standards than provided under 3.2 may apply to Library Mail and Media Mail addressed to certain APOs and FPOs, subject to 703.2.0 and 703.4.0 and for Department of State mail, subject to 703.3.0.

\* \* \* \* \*

#### 120 Retail Mail Priority Mail

##### 123 Prices and Eligibility

\* \* \* \* \*

#### 2.0 Basic Eligibility Standards for Priority Mail

##### 2.1 Description of Service

*[Revise the last sentence of 2.1 to read as follows:]*

\* \* \* Certain Priority Mail mailpieces, such as pieces containing hazardous material or considered nonstandard (e.g., oversized priced pieces and nonstandard fee-priced pieces), may receive deferred handling.

\* \* \* \* \*

#### 130 Retail Mail First-Class Mail and USPS Ground Advantage—Retail

##### 133 Prices and Eligibility

\* \* \* \* \*

#### 2.0 Basic Eligibility Standards for First-Class Mail and USPS Ground Advantage—Retail

##### 2.1 Description of Service

*[Revise the last sentence of 2.1 to read as follows:]*

\* \* \* Certain USPS Ground Advantage—Retail mailpieces, such as pieces containing hazardous material or considered nonstandard (e.g., oversized priced pieces and nonstandard fee-priced pieces), may receive deferred handling.

\* \* \* \* \*

#### 200 Commercial Letters, Cards, Flats, and Parcels

##### 201 Physical Standards

\* \* \* \* \*

## 7.0 Physical Standards for Parcels

### 7.1 Processing Categories

*[Revise the text of 7.1 to read as follows:]*

USPS categorizes parcels into one of two mail processing categories: machinable or nonstandard. These categories are based on the physical dimensions of the piece, and the placement of the delivery address and other required labels on the piece (see 601.1.1.5 for mailability).

### 7.2 Minimum Size

*[Revise the text of 7.2 to read as follows:]*

Pieces are subject to the minimum standards in 7.5, and may be subject to other minimum dimensions, based on the standards for specific prices. Except for cylindrical tubes and rolls or similar shaped pieces and labeling exceptions in Publication 52, generally the minimum size of a parcel is any piece that is not a letter or a flat and must be large enough to hold the required delivery address, return address, mailing labels, postage, barcode, endorsements, and other mail markings on a single optical plane without bending, folding, or overlapping (see 601.1.1.5). All labels and markings must meet the applicable specifications (e.g., DMM, Publication 199, Parcel Labeling Guide).

### 7.3 Maximum Weight and Size

#### 7.3.1 Maximum Weight

*[Revise the text of 7.3.1 to read as follows:]*

Except as provided under 8.0, no mailpiece may weigh more than 70 pounds.

\* \* \* \* \*

### 7.5 Machinable Parcels

#### 7.5.1 Criteria

*[Delete the heading 7.5.1, Criteria, and move the text under 7.5. Revise the text of renumbered 7.5 to read as follows:]*

A machinable parcel is any piece that is not a letter or a flat and that meets the size and weight standards as follows:

a. Minimum size: Except for cylindrical tubes and rolls or similar shaped pieces and labeling exceptions in Publication 52, a piece must be large enough to hold the required delivery address, return address, mailing labels, postage, barcode, endorsements, and other mail markings on a single optical plane without bending, folding, or overlapping (see 601.1.1.5). All labels and markings must meet the applicable specifications.

b. Maximum size: Not more than, 22 inches long, or 18 inches wide, or 15 inches high (see Exhibit 7.5.1b).

c. Minimum Weight: USPS Marketing Mail parcels must weigh 3.5 ounces, all other parcel products no minimum weight.

d. Maximum weight: Not more than 25 pounds.

*[Revise Exhibit 7.5.1b reference number to read as follows:]*

### Exhibit 7.5 Machinable Parcel Dimensions

*[Revise the graphic in renumbered Exhibit 7.5 by changing the width to be 18 inches and the height to be 15 inches and removing the image of the minimum size parcel.]*

*[Delete 7.5.2, Criteria for Lightweight Machinable Parcels, 7.5.3, Soft Goods and Enveloped Printed Matter, and 7.5.4, Exception, in their entirety.]*

\* \* \* \* \*

*[Revise the heading and text of 7.6 to read as follows:]*

### 7.6 Nonstandard Parcels

#### 7.6.1 Dimensions and Weight

A parcel is considered nonstandard by dimensions or weight as follows:

a. *Dimensions:* A parcel that measures more than 22 inches in length or 18 inches in width or 15 inches in height.

b. *Weight:* A USPS Marketing Mail parcel that weighs less than 3.5 ounces or any parcel that weighs more than 25 pounds.

#### 7.6.2 Characteristics

A parcel is considered nonstandard by the following characteristics:

a. Cylindrical tubes or rolls.  
b. A can, or wood or metal box.  
c. A parcel containing more than 24 ounces of liquid in glass containers, or 1 gallon or more of liquid in metal or plastic containers (see 601.3.4).

d. An insecurely wrapped or inadequately prepared parcel as provided under 601.3.0 and 601.4.0.

*[Delete 7.7, Nonmachinable Parcel, in its entirety.]*

\* \* \* \* \*

### 8.0 Additional Physical Standards by Class of Mail

*[Revise the text of 8.1 and 8.2 to read as follows:]*

#### 8.1 Priority Mail Express

Lower size and weight standards than provided under 7.3 may apply to Priority Mail Express addressed to certain APO/FPO and DPO mail subject to 703.2.0 and 703.4.0, and for Department of State mail subject to 703.3.0.

#### 8.2 Priority Mail

*[Revise the text of 8.2 to read as follows:]*

##### 8.2.1 Weight and Size

Lower weight and size standards than provided under 7.3 may apply to Priority Mail addressed to certain APO/FPO and DPO mail subject to 703.2.0 and 703.4.0, and for Department of State mail subject to 703.3.0.

##### 8.2.2 Priority Mail Cubic

Priority Mail Cubic must not weigh more than 20 pounds. See 223.1.3 for additional information on size and characteristics.

#### 8.3 USPS Ground Advantage—Commercial Parcels

*[Delete 8.3.1, Weight, in its entirety and renumber 8.3.2 as 8.3.1.]*

##### 8.3.1 Size

*[Revise the text of renumbered 8.3.1 to read as follows:]*

A USPS Ground Advantage—Commercial parcel is:

\* \* \* \* \*

*[Delete item d in its entirety.]*

*[Add new 8.3.2 to read as follows:]*

##### 8.3.2 USPS Ground Advantage Commercial Cubic

USPS Ground Advantage Commercial Cubic must not weigh more than 20 pounds. See 285.1.3 for additional information on size and characteristics.

#### 8.4 USPS Marketing Mail Parcels

\* \* \* \* \*

##### 8.4.2 Size

USPS Marketing Mail, parcel dimensions are as follows:

a. Regular Marketing Parcels and Nonprofit Marketing Parcels do not meet flat-size physical standards and have the following characteristics:

\* \* \* \* \*

*[Revise the text of items a1 through a3 to read as follows:]*

1. Length: Not more than 12 inches.
2. Width not more than 9 inches high.
3. Height not more than 2 inches.

\* \* \* \* \*

*[Revise the introductory text of item b to read as follows:]*

b. Nonprofit Machinable Parcels and Nonprofit Nonstandard Parcels dimensions are as follows:

\* \* \* \* \*

*[Revise the text of item b3 to read as follows:]*

3. A Nonprofit Nonstandard Parcel is a parcel not meeting the criteria for machinable parcels as provided under 7.6.

**8.5 Parcel Select**

*[Delete 8.5.1 and 8.5.2 and renumber 8.5.3 as 8.5.1.]*

**8.5.1 USPS Connect Local**

*[Revise the text of renumbered 8.5.1 to read as follows:]*

Pieces mailed at USPS Connect Local prices may not weigh more than 25 pounds.

\* \* \* \* \*

**203 Basic Postage Statement, Documentation, and Preparation Standards**

\* \* \* \* \*

**3.0 Standardized Documentation for First-Class Mail, Periodicals, USPS Marketing Mail, and Flat-Size Bound Printed Matter**

\* \* \* \* \*

**3.3 Price Level Column Headings**

The actual name of the price level (or abbreviation) is used for column headings required by 3.2 and shown below:

\* \* \* \* \*

*[Revise the introductory text of item b to read as follows:]*

b. Presorted First-Class Mail, barcoded and nonbarcoded Periodicals flats, nonbarcoded Periodicals letters, and machinable, nonmachinable, and nonstandard, USPS Marketing Mail:

PRICE ABBREVIATION

\* \* \* \* \*

*[Revise the “ADC” line item in the “Price” column under item b to read as follows:]*

ADC/RP&DC [USPS Marketing Mail nonmachinable letters, flats, and nonstandard parcels, and all Periodicals]

\* \* \* \* \*

*[Revise the “Mixed ADC” line item in the “Price” column under item b to read as follows:]*

Mixed ADC [USPS Marketing Mail nonmachinable letters, flats, nonstandard parcels; and all Periodicals]

\* \* \* \* \*

c. Carrier Route Periodicals and Enhanced Carrier Route USPS Marketing Mail:

PRICE ABBREVIATION

\* \* \* \* \*

*[Revise the “Saturation” and “High Density” line items to read as follows:]*

Saturation [letters, flats, and nonstandard parcels]

High Density [letters, flats, and nonstandard parcels]

\* \* \* \* \*

*[Revise the “Basic” line item to read as follows:]*

Basic [letters, flats, and nonstandard parcels]

\* \* \* \* \*

**3.4 Sortation Level**

The actual sortation level (or corresponding abbreviation) is used for the bundle, tray, sack, or pallet levels required by 3.2 and shown below:

PRICE ABBREVIATION

\* \* \* \* \*

*[Revise the “5-Digit Scheme Carrier Routes” line item to read as follows:]*

5-Digit Scheme Carrier Routes [sacks/flat trays and pallets (Periodicals and USPS Marketing Mail flats); sacks and pallets (nonstandard parcels)]

\* \* \* \* \*

*[Revise the “5-Digit Scheme Carrier Routes” line item to read as follows:]*

5-Digit Scheme [pallets, Periodicals flats and nonstandard parcels, USPS Marketing Mail flats, Bound Printed Matter flats]

\* \* \* \* \*

*[Revise the “Merged 5-Digit Scheme” line item to read as follows:]*

Merged 5-Digit Scheme [flat trays and pallets (Periodicals and USPS Marketing Mail flats); sacks and pallets (nonstandard parcels)]

\* \* \* \* \*

*[Revise the “Merged 3-Digit” line item to read as follows:]*

Merged 3-Digit [flat trays (Periodicals flats); sacks (nonstandard parcels)]

\* \* \* \* \*

*[Revise the “SCF” line item to read as follows:]*

SCF [flat trays and pallets (Periodicals flats and USPS Marketing Mail); sacks and pallets (Bound Printed Matter and nonstandard parcels)]

\* \* \* \* \*

**4.0 Bundles**

\* \* \* \* \*

**4.10 Additional Standards for Unsacked/Untrayed Bundles Entered at DDU or S&DC Facilities**

*[Revise the introductory text of 4.10 to read as follows:]*

Mailers may enter unsacked, untrayed, or nonpalletized bundles of carrier route, Periodicals, or USPS Marketing Mail flats and unsacked Bound Printed Matter (BPM) flats or nonstandard parcels (BPM only) at destination delivery units (DDUs) or sorting and delivery centers (DS&DC) if all the following conditions are met:

\* \* \* \* \*

**5.0 Letter and Flat Trays**

\* \* \* \* \*

**5.12 Line 2 (Content Line)**

Line 2 (content line) must meet these standards:

\* \* \* \* \*

b. *Codes:* The codes shown below must be used as appropriate on Line 2 of tray, sack, and pallet labels.

CONTENT TYPE CODE

\* \* \* \* \*

*[Delete the “Irregular Parcels” line item.]*

\* \* \* \* \*

*[Revise the “Mixed Machinable and Irregular Parcels” line item to read as follows:]*

Mixed Machinable and Nonstandard Parcels MACH & NONSTD

*[Revise the “Nonmachinable” line item to read as follows:]*

Nonstandard NONSTD

\* \* \* \* \*

**7.0 Optional Endorsement Lines (OELs)**

\* \* \* \* \*

**7.2.5 ZIP Code Information**

\* \* \* \* \*

**Exhibit 7.2.5 OEL Labeling Lists**

PROCESSING CATEGORY AND PRESORT TYPE

\* \* \* \* \*

**Periodicals<sup>1</sup>**

\* \* \* \* \*

*[Revise the “Irregular parcels” line item under “Periodicals” in the “Processing Category and Presort Type” column to read as follows:]*

Nonstandard parcels

\* \* \* \* \*

**Bound Printed Matter<sup>1</sup>**

\* \* \* \* \*

*[Revise the “Irregular parcels” line item under “Bound Printed Matter” in the “Processing Category and Presort Type” column to read as follows:]*

Nonstandard parcels

**Media Mail**

\* \* \* \* \*

*[Revise the “Irregular parcels” line item in the “Processing Category and Presort Type” column under “Media Mail” to read as follows:]*

Nonstandard parcels

**Library Mail**

\* \* \* \* \*

*[Revise the “Irregular parcels” line item in the “Processing Category and Presort Type” column under “Media Mail” to read as follows:]*

Nonstandard parcels

\* \* \* \* \*

**204 Barcode Standards**

\* \* \* \* \*

CLASS AND MAILING .....

\* \* \* \* \*

**PRIORITY MAIL OPEN AND  
DISTRIBUTE**

\* \* \* \* \*

ASF/NDC nonstandard parcels .....

\* \* \* \* \*

*[Revise the heading of “PER Irregular  
Parcels . . .” to read as follows:]*merged 5-digit sacks .....  
merged 3-digit sacks .....  
merged 5-digit scheme sacks .....*[Revise the heading of “PER Irregular  
Parcels—Carrier Route” to read as  
follows:]*saturation price sacks .....  
high density price sacks .....  
basic price sacks .....  
5-digit carrier routes sacks .....  
5-digit scheme car. rts. sacks .....  
3-digit carrier routes sacks .....*[Revise the heading of “PER Irregular  
Parcels—Presorted” to read as follows:]*5-digit sacks .....  
3-digit sacks .....  
SCF sacks .....  
ADC sacks or trays .....  
mixed ADC sacks or trays .....  
origin mixed ADC sacks or trays .....

\* \* \* \* \*

*[Revise the heading of “NEWS  
Irregular Parcels . . .” to read as  
follows:]*merged 5-digit .....  
merged 5-digit scheme .....  
merged 3-digit sacks .....**3.2.4 3-Digit Content Identifier  
Numbers**

\* \* \* \* \*

**All Other Classes, Parcels**

\* \* \* \* \*

**PER Nonstandard Parcels—Merged  
Carrier Route and Presorted***[Revise the text in the “Human-  
Readable Content Line” column to read  
as follows:]*340 PER NONSTD CR/5D  
354 PER NONSTD CR/5D/3D  
365 PER NONSTD CR/5D SCH**PER Nonstandard Parcels—Carrier  
Route***[Revise the text in the “Human-  
Readable Content Line” column to read  
as follows:]*397 PER NONSTD WSS<sup>1</sup>  
398 PER NONSTD WSH<sup>1</sup>  
395 PER NONSTD CR<sup>1</sup>  
396 PER NONSTD 5D CR—RTS  
399 PER NONSTD CR—RTS SCH  
355 PER NONSTD 3D CR—RTS**PER Nonstandard Parcels—Presorted***[Revise the text in the “Human-  
Readable Content Line” column to read  
as follows:]*389 PER NONSTD 5D  
390 PER NONSTD 3D  
394 PER NONSTD SCF  
391 PER NONSTD ADC  
392 PER NONSTD WKG  
363 PER NONSTD WKG W FCM**NEWS Nonstandard Parcels—Merged  
Carrier Route and Presorted***[Revise the text in the “Human-  
Readable Content Line” column to read  
as follows:]*440 NEWS NONSTD CR/5D  
465 NEWS NONSTD CR/5D SCH  
454 NEWS NONSTD CR/5D/3D**Exhibit 3.2.4 [1–21–24] 3-Digit Content  
Identifier Numbers***[Revise the “ASF/NDC/RPDC irregular  
parcels” line item under “All other  
Classes, Parcels, to read as follows:]*

*[Revise the heading of “NEWS Irregular Parcels—Carrier Route” to read as follows:]*

#### **NEWS Nonstandard Parcels—Carrier Route**

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

saturation price sacks .....	497	NEWS NONSTD WSS <sup>1</sup>
high density price sacks .....	498	NEWS NONSTD WSH <sup>1</sup>
basic price sacks .....	495	NEWS NONSTD CR <sup>1</sup>
5-digit carrier routes sacks .....	496	NEWS NONSTD 5D CR-RTS
5-digit scheme car. rts. sacks .....	499	NEWS NONSTD CR-RTS SCH
3-digit carrier routes sacks .....	455	NEWS NONSTD 3D CR-RTS

*[Revise the heading of “NEWS Irregular Parcels—Carrier Route” to read as follows:]*

#### **NEWS Nonstandard Parcels—Presorted**

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

5-digit sacks .....	489	NEWS NONSTD 5D
3-digit sacks .....	490	NEWS NONSTD 3D
SCF sacks .....	494	NEWS NONSTD SCF
ADC sacks or trays .....	491	NEWS NONSTD ADC
mixed ADC sacks or trays .....	492	NEWS NONSTD WKG
origin mixed ADC sacks or trays .....	463	NEWS NONSTD WKG W FCM

\* \* \* \* \*

#### **MKT Marketing Parcels (Nonstandard) and Nonprofit Nonstandard Priced Parcels**

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

*[Revise the heading of “MKT Marketing Parcels less than 6 oz. and Irregular Parcels” to read as follows:]*

5-digit scheme sacks .....	590	MKT NONSTD 5D SCH
5-digit sacks .....	590	MKT NONSTD 5D
SCF sacks .....	596	MKT NONSTD SCF
ASF sacks .....	571	MKT NONSTD ASF
NDC sacks .....	570	MKT NONSTD NDC
mixed NDC sacks .....		

*[Revise the heading of “MKT Marketing Parcels 6 oz. or more and “Machinable Parcels” to read as follows:]*

#### **MKT Marketing Parcels (Machinable) and Nonprofit Machinable Priced Parcels**

\* \* \* \* \*

*[Revise the heading of “MKT Machinable and Irregular Parcels—Presorted” to read as follows:]*

#### **MKT Machinable and Nonstandard Parcels—Presorted**

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

5-digit sacks .....	603	MKT MACH-NONSTD 5D
5-digit scheme sacks .....	603	MKT MACH-NONSTD 5D SCH

\* \* \* \* \*

#### **Carrier Route BPM—Nonstandard Parcels**

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

*[Revise the heading of “Carrier Route BPM—Irrregular Parcels” to read as follows:]*

carrier route sacks .....	697	PSVC NONSTD CR <sup>1</sup>
5-digit carrier routes sacks .....	698	PSVC NONSTD CR-RTS
5-digit scheme car. rt. Sacks .....	698	PSVC NONSTD CR-RTS SCH

*[Revise the heading of “Presorted BPM—Irrregular Parcels” to read as follows:]*

#### **Presorted BPM—Nonstandard Parcels**

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

5-digit sacks .....  
 5-digit scheme sacks .....  
 3-digit sacks .....  
 SCF sacks .....  
 ADC sacks .....  
 mixed ADC sacks .....

690 PSVC NONSTD 5D  
 690 PSVC NONSTD 5D SCH  
 691 PSVC NONSTD 3D  
 696 PSVC NONSTD SCF  
 692 PSVC NONSTD ADC  
 694 PSVC NONSTD WKG

\* \* \* \* \*

*[Revise the heading of “Media Mail and Library Mail Irregular Parcels—Presorted” to read as follows:]*

#### Media Mail and Library Mail Nonstandard Parcels—Presorted

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

5-digit scheme sacks .....  
 5-digit sacks .....  
 3-digit sacks .....  
 ADC sacks .....  
 mixed ADC sacks .....

690 PSVC NONSTD 5D SCH  
 690 PSVC NONSTD 5D  
 691 PSVC NONSTD 3D  
 692 PSVC NONSTD ADC  
 694 PSVC NONSTD WKG

\* \* \* \* \*

#### Parcel Select

\* \* \* \* \*

*[Revise the heading of “Parcel Select Irregular (Nonmachinable) Parcels—Presorted” to read as follows:]*

#### Parcel Select—Nonstandard Parcels

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

3-digit sacks ..... 691 PSVC NONSTD 3D

\* \* \* \* \*

*[Revise the of Combined PSVC & MKT—Irrregular Parcels less than 2 oz, and tubes and rolls (not APPS—machinable) to read as follows:]*

#### Combined PSVC & MKT—Nonstandard Parcels cylindrical tubes and rolls

*[Revise the text in the “Human-Readable Content Line” column to read as follows:]*

3-digit sacks .....  
 ADC sacks .....  
 Mixed ADC sacks .....

591 MKT/PSVC NONSTD 3D  
 592 MKT/PSVC NONSTD ADC  
 594 MKT/PSVC NONSTD WKG

\* \* \* \* \*

#### 207 Periodicals

\* \* \* \* \*

#### 22.0 Preparing Nonbarcoded (Presorted) Periodicals

\* \* \* \* \*

#### 22.6 Sack Preparation

\* \* \* For other mailing jobs, preparation sequence, sack size, and labeling:

a. 5-digit, required at 72 pieces, optional at 24 pieces minimum.

\* \* \* \* \*

*[Revise the text of item a2 to read as follows:]*

2. Line 2: use “PER” or “NEWS” as applicable; followed by “FLTS” or “NONSTD” as applicable; followed by “5D”.

b. 3-digit, required at 72 pieces, optional at 24 pieces minimum.

\* \* \* \* \*

*[Revise the text of item b2 to read as follows:]*

2. Line 2: use “PER” or “NEWS” as applicable; followed by “FLTS” or

“NONSTD” as applicable; followed by “3D”; followed by “NON BC” for flats.

c. SCF, required at 72 pieces, optional at 24 pieces minimum.

\* \* \* \* \*

*[Revise the text of item c2 to read as follows:]*

2. Line 2: “PER” or “NEWS” as applicable; followed by “FLTS” or “NONSTD” as applicable; followed by “SCF”; followed by “NON BC” for flats.

d. Origin/entry SCF, required for the SCF of the origin (verification) office, optional for the SCF of an entry office other than the origin office, (no minimum).

\* \* \* \* \*

*[Revise the text of item d2 to read as follows:]*

2. Line 2: usen “PER” or “NEWS” as applicable; followed by “FLTS” or “NONSTD” as applicable; followed by “SCF”; followed by “NON BC” for flats.

e. ADC, required at 72 pieces, optional at 24 pieces minimum.

\* \* \* \* \*

*[Revise the text of item e2 to read as follows:]*

2. Line 2: “PER” or “NEWS” as applicable; followed by “NONSTD” as applicable; followed by “ADC”.

f. Origin mixed ADC, required; no minimum; for any remaining bundles for destinations in L201, Column B, corresponding to the origin ZIP Code in Column A.

\* \* \* \* \*

*[Revise the text of item f2 to read as follows:]*

2. Line 2: “PER” or “NEWS” as applicable; followed by “NONSTD” as applicable; followed by “WKG W FCM.”

g. Mixed ADC, required (no minimum).

\* \* \* \* \*

*[Revise the text of item g2 to read as follows:]*

2. Line 2: “PER” or “NEWS” as applicable; followed by “NONSTD” as applicable; followed by “WKG” for nonstandard parcels.

\* \* \* \* \*

*[Revise the heading of 23.4 to read as follows:]*

## 23.4 Preparation—Flat-Size Pieces and Nonstandard Parcels

### 23.4.1 Flat Tray and Sacking Preparation and Labeling

\* \* \* Preparation sequence, sack/tray size, and labeling:

a. *Carrier route*, required at 72 pieces, optional at 24 pieces, fewer pieces not permitted.

\* \* \* \* \*

[Revise the text of item a2 to read as follows:]

2. Line 2: “PER” or “NEWS” as applicable; followed by “FLTS” or “NONSTD” as applicable; followed by “WSS” for saturation price mail, or “WSH” for high density price mail, or “CR” for basic price mail; followed by the route type and number.

b. *5-digit scheme carrier routes*, required at 72 pieces, optional at 24 pieces, fewer pieces not permitted.

\* \* \* \* \*

[Revise the text of item b2 to read as follows:]

2. Line 2: “PER” or “NEWS” as applicable; followed by “FLTS” or “NONSTD” as applicable; followed by “CR—RTS SCH.”

c. *5-digit carrier routes*, required at 72 pieces, optional at 24 pieces, fewer pieces not permitted.

\* \* \* \* \*

[Revise the text of item c2 to read as follows:]

2. Line 2: “PER” or “NEWS” as applicable; followed by “FLTS” or “NONSTD” as applicable; followed by “CR—RTS.”

d. *3-digit carrier routes*, required with one 6-piece bundle. Flat-sized pieces must be prepared in flat trays (see 203.5.6).

\* \* \* \* \*

[Revise the text of item d2 to read as follows:]

2. Line 2: “PER” or “NEWS” as applicable; followed by “FLTS 3D” or “NONSTD 3D” as applicable; followed by “CR—RTS.”

\* \* \* \* \*

## 240 Commercial Mail USPS Marketing Mail

### 243 Prices and Eligibility

#### 1.0 Prices and Fees

\* \* \* \* \*

#### 1.2 USPS Marketing Mail Prices

USPS Marketing Mail prices are applied as follows:

\* \* \* \* \*

[Revise the text of item b to read as follows:]

b. A price determined by adding the per piece charge and the corresponding

per pound charge applies to any USPS Marketing Mail piece that weighs more than the following: Nonmachinable letters and flats that weigh more than 4.0 ounces, presorted Marketing Parcels, Nonprofit Machinable and Nonprofit Nonstandard parcels that weigh more than 3.3 ounces and machinable parcels 3.5 ounces or more.

\* \* \* \* \*

### 3.0 Basic Eligibility Standards for USPS Marketing Mail

\* \* \* \* \*

#### 3.2 Defining Characteristics

\* \* \* \* \*

[Revise the heading and text of 3.2.3 to read as follows:]

#### 3.2.3 Nonprofit USPS Marketing Mail Machinable and Nonstandard Parcels

Nonprofit USPS Marketing Mail parcels that do not qualify as Marketing parcels may be prepared and mailed as machinable or nonstandard parcels.

\* \* \* \* \*

### 3.3 Additional Basic Standards for USPS Marketing Mail

Each USPS Marketing Mail mailing is subject to these general standards:

[Revise the text of item a to read as follows:]

a. All pieces in a mailing must be of the same processing category, except that nonstandard and machinable parcels may be combined in 5-digit scheme and 5-digit sacks or on 5-digit scheme and 5-digit pallets.

\* \* \* \* \*

[Revise the last sentence of item f to read as follows:]

f. \* \* \* Nonprofit USPS Marketing Mail machinable or nonstandard parcels must bear the addressee’s name and complete delivery address, or may use an alternative addressing format. DALs or DMLs may be used subject to 602.4.0.

\* \* \* \* \*

### 4.0 Price Eligibility for USPS Marketing Mail

\* \* \* \* \*

#### 4.2 Minimum Per Piece Prices

The minimum per piece prices (the minimum postage that must be paid for each piece) apply as follows:

\* \* \* \* \*

[Revise the fifth sentence of item c to read as follows:]

c. Individual prices. \* \* \* There are also separate prices for Marketing Parcels, Nonprofit Machinable priced parcels, and Nonprofit Nonstandard priced parcels. \* \* \*

\* \* \* \* \*

## 5.0 Additional Eligibility Standards for Nonautomation USPS Marketing Mail Letters, Flats, and Presorted USPS Marketing Mail Parcels

\* \* \* \* \*

### 5.3 Price Application

[Revise the second sentence of 5.3 to read as follows:]

\* \* \* Prices for Nonprofit parcels not qualifying as Marketing Parcels apply separately to Nonprofit Machinable parcels and Nonprofit Nonstandard parcels. \* \* \*

\* \* \* \* \*

[Revise the heading of 5.8 to read as follows:]

### 5.8 Prices for Nonstandard Parcels and Marketing Parcels

#### 5.8.1 5-Digit Price

[Revise the introductory text of 5.8.1 to read as follows:]

5-digit prices apply to nonstandard parcels and to Marketing parcels that are dropshipped to a DNDC/RPDC (or ASF/RPDC when claiming DNDC prices), DSCF/DRPDC, or DDU or DS&DC and presented:

\* \* \* \* \*

#### 5.8.2 SCF Price

[Revise the introductory text of 5.8.2 to read as follows:]

SCF prices apply to nonstandard parcels and to Marketing parcels that are dropshipped and presented to a DSCF/DRPDC or DNDC/DRPDC:

\* \* \* \* \*

#### 5.8.3 NDC Price

[Revise the introductory text of 5.8.3 to read as follows:]

NDC prices apply to nonstandard parcels and to Marketing parcels as follows under either of the following conditions:

\* \* \* \* \*

#### 5.8.4 Mixed NDC Price

[Revise the first sentence of 5.8.4 to read as follows:]

Mixed NDC prices apply to nonstandard parcels and to Marketing parcels in origin NDC/RPDC or mixed NDC/RPDC containers that are not eligible for 5-digit, SCF, or NDC prices. \* \* \*

\* \* \* \* \*

## 245 Mail Preparation

### 1.0 General Information for Mail Preparation

\* \* \* \* \*

#### 1.2 Definition of Mailings

Mailings are defined as:

\* \* \* \* \*

b. USPS Marketing Mail. Except as provided in 243.3.6, the types of USPS Marketing Mail listed below may not be part of the same mailing.

\* \* \* \* \*

*[Revise the text of item b6 to read as follows:]*

6. Machinable and nonmachinable or nonstandard pieces.

\* \* \* \* \*

#### 11.4 Preparation Definitions and Instructions

For purposes of preparing mail:

\* \* \* \* \*

*[Revise the fifth sentence of item j to read as follows:]*

j. \* \* \* The 5-digit scheme sort may not be used for other mail prepared on pallets, except for 5-digit bundles of USPS Marketing Mail nonstandard parcels that are part of a mailing job that is prepared in part as palletized flats at automation prices. \* \* \*

\* \* \* \* \*

#### 11.0 Preparing Presorted Parcels

##### 11.1 Basic Standards

All mailings and all pieces in each mailing at USPS Marketing Mail and Nonprofit USPS Marketing Mail parcel prices are subject to preparation standards in 11.3 or 11.4, and to these general standards:

\* \* \* \* \*

*[Revise the text of item b to read as follows:]*

b. Marketing Parcels, Nonprofit Machinable priced parcels, and Nonprofit Nonstandard priced parcels must each be prepared as separate mailings, except under 11.3.1.

\* \* \* \* \*

*[Revise the heading of 11.3 to read as follows:]*

##### 11.3 Preparing Marketing Parcels (6 Ounces or More) and Nonprofit Machinable Parcels

###### 11.3.1 Sacking

*[Revise the text of 11.3.1 to read as follows:]*

Prepare mailings of machinable Marketing Parcels weighing 6 ounces or more and mailings of Nonprofit Machinable priced parcels under 11.3. Prepare 5-digit sacks only for parcels dropshipped to a DNDC/RPDC (or ASF/RPDC when claiming DNDC prices), DSCF/DSCF, or DDU or DS&DC. Prepare ASF/RPDC or NDC/RPDC sacks only for parcels dropshipped to a DNDC/RPDC (or ASF/RPDC when claiming DNDC prices). There is no minimum for parcels in 5-digit/scheme sacks entered at a DDU or DS&DC. Mailers combining nonstandard parcels with machinable

parcels placed in 5-digit/scheme sacks must prepare those sacks under 11.3.2a. Mailers combining machinable Marketing Parcels weighing 6 ounces or more with Nonprofit Machinable priced parcels placed in ASF/RPDC, NDC/RPDC, or mixed NDC/RPDC sacks must prepare the sacks under 11.3.2.

\* \* \* \* \*

*[Revise the heading of 11.4 to read as follows:]*

##### 11.4 Preparing Marketing Parcels (Less Than 6 Ounces) and Nonprofit Nonstandard Parcels

\* \* \* \* \*

###### 11.4.2 Sacking

*[Revise the text of 11.4.2 to read as follows:]*

Prepare mailings of nonstandard Marketing Parcels weighing less than 6 ounces and mailings of Nonprofit Nonstandard priced parcels under 11.4. Prepare 5-digit sacks only for parcels dropshipped to a DNDC/RP&DC (or ASF/RP&DC when claiming DNDC prices), DSCF/RP&DC, or DDU or S&DC. See 11.4.3 for restrictions on SCF/RP&DC, ASF/RP&DC, and NDC/RP&DC sacks. Mailers must prepare a sack when the mail for a required presort destination reaches 10 pounds of pieces. There is no minimum for parcels prepared in 5-digit/scheme sacks entered at a DDU or S&DC. Mailers combining Nonprofit Nonstandard priced parcels with Nonprofit Machinable priced parcels and machinable Marketing Parcels weighing 6 ounces or more in 5-digit/scheme sacks must prepare those sacks under 11.3.2. Mailers may not prepare sacks containing nonstandard and machinable parcels to other presort levels. Mailers may combine Nonprofit Nonstandard priced parcels with nonstandard Marketing Parcels in sacks under 11.4.3.

###### 11.4.3 Sacking and Labeling

Preparation sequence, sack size, and labeling:

a. \* \* \* Sacks must contain a 10-pound minimum except at DDU or S&DC entry which has no minimum; labeling:

\* \* \* \* \*

*[Revise the text of item a2 to read as follows:]*

2. Line 2: For 5-digit scheme sacks, “STD NONSTD 5D SCH.” For 5-digit sacks, “STD NONSTD 5D.”

b. SCF/RP&DC, allowed only for mail deposited at a DSCF/RP&DC or a DNDC/RP&DC to claim SCF price; 10-pound minimum; labeling:

\* \* \* \* \*

*[Revise the text of item b2 to read as follows:]*

2. For Line 2, “STD NONSTD SCF.”

c. ASF/RP&DC (optional), allowed only for mail deposited at an ASF/RP&DC to claim DNDC price; 10-pound minimum; labeling:

\* \* \* \* \*

*[Revise the text of item c2 to read as follows:]*

2. Line 2: “STD NONSTD ASF.”

d. NDC/RP&DC, allowed only for mail deposited at a DNDC/RP&DC to claim the NDC price; 10-pound minimum; labeling:

\* \* \* \* \*

*[Revise the text of item d2 to read as follows:]*

2. Line 2: “STD NONSTD NDC.”

e. Origin NDC/RPDC (required); no minimum; labeling:

\* \* \* \* \*

*[Revise the text of item e2 to read as follows:]*

2. Line 2: “STD NONSTD NDC.”

f. Mixed NDC/RP&DC (required); no minimum; labeling:

\* \* \* \* \*

*[Revise the text of item f2 to read as follows:]*

2. Line 2: “STD NONSTD WKG.”

\* \* \* \* \*

#### 250 Commercial Mail Parcel Select

\* \* \* \* \*

#### 255 Mail Preparation

\* \* \* \* \*

#### 4.0 Preparing Destination Entry Parcel Select

##### 4.1 Preparing Destination Delivery Unit (DDU) or Sorting and Delivery Center (S&DC) Parcel Select

\* \* \* \* \*

###### 4.1.3 Sacking and Labeling

*[Revise the last sentence of 4.1.3 to read as follows:]*

\* \* \* Machinable and nonstandard pieces may be combined in the same sack or on the same pallet (including pallet boxes on pallets).

\* \* \* \* \*

##### 4.2 Preparing Destination Hub (DHub) Parcel Select

\* \* \* \* \*

###### 4.2.3 Sacking and Labeling

Sacking requirements for DHub entry include the following:

\* \* \* \* \*

*[Revise the second sentence of item b to read as follows:]*

b. \* \* \* Machinable and nonstandard pieces may be combined in the same sack to meet this requirement. \* \* \*

\* \* \* \* \*



**4.3 Preparing Destination SCF (DSCF)/RP&DC (DRP&DC) Parcel Select**

\* \* \* \* \*

**4.3.2 Basic Standards**

Pieces must meet the applicable standards in 4.0 and the following criteria:

\* \* \* \* \*

*[Revise the first sentence of item d to read as follows:]*

d. Any remaining nonstandard parcels (as defined in 201.7.6) sorted to 3-digit ZIP Code prefixes in L002, Column C. \* \* \*

**4.3.3 Sacking and Labeling**

Sacking requirements for DSCF/DRP&DC entry:

\* \* \* \* \*

*[Revise the second sentence of item b to read as follows:]*

b. \* \* \* Machinable and nonstandard pieces may be combined in the same sack to meet this requirement. \* \* \*

\* \* \* \* \*

*[Revise the text of items f through h to read as follows:]*

f. SCF sack labeling: Line 1, use L051; for Line 2, "PSVC MACH SCF."

g. 3-digit nonstandard sack labeling: Line 1, use L051; for Line 2, "PSVC NONSTD 3D."

h. See 705.8.0 for option to place 5-digit scheme and 5-digit DSCF/DRP&DC sacks, SCF/RP&DC sacks, and 3-digit nonstandard sacks on an SCF/RP&DC pallet.

**4.4 Preparing Destination NDC (DNDC)/RP&DC (DRP&DC) Parcel Select**

\* \* \* \* \*

**4.4.3 Sacking and Labeling**

DNDC/DRP&DC mailing (if not bedloaded), must be prepared as follows:

\* \* \* \* \*

*[Revise the text of item b to read as follows:]*

b. DNDC/DRP&DC nonstandard parcels that each weigh 25 pounds or less must be sacked under 5.0 if the parcels do not contain perishables and the size of the parcels allows a sack to hold at least two pieces. DNDC/DRP&DC nonstandard parcels that cannot be sacked in this manner or that weigh more than 25 pounds must be transported as outside (unsacked) pieces. If authorized in advance by the USPS, DNDC/DRP&DC nonstandard parcels may be palletized.

\* \* \* \* \*

**256 Enter and Deposit**

\* \* \* \* \*

**2.0 Deposit**

\* \* \* \* \*

**2.2 Containers**

DNDC/DRP&DC mailings (if not bedloaded), DDU or S&DC mailings (if not bedloaded), and all DHub, and DSCF/DRP&DC mailings must be prepared as follows:

\* \* \* \* \*

*[Revise the text of item b to read as follows:]*

b. For DNDC price, nonstandard parcels that each weigh 25 pounds or less must be sacked under 255.4.0 if the parcels do not contain perishables and the size of the parcels allows a sack to hold at least two pieces. DNDC/DRP&DC nonstandard parcels that cannot be sacked in this manner or that weigh more than 25 pounds must be transported as outside (unsacked) pieces. If authorized in advance by the USPS, DNDC/DRP&DC nonstandard parcels may be palletized.

*[Revise the last sentence of item c to read as follows:]*

c. \* \* \* Machinable and nonstandard pieces may be included in the same sack.

\* \* \* \* \*

*[Revise the text of item e to read as follows:]*

e. For DSCF/DRP&DC and DDU or DS&DC, nonstandard parcels may be palletized (including pallet boxes on pallets). Nonstandard parcels may be combined with machinable parcels on 5-digit scheme, 5-digit, and 3-digit pallets (including pallet boxes on pallets) claimed at DSCF or DDU prices under 705.8.0.

*[Revise the last sentence of item f to read as follows:]*

f. \* \* \* Machinable and nonstandard pieces may be combined in 5-digit scheme and 5-digit sacks or on 5-digit scheme and 5-digit pallets (including pallet boxes).

\* \* \* \* \*

**2.17 DNDC/DRP&DC Parcel Select—Acceptance at Designated SCF/RP&DC—USPS Benefit**

A mailing that is otherwise eligible for DNDC prices may be deposited, and accepted, at an SCF/RP&DC designated by the USPS when it benefits the USPS and:

*[Revise the text of item a to read as follows:]*

a. The mailing contains only machinable parcels prepared in 5-digit scheme and 5-digit sacks, pallets, or containers and nonstandard parcels prepared under 2.2.

\* \* \* \* \*

**260 Commercial Mail Bound Printed Matter**

\* \* \* \* \*

**265 Mail Preparation**

\* \* \* \* \*

**2.0 Bundles**

\* \* \* \* \*

*[Revise the heading and text of 2.4 to read as follows:]*

**2.4 Bundle Sizes for Nonstandard Parcels**

Mailers must prepare unsacked, nonpalletized bundles of nonstandard parcels for DDU or DS&DC entry according to 203.4.10, and as follows:

a. For Presorted nonstandard parcels, under 8.2 for parcels weighing less than 10 pounds and 8.3 for parcels weighing 10 pounds or more.

b. For carrier route nonstandard parcels, under 9.2 for parcels weighing less than 10 pounds and 9.3 for parcels weighing 10 pounds or more.

\* \* \* \* \*

**8.0 Preparing Presorted Parcels****8.1 Basic Standards**

All mailings of Presorted Bound Printed Matter (BPM) are subject to the standards in 5.2, and 5.3, and to these general standards:

\* \* \* \* \*

*[Revise the second sentence of item b to read as follows:]*

b. \* \* \* See 201.7.0 for definitions of machinable and nonstandard parcels.

\* \* \* \* \*

*[Delete 8.2, Preparing Nonstandard Parcels Weighing Less than 10 Pounds, in its entirety and renumber 8.3 through 8.5 as 8.2 through 8.4.]*

\* \* \* \* \*

*[Revise the heading of renumbered 8.2 to read as follows:]*

**8.2 Preparing Nonstandard Parcels**

*[Revise the text of renumbered 8.2.1 and 8.2.2 to read as follows:]*

**8.2.1 Piece Preparation**

*[Revise the last sentence of renumbered 8.2.1 to read as follows:]*

\* \* \* Bundling is not permitted.

**8.2.2 Required Sacking**

*[Revise the text of renumbered 8.2.2 by deleting the fifth and last sentence.]*

\* \* \* \* \*

**8.2.3 Sacking and Labeling**

Preparation sequence and labeling:

a. 5-digit/scheme (required); labeling:

\* \* \* \* \*

*[Revise the text of item a2 to read as follows:]*

2. Line 2: For 5-digit scheme sacks, “PSVC NONSTD 5D SCH.” For 5-digit sacks, “PSVC NONSTD 5D.”

b. 3-digit (required); labeling:

\* \* \* \* \*

*[Revise the text of item b2 to read as follows:]*

2. Line 2: “PSVC NONSTD 3D.”

c. SCF/RPDC (optional); labeling:

*[Revise the text of item c2 to read as follows:]*

2. Line 2: “PSVC NONSTD SCF.”

d. ADC (required); labeling:

*[Revise the text of item d2 to read as follows:]*

2. Line 2: “PSVC NONSTD ADC.”

e. Mixed ADC/RPDC (required); labeling:

*[Revise the text of item e2 to read as follows:]*

2. Line 2: “PSVC NONSTD WKG.”

\* \* \* \* \*

## 9.0 Preparing Carrier Route Parcels

### 9.1 Basic Standards

#### 9.1.1 General Standards for Carrier Route Preparation

All mailings of Carrier Route Bound Printed Matter (BPM) are subject to the standards in 9.2 through 9.4 and to these general standards:

\* \* \* \* \*

*[Revise the second and last sentence of item b to read as follows:]*

b. \* \* \* A BPM nonstandard parcel is a piece that is not a machinable parcel as defined in 201.7.5.1. Nonstandard parcels also are pieces that meet the size and weight standards for a machinable parcel but are not individually boxed or packaged to withstand processing on parcel sorters under 601.3.0 and 601.4.0.

\* \* \* \* \*

*[Revise the heading of 9.2 to read as follows:]*

#### 9.2 Preparing Nonstandard Parcels Weighing Less Than 10 Pounds

\* \* \* \* \*

##### 9.2.2 Required Sacking

*[Revise the first sentence in the introductory text of 9.2.2 to read as follows:]*

Mailers may prepare nonstandard parcels as unsacked bundles under 203.4.10 or in bundles on pallets. \* \* \*

\* \* \* \* \*

##### 9.2.4 Sack Label Line 2

Line 2 information:

*[Revise the text of items a through c to read as follows:]*

a. Carrier route: “PSVC NONSTD CR,” followed by the route type and number.

b. 5-digit scheme carrier routes: “PSVC NONSTD CR–RTS SCH.”

c. 5-digit carrier routes: “PSVC NONSTD CR–RTS.”

*[Revise the heading of 9.3 to read as follows:]*

#### 9.3 Preparing Nonstandard Parcels Weighing 10 Pounds or More

*[Revise the first and second sentence in the introductory text of 9.3 to read as follows:]*

Mailers may prepare nonstandard parcels as unsacked bundles under 2.2 or in bundles on pallets. When preparing nonstandard parcels in sacks, place parcels only in direct carrier route sacks. \* \* \* \* \* Required preparation:

\* \* \* \* \*

*[Revise the text of item b to read as follows:]*

b. Line 2: “PSVC NONSTD CR,” followed by the route type and number.

\* \* \* \* \*

#### 266 Enter and Deposit

\* \* \* \* \*

#### 3.0 Destination Entry

\* \* \* \* \*

#### 3.6 Mailings of Unsacked Bundles

*[Revise the first sentence of 3.6 to read as follows:]*

Mailers may present unsacked, nonpalletized bundles of BPM flats or nonstandard parcels that are properly prepared for and entered at DDU prices and unloaded according to standards in 3.8.9. \* \* \*

\* \* \* \* \*

#### 4.0 Destination Network Distribution Center (DNDC)/Regional Processing and Distribution Center (DRP&DC) Entry

\* \* \* \* \*

*[Revise the heading of 4.5 to read as follows:]*

#### 4.5 Presorted Nonstandard Parcels

*[Revise the first sentence of 4.5 to read as follows:]*

Presorted nonstandard parcels in sacks or on pallets at all sort levels may claim DNDC prices. \* \* \*

\* \* \* \* \*

*[Revise the heading of 4.7 to read as follows:]*

#### 4.7 Carrier Route Nonstandard Parcels

*[Revise the first sentence of 4.7 to read as follows:]*

Carrier Route nonstandard parcels in sacks at all sort levels or on pallets at all sort levels may claim DNDC prices.

\* \* \*

\* \* \* \* \*

#### 6.0 Destination Delivery Unit (DDU) or Sorting and Delivery Center (DS&DC) Entry

\* \* \* \* \*

*[Revise the heading of 6.5 to read as follows:]*

#### 6.5 Presorted Nonstandard Parcels

*[Revise the first sentence of 6.5 to read as follows:]*

Presorted nonstandard parcels in 5-digit scheme sacks and 5-digit sacks, on 5-digit scheme or 5-digit pallets, or prepared as unsacked 5-digit bundles may claim DDU prices. \* \* \*

\* \* \* \* \*

*[Revise the heading of 6.7 to read as follows:]*

#### 6.7 Carrier Route Nonstandard Parcels

*[Revise the first sentence of 6.7 to read as follows:]*

Carrier Route nonstandard parcels in sacks, on 5-digit scheme and 5-digit pallets, or prepared as unsacked carrier route bundles may claim DDU prices.

\* \* \*

\* \* \* \* \*

#### 270 Commercial Mail Media Mail and Library Mail

##### 273 Prices and Eligibility

\* \* \* \* \*

#### 7.0 Price Eligibility for Media Mail and Library Mail

\* \* \* \* \*

#### 7.3 Price Categories for Media Mail and Library Mail

\* \* \* \* \*

##### 7.3.2 Parcels

The price categories for parcels are as follows:

*[Revise the last sentence of item a to read as follows:]*

a. \* \* \* Nonstandard parcels may qualify for the 5-digit price if prepared to preserve sortation by 5-digit ZIP Code as prescribed by the postmaster of the mailing office.

*[Revise the last sentence of item b to read as follows:]*

b. \* \* \* Nonstandard parcels may qualify for the basic price if prepared to preserve sortation by NDC/RP&DC as prescribed by the postmaster of the mailing office.

\* \* \* \* \*

#### 275 Mail Preparation

\* \* \* \* \*

#### 4.0 Basic Standards for Preparing Media Mail and Library Mail

All mailings of Presorted Media Mail and Presorted Library Mail are subject to these general requirements:

\* \* \* \* \*

*[Revise the last sentence of item d to read as follows:]*

d. \* \* \* See 201.7.0 for definitions of machinable and nonstandard parcels.

\* \* \* \* \*

#### 6.0 Preparing Media Mail and Library Mail Parcels

##### 6.1 Basic Standards

All mailings of Presorted Media Mail and Presorted Library Mail parcels are subject to these general requirements:

\* \* \* \* \*

*[Revise the text of item b to read as follows:]*

b. All parcels in a mailing must be within the same processing category. See 201.7.0 for definitions of machinable and nonmachinable parcels.

\* \* \* \* \*

*[Revise the heading of 6.3 to read as follows:]*

##### 6.3 Preparing Nonstandard Parcels

\* \* \* \* \*

##### 6.3.4 Sacking and Labeling

Preparation sequence and labeling:  
a. 5-digit/scheme (optional, but required for 5-digit price); labeling:

\* \* \* \* \*

*[Revise the text of item a2 to read as follows:]*

2. Line 2: For 5-digit scheme sacks, "PSVC NONSTD 5D SCH." For 5-digit sacks, "PSVC NONSTD 5D."

b. 3-digit: required.

\* \* \* \* \*

*[Revise the text of item b2 to read as follows:]*

2. Line 2: "PSVC NONSTD 3D."

c. ADC/RPDC: required.

\* \* \* \* \*

*[Revise the text of item c2 to read as follows:]*

2. Line 2: "PSVC NONSTD ADC."

d. Mixed ADC/RPDC: required (no minimum).

\* \* \* \* \*

*[Revise the text of item d2 to read as follows:]*

2. Line 2: "PSVC NONSTD WKG."

\* \* \* \* \*

#### 500 Additional Mailing Services

\* \* \* \* \*

##### 1.4.1 Eligibility—Domestic Mail

\* \* \* \* \*

##### Exhibit 1.4.1 Eligibility—Domestic Mail

\* \* \* \* \*

*[Revise footnote 7 to read as follows:]*

7. USPS Marketing Mail, Nonprofit Machinable and Nonprofit Nonstandard priced parcels only.

\* \* \* \* \*

#### 600 Basic Standards for All Mailing Services

##### 601 Mailability

##### 1.0 General Standards

##### 1.1 Determining Mail Processing Categories

##### 1.1.1 Processing Categories

*[Revise the first sentence of 1.1.1 to read as follows:]*

There are four mail processing categories for mailpieces: letter, flat, machinable parcel, and nonstandard parcel. \* \* \*

\* \* \* \* \*

*[Revise the text of 1.0 by adding a new 1.1.5 to read as follows:]*

##### 1.1.5 Nonmailable Placement of Address on Parcel-Size Pieces

The placement of the address on a parcel-size mailpiece may render a piece nonmailable. Except for cylindrical tubes or similar shaped pieces and labeling exceptions in Publication 52, if the address, return address, mailing labels, postage, barcode, endorsements, and other mail markings are not all placed on a single optical plane without bending, folding, or overlapping, it is nonmailable.

\* \* \* \* \*

##### 3.0 Packaging

*[Renumber 3.1 as 3.1.1 and add new 3.1.1 heading to read as follows:]*

##### 3.1.1 Basic Standards

\* \* \* \* \*

*[Add new 3.1.2 to read as follows:]*

##### 3.1.2 Parcels

In addition to 3.1.1, except for hazardous, restricted, and perishable items as provided in Publication 52, all other parcel priced pieces must be packaged in a box or other acceptable container that meet the applicable standards under 3.0 and 4.0.

\* \* \* \* \*

##### 3.7 High-Density Items

*[Revise the text of 3.7 to read as follows:]*

High-density items (such as tools, hardware, and machine and auto parts) weighing from 20 to 45 pounds must be packaged in fiberboard boxes

constructed of a minimum 200-pound test board or equivalent wood, metal, or plastic containers. Plastic, metal, and similar hard containers must be packaged, treated, or otherwise prepared so that their coefficient of friction or ability to slide on a smooth, hard surface is similar to that of a domestic-class fiberboard box of the same approximate size and weight. Closure must be done by staples, heat-shrinking, adhesives, or tape. Boxes without inner packing or containing loose material must be reinforced or banded with reinforced paper or plastic tape, pressure-sensitive filament tape, or firmly applied nonmetallic banding. Internal blocking and bracing, including the use of interior containers, cut forms, partitions, dunnage, and liners, must be used as required so that packages are capable of maintaining their integrity without damage to the contents if dropped once on one of their smallest sides on a solid surface from a height of 3 feet. These items from 45 to 70 pounds must be similarly packaged, closed, and reinforced, except that exterior containers must be a minimum of 275-pound test fiberboard or equivalent.

*[Revise the heading and text of 3.8 to read as follows:]*

##### 3.8 Books

Books and similarly produced printed matter (such as catalogs) fastened together along one edge between hardback, paperback, or self-covers, that are more than one inch thick or one pound must not be accepted in letter-style non-reinforced flat envelopes or without packaging. Envelopes or other appropriate packaging must meet the standards in 3.0. Void spaces within containers must be filled with dunnage, or otherwise stabilized to prevent shifting or damage to the contents or container. Shipments are packaged according to the following weight categories:

a. Up to five pounds, sealing must be by multiple friction closures, completely clinched staples, heat-sealing, adhesives, tape, or nonmetallic banding. Although shrinkwrap is not acceptable as the only packaging for hardback books and similarly produced printed matter exceeding one pound or one inch thick, it may be used on the exterior of otherwise acceptable containers. Shrinkwrap (under 3.6) may be used as the only method of packaging for paperback books and similarly produced printed matter up to three pounds.

b. From 5 to 10 pounds, closure must be by tape, nonmetallic banding, or adhesives. Reinforced tape or nonmetallic banding is adequate for

both closure and reinforcement. Nonmetallic banding must be firmly applied to the point that the straps must be tightened until they depress the carton at the edges.

c. From 10 to 25 pounds, reinforced tape or nonmetallic banding is adequate for closure and reinforcement.

Nonmetallic banding must be firmly applied to the point that the straps tighten until they depress the carton at the edges.

d. From 25 to 50 pounds, hardbound books and similarly produced printed matter must be packaged in 275-pound test fiberboard boxes and paperback books and similarly produced printed matter must be packaged in 200-pound test fiberboard boxes.

e. From 50 to 70 pounds, hardbound books and similarly produced printed matter must be packaged in 350-pound test fiberboard boxes and paperback books and similarly produced printed matter must be packaged in 275-pound test fiberboard boxes.

*[Renumber 3.9 through 3.13 as 3.13 through 3.17 and add new 3.9 through 3.12 to read as follows:]*

### 3.9 Soft Goods

Boxes containing soft goods (e.g., textiles, clothing, linens, or draperies) weighing up to 5 pounds must be filled to capacity. Soft goods between the weight range of 5 to 20 pounds must be packaged in material with a minimum 70-pound outer ply basis weight. Closure of bags must be by completely clinched staples, heat-sealing, adhesives, sewing, or tape. Improperly clinched staples must be removed. Shrinkwrapping is not acceptable as the only packaging. Fiberboard containers must be made of at least 200-pound test board for soft goods weighing from 20 to 45 pounds and at least 275-pound test board for soft goods weighing from 45 to 70 pounds.

### 3.10 Sound Recordings

Shipments of recordings (e.g., records and CDs in paper sleeves, paperboard, or chipboard shells) weighing up to 10 pounds must be packed in 70-pound basis weight envelopes for weights up to 3 pounds, or outer corrugated, fiberboard containers for weights up to 10 pounds. When shipments weigh from 20 to 40 pounds, multiple shell containers must be packaged in 175-pound test fiberboard containers or equivalent and closed and reinforced by adhesives, kraft paper tape, equivalent plastic tape, or staples. When shipments weigh from 40 to 65 pounds, multiple shell containers up to 65 pounds must be packaged in 200-pound test fiberboard containers or equivalent and

closed and reinforced as described for 20- to 40-pound containers, except that containers must be reinforced about every 8 inches around the package. Shipments weighing more than 65 pounds must be packaged in 275-pound test fiberboard containers or equivalent.

### 3.11 Film Cases

A film case weighing more than 5 pounds or with strap-type closures, except any film case the USPS authorizes to be entered as a machinable parcel under 201.7.0 and to be identified by the words "Machinable in United States Postal Service Equipment" permanently attached as a nontransferable decal in the lower right corner of the case.

### 3.12 Coefficient of Friction

All parcels must have the coefficient of friction or ability to slide on a smooth, hard surface, similar to that of a domestic-class fiberboard box of the same approximate size and weight.

\* \* \* \* \*

### 4.0 Acceptable Mailing Containers

\* \* \* \* \*

### 4.2 Boxes

Boxes are acceptable, subject to these standards:

*[Revise the text of items a through c to read as follows:]*

a. Paperboard boxes may be used for loads to 10 pounds.

b. Metal-stayed paperboard boxes may be used for loads to 20 pounds.

c. Solid and corrugated fiberboard boxes may be used for loads to 70 pounds or according to the limits in 3.0.

*[Delete the table under item c in its entirety.]*

\* \* \* \* \*

*[Delete item g in its entirety.]*

\* \* \* \* \*

*[Revise the text of 4.4 and 4.5 to read as follows:]*

### 4.4 Paper Bags and Wraps

For loads of up to 5 pounds, paper bags and wraps are acceptable when at least of a 50-pound basis weight (the strength of an average large grocery bag) and the items are immune from impact or pressure damage. A combination of plies adding up to or exceeding 50-pound basis weight is not acceptable. For loads of up to 20 pounds, reinforced bags or bags with a minimum of 70-pound basis weight are acceptable. Nonreinforced loose-fill padded bags are not acceptable as exterior containers, unless the exterior ply is at least 60-pound basis weight.

### 4.5 Plastic Bags

Plastic bags must be at least 2 mil thick polyethylene or equivalent for loads up to 5 pounds; 4 mil thick for loads up to 10 pounds.

### 4.6 Plastic Film

Heat-shrinkable plastic film—either irradiated polyethylene, linear low-density polyolefin, or copolymer—may be used as packaging for mailpieces under the following conditions only:

*[Delete item a and renumber items b and c as items a and b. Revise the text of renumbered items a and b to read as follows:]*

a. Film must be at least 1¼ (1.25) mil thick for a load up to 5 pounds.

b. Film must be at least 1½ (1.5) mil thick for a load up to 10 pounds, only when mailers prepare the parcels on 5-digit/scheme, merged 5-digit/scheme, or finer level pallets.

\* \* \* \* \*

*[Revise the heading of 7.0 and delete the text in its entirety to read as follows:]*

### 7.0 Reserved

\* \* \* \* \*

### 602 Addressing

\* \* \* \* \*

### 3.0 Use of Alternative Addressing

\* \* \* \* \*

### 3.2 Simplified Address

#### 3.2.1 Conditions for General Use

The following conditions must be met when using a simplified address on commercial mailpieces:

\* \* \* \* \*

*[Revise the introductory text of item b to read as follows:]*

b. USPS Marketing Mail, Periodicals, and Bound Printed Matter flat-size mailpieces (including USPS Marketing Mail pieces allowed as flats under 3.2.1c), and Periodicals nonstandard parcels for distribution to a city route or to Post Office boxes in offices with city carrier service may bear a simplified address, but only when complete distribution is made under the following conditions:

\* \* \* \* \*

#### 3.2.3 Mail Preparation

*[Revise the third sentence in the introductory text of 3.2.3 to read as follows:]*

\* \* \* Mailers must prepare nonstandard parcels in carrier route bundles in sacks or directly on pallets.

\* \* \*

\* \* \* \* \*

**604 Postage Payment Methods and Refunds**

\* \* \* \* \*

**5.0 Permit Imprint (Indicia)**

\* \* \* \* \*

**5.3 Indicia Design, Placement, and Content**

\* \* \* \* \*

**5.3.9 Use of a Company Permit Imprint**

\* \* \* The following standards apply:  
[Revise the last sentence of item a to read as follows:]

a. \* \* \* Sample pieces are not required for nonidentical-piece USPS Marketing Mail and Package Services machinable or nonstandard parcel mailings (e.g., merchandise and other fulfillment mailings).

\* \* \* \* \*

**700 Special Standards**

\* \* \* \* \*

**705 Advanced Preparation and Special Postage Payment Systems**

\* \* \* \* \*

**6.0 Combining Mailings of USPS Marketing Mail, Package Services, and Parcel Select Parcels**

\* \* \* \* \*

**6.4 Combining Package Services, Parcel Select, and USPS Marketing Mail—Optional 3-Digit SCF Entry**

\* \* \* \* \*

**6.4.2 Qualification and Preparation**

Parcel Select and Bound Printed Matter machinable parcels, and USPS Marketing Mail parcels may be prepared for entry at designated SCFs under these standards:

\* \* \* \* \*

[Revise the text of item d to read as follows:]

d. USPS Marketing Mail, machinable Marketing Parcels (regular and nonprofit) and Nonprofit Machinable priced parcels are eligible for the NDC/RPDC presort-level DNDC price. USPS Marketing Mail, nonstandard Marketing Parcels (regular and nonprofit) and Nonprofit Nonstandard priced parcels are eligible for the 3-digit presort-level DSCF price.

\* \* \* \* \*

**7.0 Combining Package Services and Parcel Select Parcels for Destination Entry****7.1 Combining Parcels—DSCF/RP&DC and DDU or S&DC Entry**

\* \* \* \* \*

**7.1.2 Basic Standards**

[Revise the introductory text of 7.1.2 to read as follows:]

Package Services and Parcel Select parcels that qualify as machinable and nonstandard under 201 and meet the following conditions may be combined in 5-digit scheme and 5-digit sacks or 5-digit scheme and 5-digit pallets under these conditions:

\* \* \* \* \*

**8.0 Preparing Pallets**

\* \* \* \* \*

**8.5 General Preparation****8.5.1 Presort**

[Revise the seventh sentence of 8.5.1 to read as follows:]

\* \* \* These standards may result in some bundles of Periodicals flats and nonstandard parcels and USPS Marketing Mail flats that are part of a mailing job prepared in part as palletized flats at automation prices not being placed on the finest level of pallet possible. \* \* \*

\* \* \* \* \*

**8.5.2 Required Preparation**

The following standards apply to Periodicals, USPS Marketing Mail, Parcel Select, and Package Services, except Parcel Select mailed at DSCF and DDU prices:

\* \* \* \* \*

[Revise the first sentence of item b to read as follows:]

b. For bundles of flat-size mailpieces or bundles of nonstandard parcels on pallets, after preparing all possible pallets under 8.5.2a, when 250 or more pounds of bundles remain for an ADC/RPDC (Periodicals) or for a NDC/ASF/RPDC (USPS Marketing Mail, Parcel Select, and Package Services), mailers must prepare the ADC/RPDC or NDC/ASF/RPDC pallet, as applicable for the class of mail. \* \* \*

\* \* \* \* \*

**8.5.4 Minimum Height of Mail**

The definitions of the minimum height of mail used to qualify for DSCF/DRPDC Parcel Select prices are as follows:

\* \* \* \* \*

[Revise the first sentence of item b to read as follows:]

b. Nonstandard parcels. \* \* \*

\* \* \* \* \*

**8.5.6 Mail on Pallets**

These standards apply to mail on pallets:

\* \* \* \* \*

[Revise the text of items a and b to read as follows:]

a. For Bound Printed Matter nonstandard parcels, Presorted and Carrier Route price mail may be combined on all levels of pallet. For Bound Printed Matter flats, Presorted and Carrier Route price mail may be combined on all levels of pallet except as provided in 8.5.6g.

b. For sacks or flat trays of Periodicals, USPS Marketing Mail, and Bound Printed Matter flats or nonstandard parcels, carrier route price mail must be prepared on separate 5-digit pallets from automation price and/or presorted price mail.

\* \* \* \* \*

**8.6.5 Line 2 (Content Line)**

Line 2 (content line) must meet these standards:

\* \* \* \* \*

b. Codes. The codes shown below must be used as appropriate on Line 2 of sack, tray, and pallet labels.

CONTENT TYPE CODE

\* \* \* \* \*

[Delete the “Irregular Parcels” line item in its entirety.]

\* \* \* \* \*

[Revise the “Content Type” text of the “Mixed Machinable and Irregular” line item to read as follows:]

Mixed Machinable and Nonstandard Parcels MACH & NONSTD (USPS Marketing Mail only)

\* \* \* \* \*

[Revise the “Content Type” text of the “Nonmachinable Parcels” line item to read as follows:]

Nonstandard Parcels NONSTD

\* \* \* \* \*

**8.8 Basic Uses**

These types of mail may be palletized:

\* \* \* \* \*

[Revise the text of item d to read as follows:]

d. Machinable or nonstandard parcels.

\* \* \* \* \*

**8.9 Bundles on Pallets****8.9.1 Applicability**

[Revise the first sentence of 8.9.1 to read as follows:]

Presort destination bundles of Periodicals, USPS Marketing Mail, and Package Services flats and nonstandard parcels may be placed directly on pallets under 8.9.2 through 8.9.5 and 8.10. \* \* \*

\* \* \* \* \*

**8.9.5 Bound Printed Matter**

Bound Printed Matter on pallets must be bundled as follows:

\* \* \* \* \*

b. Presorted and Carrier Route Bound Printed Matter:

*[Revise the first sentence of item b1 to read as follows:]*

1. Only individual pieces of flats or nonstandard parcels that weigh less than 10 pounds each may be prepared as bundles on pallets. \* \* \*

### 8.10.2 Periodicals—Bundles, Sacks, Letter or Flat Trays

*[Revise the seventh sentence in the introductory text of 8.10.2 to read as follows:]*

\* \* \* Bundles of Periodicals flats and nonstandard parcels may also be palletized under 10.0, 12.0, or 13.0.

*[Revise the third sentence in the introductory text of item b to read as follows:]*

b. \* \* \* Required for bundles containing all other flats or nonstandard parcels. \* \* \*

*[Revise the third sentence in the introductory text of item c to read as follows:]*

c. \* \* \* Required for bundles containing all other flats and nonstandard parcels. \* \* \*

*[Revise the third sentence in the introductory text of item e to read as follows:]*

e. \* \* \* Required for bundles containing all other flats or nonstandard parcels. \* \* \*

*[Revise the first sentence in the introductory text of item f to read as follows:]*

f. 5-digit, required, except for letter trays; permitted for bundles, trays, and sacks (nonstandard parcels only). \* \* \*

*[Revise the introductory text of item h to read as follows:]*

h. SCF, required, permitted for bundles, trays, and sacks (nonstandard parcels only). The pallet may contain carrier route, automation price, and/or Presorted price mail for the 3-digit ZIP Code groups in L005. Mailers may place origin mixed ADC (OMX) sacks (nonstandard parcels only) or flat trays on origin SCF pallets. Labeling:

*[Revise the first sentence in the introductory text of item i to read as follows:]*

i. ADC, required, permitted for bundles, trays, and sacks (nonstandard parcels only). \* \* \*

### 8.10.3 USPS Marketing Mail—Bundles, Sacks, or Trays

*[Revise the fifth and sixth sentence of the introductory text of 8.10.3 to read as follows:]*

\* \* \* For parcels, use this preparation only for nonstandard parcels in sacks. Palletize unbundled or unsacked nonstandard parcels under 8.10.8. \* \* \*

d. 5-digit, required except for trays, permitted for bundles, trays, and sacks (when applicable). \* \* \* \* \*

Labeling:

*[Revise the first sentence of item d2 to read as follows:]*

2. Line 2: For flats and nonstandard parcels, use “STD” followed by “FLTS” or “NONSTD,” as applicable; followed by “5D” followed by “BARCODED” (or “BC”) if the pallet contains automation-price mail; followed by “NONBARCODED” (or “NBC”) if the pallet contains Presorted-price mail. \* \* \*

*[Revise the first sentence in the introductory text of item f to read as follows:]*

f. SCF, required, permitted for bundles, trays, and sacks (nonstandard parcels only). \* \* \*

*[Revise the first sentence in the text of item f2 to read as follows:]*

2. Line 2: For flats and nonstandard parcels, “STD” followed by “FLTS” or “NONSTD,” as applicable; followed by “SCF”; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail. \* \* \*

g. ASF, required unless bundle reallocation is used under 8.13, permitted for bundles, trays, and sacks (nonstandard parcels only).

\* \* \* \* \* Labeling:

\* \* \* \* \*

*[Revise the first sentence in the text of item g2 to read as follows:]*

2. Line 2: For flats and nonstandard parcels, “STD” followed by “FLTS” or “NONSTD,” as applicable; followed by “ASF”; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail. \* \* \*

*[Revise the first sentence in the introductory text of item h to read as follows:]*

h. NDC, required, permitted for bundles, trays, and sacks (nonstandard parcels only). \* \* \*

*[Revise the first sentence in the text of item h2 to read as follows:]*

2. Line 2: For flats and nonstandard parcels, “STD” followed by “FLTS” or “NONSTD,” as applicable; followed by “NDC”; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail. \* \* \*

*[Revise the introductory text of item i to read as follows:]*

i. Mixed NDC, optional, permitted for bundles, trays, and sacks (nonstandard parcels only); allowed with no minimum and required at 100 pounds of mail for bundles of flats. Bundles of flats totaling less than 100 pounds in weight must be trayed if not palletized. The pallet may contain carrier route, automation, and/or Presorted mail. Mailers must place trays and sacks (nonstandard parcels only) containing pieces paid at the single-piece price on the mixed NDC pallet (unless required to be presented separately by special postage payment authorization). Labeling:

\* \* \* \* \*

*[Revise the first sentence in the text of item i2 to read as follows:]*

2. Line 2: For flats and nonstandard parcels, “STD” followed by “FLTS” or “NONSTD,” as applicable; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail; followed by “WKG.” \* \* \*

\* \* \* \* \*

*[Revise the heading of 8.10.5 to read as follows:]*

### 8.10.5 Package Services Nonstandard Parcels—Bundles and Sacks

*[Revise the fifth sentence of 8.10.5 to read as follows:]*

\* \* \* At the mailer’s option, all Package Services nonstandard parcels also may be prepared for destination entry (see 7.0). \* \* \*

a. Merged 5-digit scheme, required, permitted for bundles only. \* \* \*

\* \* \* Labeling:

\* \* \* \* \*

*[Revise the text of item a2 to read as follows:]*

2. Line 2: “PSVC NONSTD CR/5D”; followed by “SCHEME” (or “SCH”).

b. *5-digit scheme carrier routes*, required, permitted for bundles only.  
\* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item b2 to read as follows:]

2. Line 2: “PSVC NONSTD”; followed by “CARRIER ROUTES” (or “CR-RTS”); followed by “SCHEME” (or “SCH”).

c. *5-digit scheme*, required, permitted for bundles only. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item c2 to read as follows:]

2. Line 2: “PSVC NONSTD 5D”; followed by “SCHEME” (or “SCH”).

d. *Merged 5-digit*, required, permitted for bundles only. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item d2 to read as follows:]

2. Line 2: “PSVC NONSTD CR/5D.”

e. *5-digit carrier routes*, required, permitted for bundles and sacks. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item e2 to read as follows:]

2. Line 2: “PSVC NONSTD”; followed by “CARRIER ROUTES” (or “CR-RTS”).

f. *5-digit*, required, permitted for bundles and sacks. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item f2 to read as follows:]

2. Line 2: “PSVC NONSTD 5D.”

g. *3-digit*, optional, option not available for bundles for 3-digit ZIP Code prefixes marked “N” in L002. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item g2 to read as follows:]

2. Line 2: “PSVC NONSTD 3D.”

h. *SCF*, required, permitted for bundles and sacks. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item h2 to read as follows:]

2. Line 2: “PSVC NONSTD SCF.”

i. *ASF*, required, permitted for bundles and sacks. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item i2 to read as follows:]

2. Line 2: “PSVC NONSTD ASF.”

j. *NDC*, required, permitted for bundles and sacks. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item j2 to read as follows:]

2. Line 2: “PSVC NONSTD NDC.”

k. *Mixed NDC*, optional, permitted for sacks only. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item k2 to read as follows:]

2. Line 2: “PSVC NONSTD WKG.”

\* \* \* \* \*

[Revise the heading and introductory text of 8.10.8 to read as follows:]

#### **8.10.8 Nonstandard Parcels Weighing 2 Ounces or More—USPS Marketing Mail, Including Marketing Parcels**

Mailers who palletize unbundled or unsacked nonstandard parcels must make pallets or pallet boxes when there are 250 pounds or more for the destination levels below for DNDC, DSCF, or DDU prices. When prepared at origin, a 200 pound minimum is required for the NDC price. Prepare pallets or pallet boxes of nonstandard parcels (except tubes, rolls, and similar pieces) weighing 2 ounces or more under 8.0 and in the sequence listed below. Label pallets or pallet boxes according to the Line 1 and Line 2 information listed below and under 8.6. Mailers may not prepare tubes, rolls, and similar pieces or pieces that weigh less than 2 ounces on pallets or in pallet boxes, except for pieces in carrier route bundles or in sacks under 8.10.3. Preparation sequence and labeling:

a. *5-digit scheme*, required. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item a2 to read as follows:]

2. Line 2: “STD NONSTD 5D”; followed by “SCHEME” (or “SCH”).

b. *5-digit*, required. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item b2 to read as follows:]

2. Line 2: “STD NONSTD 5D.”

c. *SCF*, required. Allowed only for mail deposited at a DSCF to claim SCF price; labeling:

\* \* \* \* \*

[Revise the text of item c2 to read as follows:]

2. Line 2: Use “STD NONSTD SCF.”

d. *ASF*, optional, but required for DNDC prices. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item d2 to read as follows:]

2. Line 2: “STD NONSTD ASF.”

e. *NDC*, required. \* \* \* \* \* Labeling:

\* \* \* \* \*

[Revise the text of item e2 to read as follows:]

2. Line 2: “STD NONSTD NDC.”

f. *Origin NDC* (required); no minimum; labeling:

\* \* \* \* \*

[Revise the text of item f2 to read as follows:]

2. Line 2: “STD NONSTD NDC.”

g. *Mixed NDC*, optional. Labeling:

\* \* \* \* \*

[Revise the text of item g2 to read as follows:]

2. Line 2: “STD NONSTD WKG.”

[Revise the heading of 8.11 to read as follows:]

#### **8.11 Bundle Reallocation To Protect SCF Pallet for Periodicals Flats and Nonstandard Parcels and USPS Marketing Mail Flats on Pallets**

\* \* \* \* \*

##### **8.11.3 Reallocation of Bundles If Optional 3-Digit Pallets Are Prepared**

Reallocation rules are as follows:

\* \* \* \* \*

[Revise the last sentence of item d to read as follows:]

d. \* \* \* Mail that falls beyond the SCF/RPDC pallet level must be placed on the next appropriate pallet (ADC/RPDC, ASF/RPDC, NDC/RPDC or MNDC/MRPDC) or in the next appropriate sack (nonstandard parcels) or flat tray.

##### **8.11.4 Reallocation of Bundles If Optional 3-Digit Pallets Are Not Prepared**

Reallocation rules are as follows:

\* \* \* \* \*

[Revise the last sentence of item b to read as follows:]

b. \* \* \* Mail that falls beyond the SCF/RPDC pallet level must be placed on the next appropriate pallet (ADC/RPDC, ASF/RPDC, NDC/RPDC, or MNDC/MRPDC) or in the next appropriate sack (nonstandard parcels) or flat tray.

\* \* \* \* \*

[Revise the heading of 8.12 to read as follows:]

#### **8.12 Bundle Reallocation to Protect ADC Pallet for Periodicals Flats and Nonstandard Parcels on Pallets**

\* \* \* \* \*

##### **8.14 Pallets of Bundles, Sacks, and Trays**

\* \* \* \* \*

##### **8.14.2 USPS Marketing Mail**

Additional pallet preparation:

[Revise the last sentence of item a to read as follows:]

a. *Combined mailings*. \* \* \* \* \* Mailers may include machinable parcels

and nonstandard parcels on 5-digit pallets.

\* \* \* \* \*

## 8.18 Parcel Select DSCF Prices—Parcels on Pallets

### 8.18.1 Basic Preparation, Parcels on Pallets

Unless prepared under 8.18.2, or in sacks, mail must be prepared for the DSCF price as follows:

*[Revise the fourth sentence of item a to read as follows:]*

a. *General.* \* \* \* Machinable and nonstandard pieces may be combined on the same pallet or in the same overflow sack when sorted to 5-digit scheme or 5-digit destinations. \* \* \*

\* \* \* \* \*

### 8.18.2 Alternate Preparation, Parcels on Pallets

DSCF price mailings not prepared under 8.18.1 may be prepared as follows:

*[Revise the first and last sentence of item a to read as follows:]*

a. *General.* All DSCF price mail in the mailing must be sorted to 5-digit scheme, 5-digit, SCF (machinable parcels only), or 3-digit (nonstandard) destinations under 8.18.2 (*i.e.*, mail prepared under 8.18.1 and mail sacked under 255.4.2 must not be included in a mailing prepared under 8.18.2). \* \* \* \* \* Machinable and nonstandard pieces may be combined on the same pallet. Double-stacking is permitted if the requirements of 8.3 are met.

\* \* \* \* \*

## 8.20 Parcel Select and Bound Printed Matter DDU Prices

*[Revise the fourth sentence in the introductory text of 8.20 to read as follows:]*

\* \* \* Machinable and nonstandard pieces may be combined. \* \* \*

\* \* \* \* \*

## 9.0 Combining Bundles of Automation and Nonautomation Flats in Flat Trays and Sacks

\* \* \* \* \*

### 9.2 Periodicals

\* \* \* \* \*

### 9.2.4 Optional Sack Preparation and Labeling

*[Revise the fifth sentence in the introductory text of 9.2.4 to read as follows:]*

\* \* \* If, due to the physical size of the mailpieces, the machinable barcoded price pieces are considered flat-size under 201.6.0 and the

machinable nonbarcoded price pieces are considered nonstandard parcels under 201.7.6, the processing category shown on the sack label must show “FLTS.” \* \* \*

\* \* \* \* \*

## 10.0 Merging Bundles of Flats Using the City State Product

\* \* \* \* \*

### 10.1.4 Sack and Flat-Tray Preparation and Labeling

*[Revise the introductory text of 10.1.4 to read as follows:]*

All carrier route bundles must be placed in sacks/flat trays under 10.1.4a through 10.1.4e and 10.1.4h as described below. When sorting is performed under this section, mailers must prepare merged 5-digit scheme sacks (nonstandard parcels) or flat trays, 5-digit scheme carrier routes sacks/flat trays, and merged 5-digit sacks (nonstandard parcels) or flat trays for all possible 5-digit schemes or 5-digit ZIP Codes as applicable, using L001 (merged 5-digit scheme and 5-digit scheme carrier routes sort only) and the Carrier Route Indicators field in the City State Product when there is enough volume for the 5-digit scheme or 5-digit ZIP Code to prepare such sacks (nonstandard parcels) or flat trays under 10.1.4. Mailers must label sacks/flat trays according to the Line 1 and Line 2 information listed below and under 207.20.1. If, due to the physical size of the mailpieces, the barcoded pieces are considered flat-size under 207.26.0, and the carrier route pieces and nonbarcoded pieces are considered nonstandard parcels under 201.7.6, “FLTS” must be shown as the processing category on the sack/tray label. If a mailing job does not contain barcoded price pieces and the carrier route pieces and the nonbarcoded pieces are nonstandard parcel shaped, use “NONSTD” for the processing category on the contents line of the label. Mailers must prepare sacks containing carrier route and 5-digit bundles from the carrier route, barcoded, and nonbarcoded mailings in the mailing job in the following manner and sequence:

\* \* \* \* \*

*[Revise the text of item h to read as follows:]*

h. *Merged 3-digit.* Required for carrier route, 5-digit, and 5-digit scheme bundles remaining after preparing sacks (nonstandard parcels only) or flat trays under 10.1.4a through 10.1.4g, and any 3-digit and 3-digit scheme bundles with

a minimum of 24 pieces for a 3-digit area. Labeling:

\* \* \* \* \*

## 12.0 Merging Bundles of Flats on Pallets Using a 5 Percent Threshold

\* \* \* \* \*

### 12.1.5 Pallet Preparation and Labeling

*[Revise the text in the fourth and last sentence of 12.1.5 to read as follows:]*

\* \* \* If, due to the physical size of the mailpieces, the barcoded price pieces are considered flat-size under 201.6.0 and the carrier route sorted pieces and nonbarcoded price pieces are considered nonstandard parcels under 201.7.6, “FLTS” must be shown as the processing category on the pallet label. If a mailing contains no barcoded price pieces and the carrier route pieces and the nonbarcoded pieces are nonstandard parcels, use “NONSTD” for the processing category on the contents line of the pallet label. Prepare and label pallets as follows:

\* \* \* \* \*

*[Revise the second sentence of item c to read as follows:]*

c. \* \* \* Required for all other flats and nonstandard parcels. \* \* \*

\* \* \* \* \*

## 13.0 Merging Bundles of Flats on Pallets Using the City State Product and a 5 Percent Threshold

\* \* \* \* \*

### 13.1.5 Pallet Preparation and Labeling

*[Revise the fourth and last sentence of 13.1.5 to read as follows:]*

\* \* \* If, due to the physical size of the mailpieces, the barcoded price pieces are considered flat-size under 201.6.0 and the carrier route sorted pieces and nonbarcoded price pieces are considered nonstandard parcels under 201.7.6, “FLTS” must be shown as the processing category on the pallet label. If a mailing contains no barcoded price pieces and the carrier route pieces and the nonbarcoded of pieces are nonstandard parcels, use “NONSTD” for the processing category on the contents line of the pallet label. Prepare and label pallets as follows:

\* \* \* \* \*

## 21.0 Optional Combined Parcel Mailings

\* \* \* \* \*

### 21.3 Mail Preparation

#### 21.3.1 Basic Standards

Prepare combined mailings as follows:



a. Different parcel types must be prepared separately for combined parcel mailings as indicated below:

\* \* \* \* \*

[Revise the text of items a2 and a3 to read as follows:]

2. USPS Marketing Mail, Parcel Select, and Package Services nonstandard parcels, except for tubes, rolls, triangles, and other similarly nonstandard-shaped pieces: Use “STD/PSVC” for line 2 content labeling.

3. USPS Marketing Mail, Parcel Select, and Package Services tubes, rolls, triangles, and similarly nonstandard-shaped parcels: Use “STD/PSVC NONSTD” for line 2 content labeling.

\* \* \* \* \*

### 21.3.3 Combining USPS Marketing Mail, Parcel Select, and Package Services APPS-Machinable Parcels

[Revise the text of 21.3.3 to read as follows:]

Prepare and enter USPS Marketing Mail, Parcel Select, and Package Services nonstandard parcels, that are not tubes, rolls, triangles, or similarly nonstandard-shaped parcels) as combined APPS-machinable parcels as shown in the table below.

\* \* \* \* \*

### Index

\* \* \* \* \*

### B

\* \* \* \* \*

### Bound Printed Matter, Commercial Parcels

\* \* \* \* \*

[Revise the “carrier route irregular parcels” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

carrier route nonstandard parcels, 265.9.2, 265.9.3

\* \* \* \* \*

[Revise the “presorted irregular parcels” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

presorted nonstandard parcels, 265.8.2, 265.8.3

\* \* \* \* \*

[Revise the “nonmachinable parcels” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

nonstandard parcels, 201.7.6

\* \* \* \* \*

[Revise the “bundles of irregular parcels on pallets” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

bundles of nonstandard parcels on pallets, 705.8.10.5

\* \* \* \* \*

[Revise the “carrier route irregular parcels” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

carrier route nonstandard parcels, 265.9.2, 265.9.3

\* \* \* \* \*

[Revise the “presorted irregular parcels” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

presorted nonstandard parcels, 265.8.2, 265.8.3

\* \* \* \* \*

[Revise the “sacks of irregular parcels on pallets” line item under “Bound Printed Matter, Commercial Parcels” to read as follows:]

sacks of nonstandard parcels on pallets, 705.8.10.5

\* \* \* \* \*

### I

\* \* \* \* \*

[Delete the “Irregular parcels” line item under “I”.]

\* \* \* \* \*

### L

\* \* \* \* \*

### Library Mail, Commercial Parcels

\* \* \* \* \*

[Revise the “irregular parcels” and “irregular parcels on pallets” line items under “Library Mail, Commercial Parcels” to read as follows:]

nonstandard parcels, 275.6.3  
nonstandard parcels on pallets, 705.8.10.5

\* \* \* \* \*

[Delete the second duplicated line item “irregular parcels” after the “bundles” line item.]

\* \* \* \* \*

[Revise the “nonmachinable parcels” line item under “Library Mail, Commercial Parcels” to read as follows:]

nonstandard parcels, 201.7.6

\* \* \* \* \*

### M

\* \* \* \* \*

### Media Mail, commercial parcels

\* \* \* \* \*

[Revise the “irregular parcels” and “irregular parcels on pallets” line items under “Media Mail, Commercial Parcels” to read as follows:]

nonstandard parcels, 275.6.3  
nonstandard parcels on pallets, 705.8.10.5

\* \* \* \* \*

[Revise the “nonmachinable parcels” line item under “Media Mail, Commercial Parcels” to read as follows:]

nonstandard parcels, 201.7.6

\* \* \* \* \*

### N

\* \* \* \* \*

[Revise the “nonmachinable” line item under “N” to read as follows:]

### Nonstandard

\* \* \* \* \*

[Revise the “Parcel Select” line item under the renamed “nonstandard” to read as follows:]

Parcel Select, 201.7.6

\* \* \* \* \*

### P

\* \* \* \* \*

### Parcel Select

\* \* \* \* \*

[Revise the “irregular parcels on pallets” line item under “Parcel Select” to read as follows:]

nonstandard parcels on pallets, 705.8.10.5

\* \* \* \* \*

[Revise the “nonmachinable parcels on pallets” line item under “Parcel Select” to read as follows:]

nonstandard parcels on pallets, 705.8.18.2

\* \* \* \* \*

[Revise the “nonmachinable parcels” line item under “Parcel Select” to read as follows:]

nonstandard parcels, 201.7.6

\* \* \* \* \*

### Parcels

[Revise the “nonmachinable criteria” heading under “parcels” to read as follows:]

nonstandard criteria

[Revise the “commercial mail” line item under renamed “nonstandard criteria” to read as follows:]

commercial mail, 201.7.6

\* \* \* \* \*

### Periodicals

\* \* \* \* \*

[Revise the “carrier route irregular parcels in sacks” line item under “Periodicals” to read as follows:]

carrier route nonstandard parcels in sacks, 207.23.4

\* \* \* \* \*

[Revise the “irregular parcels in sacks” line item under “Periodicals” to read as follows:]

nonstandard parcels in sacks, 207.22.6

\* \* \* \* \*

**S**

\* \* \* \* \*

**size**

\* \* \* \* \*

[Revise the “nonmachinable parcels” line item under “Size” to read as follows:]

nonstandard parcels, 101.3.0, 201.7.0

\* \* \* \* \*

**U**

\* \* \* \* \*

**USPS Marketing Mail, Parcels**

\* \* \* \* \*

[Revise the “bundling for irregular parcels” line item under “USPS Marketing Mail, parcels” to read as follows:]

bundling for nonstandard parcels, 245.11.4, 245.12.5

\* \* \* \* \*

[Revise the “presorted irregular parcels” line item under “USPS Marketing Mail, parcels” to read as follows:]

presorted nonstandard parcels, 245.11.4

\* \* \* \* \*

**Christopher Doyle,**

*Attorney, Ethics & Legal Compliance.*

[FR Doc. 2024–18276 Filed 8–15–24; 8:45 am]

**BILLING CODE P**

**POSTAL SERVICE****39 CFR Part 966****Rules of Procedure Before the Judicial Officer; Correction**

**AGENCY:** Postal Service™.

**ACTION:** Final rule; technical correction.

**SUMMARY:** This updates the Judicial Office website address and corrects an error issued during a previous filing.

**DATES:** Effective August 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Staff Counsel Zahava Colicelli at (708) 812–1927.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Judicial Officer Department recently issued a final rule revising its rules of practice with an updated internet address for its home page. This final rule is necessary to correct an error made in the previous filing.

**B. Explanation of Changes***Amendment to 39 CFR Part 966*

Section 966.3(j) is amended to update the internet address for the Judicial

Officer website and contact information for the Recorder.

**List of Subjects in 39 CFR Part 966**

Administrative practice and procedure, Claims, Government employees, Wages.

Accordingly, the Postal Service amends 39 CFR part 966 as follows:

**PART 966—[AMENDED]**

■ 1. The authority citation for part 966 continues to read as follows:

**Authority:** 31 U.S.C. 3716; 39 U.S.C. 204, 401, 2601.

■ 2. In § 966.3, paragraph (j) is revised to read as follows:

**§ 966.3 Definitions.**

\* \* \* \* \*

(j) *Recorder* refers to the Recorder, Judicial Officer Department, United States Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078. The recorder’s telephone number is (703) 812–1900, and the Judicial Officer’s website is <https://about.usps.com/who/judicial/>. The fax number is (703) 812–1901.

\* \* \* \* \*

**Colleen Hibbert-Kapler,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2024–18440 Filed 8–15–24; 8:45 am]

**BILLING CODE 7710–12–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2019–0562; FRL–11960–02–R3]

**Air Plan Approval and Disapproval; Pennsylvania; Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC) Under the 2008 Ozone National Ambient Air Quality Standards (NAAQS)**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is revising our December 14, 2020 action that fully approved two state implementation plan (SIP) revisions, both submitted to EPA on August 13, 2018 by the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP). Those SIP revisions addressed reasonably available control technology (RACT) requirements for the 2008 ozone national ambient air quality standards

(NAAQS), including those related to control techniques guidelines (CTGs) for volatile organic compounds (VOC) and the addition of regulations controlling VOC emissions from industrial cleaning solvents. The SIP revisions also included certain clarifying amendments to Pennsylvania code related to major source RACT regulations. Upon reconsideration, EPA is revising our prior action to partially approve and partially disapprove the August 13, 2018 submittals. Specifically, EPA is approving certain clarifying amendments as well as a negative declaration submitted by PADEP. EPA is disapproving the remainder of both SIP submittals related to CTGs and control of VOC emissions from industrial cleaning solvents. This action is being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 16, 2024.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2019–0562. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Schmitt, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5787. Ms. Schmitt can also be reached via electronic mail at [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

On August 13, 2018, PADEP submitted to EPA two SIP revisions to satisfy certain RACT requirements for sources of VOC emissions required by sections 182(b)(2) and 184(b)(1)(B) of the CAA and the implementing regulations for the 2008 8-hour ozone NAAQS (80 FR 12264, March 6, 2015; 40 Code of Federal Regulations (CFR) part 51, subpart AA).

On December 14, 2020 (85 FR 80616), EPA published a full approval of

PADEP's two August 13, 2018 SIP submittals. The approval was challenged in the U.S. Court of Appeals for the Third Circuit, and on September 3, 2021, that court granted EPA's request for remand without vacatur of the Agency's final full approval.<sup>1</sup> Subsequently, a petitioner filed litigation in the Eastern District of Pennsylvania on May 16, 2023, arguing that EPA had unreasonably delayed in our reconsideration of the final approval of the August 13, 2018 SIP submittals. On December 15, 2023, the court filed a consent decree requiring that EPA complete our reconsideration of the December 14, 2020 final rule by November 15, 2024.<sup>2</sup>

After reconsidering this full approval, EPA proposed to revise our prior action and in a notice of proposed rulemaking (NPRM) (May 17, 2024, 89 FR 43359), the Agency proposed to partially approve and partially disapprove parts of the August 13, 2018 SIP submittals. In the May 2024 NPRM, EPA proposed approval of certain clarifying amendments as well as a negative declaration submitted by PADEP. EPA proposed disapproval of the remainder of both SIP submittals related to CTGs and control of VOC emissions from industrial cleaning solvents.

## II. Summary of SIP Revisions and EPA Analysis

PADEP submitted two SIP submittals to EPA on August 13, 2018. The first of these submittals is entitled "Certification of Reasonably Available Control Technology for Control Techniques Guidelines Under the 2008 Ozone National Ambient Air Quality Standards and Incorporation of 25 Pa Code Chapter 122 (Relating to National Standards of Performance for New Stationary Sources) into the Commonwealth's State Implementation Plan." PADEP submitted this SIP revision for the purposes of meeting the RACT requirements under CAA sections 182(b)(2) and 184(b)(1)(B) and implementing the regulations for the 2008 8-hour ozone NAAQS. Specifically, this submittal: (1) certifies that PADEP's adoption and implementation of regulations to control VOC emissions is consistent with EPA's CTGs and represents RACT for these covered CTG sources for the 2008 ozone standard; (2) incorporates 25 Pa. Code Chapter 122 (relating to national standards of performance for new

stationary sources) into the Pennsylvania SIP and certifies that those provisions continue to represent RACT for facilities subject to such standards of performance; and (3) incorporates specific permit conditions from certain facilities for the purpose of establishing source-specific RACT-level controls for those facilities.

The second August 13, 2018 SIP submittal, entitled "Control of Volatile Organic Compound Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs," includes: (1) the addition of 25 Pa. Code 129.63a (relating to the control of VOC from industrial cleaning solvents (ICS)); (2) amendments to 25 Pa. Code sections 121.1 and 129.51 (definitions and "general" provisions, respectively) in order to support the addition and implementation of 25 Pa. Code section 129.63a; (3) an administrative numbering correction a number correction to the VOC emission limit table in 25 Pa. Code section 129.73 (relating to aerospace manufacturing and re-work); and (4) amendments to 25 Pa. Code sections 129.96, 129.97, 129.99, and 129.100 to clarify certain requirements and to update the list of exemptions.

After reconsideration, EPA, in our 89 FR 43359, May 17, 2024 NPRM, proposed a partial disapproval and partial approval of the August 13, 2018 SIP submittals. In the NPRM associated with this action, EPA proposed to determine that the Agency erred in previously approving: the CTG portion of PADEP's RACT certification SIP, PADEP's determination that NSPS provisions meet CTG requirements and therefore are sufficient to implement RACT,<sup>3</sup> PADEP's determination that particular emission limitations in certain permits constitute RACT, and PADEP's determination that the 2006 ICS CTG is equal to RACT for the 2008 8-hour ozone NAAQS.<sup>4</sup> As explained in greater detail in our May 17, 2024 NPRM, PADEP failed in their August 13, 2018 SIP submittals to provide a sufficiently robust and well-developed record for their RACT determinations.

The May 2024 NPRM proposed to retain our approval of PADEP's negative

declaration for one CTG source category, "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners,"<sup>5</sup> as there are no sources in Pennsylvania (excluding Philadelphia County and Allegheny County).<sup>6</sup> In our May 17, 2024 NPRM, we also proposed to retain our approval of PADEP's amendments to 25 Pa. Code sections 122.1, 122.2, 122.3, 129.73, 129.96, 129.97, 129.99, and 129.100, as these amendments do not impact how PADEP determined that RACT was met by certain sources.

## III. EPA's Response to Comments Received

*Comments:* EPA received comments from one commenter, PADEP. In their comments, PADEP states that the Department "continues to certify that their current VOC CTG based rules continue to represent RACT in Pennsylvania." PADEP asserts that the "control measures, rules, and regulations" that they have in place have been sufficient to reach "monitored attainment of the 2008 ozone NAAQS across the Commonwealth of Pennsylvania." PADEP requests that EPA consider that the control measures in place in 2017 were sufficient for Pennsylvania to monitor compliance with the 2008 ozone NAAQS and therefore additional emissions reductions are unnecessary. To support its certification that Pennsylvania's existing CTG RACT rules meet RACT for the 2008 ozone NAAQS, PADEP also submitted, as part of their comments, additional documentation of their review of their CTG rules and regulations.

*Response:* PADEP argues that additional emissions reductions are not needed through RACT because the control measures, rules, and regulations in place in the Commonwealth have been sufficient to reach monitored attainment of the 2008 ozone NAAQS across Pennsylvania. However, this fact does not change the standard by which EPA must review these SIPs. As explained in our May 2024 NPRM, Pennsylvania's RACT requirements stem from CAA section 184(b), which provides that states in Ozone Transport Region (OTR) must follow moderate nonattainment area RACT requirements of section 182(b)(2), regardless of the attainment status in the state. Therefore, PADEP's RACT responsibilities do not

<sup>1</sup> A copy of the court order is located in the docket for this action. Docket Id. EPA-R03-OAR-2019-0562 in *regulations.gov*.

<sup>2</sup> A copy of the court order is located in the docket for this action. Docket Id. EPA-R03-OAR-2019-0562 in *regulations.gov*.

<sup>3</sup> While EPA proposed to disapprove PADEP's determination that NSPS provisions meet RACT requirements, the Agency did not propose to disapprove PADEP's request to incorporate by reference the NSPS requirements on their own.

<sup>4</sup> EPA also proposed to disapprove PADEP's amendments to 25 Pa. Code sections 121.1 and 129.51 as they support the addition and implementation of section 129.63a, which EPA proposed to disapprove.

<sup>5</sup> EPA-450/3-82-009; September 1982.

<sup>6</sup> The record in our original action in support of this negative declaration, as discussed in that action (85 FR at 80617, December 14, 2020, and the associated technical support document (TSD)), was sufficiently robust and well-developed.

change based on the attainment status or ozone monitor design values.

In both the OTR and nonattainment areas, EPA disagrees that monitored air quality alters a state's obligation to assess and adopt RACT for CTG-covered sources and major sources of VOC and nitrogen oxides (NO<sub>x</sub>). EPA has defined RACT as the most stringent emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. EPA has long taken the position that the statutory requirement for states to assess and adopt RACT for sources exist independently from the attainment demonstration for such areas.<sup>7</sup>

PADEP submitted its comments and additional supporting documentation to establish that Pennsylvania's CTG based rules and controls meet RACT for the 2008 ozone NAAQS and should not be disapproved. PADEP requests that EPA approve Pennsylvania CTG RACT certification. EPA disagrees that PADEP's submitted comments and accompanying documentation constitute a part of the rulemaking record upon which EPA can now approve Pennsylvania's CTG RACT certification. As stated in EPA's implementation rules for the ozone NAAQS, an air agency choosing to provide a written certification in lieu of submitting a new or revised regulation must provide the certification to EPA qualifying as a SIP revision in accordance with CAA section 110 and 40 CFR 51.102, 103 and part 51 appendix V.<sup>8</sup> EPA made clear in the 2015 ozone NAAQS implementation rule that "(t)hese written statements must be treated in the same manner as any other SIP submission and must be provided to EPA in accordance with applicable SIP submission requirements and deadlines."<sup>9</sup> A fundamental requirement of the SIP revision process is providing for public notice and comment, and opportunity for public hearing at the state level. PADEP did not

satisfy this requirement with its comment submittal and would need to submit this kind of supporting documentation as part of a SIP revision following state level notice and comment. For this reason alone, PADEP's submitted comments and accompanying documentation do not comprise any part of the record for this rulemaking and so as such were not considered by EPA, and do not alter our proposed disapproval of Pennsylvania's CTG RACT certification.

#### IV. Final Action

EPA is amending our prior full approval of PADEP's August 13, 2018 SIP submittals to a partial approval and partial disapproval. Specifically:

- For the August 13, 2018 SIP submittal titled "Certification of Reasonably Available Control Technology for Control Techniques Guidelines Under the 2008 Ozone National Ambient Air Quality Standards and Incorporation of 25 Pa Code Chapter 122 (Relating to National Standards of Performance for New Stationary Sources) into the Commonwealth's State Implementation Plan."

- EPA is disapproving the PADEP's certification that their adoption and implementation of regulations to control VOC emissions is consistent with EPA's CTGs and represents RACT for these covered CTG sources for the 2008 ozone standard;

- EPA is approving the incorporation of 25 Pa. Code Chapter 122 (relating to national standards of performance for new stationary sources) into the Pennsylvania SIP;

- EPA is disapproving PADEP's certification that 25 Pa. Code Chapter 122 continues to represent RACT for facilities subject to such standards of performance; and

- EPA is disapproving PADEP's incorporation of specific permit conditions from certain facilities for the purpose of establishing source-specific RACT-level controls for those facilities.

- For the August 13, 2018 SIP submittal, titled "Control of Volatile Organic Compound Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs."

- EPA is disapproving the addition of 25 Pa. Code 129.63a (relating to the control of VOC from industrial cleaning solvents (ICS)).

- EPA is disapproving the amendments to 25 Pa. Code sections 121.1 and 129.51.

- EPA is approving an administrative numbering correction to the VOC emission limit table in 25 Pa. Code section 129.73; and

- EPA is approving the amendments to 25 Pa. Code sections 129.96, 129.97, 129.99, and 129.100.

In finalizing the disapproval, a sanctions clock under CAA section 179 begins. If EPA has not fully approved a revised plan within 18 months after this final disapproval, emission offset sanctions for new or modified sources will begin. If EPA has not approved a revised plan within six months thereafter, highway funding sanctions will apply in affected nonattainment areas.<sup>10</sup> The sanctions clock can be stopped only if the conditions of EPA's regulations at 40 CFR 52.31 are met. Pursuant to CAA section 110(c)(1)(B), this final disapproval also initiates an obligation for EPA to promulgate a Federal implementation plan (FIP) within 24 months unless PADEP has submitted, and EPA has approved, a plan addressing the applicable RACT requirements.

#### V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in sections II and IV of the preamble, EPA is reaffirming our prior final action for the incorporation by reference of 25 Pa. Code sections 122.1, 122.2, 122.3, 129.73, 129.96, 129.97, 129.99, and 129.100. These measures had been incorporated by reference into the SIP under a previous approval (85 FR 80625, December 14, 2020) and the Agency will retain them. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### V. Statutory and Executive Order Reviews

##### General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices,

<sup>10</sup> For the OTR states, such highway sanctions would only apply in nonattainment areas. If the OTR state does not contain any nonattainment areas, then the highway sanctions would not apply in that state.

<sup>7</sup> See Memo from John Seitz, "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard" (1995), at 5 (explaining that Subpart 2 requirements linked to the attainment demonstration are suspended by a finding that a nonattainment area is attaining but that requirements such as RACT and vehicle inspection and maintenance must be met whether or not an area has attained the standard); see also 40 CFR 51.1318 (suspending attainment demonstrations, reasonably available control measures, reasonable further progress, contingency measures, and other attainment planning SIPs with a finding of attainment).

<sup>8</sup> See 83 FR 62998, 63002 (December 6, 2018).

<sup>9</sup> Id.

provided that they meet the criteria of the CAA. Accordingly, this final action partially disapproves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law.

Additional information about these statutes and Executive Orders can be found at [www.epa.gov/laws-regulations/laws-and-executive-orders](http://www.epa.gov/laws-regulations/laws-and-executive-orders).

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

Executive Order 12898 (59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.” PADEP did not evaluate environmental justice considerations as part of their SIP submittals; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration

of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goals of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

Congressional Review Act (CRA)

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

Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 15, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This partial approval and partial disapproval may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Adam Ortiz,  
Regional Administrator, Region III.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 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 NN—Pennsylvania

- 2. In § 52.2020:
  - a. The table in paragraph (c)(1) is amended:
    - i. Under “Chapter 121—General Provisions”, by removing the third entry for “Section 121.1”;
    - ii. Under “Chapter 129—Standards for Sources” by:
      - i. Revising the entry “Section 129.51”;
      - ii. Removing the entry “Section 129.63a”;
    - b. The table in paragraph (d)(1) is amended by removing the entries for “Donjon Shipbuilding”, “Heartland Fabrication, LLC”, and “Geo Speciality Chem Trimet Div”;
    - c. The table in paragraph (e)(1) is amended by revising the entry “Reasonably Available Control Technology (RACT) for the 2008 ozone national ambient air quality standard (NAAQS)”.

The revisions read as follows:

§ 52.2020 Identification of plan.

*	*	*	*	*
(c)	*	*	*	
(1)	*	*	*	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/§ 52.20630 citation
Title 25—Environmental Protection Article III—Air Resources				
*	*	*	*	*
Chapter 129—Standards for Sources				
*	*	*	*	*
Section 129.51 .....	General .....	8/11/18	8/16/2024, [INSERT FEDERAL REGISTER CITATION].	After reconsideration of previous approval, removing references to Section 129.63a.
*	*	*	*	*

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* Reasonably Available Control Technology (RACT) for the 2008 ozone national ambient air quality standard (NAAQS). *	* Statewide ..... *	* 8/13/18 *	* 8/16/2024, [INSERT <b>FEDERAL REGISTER</b> CITATION]. *	* After reconsideration of previous approval of CTG portion, EPA is now disapproving, with the exception of one negative declaration. *

\* \* \* \* \*

[FR Doc. 2024–18162 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–HQ–OAR–2024–0168; FRL–11815–01–OAR]

### Findings of Failure To Submit State Implementation Plan Revisions for Nonattainment Areas for the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard

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

**ACTION:** Final action.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to find that four States failed to submit State Implementation Plan (SIP) revisions required by the Clean Air Act (CAA) in a timely manner for certain nonattainment areas for the 2010 1-hour sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The States that failed to submit the required SIP revisions are Arizona, Louisiana, New York, and Virginia. This action triggers certain CAA deadlines for the imposition of sanctions if a State does not submit a complete SIP addressing the outstanding requirements and for the EPA to promulgate a Federal Implementation Plan (FIP) if the EPA does not approve the State's SIP revision addressing the outstanding requirements.

**DATES:** This final action is effective on September 16, 2024.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID Number EPA–HQ–OAR–2024–0168. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information

whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Angelina Brashear, Office of Air Quality Planning and Standards, Air Quality Policy Division (C539–01), U.S. Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–4746; email address: [brashear.angelina@epa.gov](mailto:brashear.angelina@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. How is this *Federal Register* document organized?

The information presented in this preamble is organized as follows:

- I. General Information
  - A. How is this **Federal Register** document organized?
  - B. Notice and Comment Under the Administrative Procedure Act (APA)
  - C. Where can I get a copy of this document and other related information?
  - D. Where do I go if I have specific State questions?
- II. Background
- III. Consequences of Findings of Failure To Submit
- IV. Findings of Failure To Submit for States That Failed To Make a Nonattainment Area SIP Submittal
- V. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review, and Executive Order 14094: Modernizing Regulatory Review
  - B. Paperwork Reduction Act (PRA)
  - C. Regulatory Flexibility Act (RFA)
  - D. Unfunded Mandates Reform Act of 1995 (UMRA)
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  - G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

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

I. National Technology Transfer and Advancement Act (NTTAA)

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority and Low Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

K. Congressional Review Act (CRA)

L. Judicial Review

##### B. Notice and Comment Under the Administrative Procedure Act (APA)

Section 553 of the APA, 5 U.S.C. 553(b)(4)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because no significant EPA judgment is involved in making findings of failure to submit SIPs, or elements of SIPs, required by the CAA, where States have made no submissions to meet the requirement. Thus, notice and public procedures are unnecessary to take this action. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(4)(B).

##### C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this **Federal Register** document will be posted at <https://www.epa.gov/so2-pollution/2010-sulfur-dioxide-national-ambient-air-quality-standards-implementation-actions>.

##### D. Where do I go if I have specific State questions?

For questions related to specific States mentioned in this document, please contact the appropriate EPA Regional office:

Regional offices	States
<i>EPA Region 2:</i> Mr. Kirk Wieber, Manager, Air Program Branch, EPA Region 2, 290 Broadway, New York, New York 10007. <a href="mailto:wieber.kirk@epa.gov">wieber.kirk@epa.gov</a> .	New York.
<i>EPA Region 3:</i> Mr. David Talley, Acting Chief, Planning and Implementation Branch, EPA Region 3, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103. <a href="mailto:talley.david@epa.gov">talley.david@epa.gov</a> .	Virginia.
<i>EPA Region 6:</i> Mr. Guy Donaldson, Manager, State Planning and Implementation Branch, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270. <a href="mailto:donaldson.guy@epa.gov">donaldson.guy@epa.gov</a> .	Louisiana.
<i>EPA Region 9:</i> Ms. Idalia Perez, Manager, Air Planning Section, EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105. <a href="mailto:perez.idalia@epa.gov">perez.idalia@epa.gov</a> .	Arizona.

## II. Background

In June 2010, the EPA (Environmental Protection Agency) promulgated a new 1-hour primary SO<sub>2</sub> NAAQS of 75 parts per billion (ppb), which is met when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb.<sup>1</sup> Following promulgation of a new or revised NAAQS, the EPA is required to designate all areas of the country as either “attainment,” “nonattainment,” or “unclassifiable” (CAA section 107(d)(1)). In multiple separate rules,<sup>2</sup> the EPA cumulatively designated 51 areas within 23 States and territories as nonattainment for the 2010 1-hour primary SO<sub>2</sub> NAAQS.

The CAA directs States containing an area designated nonattainment for the 2010 SO<sub>2</sub> 1-hour primary NAAQS to develop and submit a nonattainment area (NAA) SIP to the EPA within 18 months of the effective date of an area’s designation as nonattainment. The nonattainment (NAA) SIP (also referred to as an attainment plan) must meet the requirements of subparts I and 5 of part D of Title I of the CAA, and provide for attainment of the NAAQS by the applicable statutory attainment date. All components of the SO<sub>2</sub> part D NAA SIP, including the emissions inventory, attainment demonstration, reasonably available control measures (RACM) including reasonably available control technology (RACT), enforceable emission limitations and control measures, reasonable further progress (RFP) plan, nonattainment new source review (NNSR), and contingency

measures, are due under CAA section 191(a) to the EPA within 18 months of the effective date of designation of an area. Under CAA section 192(a), these NAA SIPs must provide for attainment of the NAAQS as expeditiously as practicable, but no later than 3 years from the effective date of the nonattainment designation. Responsible State air agencies were required to prepare and submit to the EPA a NAA SIP revision within 18 months of the effective date of the nonattainment designation to bring the NAAs into attainment by the relevant attainment date.

Pursuant to CAA section 110(k)(1)(B), the EPA must determine no later than 6 months after the date by which a State is required to submit a SIP whether a State has made a submission that meets the minimum completeness criteria established pursuant to CAA section 110(k)(1)(A). These criteria are set forth at 40 CFR part 51, appendix V. For those States that have not yet made a submittal that was complete with respect to the minimum completeness criteria for the 2010 1-hour primary SO<sub>2</sub> NAAQS, the EPA is making a finding of failure to submit a complete SIP.

On August 5, 2013, the EPA finalized its first-round designation of 29 areas as nonattainment for the 2010 SO<sub>2</sub> NAAQS, effective October 4, 2013.<sup>3</sup> This designation was based on air quality monitoring data from 2009–2011 and included the Miami, Arizona and St. Bernard Parish, Louisiana NAAs. Pursuant to CAA section 192(a), the Miami and St. Bernard Parish NAAs had until October 4, 2018—5 years after the

effective date of the final action—to demonstrate attainment of the 2010 SO<sub>2</sub> NAAQS. Both NAAs failed to attain the standard by this statutory deadline and as such, under CAA section 179(c) the EPA issued findings of failure to attain (FFA) for Miami, Arizona on January 31, 2022<sup>4</sup> and for St. Bernard Parish, Louisiana on October 5, 2022.<sup>5</sup> These FFAs set a deadline for the responsible States to submit a revised SIP to the EPA within 1 year, under CAA section 179(d). The deadlines for the revised SIPs were January 31, 2023, for Miami, Arizona and October 5, 2023, for St. Bernard Parish, Louisiana. Neither Arizona nor Louisiana submitted a complete revised SIP addressing these areas by the appropriate deadline.

On March 26, 2021, the EPA finalized its fourth-round designation of 9 areas as nonattainment for the 2010 SO<sub>2</sub> NAAQS, effective April 30, 2021.<sup>6</sup> This Round 4 designation included St. Lawrence County (part), New York and Giles County (part), Virginia. Section 191 of the CAA directs States to submit SIPs for areas designated as nonattainment for the SO<sub>2</sub> NAAQS to the EPA within 18 months of the effective date of the nonattainment designation, *i.e.*, by no later than October 30, 2022, in this case. New York and Virginia failed to submit complete revised SIPs by this deadline.

Based on a review of SIP submittals received and deemed complete as of the date of this final action, the EPA is finding that the States listed in Table 1 have failed to submit specific required SIP elements.

<sup>1</sup> On June 2, 2010, the EPA signed the final rule title, “Primary National Ambient Air Quality Standard for Sulfur Dioxide.” 75 FR 35520 (June 22, 2010), codified at 40 CFR part 50.17.

<sup>2</sup> A series of rules designated nonattainment areas of the country for the 2010 SO<sub>2</sub> NAAQS: Round 1

(78 FR 47191) on August 5, 2013; Round 2 (81 FR 45039) on July 12, 2016; Round 2 Supplement (81 FR 89870) on December 13, 2016; Round 3 (83 FR 1098) on January 9, 2018; Round 3 Supplement (83 FR 14597) on April 5, 2018; and Round 4 (86 FR 16055) on March 26, 2021.

<sup>3</sup> 78 FR 47191.

<sup>4</sup> 87 FR 4805.

<sup>5</sup> 87 FR 60273.

<sup>6</sup> 86 FR 16055.

TABLE 1—FINDINGS OF FAILURE TO SUBMIT CERTAIN REQUIRED SIP ELEMENTS FOR THE 2010 SULFUR DIOXIDE NAAQS

Region	State	Area name	Required SIP elements *	SIP revision due date
2 .....	NY	St. Lawrence County (part) ** .....	Emissions Inventory ..... Attainment Demonstration. RACM/RACT. RFP. NNSR. Contingency Measures.	October 30, 2022.
3 .....	VA	Giles County (part) ** .....	Emissions Inventory ..... Attainment Demonstration.**** RACM/RACT. RFP. NNSR. Contingency Measures.	October 30, 2022.
6 .....	LA	St. Bernard Parish .....	Emissions Inventory ..... Attainment Demonstration. RACM/RACT. RFP. NNSR. Contingency Measures.	October 5, 2023.
9 .....	AZ	Miami *** .....	Emissions Inventory ..... Attainment Demonstration. RACM/RACT. RFP. NNSR. Contingency Measures.	January 31, 2023.

\* Listed SIP elements are requirements of subparts I and 5 of part D, of Title I of the CAA, and provide for attainment of the NAAQS. Components of the SO<sub>2</sub> part D NAA SIP include the emissions inventory, attainment demonstration, reasonably available control measures (RACM) including reasonably available control technology (RACT), enforceable emission limitations and control measures, reasonable further progress (RFP) plan, nonattainment new source review (NNSR), and contingency measures.

\*\* The term “part” is used to indicate that only a portion of the county or counties is designated nonattainment. Area boundaries are described in 86 FR 16055 and codified at 40 CFR 81.333, 81.347, and 81.318 respectively for St. Lawrence County and Giles County

\*\*\* Area boundaries are described in 78 FR at 47198 and codified at 40 CFR 81.303.

\*\*\*\* The EPA’s State Planning Electronic Collaboration System (SPeCS) incorrectly indicated that Virginia had submitted the attainment demonstration component of the attainment plan for the SO<sub>2</sub> Giles County NAA. The EPA corrected the error on March 12, 2024, and SPeCS now shows that Virginia has not yet submitted any component of the attainment plan

### III. Consequences of Findings of Failure To Submit

If the EPA finds that a State has failed to make the required SIP submittal or that a submitted SIP is incomplete, then CAA section 179(a) establishes specific consequences, after a period of time, including the imposition of mandatory sanctions for the affected area. Additionally, such a finding also triggers an obligation under CAA section 110(c) for the EPA to promulgate a FIP no later than 2 years after the finding of failure to submit if the affected State has not submitted, and the EPA has not approved, the required SIP submittal.

If the EPA has not affirmatively determined that a State has made the required complete SIP submittal for an area within 18 months of the effective date of this action, then, pursuant to CAA section 179(a) and (b) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b)(2) will apply in the affected nonattainment area. If the EPA has not affirmatively determined that the State has made a complete submission within 6 months after the offset sanction is imposed, then the highway funding sanction will apply in

the affected nonattainment area, in accordance with CAA section 179(b)(1) and 40 CFR 52.31. The sanctions will not take effect if, within 18 months after the date of these findings, the EPA affirmatively determines that the affected State has made a complete SIP submittal addressing the deficiency for which the finding was made. Additionally, if the State makes the required SIP submittal and the EPA takes final action to approve the submittal within 2 years of the effective date of these findings, the EPA is not required to promulgate a FIP for the affected nonattainment area.

### IV. Findings of Failure To Submit for States That Failed To Make a Nonattainment Area SIP Submittal

Based on a review of SIP submittals received and deemed complete as of the date of signature of this action, the EPA finds that the States listed in Table 1 failed to submit the indicated SIP elements required under part D of Title I of the CAA within 18 months of their associated effective dates of designation. The EPA is, therefore, issuing a finding of failure to submit for the required SIP elements listed in Table 1 of this action. The effective date of this finding starts

the 18-month emission offset sanctions clock, the 24-month highway funding sanctions clock, and a 24-month clock for the EPA to promulgate a FIP.

### V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders (“E.O.”) can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

*A. Executive Order 12866: Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review, and Executive Order 14094: Modernizing Regulatory Review*

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review.

#### *B. Paperwork Reduction Act (PRA)*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This final rule does not establish any new information collection requirement



apart from what is already required by law. This action relates to the requirement in the CAA for States to submit SIPs under CAA sections 172, 191, and 192 that address the requirements that apply to areas designated as nonattainment for the SO<sub>2</sub> NAAQS.

#### *C. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action is a finding that the named States have not made the necessary SIP submissions for certain nonattainment areas to meet the requirements of part D of Title I of the CAA.

#### *D. Unfunded Mandates Reform Act of 1995 (UMRA)*

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments. The action imposes no new enforceable duty on any State, local, or Tribal governments or the private sector.

#### *E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175. This action finds that several States failed to submit SIP revisions that satisfy the nonattainment area planning requirements under sections 172, 191, and 192 of the CAA. No Tribe is subject to the requirement to submit an implementation plan under section 172, 191, and 192 of the CAA. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of

the Executive order. This action is not subject to Executive Order 13045 because it is a finding that several States failed to submit required SIP revisions that satisfy the nonattainment area planning requirements under sections 172, 191, and 192 of the CAA and does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

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

This action does not involve technical standards.

#### *J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All*

Executive Order 12898 (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. Executive Order 14096 (88 FR 25251, April 26, 2023) directs the Federal Government to build upon and strengthen its commitment to deliver environmental justice to all communities across the country through an approach that is informed by scientific research, high-quality data, and meaningful Federal engagement with communities experiencing environmental justice concerns.

The EPA believes that the human health or environmental conditions that exist prior to this action have the potential to result in disproportionate and adverse human health or environmental effects on communities with environmental justice concerns. The EPA believes that this action is not likely to change existing disproportionate and adverse effects on communities with environmental justice concerns. The areas impacted by this action are designated as nonattainment for the 2010 1-hour primary SO<sub>2</sub> NAAQS and this action is intended to comply with the CAA program to ensure attainment and maintenance of the NAAQS. From a programmatic perspective, this action is intended to ensure that affected air agencies comply

with CAA obligations for the applicable nonattainment areas.

The EPA did not perform an EJ analysis and did not consider EJ in this action. In this action, the EPA is performing a nondiscretionary duty to find that required State submissions were not timely. There is not an alternative action that can be taken by the EPA to this action and thus, these determinations are not informed by additional EJ related analyses. Further, there is no information in the record inconsistent with the stated goals of Executive Orders 12898 or 14096 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

#### *K. Congressional Review Act (CRA)*

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

#### *L. Determinations Under CAA Section 307(b)(1)*

Section 307(b)(1) of the CAA governs judicial review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit if (i) the agency action consists of “nationally applicable regulations promulgated, or final action taken, by the Administrator,” or (ii) such action is locally or regionally applicable, but “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

This final action is “nationally applicable” within the meaning of CAA section 307(b)(1). This final action consists of findings of failure to submit required SIPs for four areas designated nonattainment for the 2010 primary 1-hour SO<sub>2</sub> NAAQS, which are located in four States in four of the 10 EPA Regions and in four different federal judicial circuits. This final action is also based on a common core of factual findings concerning the receipt and completeness of the relevant SIP submittals.

Accordingly, under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by October 15, 2024.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Administrative practice and procedures, Air pollution control, Approval and promulgation of implementation plans, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur Oxides.

Joseph Goffman,

Assistant Administrator.

[FR Doc. 2024-17328 Filed 8-15-24; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R05-OAR-2023-0190; FRL-12117-02-R5]

**Air Plan Approval; Indiana; Ozone SIP Modifications Due to the Municipal Solid Waste Landfill Update**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the Indiana Department of Environmental Management's (IDEM) request to repeal and replace portions of the Indiana Administrative Code (IAC) for Lake, Porter, Clark, and Floyd Counties in Indiana. This new regulation includes Federal updates to municipal solid waste landfill rules with the incorporation by reference of the Federal plan for Municipal Solid Waste Landfills. EPA finds that this action is approvable because it is consistent with the EPA's Emission Guidelines for Municipal Solid Waste Landfills and is a SIP strengthening measure.

**DATES:** This direct final rule will be effective October 15, 2024, unless EPA receives adverse comments by September 16, 2024. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2023-0190 at <https://www.regulations.gov>, or via email to [arra.sarah@epa.gov](mailto:arra.sarah@epa.gov). For comments submitted at <https://www.regulations.gov>, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit

electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Katie Mullen, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-3490, [mullen.kathleen@epa.gov](mailto:mullen.kathleen@epa.gov). The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

**I. What is the background of this SIP submission?**

Municipal solid waste landfills (MSWLFs) are discrete areas of land or excavation that receive household waste or other types of nonhazardous wastes such as commercial solid waste, nonhazardous sludge, and industrial nonhazardous solid waste. The original New Source Performance Standards (NSPS) (40 CFR part 60, subpart WWW) for MSWLFs and Emission Guidelines (40 CFR part 60, subpart Cc) for existing MSWLFs were promulgated by EPA on March 12, 1996 (61 FR 9905), based on the determination that MSWLFs cause or significantly contribute to air pollution that is considered to endanger public health and welfare.

326 IAC 8-8 implements the Federal 1996 Emission Guidelines and applies to landfills located in Lake, Porter, Clark, and Floyd counties. On January 17, 1997, EPA approved 326 IAC 8-8 into Indiana's SIP to address volatile organic compound (VOC) emission reductions for the nonattainment counties under the 1-hour ozone

National Ambient Air Quality Standard (NAAQS). Specifically, 326 IAC 8-8 addresses Indiana's 15% Rate of Progress Plan to control VOC emissions in Clark and Floyd Counties and is included in the VOC contingency plans for Lake and Porter Counties (January 17, 1997, 62 FR 2591).

On August 29, 2016, EPA revised the MSWLF NSPS and Emission Guidelines in 40 CFR part 60, subparts XXX and Cf, respectively (81 FR 59332; 81 FR 59276). The 2016 Emission Guidelines revision updates the control requirements and monitoring, reporting, and recordkeeping provisions for existing MSWLF sources. In particular, the 2016 Emissions Guidelines implement changes to existing landfills that lower the emissions threshold of non-methane organic compounds (which include VOCs), at which an operator must install controls.

On May 21, 2021, EPA promulgated 40 CFR part 62, subpart OOO as the Federal plan for existing landfills (86 FR 27770). Indiana promulgated 326 IAC 8-8.2 to incorporate by reference the Federal plan to use as the underlying rule which implements and enforces the applicable provisions under the MSWLF 2016 Emission Guidelines in 40 CFR part 60, subpart Cf.

Consequently, MSWLFs in Indiana are subject to both 326 IAC 8-8 and the Federal plan for existing landfills if EPA does not repeal 326 IAC 8-8 and replace it with rule 326 IAC 8-8.2.

**II. What is EPA's analysis of the SIP revision**

326 IAC 8-8.2 includes Federal updates to MSWLF rules with the incorporation by reference of the Federal plan for MSWLFs at 40 CFR part 62, subpart OOO. The Federal plan implements and enforces the 2016 MSWLF Emission Guidelines, codified in 40 CFR part 60, subpart Cf.

The updated 2016 Emission Guidelines apply to landfills constructed, modified, or reconstructed on or before July 17, 2014. These Emission Guidelines achieve additional emissions reductions of landfill gas and its components, including VOCs, by lowering the emissions threshold at which a landfill must install controls.

In particular, the 2016 Emission Guidelines are more stringent since they require affected landfills to install and operate gas collection control systems within 30 months after landfill gas emissions reach a new, lower threshold of 34 metric tons of non-methane organic compounds, which includes VOCs, or more per year. This threshold previously was higher at 50 metric tons per year in the 1996 Emission

Guidelines, which is incorporated in 326 IAC 8–8.

In addition, the 2016 Emission Guidelines address other regulatory issues, including surface emissions monitoring, wellhead monitoring, and the definition of landfill gas treatment system.

Since 326 IAC 8–8.2 is more stringent than 326 IAC 8–8 and reflects EPA’s most recent Federal rulemaking on MSWLFs, EPA approves this regulation to replace 326 IAC 8–8.

### III. What action is EPA taking?

EPA is approving 326 IAC 8–8.2 for Lake, Porter, Clark, and Floyd Counties in Indiana and the repeal of 326 IAC 8–8 for those same counties. EPA is approving 326 IAC 8–8.2 as a VOC SIP strengthening measure.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective October 15, 2024 without further notice unless we receive relevant adverse written comments by September 16, 2024. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective October 15, 2024.

### IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Indiana Regulations 326 IAC 8–8.2 effective March 10, 2023, described in section II of this preamble and set forth in the amendments to 40 CFR part 52 below. EPA has made, and will continue to make, these documents generally available through

[www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

Also in this document, as described in Section II of this preamble and the amendments to 40 CFR part 52 set forth below, EPA is removing provisions of the EPA-Approved Indiana Regulations from the Indiana SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

### V. Statutory and Executive Order Reviews

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

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

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

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

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

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

IDEM did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: August 7, 2024.

**Debra Shore,**

*Regional Administrator, Region 5.*

For the reasons stated in the preamble, title 40 CFR part 52 is 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.*

■ 2. In § 52.770, the table in paragraph (c) is amended under “Article 8. Volatile Organic Compound Rules” by removing the entry “Rule 8. Municipal

**EPA APPROVED INDIANA REGULATIONS**

Solid Waste Landfills Located in Clark, Floyd, Lake, and Porter Counties:” and adding in numerical order the entry “Rule 8.2. Federal Standards Applicable to Certain Municipal Solid Waste Landfills” to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
<b>Article 8. Volatile Organic Compound Rules</b>				
*	*	*	*	*
<b>Rule 8.2. Federal Standards Applicable to Certain Municipal Solid Waste Landfill</b>				
8–8.2 .....	Adoption of federal standards applicable to certain municipal solid waste landfills.	12/8/2021	8/16/2024, [INSERT FIRST PAGE OF FEDERAL REGISTER CITATION].	
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2024–17991 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 52 and 70**

**[EPA–R07–OAR–2024–0025; FRL–11676–02–R7]**

**Air Plan Approval; Nebraska; Revisions to Title 129 of the Nebraska Administrative Code; Nebraska Air Quality Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP), Operating Permits Program, and 112(l) Plan for the State of Nebraska. This final action will amend the SIP to revise Nebraska air quality regulations and will add specific definitions from a Nebraska statute. These changes include new and renumbered rules, the consolidation of 43 chapters into 16 chapters, replacement of duplicative language with references to state statute and federal regulation, revisions to reflect

changes to state and federal law, and other changes to state regulations. The EPA’s approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 16, 2024.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2024–0025. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

**FOR FURTHER INFORMATION CONTACT:**

William Stone, Environmental Protection Agency, Region 7 Office, Air Permitting and Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: [stone.william@epa.gov](mailto:stone.william@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” refer to EPA.

**Table of Contents**

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. The EPA’s Response to Comments
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

**I. What is being addressed in this document?**

The EPA is amending Nebraska’s SIP and Operating Permits Program to include revisions to title 129 of the Nebraska Administrative Code and to add specific definitions from Nebraska Revised Statute 81–1502. The EPA is approving revisions to the Nebraska SIP received on December 2, 2022. The revisions are to Title 129—Nebraska Air Quality Regulations and include specific definitions from Nebraska Revised Statute 81–1502. These changes include new and renumbered rules, the consolidation of 43 chapters into 16 chapters, replacement of duplicative language with references to state statute and federal regulation, approval of specific definitions in state statute, revisions to reflect changes to state and federal law, and other changes to state regulations.

## II. Have the requirements for approval of a SIP revision been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from February 23, 2022 to March 29, 2022, and held a public hearing on March 30, 2022 and received no comments. In addition, as explained above and in more detail in the TSD which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including CAA section 110 and implementing regulations.

## III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened June 3, 2024, the date of its publication in the **Federal Register**, and closed on July 3, 2024 (89 FR 47504). During this period, EPA received one comment. The comment did not identify a specific issue that was germane to our proposed rule. The comment can be found in the docket for this action.

## IV. What action is the EPA taking?

We are amending the Nebraska SIP and Operating Permit Program by approving the State's request to revise Title 129—Nebraska Air Quality Regulations and certain definitions in Nebraska Revised Statute 81–1502.

## V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Nebraska rules:

- Chapter 1—General Provisions; Definitions, which provides general provisions and definitions for air quality regulations;
- Chapter 2—Nebraska Air Quality Standards, which lists the ambient air quality standards;
- Chapter 3—Construction Permits, which regulates air construction permitting in Nebraska;
- Chapter 4—Prevention Of Significant Deterioration of Air Quality (PSD) which regulates PSD permitting in Nebraska;
- Chapter 6—Operating Permits which regulates air operating permitting in Nebraska;
- Chapter 7—General Permits which regulates air general permitting in Nebraska;

- Chapter 8—Permits-By-Rule which regulates air permit-by-rule permitting in Nebraska;
- Chapter 9—Permit Revisions; Reopening For Cause which regulates air permit revisions in Nebraska;
- Chapter 10—Permits—Public Participation which regulates public notice requirements for air permitting in Nebraska;
- Chapter 11—Emissions Reporting, When Required which regulates air emissions inventory in Nebraska;
- Chapter 14—Incinerators, Emission Standards which regulates emissions from incinerators in Nebraska;
- Chapter 15—Compliance which regulates compliance with air regulations in Nebraska;
- Chapter 16—Sulfur Compound and Nitrogen Oxides Emissions Standards which regulates emissions of sulfur dioxide and nitrogen oxides in Nebraska;
- Appendix I—Hazardous Air Pollutants Sorted by CAS Number which lists the hazardous air pollutants;
- Appendix II—Air Pollution Emergency Episodes which explains Nebraska's emergency episode procedures; and
- Nebraska Revised Statute 81–1502—Terms, Defined which contains definitions for Nebraska's air quality regulations.

The state effective date of these rules is September 28, 2022. The state effective date of Nebraska Revised Statute 81–1502 is March 21, 2019. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Also, in this document, as described in the amendments to 40 CFR part 52 set forth below, EPA is removing provisions of the EPA-Approved Nebraska Regulations and Statutes from the Nebraska State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

## VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting

Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws,

regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The Department of Environment and Energy did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 15, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not

affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

##### 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 5, 2024.

**Meghan A. McCollister,**  
*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 70 as set forth below:

#### 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 CC—Nebraska

- 2. In § 52.1420, in the table in paragraph (c):

■ a. Revise the center heading “Department of Environmental Quality” to read “Department of Environment and Energy”.

■ b. Revise the entries “129–1”, “129–2”, “129–3”, and “129–4”;

■ c. Remove the entry “129–5”;

■ d. Revise the entries “129–6”, “129–7”, “129–8”, “129–9”, “129–10”, and “129–11”;

■ e. Remove the entries “129–12” and “129–13”;

■ f. Revise the entries “129–14”, “129–15”, and “129–16”;

■ g. Remove the entries “129–17”, “129–19”, “129–20”, “129–21”, “129–22”, “129–24”, “129–25”, “129–30”, “129–32”, “129–33”, “129–34”, “129–35”, “129–36”, “129–37”, “129–38”, “129–41”, “129–42”, “129–43”, and “129–44”;

■ h. Revise the entries “Appendix I” and “Appendix II”; and

i. Add the center heading “Nebraska Revised Statute 81–1502 Terms Defined” and the entry “1502” after the entry “115–3”.

The revisions and additions read as follows:

##### § 52.1420 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>STATE OF NEBRASKA</b>				
<b>Department of Environment and Energy</b> <b>Title 129—Nebraska Air Quality Regulations</b>				
129–1 .....	General Provisions; Definitions ....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–2 .....	Nebraska Air Quality Standards ...	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	Section 002 total reduced sulfur (TRS) is not approved into the SIP.
129–3 .....	Construction Permits .....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–4 .....	Prevention of Significant Deterioration (PSD).	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–6 .....	Operating Permits .....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–7 .....	General Permits .....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–8 .....	Permits-By-Rule .....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–9 .....	Permit Revisions; Reopening For Cause.	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–10 .....	Permits—Public Participation .....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–11 .....	Emissions Reporting, When Required.	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
129–14 .....	Incinerators, Emission Standards	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–15 .....	Compliance .....	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
129–16 .....	Sulfur Compound and Nitrogen Dioxides Emissions Standards.	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
Appendix I .....	Hazardous Air Pollutants Sorted by CAS Number.	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
Appendix II .....	Air Pollution Emergency Episodes	9/28/2022	8/16/2024, [insert <b>Federal Register</b> citation].	
*	*	*	*	*
<b>Nebraska Revised Statute 81–1502 Terms Defined</b>				
1502 .....	Terms Defined .....	3/21/2019	8/16/2024, [insert <b>Federal Register</b> citation].	The following paragraphs of Nebraska Revised Statute 81–1502 are approved into the SIP: (2) Air pollution; (3) Chairperson; and (10) Person.
*	*	*	*	*

\* \* \* \* \*

**PART 70—STATE OPERATING PERMIT PROGRAMS**

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. Appendix A to part 70 is amended by adding paragraph (r) under “Nebraska; City of Omaha; Lincoln-Lancaster County Health Department” to read as follows:

**Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs**

\* \* \* \* \*

**Nebraska; City of Omaha; Lincoln-Lancaster County Health Department**

\* \* \* \* \*

(r) The Nebraska Department of Environment and Energy submitted for program approval revisions to the Nebraska Administrative Code, title 129, chapters 1, 6, 7, 9, 10, 11, and appendix I on December 2, 2022. Title 129 Chapter 8 “Operating Permit Content” has been renumbered and renamed Chapter 6 “Operating Permits” and Chapter 8 is no longer part 70 approved. Appendix III has been repealed and is no longer part 70 approved. The state effective date is September 28, 2022. This revision is effective September 16, 2024.

\* \* \* \* \*

[FR Doc. 2024–17672 Filed 8–15–24; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[EPA–HQ–OLEM–2023–0470; EPA–HQ–OLEM–2023–0471; EPA–HQ–OLEM–2023–0571; EPA–HQ–OLEM–2023–0594; EPA–HQ–OLEM–2024–0014; FRL–11693–02–OLEM]

**Deletion From the National Priorities List**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of one site and partial deletion of four sites from the Superfund National Priorities List (NPL). The NPL, created under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the States, through their designated State agencies, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** The document is effective August 16, 2024.

**ADDRESSES:**

*Docket:* EPA has established a docket for this action under the Docket Identification included in table 1 in the

**SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the <https://www.regulations.gov> website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Docket materials are available through <https://www.regulations.gov> or at the corresponding Regional Records Centers. Locations, addresses, and phone numbers of the Regional Records Center follows.

- Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4308.

- Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW, Mail code 9T25, Atlanta, GA 30303.

- Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Records Manager, Mail code SRC–7J, Metcalf Federal Building, 7th Floor South, 77 West Jackson Boulevard, Chicago, IL 60604, 312/886–4465.

• Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mail code Records Center, Denver, CO 80202–1129; 303/312–7273.

• EPA Headquarters Docket Center Reading Room (deletion dockets for all States), William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, (202) 566–1744.

EPA staff listed below in the **FOR FURTHER INFORMATION CONTACT** section may assist the public in answering inquiries about deleted sites, accessing deletion support documentation, and determining whether there are additional physical deletion dockets available.

**FOR FURTHER INFORMATION CONTACT:**

• Mabel Garcia, U.S. EPA Region 2 (NJ, NY, PR, VI), *garcia.mabel@epa.gov*, 212/637–4356.

• Alayna Famble, U.S. EPA Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), *famble.alayna@epa.gov*, 470/445–0744.

• Karen Cibulskis, U.S. EPA Region 5 (IL, IN, MI, MN, OH, WI), *cibulskis.karen@epa.gov*, 312/886–1843.

• Linda Kiefer, U.S. EPA Region 8 (CO, MT, ND, SD, UT, WY), *kiefer.linda@epa.gov*, 303/312–6689.

• Charles Sands, U.S. EPA Headquarters, *sands.charles@epa.gov*, 202/566–1142.

**SUPPLEMENTARY INFORMATION:** The NPL, created under section 105 of CERCLA, as amended, is an appendix of the NCP. The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. Partial deletion of sites is in accordance with 40 CFR 300.425(e) and are consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60

FR 55466, (November 1, 1995). The sites to be deleted are listed in table 1, including docket information containing reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete. The NCP permits activities to occur at a deleted site, or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in table 1 in this **SUPPLEMENTARY INFORMATION** section, if applicable, under Footnote such that; 1 = site has continued operation and maintenance of the remedy, 2 = site receives continued monitoring, and 3 = site five-year reviews are conducted. As described in 40 CFR 300.425(e)(3) of the NCP, a site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Allied Paper/Portage Ck/Kalamazoo River .....	Kalamazoo, MI .....	Partial .....	EPA–HQ–OLEM–2023–0470.	1, 2, 3
South Minneapolis Residential Soil Contamination	Minneapolis, MN .....	Partial .....	EPA–HQ–OLEM–2023–0471.	
Libby Asbestos .....	Libby, MT .....	Partial .....	EPA–HQ–OLEM–2023–0571.	1, 3
Lipari Landfill .....	Pitman, NJ .....	Full .....	EPA–HQ–OLEM–2023–0594.	1, 2, 3
Sapp Battery Salvage .....	Cottdendale, FL .....	Partial .....	EPA–HQ–OLEM–2024–0014.	1, 3

Information concerning the sites to be deleted and partially deleted from the NPL, and the proposed rule for the

deletion and partial deletion of the sites, are included in table 2.

TABLE 2

Site name	Date, proposed rule	FR citation	Public comment	Responsiveness summary	Full site deletion (full) or media/parcels/description for partial deletion
Allied Paper/Portage Ck/Kalamazoo River.	2/16/2024	89 FR 12293	No .....	No .....	A portion of land/soil from OU 2, the Area East of Davis Creek and the Non-Easement Portion of the Area East of Davis Creek Extension Area of the Willow Boulevard/A-Site (WB/A-Site).
South Minneapolis Residential Soil Contamination.	2/16/2024	89 FR 12293	No .....	No .....	Three residential properties.
Libby Asbestos .....	2/16/2024	89 FR 12293	Yes .....	No .....	400-acre industrial park OU 5.
Lipari Landfill .....	2/16/2024	89 FR 12293	Yes .....	Yes .....	Full.
Sapp Battery Salvage .....	2/16/2024	89 FR 12293	Yes .....	No .....	Soils, sediments and surface water portions of OU 1 and OU 3.



For the sites proposed for deletion, the closing date for comments in the proposed rule was March 18, 2024. The EPA received one public comment for the Lipari Landfill site, one public comment for the Sapp Battery Salvage site and one public comment for the Libby Asbestos site in this final rule. The EPA received no public comments for any of the other two sites in this final rule. EPA placed the comments, and a Responsiveness Summary, if prepared, in the docket specified in table 1, on <https://www.regulations.gov>, and in the appropriate Regional Records Center listed in the ADDRESSES section. The commenter for the Lipari Landfill site was unclear why the site was being removed from the NPL but noted appreciation for taking action and deletion from the NPL of sites affected by pollution and acknowledged favorably the EPA conducting five-year reviews. As detailed in the FCOR, multiple activities were undertaken to address contamination at the Lipari Landfill site, including among others: capping of the former landfill, collection and treatment of contaminated groundwater, and regular monitoring of the site to ensure these actions remain protective. The Lipari Landfill FCOR was included as part of the docket and EPA provided information on how to access the docket to access the FCOR.

Thus, EPA concluded the deletion criteria for the Site have been documented and met as detailed in the FCOR and docket and that the site can be deleted from the NPL. One public comment was received for the Sapp Battery Salvage site, but EPA did not consider the submission to be an adverse public comment and no Responsiveness Summary was prepared. One public comment was received for the Libby Asbestos site supportive of the proposed partial deletion and no Responsiveness Summary was prepared. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties,

Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Larry Douchand,**  
*Office Director, Office of Superfund Remediation and Technology Innovation.*

For reasons set out in the preamble, the EPA amends 40 CFR part 300 as follows:

**PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. In Appendix B to part 300 amend Table 1 by:

■ a. Revising the entry for “FL”, “Sapp Battery Salvage”, “Cottondale”.

■ b. Revising the entry for “MI”, “Allied Paper/Portage Ck/Kalamazoo River”, “Kalamazoo”.

■ c. Removing the entry for “NJ”, “Lipari Landfill”, “Pitman”.

The revisions read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes *
FL	Sapp Battery Salvage	Cottondale	P
MI	Allied Paper/Portage Ck/Kalamazoo River	Kalamazoo	P

\* P = Sites with partial deletion(s).

[FR Doc. 2024–17933 Filed 8–15–24; 8:45 am]  
BILLING CODE 6560–50–P

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**45 CFR Parts 2520, 2521, and 2522**

**RIN 3045–AA84**

**AmeriCorps State and National Updates; Correction**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule; correction.

**SUMMARY:** The Corporation for National and Community Service (operating as

AmeriCorps) is correcting a final rule that appeared in the **Federal Register** on May 28, 2024. These corrections do not include any substantive changes to the final rule. The final rule updated regulations governing the AmeriCorps State and National program to provide programmatic and grantmaking flexibilities while protecting program integrity and safeguarding taxpayer funds.

**DATES:** Effective on October 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Bastress-Tahmasebi, Deputy Director, AmeriCorps State and National at [JBastressTahmasebi@americorps.gov](mailto:JBastressTahmasebi@americorps.gov), (202) 606–6667; or Elizabeth Appel,

Associate General Counsel, at [EAppel@americorps.gov](mailto:EAppel@americorps.gov), (202) 967–5070.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2024–11538 beginning on page 46024 in the **Federal Register** of Tuesday, May 28, 2024, the following corrections are made:

**§§ 2520.10 through 2520.65 [Corrected]**

■ 1. On page 46033, in the second column, in part 2520, in amendment 3, the instruction is corrected to read:

“In §§ 2520.10 through 2520.65:

■ a. Remove the words “the Corporation” wherever they appear and add in their place the word “AmeriCorps”;

- b. Remove the word “Corporation” and add in its place the word “AmeriCorps”;
- c. Remove the word “Corporation-approved” and add in its place the word “AmeriCorps-approved”; and
- d. Remove the word “non-Corporation” and add in its place the word “non-AmeriCorps”.

#### §§ 2521.10 through 2521.95 [Corrected]

■ 2. On page 46033, in the third column, in part 2521, in amendment 7, the instruction is corrected to read:

“In §§ 2521.10 through 2521.95:

- a. Remove the words “the Corporation” and add in their place the word “AmeriCorps”;
- b. Remove the words “The Corporation” and add in their place the word “AmeriCorps”;
- c. Remove the words “The Corporation’s” and add in their place the word “AmeriCorps”;
- d. Remove the words “the Corporation’s” and add in their place the word “AmeriCorps”;
- e. Remove the word “Corporation” and add in its place the word “AmeriCorps”.

#### § 2521.45 [Corrected]

■ 3. On page 46033, in the third column, in part 2521, in amendment 8, the instruction and accompanying regulatory text are corrected to read:

“Revise and republish § 2521.45 to read as follows:

#### § 2521.45 What are the limitations on the Federal Government’s share of program costs?

The limitations on the Federal Government’s share are different—in type and amount—for member support costs and program operating costs.

(a) *Member support*: The Federal share, including AmeriCorps and other Federal funds, of member support costs, which include the living allowance required under § 2522.240(b)(1) of this chapter, FICA, unemployment insurance (if required under State law), and worker’s compensation (if required under State law), is limited as follows:

(1) If you are a professional corps described in § 2522.240(b)(2)(i) of this chapter, you may not use AmeriCorps funds for the living allowance.

(2) Your share of member support costs must be non-Federal cash.

(3) AmeriCorps’s share of health care costs may not exceed 85 percent.

(b) *Program operating costs*. The AmeriCorps share of program operating costs may not exceed 67 percent. These costs include expenditures (other than member support costs described in paragraph (a) of this section) such as

staff, operating expenses, internal evaluation, and administration costs.

(1) You may provide your share of program operating costs with cash, including other Federal funds (as long as the other Federal agency permits its funds to be used as match), or third-party in-kind contributions.

(2) Contributions, including third party in-kind must:

- (i) Be verifiable from your records;
- (ii) Not be included as contributions for any other Federally assisted program;
- (iii) Be necessary and reasonable for the proper and efficient accomplishment of your program’s objectives; and
- (iv) Be allowable under applicable Office of Management and Budget (OMB) cost principles.

(3) You may not include the value of direct community service performed by volunteers, but you may include the value of services contributed by volunteers to your organizations for organizational functions such as accounting, audit, and training of staff and AmeriCorps programs.”

#### §§ 2522.100 through 2522.950 [Corrected]

■ 4. On page 46034, in the second column, in part 2522, in amendment 13, the instruction is corrected to read:

“In §§ 2522.100 through 2522.950:

- a. Remove the words “the Corporation’s AmeriCorps” and add in their place the word “AmeriCorps”;
- b. Remove the words “Corporation AmeriCorps” and add in their place the word “AmeriCorps”;
- c. Remove the words “The Corporation” and add in their place the word “AmeriCorps”;
- d. Remove the words “the Corporation” and “the corporation” and add in their places the word “AmeriCorps”;
- e. Remove the words “a Corporation” and add in their place the words “an AmeriCorps”;
- f. Remove the word “Corporation-assessment” and add in its place the word “AmeriCorps-assessment”;
- g. Remove the word “Corporation-sponsored” and add in its place the word “AmeriCorps-sponsored”;
- h. Remove the words “the Corporation’s” and add in their place the word “AmeriCorps”;
- i. Remove the words “Corporation” and add in its place the word “AmeriCorps”.

**Andrea Grill,**

*Acting General Counsel.*

[FR Doc. 2024–18125 Filed 8–15–24; 8:45 am]

**BILLING CODE 6050–28–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket Nos. 06–160, 18–314, 20–330, 22–273; FCC 19–93, FCC 20–159, FCC 22–63, DA 24–271; FR ID 235519]

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

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** The Federal Communications Commission published a document in the **Federal Register** of July 17, 2024, announcing that the Office of Management and Budget has approved, the information collections associated with the rules adopted in three rulemakings—a Report and Order, FCC 19–93, in IB Docket No. 06–160 (*DBS Licensing Report and Order*); a Report and Order, FCC 20–159, in IB Docket No. 18–314 (*Satellite Services Report and Order*); and a Report and Order, FCC 22–63, in IB Docket Nos. 20–330 and 22–273, (*17 GHz Report and Order*)—and with updates to the Form 312, including Schedules A, B, and S, and Form 312–R. The document contained two errors in the Dates section.

**FOR FURTHER INFORMATION CONTACT:** Scott Mackoul, Space Bureau, at (202) 418–7498 or [Scott.Mackoul@fcc.gov](mailto:Scott.Mackoul@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

#### Correction

In the **Federal Register** of July 17, 2024, in FR Doc. 2024–15465, on page 58072, in the second column, correct the **DATES** caption to read:

The following are effective August 16, 2024:

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

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

(3) The corrections to 47 CFR 25.140 and 25.264; and

(4) The revisions to FCC Form 312 (including Schedules A, B, and C) and FCC Form 312R (*used as required by*

part 25), published at 89 FR 32427 on April 26, 2024.

Federal Communications Commission.

**Katura Jackson,**

*Federal Register Liaison Officer.*

[FR Doc. 2024–17205 Filed 8–15–24; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF LABOR

### 48 CFR Chapter 29

[Docket No. DOL–2023–0007]

RIN 1291–AA43

#### **DOL Acquisition Regulation: Department of Labor Acquisition Regulation System**

**AGENCY:** Office of the Assistant Secretary for Administration and Management, Department of Labor.

**ACTION:** Final rule.

**SUMMARY:** With this final rule, the Department of Labor (DOL) is revising the Department of Labor Acquisition Regulation (DOLAR) to remove provisions from the regulation that were redundant or obsolete. The final rule also codifies the use of certain contractual provisions that DOL has developed and deployed in recent years. Those newly codified contractual provisions address a range of matters, including government property, continuity of operations, system requirements, records management, telework policy for contractor personnel, submission of invoices, mandatory training for contractors, organizational conflicts of interest, and notification of changes to the scope of a contract. The final rule also includes revisions intended for greater clarity. Finally, the final rule removes provisions from the prior regulation that were DOL internal operating procedures.

**DATES:** This final rule is effective September 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Carl Campbell, Senior Procurement Executive, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–2445, Washington, DC 20210, Telephone: 1–202–693–7246 (voice) (this is not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Discussion**

##### *A. Background—The FAR, the OFPP Act, and the DOLAR*

The DOLAR is part of the Federal Acquisition Regulations System, which

consists of the Federal Acquisition Regulation (FAR), chapter 1 of title 48 of the CFR, and various agency acquisition regulations that implement or supplement the FAR. 48 CFR 1.101. The DOLAR is DOL’s acquisition regulation implementing and supplementing the FAR, and addresses matters specific to DOL’s procurement of goods and services.

This rulemaking is issued under the authority of the Office of Federal Procurement Policy (OFPP) Act and implementing regulations which authorize the heads of Federal executive agencies to issue agency acquisition regulations that implement or supplement the FAR. 41 U.S.C. 1707 and FAR 1.301(b), 1.303(b).

The DOLAR uses the regulatory structure and arrangement of the FAR, and headings and subject areas are consistent with FAR content. The DOLAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, and sections.

##### *B. Relation of the FAR to the DOLAR*

The FAR contains many provisions and clauses applicable to DOL procurements which need not be, and are not, repeated in the new DOLAR. If the DOLAR does not include provisions supplementing the FAR under the corresponding part or subpart, it is because the FAR language is considered sufficient. Where the DOLAR does not address a FAR subject, the FAR guidance is to be followed. The DOLAR is not by itself a complete document, as it must be read in conjunction with the FAR.

##### *C. Purpose of the Regulatory Action*

The DOLAR was last revised effective May 27, 2004, 69 FR 22990 (April 27, 2004). The final rule codifies internal departmental guidance to align with the FAR, removes outdated and duplicative requirements, streamlines sections, and removes information that applies only to DOL’s internal operating procedures. With this final rule, DOL adopts a more efficient and straightforward approach to procurement regulations. The final DOLAR supersedes the prior regulation in its entirety.

##### *D. Summary of Changes From NPRM to Final Rule*

On September 5, 2023, DOL published a notice of proposed rulemaking (NPRM), including the proposed text of the new DOLAR, in the **Federal Register**. 88 FR 60612. After reviewing and considering the comments received, DOL made no changes to the text of the rule as

published in the NPRM, except to correct some typographical errors. This final rule is in substance the same as the proposed rule. As DOL explained in the NPRM, DOL is revising the DOLAR in its entirety to update and streamline agency procurement regulations consistent with the Federal Acquisition Reform Act and the Federal Acquisition Streamlining Act. The DOLAR final rule removes provisions that are redundant or obsolete and codifies provisions addressing a range of matters, including government property, continuity of operations, system requirements, records management, telework policy for contractor personnel, submission of invoices, mandatory training for contractors, organizational conflicts of interest, and changing the scope of a contract. The final rule also makes updates to existing language for clarity and streamlining purposes. Finally, the final rule removes provisions in the previous DOLAR that are DOL internal operating procedures, which need not be published in the CFR for them to take effect, per 41 U.S.C. 1707 and FAR 1.301(b), 1.303(b). Additionally, as noted in the NPRM, an appendix included in the NPRM (a table listing sections in the prior regulation and the corresponding section in the NPRM) will not appear in the CFR. Accordingly, that appendix has been removed and does not appear in the final rule.

In the NPRM, DOL explained all the revisions being made to the DOLAR from the prior regulation. To reiterate, the final rule removes parts that contain internal DOL policy and operating procedures, as well as parts that duplicate or adopt the FAR by reference; adds parts which codify clauses that are currently prescribed for incorporation in DOL contracts, when appropriate; and renames and renumbers sections to streamline the DOLAR.

Additionally, this final rule removes the following parts of the DOLAR because they relate to internal operating procedures of DOL and need not be published in the **Federal Register** (per 41 U.S.C. 1707 and FAR 1.301(b) and 1.303(b)): Parts 2906 (Competition Requirements); 2908 (Required Sources of Supplies and Services); 2922 (Application of Labor Laws to Government Acquisitions); 2923 (Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace); 2929 (Taxes); 2931 (Contract Cost Principles and Procedures); and 2953 (Forms).

Further, this final rule removes the following parts of the DOLAR because they are duplicative of the FAR, or merely adopt it by reference: Part 2910

(Market Research) is duplicative of FAR 6.302–1(c) and 10.002(b); part 2912 (Acquisition of Commercial Items) is duplicative of FAR 12.302(c); part 2913 (Simplified Acquisition Procedures) is duplicative of FAR 13.106–3(b) and 13.307; part 2914 (Sealed Bidding) is duplicative of FAR 14.404–1(c) and (f), 14.407–3(e) and (i), and 14.408–1; part 2916 (Contract Types) is duplicative of FAR 16.505(b)(5) and 16.603–2(c); part 2917 (Special Contracting Methods) duplicates and adopts by reference FAR 17.203(g)(2), 17.205(a), 17.207(f), and 17.503; part 2930 (Cost Accounting Standards Administration) adopts by reference FAR 30.201–5; part 2936 (Construction and Architect-Engineer Contracts) adopts by reference FAR 36.201, 36.209, 36.516, 36.602–1(b), 36.602–2, 36.602–3(d), 36.602–1, 36.602–5(b), 36.603, 36.604, and 36.702(c); part 2944 (Subcontracting Policies and Procedures) duplicates FAR 44.201–1(b) or 44.201–2 and adopts by reference FAR 44.202–2(a), 44.203, and 44.302(a).

This final rule codifies the following 15 standard contract clauses at part 2952, which are currently used in DOL contracts, when appropriate, but are new additions to the DOLAR: Clause 2952.201–70, Contracting Officer's Representative (COR) Clause; clause 2952.204–70, Records Management Requirements; clause 2952.207–70, Contractor Personnel Telework; clause 2952.209–70, Organizational Conflict of Interest Clause—OCI–1 Exclusion From Future Agency Contracts; clause at 2952.211–70, Internet Protocol Version 6 (IPv6); clause 2952.224–70, Privacy Breach Notification Requirements; clause 2952.232–70, Limitation of Government's Obligation (LoGO); clause 2952.232–71 Submission of Invoices; clause 2952.237–70, Emergency Continuation of Essential Services; clause 2952.242–70, Access to Contractor Business Systems; clause 2952.242–71, DOL Mandatory Training Requirements; clause 2952.243–70, Contractor's Obligation to Notify the Contracting Officer of a Request to Change the Contract Scope (Contractor's Obligation Clause); clause 2952.245–70, Contractor Responsibility to Report Theft of Government Property; and clause 2952.245–71, Asset Reporting Requirements. In addition to being codified at section 2952.39–70, the clause covering Section 508 Requirements is being revised to avoid duplication with the FAR 508 provisions and to replace a generic "508" reference with the exact CFR reference. This final rule also adds the following two new parts to the DOLAR

for the sole purpose of prescribing certain of the contractual clauses described above: parts 2924 (Protection of Privacy and Freedom of Information) and 2939 (Acquisition of Information Technology).

Finally, nonsubstantive changes have been made to the final regulatory text to correct numbering and for gender neutrality and plain language.

#### *E. Public Comments Received on the Proposed Rule*

The NPRM invited the public to submit written comments concerning the proposed rule no later than November 6, 2023. No one requested an extension of the comment period.

The Department received four comments in response to the NPRM. The comments received may be viewed by entering docket number DOL–2023–0007 at <https://www.regulations.gov>. Of the four comments received, three were outside the scope of the rulemaking.

The single relevant comment received was supportive of DOL's approach to updating the DOLAR. The commenter noted that the revised DOLAR could foster increased competition and improve value for money in government procurement. The commenter cited elements outlined by the FAR and, where appropriate, the DOLAR, that are considered, in the commenter's view, best practices in government procurement. The commenter did not suggest any changes to the proposed rule.

The Department appreciates the commenter's positive view and supportive opinion of the proposed rulemaking. DOL does not believe that any change to the proposed rule was required in response to this comment and DOL has made no substantive change to the proposed rule in this final regulation.

#### **II. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)**

This regulation has been drafted and reviewed in accordance with Executive Orders 12866 and 13563. This rule is primarily limited to agency organization, management, and personnel as described by E.O. 12866, section 3(d)(3) and, thus, is not a "regulation" as defined by that Executive order. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives. DOL has examined the economic, budgetary, and policy implications of its regulatory action, and has determined that the impact on the public is minimal. The

regulation mainly relates to internal DOL policies and procedures that do not impact the public, and otherwise addresses certain rules governing private entities doing business with DOL that likewise do not materially impact the public.

#### **III. Final Regulatory Flexibility Act/ Small Business Regulatory Enforcement Fairness Act**

The Regulatory Flexibility Act (RFA), at 5 U.S.C. 603(a), requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis, which describes the impact of the rule on small entities. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This rule streamlines DOL's procurement regulation by removing obsolete provisions, codifying currently in use clauses, removing provisions that are internal policy or in the FAR, and making edits that do not have a substantive impact on the regulation. Therefore, it will not have a significant economic impact on a substantial number of small entities. As a result, no regulatory flexibility analysis was required here.

#### **IV. Paperwork Reduction Act**

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that DOL consider the impact of paperwork and other information collection burdens imposed on the public. DOL has determined that this rule does not alter any information collection burdens.

#### **V. Executive Order 13132 (Federalism)**

Section 6 of E.O. 13132 requires Federal agencies to consult with State entities when a regulation or policy may have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, within the meaning of the E.O. Section 3(b) of the E.O. further provides that Federal agencies must implement regulations that have a substantial direct effect only if statutory authority permits the regulation and it is of national significance.

This rulemaking revises the DOLAR which is DOL's regulation to implement the FAR and to supplement the FAR when coverage is needed for subject matter not covered in the FAR. Because the DOLAR primarily addresses internal operating procedure, it does not have sufficient federalism implications to

warrant the preparation of a Federalism Assessment, as set forth in E.O. 13132.

## **VI. Unfunded Mandates Reform Act of 1995**

This regulatory action has been reviewed in accordance with the Unfunded Mandates Reform Act of 1995 (the Reform Act). Under the Reform Act, a Federal agency must determine whether a regulation proposes a Federal mandate that would result in the increased expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any single year. This rule primarily makes administrative changes with respect to federal procurement administration. The requirements of title II of the Act, therefore, do not apply, and DOL did not prepare a statement under the Act.

## **VII. Executive Order 13175 (Indian Tribal Governments)**

DOL reviewed the NPRM under the terms of E.O. 13175 and DOL's Tribal Consultation Policy and concluded that the changes to regulatory text would not have tribal implications, as these changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal Government and Indian tribes, nor the distribution of power and responsibilities between the Federal Government and Indian tribes. Therefore, no consultations with tribal governments, officials, or other tribal institutions were necessary.

### **List of Subjects**

*48 CFR Parts 2901, 2902, 2905, 2907, 2909, 2911, 2915, 2932, 2937, 2942, and 2943*

Government contracts, Government procurement.

*48 CFR Part 2903*

Conflicts of interest, Government contracts, Government procurement.

*48 CFR Part 2904*

Government contracts, Government procurement, Reporting and recordkeeping requirements.

*48 CFR Part 2919*

Government contracts, Government procurement, Minority businesses, Small businesses.

*48 CFR Part 2924*

Administrative practice and procedure, Freedom of information, Government contracts, Government procurement, Privacy.

*48 CFR Part 2928*

Bonds, Government contracts, Government procurement, Insurance, Surety bonds.

*48 CFR Part 2933*

Administrative practice and procedures, Claims, Government contracts, Government procurement.

*48 CFR Part 2939*

Computer technology, Government contracts, Government procurement.

*48 CFR Part 2945*

Government contracts, Government procurement, Government property, Government property management.

*48 CFR Part 2952*

Administrative practice and procedure, Conflict of interests, Government contracts, Government procurement, Government property, Individuals with disabilities, internet, Privacy, Reporting and recordkeeping requirements, Telecommunications, Telework.

■ For the reasons discussed in the preamble, DOL revises 48 CFR chapter 29 to read as follows:

## **CHAPTER 29—DEPARTMENT OF LABOR**

### **SUBCHAPTER A—GENERAL**

PART 2901—DEPARTMENT OF LABOR ACQUISITION REGULATIONS SYSTEM

PART 2902—DEFINITIONS OF WORDS AND TERMS

PART 2903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

PART 2904—ADMINISTRATIVE AND INFORMATION MATTERS

### **SUBCHAPTER B—ACQUISITION PLANNING**

PART 2905—PUBLICIZING CONTRACT ACTIONS

PART 2906 [RESERVED]

PART 2907—ACQUISITION PLANNING

PART 2908 [RESERVED]

PART 2909—CONTRACTOR QUALIFICATIONS

PART 2910 [RESERVED]

PART 2911—DESCRIBING AGENCY NEEDS

PART 2912 [RESERVED]

### **SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES**

PARTS 2913–2914 [RESERVED]

PART 2915—CONTRACTING BY

NEGOTIATION

PARTS 2916–2918 [RESERVED]

### **SUBCHAPTER D—SOCIOECONOMIC PROGRAMS**

PART 2919—SMALL BUSINESS PROGRAMS

PARTS 2920–2923 [RESERVED]

PART 2924—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

PARTS 2925–2926 [RESERVED]

### **SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS**

PART 2927 [RESERVED]

PART 2928—BONDS AND INSURANCE

PARTS 2929–2931 [RESERVED]

PART 2932—CONTRACT FINANCING

PART 2933—PROTESTS, DISPUTES, AND APPEALS

### **SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING**

PARTS 2934–2936 [RESERVED]

PART 2937—SERVICE CONTRACTING

PART 2938 [RESERVED]

PART 2939—ACQUISITION OF INFORMATION TECHNOLOGY

PARTS 2940–2941 [RESERVED]

### **SUBCHAPTER G—CONTRACT MANAGEMENT**

PART 2942—CONTRACT ADMINISTRATION AND AUDIT SERVICES

PART 2943—CONTRACT MODIFICATIONS

PART 2944 [RESERVED]

PART 2945—GOVERNMENT PROPERTY

PARTS 2946–2951 [RESERVED]

### **SUBCHAPTER H—CLAUSE AND FORMS**

PART 2952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

PARTS 2953–2999 [RESERVED]

### **SUBCHAPTER A—GENERAL**

## **PART 2901—DEPARTMENT OF LABOR ACQUISITION REGULATION SYSTEM**

Sec.

2901.000 Scope of part.

### **Subpart 2901.1—Purpose, Authority, Issuance**

2901.101 Purpose.

2901.103 Authority.

2901.105 Issuance.

2901.105–1 Publication and code arrangement.

2901.105–2 Arrangement of regulations.

2901.105–3 Copies.

### **Subpart 2901.3—Agency Acquisition Regulations**

2901.304 Agency control and compliance procedures.

### **Subpart 2901.4—Deviations From the FAR and DOLAR**

2901.403 Individual deviations.

2901.404 Class deviations.

### **Subpart 2901.6—Career Development, Contracting Authority, and Responsibilities**

2901.602 Contracting officers.

2901.602–1 Authority.

2901.602–70 Contract clause.

### **Subpart 2901.7—Determinations and Findings**

2901.707 Signatory authority.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

### **2901.000 Scope of part.**

This chapter may be referred to as the Department of Labor Acquisition Regulation or the DOLAR. This part sets forth introductory information about the

DOLAR. This part explains the relationship of the DOLAR to the Federal Acquisition Regulation (FAR) and explains the DOLAR's purpose, authority, applicability, exclusions, and issuance.

### **Subpart 2901.1—Purpose, Authority, Issuance**

#### **2901.101 Purpose.**

(a) This chapter contains the DOLAR. The DOLAR is established within the FAR System, at title 48 of the Code of Federal Regulations (CFR).

(b) The purpose of the DOLAR is to implement and supplement the FAR in accordance with FAR subpart 1.3 and authorities cited therein. The DOLAR is not by itself a complete document, as it must be used in conjunction with the FAR.

#### **2901.103 Authority.**

The DOLAR is issued pursuant to the authority of the Secretary of Labor under 5 U.S.C. 301 and 40 U.S.C. 486(c). This authority has been delegated to the Assistant Secretary for Administration and Management in accordance with FAR 1.301(d)(3).

#### **2901.105 Issuance.**

##### **2901.105–1 Publication and code arrangement.**

The DOLAR is published in the CFR, as chapter 29 of title 48.

##### **2901.105–2 Arrangement of regulations.**

(a) Where the DOLAR implements the FAR, the implementing part, subpart, section, or subsection of the DOLAR is numbered and captioned, to the extent feasible, the same as the FAR part, subpart, section, or subsection being implemented, except that the section or subsection being implemented is preceded with a “29” or a “290” such that there will always be four numbers to the left of the first decimal. For example, the DOLAR implementation of FAR 2.101 is 2902.101. The DOLAR may have gaps in its numbering scheme because a FAR rule may not require DOLAR implementation.

##### **2901.105–3 Copies.**

Copies of the DOLAR published in the **Federal Register** or the CFR may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Requests should reference the DOLAR as chapter 29 of title 48. The DOLAR is also available electronically at the Government Printing Office web page, <https://www.ecfr.gov/>. The CFR is printed in paperback edition with updates as needed.

### **Subpart 2901.3—Agency Acquisition Regulations**

#### **2901.304 Agency control and compliance procedures.**

The DOLAR is under the direct oversight of the Department of Labor's (DOL) Senior Procurement Executive (SPE) or designee.

### **Subpart 2901.4—Deviations From the FAR and DOLAR**

#### **2901.403 Individual deviations.**

Individual deviations affect only one contract action. Except for individual deviations referenced in FAR 1.405(e), the SPE is authorized to approve individual deviations from FAR provisions (see FAR 1.403) or from DOLAR provisions.

#### **2901.404 Class deviations.**

(a) Class deviations affect more than one contract action. If DOL believes that it will require a class deviation on a permanent basis, it will propose a FAR revision per FAR 1.404.

(b) The SPE is authorized to approve and process class deviations from the FAR or the DOLAR, unless FAR 1.405(e) is applicable.

### **Subpart 2901.6—Career Development, Contracting Authority, and Responsibilities**

#### **2901.602 Contracting officers.**

##### **2901.602–1 Authority.**

Only DOL contracting officers have the authority to enter into, administer, or terminate contracts and to make related determinations and findings. DOL contracting officers may bind DOL to obligations under contracts only to the extent of the authority delegated to them.

##### **2901.602–70 Contract clause.**

Contracting officers shall insert clause 2952.201–70, Contracting Officer's Representative, in all solicitations and awards.

### **Subpart 2901.7—Determinations and Findings**

#### **2901.707 Signatory authority.**

Except as shown in the applicable FAR or DOLAR, or where prohibited by statute, the authority to sign or delegate signatory authority for the various determinations and findings (D&Fs) resides with the SPE, or their designee.

## **PART 2902—DEFINITIONS OF WORDS AND TERMS**

### **Subpart 2902.1—Definitions**

Sec.

2902.101 Definitions.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

### **Subpart 2902.1—Definitions**

#### **2902.101 Definitions.**

The following words and terms are used as defined in this subpart unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular part or portion of a part:

*Head of Agency* (also called agency head) means the Assistant Secretary for Administration and Management, except that the Secretary of Labor is the Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; the Inspector General is the Head of Agency in all cases for the Office of the Inspector General.

*Head of Contracting Activity (HCA)* means the official who has overall responsibility for managing the Contracting Activity, as defined at FAR 2.101, when the Contracting Activity has more than one person duly appointed as Contracting Officers by the Senior Procurement Executive or, in the case of the Office of the Inspector General, issued by the Inspector General or their designee. Each Head of Agency may designate HCA(s) as appropriate to be responsible for managing Contracting Activities within their respective Agency.

*Senior Procurement Executive (SPE)*, as defined in the FAR, means the individual appointed pursuant to 41 U.S.C. 1702(c) who is responsible for management direction of the acquisition system of the executive agency, including implementation of the unique acquisition policies, regulations, and standards of the executive agency. At DOL, the SPE is also the Chief Procurement Officer and DOL's Suspending and Debarment Official and is the Principal Executive responsible for the Office of the Senior Procurement Executive (OSPE).

## **PART 2903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

### **Subpart 2903.1—Safeguards**

Sec.

2903.104 Procurement integrity.

2903.104–1 Definitions.

### **Subpart 2903.2—Contractor Gratuities to Government Personnel**

2903.203 Reporting suspected violations of the Gratuities clause.

2903.204 Treatment of violations.

**Subpart 2903.7—Voiding and Rescinding Contracts**

2903.703 Authority.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2903.1—Safeguards****2903.104 Procurement integrity.****2903.104–1 Definitions.**

*Agency ethics official* means the Solicitor of Labor or the Associate Solicitor for Legal Counsel or other official as designated by the Solicitor of Labor.

**Subpart 2903.2—Contractor Gratuities to Government Personnel****2903.203 Reporting suspected violations of the Gratuities clause.**

Contractor gratuities offered to Government personnel are subject to the restriction under 5 CFR part 2635.

**2903.204 Treatment of violations.**

Any suspected violations of FAR subpart 3.2 and the clause at FAR 52.203–3, Gratuities, must be reported to the Office of the Inspector General. The authority to determine whether a violation of the Gratuities clause by the contractor, its agent, or another representative has occurred, and the appropriate remedies, are delegated to the HCA.

**Subpart 2903.7—Voiding and Rescinding Contracts****2903.703 Authority.**

Pursuant to FAR 3.703 and 3.705(b), the authority to void or rescind contracts is delegated to the SPE.

**PART 2904—ADMINISTRATIVE AND INFORMATION MATTERS****Subpart 2904.7—Contractor Records Retention**

Sec.

2904.703 Policy.

2904.703–70 Contract clause.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

**Subpart 2904.7—Contractor Records Retention****2904.703 Policy.****2904.703–70 Contract clause.**

The contracting officer shall insert the clause at DOLAR 2952.204–70, Records Management Requirements, in all solicitations and contracts in which the contractor creates, works with, or otherwise handles federal records, as defined in subsection (a) of the clause at DOLAR 2952.204–70, regardless of the medium in which the record exists.

**SUBCHAPTER B—ACQUISITION PLANNING****PART 2905—PUBLICIZING CONTRACT ACTIONS****Subpart 2905.2—Synopsis of Proposed Contract Actions**

Sec.

2905.202 Exceptions.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2905.2—Synopsis of Proposed Contract Actions****2905.202 Exceptions.**

The Assistant Secretary for Administration and Management is authorized to make the determination prescribed in FAR 5.202(b), subject to the consultation requirements therein.

**PART 2906 [RESERVED]****PART 2907—ACQUISITION PLANNING****Subpart 2907.1—Acquisition Plans**

Sec.

2907.107–2 Consolidation.

2907.108 Additional requirements for telecommuting.

2907.108–70 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2907.1—Acquisition Plans****2907.107–2 Consolidation.**

The SPE shall make the determination to approve consolidation per FAR 7.107–2.

**2907.108 Additional requirements for telecommuting.****2907.108–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.207–70, Contractor Personnel Telework, in all solicitations and contracts for services, including construction services.

**PART 2908 [RESERVED]****PART 2909—CONTRACTOR QUALIFICATIONS****Subpart 2909.3—First Article Testing and Approval**

Sec.

2909.301 Definitions.

**Subpart 2909.5—Organizational and Consultant Conflicts of Interest**

2909.503 Waiver.

2909.507–70 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2909.3—First Article Testing and Approval****2909.301 Definitions.**

At DOL, the *debaring official* is the SPE. At DOL, the *suspending official* is the SPE.

**Subpart 2909.5—Organizational and Consultant Conflicts of Interest****2909.503 Waiver.**

(a) The Secretary of Labor delegates to the SPE the authority to waive any general rule or procedure in FAR subpart 9.5 when its application in a particular situation would not be in the Government's best interest. In making determinations under this subpart the SPE shall consult with the Office of the Solicitor.

(b) The relevant HCA must make the request for such a waiver in writing to the SPE who will consult with the Agency Head with respect to each waiver request. Each request must include:

(1) An analysis of the facts involving the potential or actual conflict, the nature and extent of the conflict, including benefits and costs to the Government and prospective contractors of granting the request;

(2) An explanation of the measures taken to avoid, neutralize, and mitigate the conflict, if any; and

(3) Identification of the provision(s) in FAR subpart 9.5 to be waived.

**2909.507–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.209–70, Organizational Conflict of Interest Clause—OCI–1 Exclusion from Future Agency Contracts, in all solicitations and contracts for services, including construction services and architectural and engineering services, and any other contract to which the Contractor Officer deems the clause to be applicable.

**PART 2910 [RESERVED]****PART 2911—DESCRIBING AGENCY NEEDS**

Sec.

2911.002 Policy.

2911.002–70 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**2911.002 Policy.****2911.002–70 Contract clause.**

In accordance with FAR 11.002(g), 12.202(e), and 39.101(d), the contracting officer shall insert the clause at DOLAR 2952.211–70, Internet Protocol Version 6 (IPv6) Clause, in all solicitations/awards when acquiring information technology products or services that are expected to exceed the micro-purchase threshold.



**PART 2912 [RESERVED]****SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES****PART 2913–2914 [RESERVED]****PART 2915—CONTRACTING BY NEGOTIATION****Subpart 2915.6—Unsolicited Proposals**

Sec.

2915.604 Agency points of contact.

2915.605 Content of unsolicited proposals.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2915.6—Unsolicited Proposals****2915.604 Agency points of contact.**

(a) The Director of Strategy and Administration (S&A) within the OSPE will be the point of contact for receipt of unsolicited proposals. This responsibility may be delegated by the Director of S&A. Only the cognizant contracting officer has the authority to bind the Government by accepting an unsolicited proposal.

(b) The OSPE Director of Strategy and Administration is responsible for handling unsolicited proposals to ensure that unsolicited proposals are controlled, evaluated, safeguarded, and disposed of in accordance with FAR subpart 15.6.

(c) The OSPE Director of Strategy and Administration may not consider an unsolicited proposal if the proposal resembles an upcoming solicitation or a procurement identified in the current annual acquisition plan.

**2915.605 Content of unsolicited proposals.**

In addition to the contents required by FAR 15.605, unsolicited proposals for research should contain a commitment by the offeror to include cost-sharing or should represent a significant cost savings to DOL.

**PARTS 2916–2918 [RESERVED]****SUBCHAPTER D—SOCIOECONOMIC PROGRAMS****PART 2919—SMALL BUSINESS PROGRAMS****Subpart 2919.2—Policies**

Sec.

2919.201 General policy.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2919.2—Policies****2919.201 General policy.**

The management of small and disadvantaged business utilization programs at DOL is the responsibility of the Program Manager of the Office of

Small and Disadvantaged Business Utilization (OSDBU), within the OSPE. All DOL acquisition officials are responsible for providing opportunities to small businesses and small disadvantaged businesses in DOL acquisitions, in compliance with law, directives, and the FAR. Further information can be found at the OSDBU website, currently accessible at <https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/office-of-small-and-disadvantaged-business-utilization>, or a successor website.

**PARTS 2920–2923 [RESERVED]****PART 2924—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION****Subpart 2924.1—Protection of Individual Privacy**

Sec.

2924.103 Procedures.

2924.103–70 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2924.1—Protection of Individual Privacy****2924.103 Procedures.****2924.103–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.224–70, Privacy Breach Notification Requirements, in all solicitations and contracts except solicitations and contracts that are solely for the acquisition of commercially available off-the-shelf items.

**PARTS 2925–2926 [RESERVED]****SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS****PART 2927 [RESERVED]****PART 2928—BONDS AND INSURANCE****Subpart 2928.1—Bonds and Other Financial Protections**

Sec.

2928.106–6 Furnishing information.

**Subpart 2928.2—Sureties and Other Security for Bonds**

2928.203 Individual sureties.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2928.1—Bonds and Other Financial Protections****2928.106–6 Furnishing information.**

The HCA or designee performs the functions outlined in FAR 28.106–6(c).

**Subpart 2928.2—Sureties and Other Security for Bonds****2928.203 Individual sureties.**

Contracting officers must refer evidence of possible criminal or fraudulent activities by an individual surety to the Office of Inspector General.

**PARTS 2929–2931 [RESERVED]****PART 2932—CONTRACT FINANCING****Subpart 2932.4—Advance Payments for Other Than Commercial Acquisitions**

Sec.

2932.408 Application for advance payments.

**Subpart 2932.5—Progress Payments Based on Costs**

2932.501–2 Unusual progress payments.

2932.503–6 Suspension or reduction of payments.

**Subpart 2932.7—Contract Funding**

2932.703 Contract funding requirements.

2932.703–70 Contract clause.

**Subpart 2932.9—Prompt Payment**

2932.908 Contract clauses.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2932.4—Advance Payments for Other Than Commercial Acquisitions****2932.408 Application for advance payments.**

After consulting with the SPE, the HCA may authorize advance payments without interest pursuant to FAR 32.408.

**Subpart 2932.5—Progress Payments Based on Costs****2932.501–2 Unusual progress payments.**

After consulting with the SPE, the HCA may approve requests for “unusual” progress payments.

2932.503–6 Suspension or reduction of payments.

Any action of a contracting officer under FAR 32.503–6 requires approval in advance from the HCA. Upon receipt of approval from the HCA, the contracting officer shall request the contract finance office to suspend or reduce payments.

**Subpart 2932.7—Contract Funding****2932.703 Contract funding requirements.****2932.703–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.232–70, Limitation of Government’s Obligation (LoGO), in all solicitations and contracts for severable services.



**Subpart 2932.9—Prompt Payment****2932.908 Contract clauses.**

Contracting Officers shall insert the clause at DOLAR 2952.232–71, Submission of Invoices, in all solicitations and contracts.

**PART 2933—PROTESTS, DISPUTES, AND APPEALS****Subpart 2933.1—Protests**

Sec.

2933.102 General.

2933.103 Protests to the agency.

2933.104 Protests to GAO.

**Subpart 2933.2—Disputes and Appeals**

2933.203 Applicability.

2933.209 Suspected fraudulent claims.

2933.212 Contracting officer's duties upon appeal.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c); E.O. 12979, 60 FR 55171, 3 CFR, 1995 Comp., p. 417.

**Subpart 2933.1—Protests****2933.102 General.**

(c)(1) The relevant contracting officer coordinates DOL's response to procurement protests filed with the U.S. Government Accountability Office (GAO), in consultation with DOL legal counsel at the Office of the Solicitor.

(2) The authority of the Agency Head under FAR 33.102(b) to determine that a solicitation, proposed award, or award does not comply with the requirements of law or regulation is delegated to the HCA.

**2933.103 Protests to the agency.**

(a) The relevant contracting officer will be the point of contact for agency-level protests. Upon receipt of an agency level protest, the contracting officer immediately notifies the Director of Strategy and Administration within the OSPE and the Office of the Solicitor of the protest.

(b) OSPE's Director of Strategy and Administration is the Agency Protest Official.

**2933.104 Protests to GAO.**

(a) *Protests before award.* The authority of the relevant HCA under FAR 33.104(b) to authorize a contract award when the agency has received notice from the GAO of a protest filed directly with the GAO is nondelegable. In coordination with the Office of the Solicitor, the HCA prepares the written finding with the information required by FAR 33.104(b)(1).

(b) *Protests after award.* The authority of the HCA under FAR 33.104(c) to authorize contract performance when the agency has received notice from the GAO of a protest filed directly with the

GAO is nondelegable. In coordination with the Office of the Solicitor, the HCA prepares and provides to the GAO the written finding with the information required by FAR 33.104(c)(2).

(c) *Notice to the GAO.* The authority of the HCA under FAR 33.104(g), to report to the GAO the failure to fully implement the GAO recommendations with respect to a solicitation for a contract or an award or a proposed award of a contract within 60 days of receiving the GAO recommendations, is nondelegable. The written notice must be coordinated with the Office of the Solicitor.

**Subpart 2933.2—Disputes and Appeals****2933.203 Applicability.**

The authority of the Agency Head for action under FAR subpart 33.2 is delegated to the SPE.

**2933.209 Suspected fraudulent claims.**

The contracting officer must refer all matters relating to suspected fraudulent claims by a contractor under the conditions in FAR 33.209 to the Office of the Inspector General for further action or investigation.

**2933.212 Contracting officer's duties upon appeal.**

(a) When a notice of appeal to the Civilian Board of Contract Appeals has been received, the contracting officer must record the date of mailing (or the date of receipt if the notice was not mailed). The contracting officer must also immediately notify the Office of the Solicitor of the appeal.

(b) The contracting officer should prepare and transmit the administrative file to the Office of the Solicitor and assist the Office of the Solicitor in the defense of the appeal and related matters.

**SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING****PARTS 2934–2936 [RESERVED]****PART 2937—SERVICE CONTRACTING****Subpart 2937.1—Service Contracts-General**

Sec.

2937.110 Solicitation provisions and contract clauses.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2937.1—Service Contracts-General****2937.110 Solicitation provisions and contract clauses.**

Contracting officers shall insert the clause at DOLAR 2952.237–70, Emergency Continuation of Essential Services, in all solicitations and

contracts that support essential functions identified in agency continuity plans.

**PART 2938 [RESERVED]****PART 2939—ACQUISITION OF INFORMATION TECHNOLOGY****Subpart 2939.2—Information and Communication Technology**

Sec.

2939.270 Contract clause.

**Authority:** 29 U.S.C. 794; 36 CFR 1194.1.

**Subpart 2939.2—Information and Communication Technology****2939.270 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.239–70, Section 508 Requirements, in all solicitations and contracts for the acquisition of Information and Communication Technology (ICT) to be used by the DOL.

**PARTS 2940–2941 [RESERVED]****SUBCHAPTER G—CONTRACT MANAGEMENT****PART 2942—CONTRACT ADMINISTRATION AND AUDIT SERVICES****Subpart 2942.1—Contract Audit Services**

Sec.

2942.101 Contract audit responsibilities.

2942.101–70 Contract clause.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2942.1—Contract Audit Services****2942.101 Contract audit responsibilities.**

Contracting officers shall insert the clause at DOLAR 2952.242–70, Access to Contractor Business Systems, in all solicitations and contracts that include a covered contractor system, which is a system that is owned by, or operated by or for, a contractor that processes, stores, or transmits Federal information.

**2942.101–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.242–71, DOL Mandatory Training Requirements for Contractor Employees, in all solicitations and contracts for services, including construction services.

**PART 2943—CONTRACT MODIFICATIONS****Subpart 2943.1—General**

Sec.

2943.104 Notification of contract changes.

2943.104–70 Contract clause.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2943.1—General****2943.104 Notification of contract changes.****2943.104–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.243–70, Contractor's Obligation to Notify the Contracting Officer of a Request to Change the Contract Scope (Contractor's Obligation Clause), in all solicitations and contracts.

**PART 2944 [RESERVED]****PART 2945—GOVERNMENT PROPERTY****Subpart 2945.1—General**

Sec.

2945.104 Responsibility and liability for Government property.

2945.104–70 Contract clause.

2945.105 Contractors' property management system compliance.

2945.105–70 Contract clause.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2945.1—General****2045.104 Responsibility and liability for Government property.****2945.104–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.245–70, Contractor Responsibility to Report Theft of Government Property, in all solicitations and contracts that contain FAR clause 52.245–1, Government Property.

**2945.105 Contractors' property management system compliance.****2945.105–70 Contract clause.**

Contracting officers shall insert the clause at DOLAR 2952.245–71, Asset Reporting Requirements, in all solicitations and contracts for the acquisition of Accountable Property to increase the management and tracking of high-value government assets.

**PARTS 2946–2951 [RESERVED]****SUBCHAPTER H—CLAUSE AND FORMS****PART 2952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****Subpart 2952.2—Text of Provisions and Clauses**

Sec.

2952.201–70 Contracting Officer's Representative (COR) Clause.

2952.204–70 Records Management Requirements.

2952.207–70 Contractor Personnel Telework.

2952.209–70 Organizational Conflict of Interest Clause—OCI-1 Exclusion From Future Agency Contracts.

2952.211–70 Internet Protocol Version 6 (IPv6) Clause.

2952.224–70 Privacy Breach Notification Requirements.

2952.232–70 Limitation of Government's Obligation (LoGO).

2952.234–71 Submission of Invoices.

2952.237–70 Emergency Continuation of Essential Services.

2952.239–70 Section 508 Requirements.

2952.242–70 Access to Contractor Business Systems.

2952.242–71 DOL Mandatory Training Requirements for Contractor Employees.

2952.243–70 Contractor's Obligation to Notify the Contracting Officer of a Request to Change the Contract Scope (Contractor's Obligation Clause).

2952.245–70 Contractor Responsibility to Report Theft of Government Property.

2952.245–71 Asset Reporting Requirements.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 2952.2—Text of Provisions and Clauses****2952.201–70 Contracting Officer's Representative (COR) Clause.**

As prescribed in 2901.602–70, insert the following clause:

**Contracting Officer's Representative (COR) Clause (SEP 2014)**

(a) A Contracting Officer's Representative (COR) will be delegated upon award. A copy of the delegation memorandum will be provided to the COR and a delegation letter sent to the vendor.

(b) The COR is responsible as applicable for receiving all deliverables; inspecting and accepting the supplies or services provided hereunder in accordance with the terms and conditions of this contract; providing direction to the contractor which clarifies the contract effort, fills in details or otherwise serves to accomplish the contractual scope of work; evaluating performance; and certifying all invoices/vouchers for acceptance of the supplies or services furnished for payment.

(c) The COR does not have the authority to alter the contractor's obligations under the contract, and/or modify any of the expressed terms, conditions, specifications, or cost of the agreement. If, as a result of technical discussions, it is desirable to alter/change contractual obligations or the scope of work, the contracting officer must issue such changes.

(End of Clause)

**2952.204–70 Records Management Requirements.**

As prescribed in 2904.703–70, insert the following clause:

**Records Management Requirements (AUG 2018)****A. Definitions**

"Federal record," as defined in 44 U.S.C. 3301, includes all recorded information, regardless of form or characteristics, made or received by a federal agency under federal law or in connection with the transaction of public business and preserved or appropriate

for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them.

The term federal record:

(a) Includes DOL records.

(b) Does not include personal materials.

(c) Applies to records created, received, or maintained by contractors pursuant to their DOL contract.

(d) May include deliverables and documentation associated with deliverables.

**B. Requirements**

(a) Contractor shall comply with all applicable records management laws and regulations, as well as National Archives and Records Administration (NARA) records policies, including but not limited to, the Federal Records Act (44 U.S.C. chs. 21, 29, 31, 33), NARA regulations at 36 CFR chapter XII, subchapter B, and those policies associated with the safeguarding of records covered by the Privacy Act of 1974 (5 U.S.C. 552a). These policies include the preservation of all records, regardless of form or characteristics, mode of transmission, or state of completion.

(b) In accordance with 36 CFR 1222.32(b), all data created for Government use and delivered to, or falling under the legal control of, the Government are federal records subject to the provisions of 44 U.S.C. chapters 21, 29, 31, and 33, the Freedom of Information Act (FOIA) (5 U.S.C. 552), as amended, and the Privacy Act of 1974 (5 U.S.C. 552a), as amended and must be managed and scheduled for disposition only as permitted by statute or regulation.

(c) In accordance with 36 CFR 1222.32, contractor shall maintain all records created for government use or created in the course of performing the contract and/or delivered to, or under the legal control of, the Government and must be managed in accordance with federal law. Electronic records and associated metadata must be accompanied by sufficient technical documentation to permit understanding and use of the records and data.

(d) DOL and its contractors prevent the alienation or unauthorized destruction of records, including all forms of mutilation. Records may not be removed from the legal custody of DOL or destroyed except for in accordance with the provisions of the applicable agency schedules and with the written concurrence of the Head of the Contracting Activity in consultation with the Agency Records Officer. Willful and unlawful destruction, removal, damage, or alienation of federal records is subject to the fines and penalties imposed by 18 U.S.C. 2701. In the event of any unlawful or accidental removal, defacing, alteration, or destruction of records, the contractor must report the event to DOL. The agency must report the incident directly to their Agency Records Officer. The Agency Records Officer will engage the Departmental Records Officer who will follow procedures promptly to report to NARA in accordance with 36 CFR part 1230.

(e) The contractor shall immediately notify the appropriate contracting officer upon

discovery of any inadvertent or unauthorized disclosures of information, data, documentary materials, records, or equipment. Disclosure of non-public information is limited to authorized personnel with a need-to-know as described in the contract. The contractor shall ensure that the appropriate personnel, administrative, technical, and physical safeguards are established to ensure the security and confidentiality of this information, data, documentary material, records and/or equipment is properly protected. The contractor shall not remove material from government facilities or systems, or facilities or systems operated or maintained on the Government's behalf, without the express written permission of the Head of the Contracting Activity. When information, data, documentary material, records, and/or equipment is no longer required, it shall be returned to DOL's control, or the contractor must hold it until otherwise directed. Items returned to the Government shall be hand carried, mailed, emailed, or securely electronically transmitted to the contracting officer or address prescribed in the contract. Destruction of records is EXPRESSLY PROHIBITED unless in accordance with paragraph (d) of this clause.

(f) The contractor is required to obtain the contracting officer's approval prior to engaging in any contractual relationship (sub-contractor) in support of this contract requiring the disclosure of information, documentary material, and/or records generated under, or relating to, contracts. The contractor (and any sub-contractor) is required to abide by government and DOL guidance for protecting sensitive, proprietary information, classified, and controlled unclassified information.

(g) The contractor shall only use government IT equipment for purposes specifically tied to or authorized by the contract and in accordance with DOL policy.

(h) The contractor shall not create or maintain any records containing any non-public DOL information that are not specifically tied to or authorized by the contract.

(i) The contractor shall not retain, use, sell, or disseminate copies of any deliverable that contains information covered by the Privacy Act of 1974 or that which is generally protected from public disclosure by an exemption to the Freedom of Information Act.

(j) [Insert the following if no other data rights clause has been included in the contract] The DOL owns the rights to all data and records produced as part of this contract. All deliverables under the contract are the property of the U.S. Government for which DOL shall have unlimited rights to use, dispose of, or disclose such data contained therein as it determines to be in the public interest. Any contractor rights in the data or deliverables must be identified as required by FAR 52.227-11 through 52.227-20.

(k) Training. All contractor employees assigned to this contract who create, work with, or otherwise handle records are required to take the annual mandatory records management training, provided by

DOL, as directed by the Contracting Officer's Representative (COR). The training shall be completed in a timeframe specified by the COR. The contractor confirms training has been completed according to agency policies, including initial training and any annual or refresher training.

#### **C. Flow Down of Requirements to Subcontractors**

(a) The contractor shall incorporate the substance of this clause, its terms, and requirements, including this paragraph, in all subcontracts under this contract and require written subcontractor acknowledgment of same.

(b) Violation by a subcontractor of any provision set forth in this clause will be attributed to the contractor.

(End of Clause)

#### **2952.207-70 Contractor Personnel Telework.**

As prescribed in 2907.108-70, insert the following clause:

##### **Contractor Personnel Telework (OCT 2021)**

The Government shall not provide or reimburse contractor personnel for internet connectivity.

(End of Clause)

#### **2952.209-70 Organizational Conflict of Interest Clause—OCI-1 Exclusion From Future Agency Contracts.**

As prescribed in 2909.507-70, insert the following clause:

##### **Organizational Conflict of Interest Clause—OCI-1 Exclusion From Future Agency Contracts (DEC 2012)**

This clause supplements the FAR provisions on organizational conflicts of interest, located at FAR subpart 9.5 and should be read in conjunction with these provisions. To the extent there is any inconsistency or confusion between the two provisions, the FAR provision controls.

(a) Work under this contract may create a future organizational conflict of interest (OCI) that could prohibit the contractor from competing for, or being awarded, future government contracts. The following examples illustrate situations in which organizational conflicts of interest may arise. They are not all inclusive, but will be used by the contracting officer as general guidance in individual contract situations:

(1) Unequal Access to Information. The performance of this contract may provide access to "nonpublic information," which could provide the contractor an unfair competitive advantage in later solicitations or competitions for other DOL contracts. Such an advantage could be perceived as unfair by a competing vendor who is not given similar access to the same nonpublic information that is related to the future procurement action. If you, as a contractor, in performing this contract, obtain nonpublic information that is relevant to a future procurement action, you may be required to submit and negotiate an acceptable mitigation plan prior to being deemed eligible to compete on the

future action. Alternatively, the "nonpublic information" may be provided to all offerors.

(2) Biased Ground Rules. Your contract with DOL may have, in some fashion, established important "ground rules" for another DOL procurement, in which you may desire to be a competitor. For example, this contract may involve you drafting the statement of work, specifications, or evaluation criteria for a future DOL procurement. The primary concern, in any such situation, is that any such firm could skew the competition, whether intentionally or not, or be perceived as having skewed the competition, in its own favor. If the requirements of this DOL contract anticipate the contractor may be placed in a position to establish important ground rules, including but not limited to those described herein, the contractor may be precluded from competing in the related action or, if possible, may be required to submit and negotiate an acceptable mitigation plan.

(3) Impaired Objectivity. The performance of this contract may result in the contractor being placed in a situation where it is able, or required, to provide assessment and evaluation findings concerning itself, another business division, a subsidiary or affiliate, or other entity with which it has a significant financial relationship. The concern in this case is that the contractor's ability to render impartial advice to DOL could appear to be undermined by the contractor's financial or other business relationship to the entity whose work product is being assessed or evaluated. In these situations, a "walling off" of lines of communication between entities or divisions may be acceptable, but it also may not be sufficient to remove the perception that the objectivity of the contractor has been tainted. If the requirements of the DOL procurement indicate that a contractor may be placed in a position to provide evaluations and assessments of itself or other entities with which it has a significant financial relationship, the affected contractor should notify DOL immediately. The contractor may also be required to provide a mitigation plan that includes recusal by the contractor from one of the affected contracts. Such recusal might include divestiture of the work to a third party.

(b) To prevent a future OCI of any kind, the contractor shall be subject to the following restrictions:

(1) The contractor may be excluded from competition for, or award of, any government contracts as to which, in the course of performing another contract, the contractor has received nonpublic and competitively relevant information before such information has been made generally available to other persons or firms.

(2) The contractor may be excluded from competition for, or award of, any government contract for which the contractor actually assisted or participated in the development of specifications or statements of work.

(3) The contractor may be excluded from competition for, or award of, any government contract which calls for it to evaluate itself, any affiliate, or any products or services produced or performed thereby.

(4) The contractor may be excluded from competition for, or award of, any government

contract calling for the production or performance of any product or service for which the contractor participated in the development of requirements or definitions pursuant to another contract.

(c) This clause shall not exclude the contractor from performing work under any modification to this contract or from competing for award of any future contract for work that is the same or similar to work performed under this contract, so long as the conditions above are not present. This clause does not prohibit an incumbent from competing on a follow-on competition, but the contracting officer may require a mitigation plan or other steps as needed to ensure that there has not been an unequal access to nonpublic competitively sensitive information.

(d) The term “contractor” as used in this clause, includes any person, firm, or corporation that owns or controls, or is owned or controlled by, the contractor. The term also includes the corporate officers of the contractor.

(e) The agency may, in its sole discretion, waive any provisions of this clause if deemed in the best interest of the Government. The exclusions contained in this clause shall apply for the duration of this contract and for three (3) years after completion and acceptance of all work performed hereunder, or such other period as the contracting officer shall direct.

(f) If any provision of this clause excludes the contractor from competition for, or award of any contract, the contractor shall not be permitted to serve as a subcontractor, at any tier, on such contract. This clause shall be incorporated into any subcontracts or consultant agreements awarded under this contract unless the contracting officer determines otherwise.

(End of Clause)

#### **2952.211–70 Internet Protocol Version 6 (IPv6) Clause.**

As prescribed in 2911.002–70, insert the following clause:

##### **Internet Protocol Version 6 (IPv6) Clause (MAY 2015)**

(a) Any system or product that includes: hardware, software, firmware, and/or networked components, including but not limited to, voice, video, or data that is developed, procured, or acquired in support and/or performance of this requirement shall be capable of transmitting, receiving, processing, or forwarding digital information across system boundaries that are formatted in accordance with commercial standards of Internet Protocol (IP) version 6 (IPv6) as set forth in the USGv6 Profile (NIST Special Publication 500–267) and corresponding declarations of conformance defined in the USGv6 Test Program.

(b) This IPv6 capable system or product shall maintain interoperability with IPv4 systems and provide the same level of performance and reliability capabilities of IPv4 systems.

(c) This IPv6 capable system or product shall have available IPv4 and IPv6 technical support for development, implementation, and troubleshooting of the system.

(d) This IPv6 capable system or product can be upgraded, or the vendor will provide an appropriate migration path for industry-required changes to IPv6 as the technology evolves, at no additional cost to the Government.

(e) This IPv6 capable system or product must be able to operate on networks supporting IPv4 & IPv6, as well as networks that support both.

(f) Any system or product whose IPv6 non-compliance is discovered and made known to the vendor/contractor within 12 months of the start of performance shall be upgraded, modified, replaced, or brought into compliance at no additional cost to the Federal Government.

(End of Clause)

#### **2952.224–70 Privacy Breach Notification Requirements.**

As prescribed in 2924.103–70, insert the following clause:

##### **Privacy Breach Notification Requirements (APR 2018)**

###### **A. Definitions**

“Breach” is defined as the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or any similar occurrence where—

(a) A person other than an authorized user accesses or potentially accesses Personally Identifiable Information (PII); or

(b) An authorized user accesses or potentially accesses PII for an unauthorized purpose.

“Information” is defined as any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, electronic, or audiovisual forms (see Office of Management and Budget (OMB) Circular No. A–130, Managing Federal Information as a Strategic Resource).

“Information System” is defined as a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information (44 U.S.C. 3502).

“Personally Identifiable Information” is defined as information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other information that is linked or linkable to a specific individual (see OMB Circular No. A–130, Managing Federal Information as a Strategic Resource).

###### **B. Requirements**

(a) Contractors and subcontractors that collect or maintains federal information on behalf of the agency or uses or operates an information system on behalf of the agency shall comply with federal law *e.g.*, FISMA 2014, E-Government Act and the Privacy Act. Additionally, the contractor shall meet OMB directives and National Institute of Standards and Technology Standards to ensure processing of PII is adequately managed.

(b) The contractor shall:

(1) Properly encrypt PII in accordance with appropriate laws, regulations, directives, standards, or guidelines;

(2) Report to DOL any suspected or confirmed breach in any medium or form, including paper, oral, and electronic within one hour of discovery;

(3) Cooperate with and exchange information with DOL (contracting officer and Contracting Officer’s Representative) as well as allow for an inspection, investigation, forensic analysis, as determined necessary by the DOL, to effectively report and manage a suspected or confirmed breach;

(4) Maintain capabilities to determine what DOL information was or could have been compromised and by whom, construct a timeline of user activity, determine methods and techniques used to access federal information, and identify the initial attack vector;

(5) Ensure staff who have access to DOL systems or information are regularly trained to identify and report a security incident. This includes the completion of any DOL mandatory training for contractors;

(6) Take steps to address security issues that have been identified, including steps to minimize further security risks to those individuals whose PII was lost, compromised, or potentially compromised.

(7) Report incidents per DOL incident management policy and US–CERT notification guidelines.

(c) Remedy:

(1) A report of a breach shall not, by itself, be interpreted as evidence that the contractor or its subcontractor (at any tier) failed to provide adequate safeguards for PII. If the contractor is determined to be at fault for the breach, the contractor may be financially liable for government costs incurred in the course of breach response and mitigation efforts;

(2) The contractor shall take steps to address security issues that have been identified, including steps to minimize further security risks to those individuals whose PII was lost, compromised, or potentially compromised. Additionally, the individual or individuals directly responsible for the data breach shall be removed from the contract within 45 days of the breach of data; and

(3) The Government reserves the right to exercise all available contract remedies including, but not limited to, a stop-work order on a temporary or permanent basis to address a breach or upon discovery of a contractor’s failure to report a breach as required by this clause. If the contractor is determined to be at fault for a breach, the contractor shall provide credit monitoring and privacy protection services for one year to any individual whose private information was accessed or disclosed. The individual shall be given the option, but the decision is theirs. Those services will be provided solely at the expense of the contractor and will not be reimbursed by the Federal Government.

(End of Clause)

#### **2952.232–70 Limitation of Government’s Obligation (LoGO).**

As prescribed in 2932.703–70, insert the following clause:

### Limitation of Government's Obligation (LoGO) (JUL 2014)

(a) Contract line item(s) (\$ to be determined at the exercise of each option) through (\$ to be determined at the exercise of each option) are incrementally funded. For these item(s), the sum of (\$ to be determined at the exercise of each option) of the total price is presently available for payment and allotted to this contract. An allotment schedule is set forth in paragraph (j) of this clause.

(b) For item(s) identified in paragraph (a) of this clause, the contractor agrees to perform up to the point at which the total amount payable by the Government, including reimbursement in the event of termination of those item(s) for the Government's convenience, approximates the total amount currently allotted to the contract. The contractor is not authorized to continue work on those item(s) beyond that point. The Government will not be obligated in any event to reimburse the contractor in excess of the amount allotted to the contract for those item(s) regardless of anything to the contrary in the clause entitled "Termination for Convenience of the Government." As used in this clause, the total amount payable by the Government in the event of termination of applicable contract line item(s) for convenience includes costs, profit, and estimated termination settlement costs for those item(s).

(c) Notwithstanding the dates specified in the allotment schedule in paragraph (j) of this clause, the contractor will notify the contracting officer in writing at least thirty days prior to the date when, in the contractor's best judgment, the work will reach the point at which the total amount payable by the Government, including any cost for termination for convenience, will approximate 80 percent of the total amount presently allotted to the contract for performance of the applicable item(s). The notification will state (1) the estimated date when that point will be reached and (2) an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds identified in paragraph (j) of this clause, or to a mutually agreed upon substitute date. The notification will also advise the contracting officer of the estimated amount of additional funds that will be required for the timely performance of the item(s) funded pursuant to this clause, for a subsequent period as may be specified in the allotment schedule in paragraph (j) of this clause or otherwise agreed to by the parties. If after such notification additional funds are not allotted by the date identified in the contractor's notification, or by an agreed substitute date, the contracting officer will terminate any item(s) for which additional funds have not been allotted, pursuant to the clause of this contract entitled "Termination for Convenience of the Government."

(d) When additional funds are allotted for continued performance of the contract line item(s) identified in paragraph (a) of this clause, the parties will agree as to the period of contract performance, which will be covered by the funds. The provisions of paragraphs (b) through (d) of this clause will

apply in like manner to the additional allotted funds and agreed substitute date, and the contract will be modified accordingly.

(e) If, solely by reason of failure of the Government to allot additional funds, by the dates indicated below, in amounts sufficient for timely performance of the contract line item(s) identified in paragraph (a) of this clause, the contractor incurs additional costs or is delayed in the performance of the work under this contract and if additional funds are allotted, an equitable adjustment will be made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) of the item(s), or in the time of delivery, or both. Failure to agree to any such equitable adjustment hereunder will be a dispute concerning a question of fact within the meaning of the clause entitled "Disputes." In no event shall the equitable adjustment be more than the contract line item(s) price(s) in question.

(f) The Government may at any time prior to termination allot additional funds for the performance of the contract line item(s) identified in paragraph (a) of this clause.

(g) The termination provisions of this clause do not limit the rights of the Government under the clause entitled "Default." The provisions of this clause are limited to the work and allotment of funds for the contract line item(s) set forth in paragraph (a) of this clause. This clause no longer applies once the contract is fully funded except with regard to the rights or obligations of the parties concerning equitable adjustments negotiated under paragraphs (d) and (e) of this clause.

(h) Nothing in this clause affects the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination for Convenience of the Government."

(i) Nothing in this clause shall be construed as authorization of voluntary services whose acceptance is otherwise prohibited under 31 U.S.C. 1342.

(j) The parties contemplate that the Government will allot funds to this contract in accordance with the following schedule:

On execution of contract \$ \_\_\_\_ \*  
(month) (day), (year) \$ \_\_\_\_ \*  
(month) (day), (year) \$ \_\_\_\_ \*  
(month) (day), (year) \$ \_\_\_\_ \*

\* To be inserted after negotiation.

#### (End of Clause)

Alternate I (JUL 2014). If only one line item will be incrementally funded, substitute the following paragraph (a) for paragraph (a) of the basic clause:

(a) Contract line item \_\_\_\_ is incrementally funded. The sum of \$ \* is presently available for payment and allotted to this contract. An allotment schedule is contained in paragraph (j) of this clause.

\* To be inserted after negotiation.

#### 2952.232-71 Submission of Invoices.

As prescribed in 2932.908, insert the following clause:

#### Submission of Invoices (AUG 2019)

(a) Electronic Invoice Submittal

Invoices for the services/goods provided under this award shall be submitted through the Department of Treasury's Invoice Processing Platform (IPP) or through the DOL Quickpay email system, as directed by the Contracting Officer. IPP is a Federal Government owned and operated website accessible to contractors free of charge. Information about IPP, including enrollment instructions, are available and should be obtained by the enrolled contractors directly from the Department of Treasury after award at <https://www.ipp.gov>.

(1) The following instructions apply to Invoices submitted through *IPP.Gov* or the DOL Quickpay email system:

(i) IPP invoice attachments SHALL NOT exceed the size limit of 10 megabytes (MB) each. However, you may submit multiple attachments of less than 10MB each with the invoices.

(ii) DO NOT submit an invoice or attachment that uses shading or color.

(b) An emailed Portable Document Format (PDF) image cannot have any text that has a background with any color other than white. If the image has a shaded background, it will be converted to black, and the text will be illegible.

(c) An emailed Tagged Image File Format (TIFF) image must be black and white.

(1) Quickpay users SHALL provide a copy of the invoice and any attachments via email to the Contracting Officer's Representative (COR, at the address specified in the contract.

(2) Quickpay users SHALL NOT submit more than one attachment per invoice and the attachment shall not exceed 10MB. Any additional attachments will not be recognized.

(3) DO NOT submit more than one invoice at a time.

(4) DO NOT attempt to use the "Recall" or "Resend" email message features.

(d) Electronic invoices shall be in PDF or TIFF format.

(e) Paper Invoices shall be submitted via fax or U.S. mail Paper invoices may be sent via fax to: (202) 693-2862. Mail paper invoices to: U.S. Department of Labor, Office of Financial Management Operations Division of Client Accounting, Services Room S-5526, 200 Constitution Avenue NW, Washington, DC 20210.

(f) General Information.

Payment due date is to be calculated from the date the invoice is received in accordance with FAR 32.905 and the instructions above.

Inquiries regarding invoices must be emailed to [OCFOinvoiceinquiries@dol.gov](mailto:OCFOinvoiceinquiries@dol.gov). The relevant invoice must be attached to the inquiry email and the subject line of the email must state "INQUIRY", as shown in the following example:

INQUIRY: Contractor Name, DOL Agency, Contract Number, BPA Call or Order Number, Invoice Number, Invoice Amount

The contractor SHALL NOT use the DOL electronic invoicing email address for inquiries about any invoice.

#### Questions:

All questions regarding Electronic Invoicing shall be sent to the DOL Office of the Chief Financial Officer (OCFO) at [OCFOinvoiceinquiries@dol.gov](mailto:OCFOinvoiceinquiries@dol.gov).

(End of Clause)

**2952.237–70 Emergency Continuation of Essential Services.**

As prescribed in 2937.110, insert the following clause:

**Emergency Continuation of Essential Services (MAR 2014)**

(a) Essential Services. DOL has identified certain services under this agreement (contract, BPA, BOA, task/delivery order, or other vehicle, hereinafter “requirement”) as being essential to the DOL’s missions and operations. Such essential services must continue to be performed, even if an event occurs (or is threatened to occur) that would disrupt or interfere with operations at, or with access to, facilities where services ordinarily take place. Such an event may include, but is not limited to, emergencies that may be natural (e.g., earthquake; flood; hurricane; tornado; public health emergencies, including pandemic influenza), man-made (e.g., civil unrest, chemical spill, cyber or terrorist threats or attacks), or technological (e.g., building fire, utility outage), and which may affect one or more facilities or locations, including federal facilities, where the contractor normally performs services hereunder.

(b) Contingency Plans. Unless already included in the requirement, within 30 days of the commencement of performance (or the bi-lateral incorporation of this clause), the contractor shall submit the following contingency plans to the contracting officer (CO) and the Contracting Officer’s Representative (COR):

(1) A contingency plan to continue performance off-site for a period of between 1 and 30 days; and

(2) A contingency plan to continue performance off-site for more than 30 days, until the event described above is resolved.

(3) Such contingency plans will become an obligation of the contractor under the requirement.

(c) Contents of the Contingency Plans. The contingency plans referenced in paragraph above shall, at a minimum, address:

(1) How the contractor plans to continue performance of essential services for the duration of an event, including identifying and securing suitable off-site workplaces, personnel, and resources;

(2) The contractor’s use of off-site facilities, including allowing its essential personnel to work from an alternative site or other remote locations to perform essential services;

(3) Alert and notification procedures for mobilizing and communicating with DOL and with essential personnel, and for communicating expectations to its personnel regarding their roles and responsibilities during the event;

(4) A list of telephone numbers and email addresses (with alternates if available) for all managers currently performing under the requirement; and

(5) Processes and requirements for the identification, training, and preparedness of essential personnel who would be capable of relocating to alternate facilities or performing work from home.

(d) Approval of the Contingency Plans. The CO, in consultation as appropriate with the

COR, shall review both contingency plans within 14 days of receipt, or as agreed, and shall either accept them or advise the contractor of any reason for disapproval. If either plan is not accepted by the CO, the contractor shall resubmit a revised plan within 7 days, or as agreed.

(e) Activation of a Contingency Plan. The Agency Head, CO, COR, or other authorized agency official may activate the contractor’s Contingency Plan by notifying the contractor either orally or in writing. In the event of an oral instruction, a written confirmation of the activation will follow shortly after the resumption of normal activities. Once a contingency plan has been activated, services hereunder shall continue without delay or interruption, notwithstanding the “Excusable Delay” Clause, or any other provision of the contract (or requirement if this contract vehicle is BPA, BOA, or similar vehicle).

(f) Failure to Execute a Plan. In the event the contractor is unable or unwilling to perform the essential services identified under the requirement, as determined by DOL in its sole discretion, DOL reserves the right, in addition to any other right it may have, to use federal employees or other contract support, either from existing contracts or new contracts, to continue those critical services. DOL may view the contractor’s failure to implement the Contingency Plan as not performing a contractual requirement and reserves all rights to seek remedies associated with any such nonperformance. Any new contracting efforts would be conducted in accordance with the FAR, OFPP’s January 14, 2011 Emergency Acquisition Guide, or any other subsequent emergency guidance that may be issued.

(End of Clause)

**2952.239–70 Section 508 Requirements.**

As prescribed in 2939.270, insert the following clause:

**Section 508 Requirements (AUG 2024)**

**A. Definition**

The term “Information and Communication Technology (ICT)” in this contract is used as defined at FAR 2.101.

**B. Requirements**

Section 508 of the Rehabilitation Act, as amended (29 U.S.C. 794d), applies to federal departments, such as DOL, and the contractors providing support on behalf of such federal departments. The contractor is required to provide Section 508 compliant systems and components of ICT when federal agencies develop, procure, maintain, or use ICT. The contractor shall ensure that its system and components allow federal employees and members of the public with disabilities access to, and use of, information and data that is comparable to the access afforded federal employees and members of the public without disabilities. Products, platforms, and services delivered as part of this contract action that are ICT, or contain ICT, shall conform to the Revised Section 508 Standards, which are located at 36 CFR part 1194, appendices A and C.

Please insert the clause(s) below which meet the parameters of the contract being awarded.

(a) Requirements by service/contract type are as follows:

(1) *Custom ICT Development Services:* When the contractor provides custom ICT development services and/or Commercially Available Off-the-Shelf (COTS) products, pursuant to the requirements, the contractor shall ensure the ICT fully conforms to the Revised 508 Standards (36 CFR part 1194, appendices A and C) prior to delivery and before final Acceptance.

(2) *Installation, Configuration, & Integration Services:* When the contractor provides installation, configuration, or integration services for equipment or software pursuant to the requirement, the contractor shall not install, configure, or integrate the equipment or software in a way that reduces the level of conformance with the Revised 508 Standards (36 CFR part 1194, appendices A and C).

(3) *Maintenance Upgrades & Replacements:* The contractor shall ensure maintenance upgrades, substitutions, and replacements to equipment and software pursuant to this award do not reduce the approved level of conformance with the Revised 508 Standards (36 CFR part 1194, appendices A and C) at the time of award. Additionally, an updated Accessibility Conformance Report (ACR) shall be submitted for the ICT, and the ACR shall be completed according to the instructions provided by the Information Technology Industry Council (ITI) to be considered for each option year exercised.

(4) *Contractor Processes:* The contractor shall ensure that its processes are at a maturity level at least equivalent to the DHS Trusted Tester methodology; that its personnel have the knowledge, skills, and ability necessary to make ICT under this contract conform to the Revised 508 Standards (36 CFR part 1194, appendices A and C); and that it provides conformant Section 508 supporting documentation upon request.

(5) *Hosting Services:* The contractor shall not implement hosting services in a manner that reduces the existing level of conformance of the electronic content with the Revised 508 Standards (36 CFR part 1194, appendices A and C), when providing hosting services for electronic content to the agency. Throughout the life of the award, the agency reserves the right to perform Independent third-party testing on a vendor or contractor’s hosted solution to verify conformance.

(b) *Validation for ICT:* The contractor shall test and validate the ICT for conformance to the Revised 508 Standards (36 CFR part 1194, appendices A and C), in accordance with the required testing methods and provide test results to verify conformance of the Voluntary Product Assessment Template (VPAT).

(1) For web and software, WCAG 2.0 Level A and AA Conformance test results shall be based on the Accessibility Tests for Software and Web, Harmonized Testing Process for Section 508 Compliance from the DHS Trusted Tester program.

(2) For Microsoft Office and PDF documents, WCAG 2.0 Level A, and AA Conformance test results shall be based on the Harmonized Testing Guidance from the Accessible Electronic Documents Community of Practice.

(3) For ICT that are not electronic content, the contractor shall validate conformance to the Revised 508 Standards (36 CFR part 1194, appendices A and C) using a defined testing process. The contractor shall describe the test process and provide the testing results to the agency.

(c) *Conformance Reporting:* For ICT that are developed, updated, or configured for the agency, and when product substitutions are offered:

(1) Before Acceptance, the contractor shall provide an Accessibility Conformance Report (ACR) for the ICT that is developed, updated, configured for the agency, and when product substitutions are offered. The ACR should be based on the most recent version of the Voluntary Product Assessment Template (VPAT) provided by the Information Technology Industry Council (ITI). An ACR shall be submitted for each ICT and shall be completed according to the instructions provided by ITI to be considered for Acceptance.

(2) Before Acceptance, when the contractor is required to perform testing to validate conformance to the agency's accessibility requirements, the vendor shall provide a supplemental accessibility report that contains the following information:

- i Accessibility test results based on the required test methods.
- ii Documentation of features provided to help achieve accessibility and usability for people with disabilities.
- iii Documentation of core functions that cannot be accessed by persons with disabilities.
- iv Documentation on how to configure and install the ICT to support accessibility.
- v. When ICT is an authoring tool that generates content (including documents, reports, training, videos, multimedia productions, web content, etc.), provide information on how the ICT enables the creation of accessible electronic content that conforms to the Revised 508 Standards (36 CFR part 1194, appendices A and C), including the range of accessible user interface elements the tool can create.
- vi. Before final Acceptance, the contractor shall provide a fully working demonstration of the completed ICT to demonstrate conformance to the agency's accessibility requirements. The demonstration shall expose where such conformance is and is not achieved.

(3) At any time, DOL reserves the right to perform Independent third-party testing to validate the ICT provided by the contractor, conforms to the Revised 508 Standards (36 CFR part 1194, appendices A and C).

(d) *Non-Compliance:* Before final Acceptance of ICT, including updates and replacements, DOL shall determine that the furnished ICT is in compliance with the Revised 508 Standards (36 CFR part 1194, appendices A and C). If the furnished ICT is determined to be non-compliant, the contracting officer shall notify the contractor

of this determination, within 15 business days of determination of non-compliance. The contractor shall, at no cost to DOL, repair or replace the non-compliant products or services within the period specified by the contracting officer. The contracting officer makes the final decision to accept or not accept a contractor's ICT that does not meet the Revised 508 Standards (36 CFR part 1194, appendices A and C).

(End of Clause)

#### **2952.242-70 Access to Contractor Business Systems.**

As prescribed in 2942.101, insert the following clause:

##### **Access to Contractor Business Systems (APR 2019)**

The contractor shall, upon request, provide to the Government, access to covered contractor systems associated with the execution and performance of this requirement to meet audits, reviews, security requirements, and Office of Inspector General requests.

(End of Clause)

#### **2952.242-71 DOL Mandatory Training Requirements for Contractor Employees.**

As prescribed in 2942.101-70, insert the following clause:

##### **DOL Mandatory Training Requirements for Contractor Employees (AUG 2018)**

(a) Where required and applicable, contractor employees, including employees of subcontractors at any tier, shall complete any DOL designated and hosted training that the Contracting Officer's Representative (COR) identifies as mandatory. Training shall be completed in a timeframe specified by the COR.

(b) Time spent on training shall be counted as regular hours worked.

(c) The contractor shall ensure this clause is incorporated in all subcontracts, at any tier.

(End of Clause)

#### **2952.243-70 Contractor's Obligation To Notify the Contracting Officer of a Request To Change the Contract Scope (Contractor's Obligation Clause).**

As prescribed in 2943.104-70, insert the following clause:

##### **Contractor's Obligation To Notify the Contracting Officer of a Request To Change the Contract Scope (Contractor's Obligation Clause) (JAN 2012)**

(a) Except for changes identified in writing and signed by the contracting officer, the contractor is required to notify, within 5 working days of receipt or knowledge, any request for changes to this contract (including actions, inactions, and written or oral communications) that the contractor regards as exceeding the scope of the contract. On the basis of the most accurate information available to the contractor, the notice shall state:

(1) The date, nature, and circumstances of the conduct regarded as a change in scope;

(2) The name, function, and activity of each Government employee and contractor official or employee involved in, or knowledgeable about, such conduct; and

(3) The identification of any documents and substance of any oral communication involved in such conduct.

(b) Following submission of this notice, the contractor shall continue performance in accordance with the contract terms and conditions, unless notified otherwise by the contracting officer.

(c) The contracting officer shall promptly, within 5 business days after receipt of notice from the contractor, respond to the notice in writing. In responding, the contracting officer shall either:

(1) Confirm that the contractor's notice identifies a change in the scope of the contract and directs the contractor to stop work, completely or in part, in accordance with the Stop Work provisions of the contract;

(2) Deny that the contractor's notice identifies a change in scope and instruct the contractor to continue performance under the contract; or

(3) In the event the contractor's notice does not provide sufficient information to make a decision, advise the contractor what additional information is required, and establish the date by which it should be furnished and the date thereafter by which the Government will respond.

(End of Clause)

#### **2952.245-70 Contractor Responsibility to Report Theft of Government Property.**

As prescribed in 2945.104-70, insert the following clause:

##### **Contractor Responsibility To Report Theft of Government Property (FEB 2020)**

Upon the contractor becoming aware of theft of government property by its employee(s), including theft that occurs at subcontractor or alternate site locations, the contractor shall report the theft of government property to the Contracting Officer's Representative or CO of record.

(End of Clause)

#### **2952.245-71 Asset Reporting Requirements.**

As prescribed in 2945.105-70, insert the following clause:

##### **Asset Reporting Requirements (JUL 2019)**

###### **(A) Definitions**

"Accountable Property" is a term to identify property that is essential to DOL operations for which it is in the best interest of the Government to assign and record accountability to assure proper use, maintenance, and disposal. This includes items purchased and obtained through a "lease-to-own" program. The following items are DOL Accountable Property:

(1) DOL-owned or DOL-leased serialized items (*i.e.*, items with a manufacturer's serial number) with an acquisition unit cost above \$3,000.

(2) DOL-owned or DOL-leased "sensitive items."



(3) DOL-owned or DOL-leased furniture with an acquisition unit cost above \$10,000. Items with an acquisition unit cost less than \$10,000 are not applicable. “Sensitive Items” are defined as items, regardless of value, that have appeal to others and may therefore be subject to theft or to security concerns, or that are considered mission critical. The following are considered sensitive items, as well as any other items identified as sensitive by the Contracting Officer’s Representative (COR):

- (1) Desktops and Laptops, including docking stations and connectable monitors.
- (2) PDAs/iPads/SurfacePros/Tablets.
- (3) Printers and Copiers.
- (4) Software Licenses, including media.
- (5) Mobile Devices.
- (6) Firearms.
- (7) Communication Equipment (*e.g.* telephone base and handsets, mobile radio equipment, etc.).
- (8) Conference/Audio-Visual Equipment.
- (9) Power/Specialty Tools (*e.g.* lab equipment, postage meters, etc.).

#### (B) Requirements

The contractor shall submit a DOL Asset Report at time of delivery for both Accountable Property and Sensitive Items. The DOL Asset Report shall be delivered electronically to the COR. DOL Asset Reports shall include Accountable Property and Sensitive Items that have been delivered. The report shall be formatted as an Office Open XML Spreadsheet (.XLSX) document, and adhere to following DOL Asset Report Requirements:

- (a) Award/Purchase Number. The award number issued by the Government.
- (b) Date Shipped. The date the item was shipped to the Government.
- (c) Asset Type. The contract Line-Item Description.
- (d) Manufacturer. The manufacturer of the item.
- (e) Model. The model (name and/or number) of the item.
- (f) Serial Number. The serial number of the item.
- (g) DOL Asset Number. The number of the barcode applied before shipping (if barcoding is required by the award).
- (h) Government Shipping Street Address. The shipping street address of where the item was delivered.
- (i) Warrantied Item. Indicates whether an item is warrantied (Y or N).
- (j) Warranty Time frame. The start and end date of the warranty (if applicable).
- (k) Cost. Acquisition cost per unit and total cost of purchase.

(End of Clause)

#### PARTS 2953–2999 [RESERVED]

Signed this 30 day of July, 2024.

**Carolyn Angus-Hornbuckle,**  
*Assistant Secretary for Administration and Management.*

[FR Doc. 2024–17141 Filed 8–15–24; 8:45 am]

BILLING CODE 4510–04–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 576

[Docket No. NHTSA–2019–0035]

RIN 2127–AL81

#### Record Retention Requirement

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rule is being issued pursuant to the Fixing America’s Surface Transportation (FAST) Act, which requires the Secretary of Transportation (Secretary) to extend the period of time manufacturers of motor vehicles, child restraint systems, and tires must retain records concerning malfunctions that may be related to motor vehicle safety under the National Traffic and Motor Vehicle Safety Act (Safety Act). Section 24403 of the FAST Act directs the Secretary to issue a rule increasing the record retention period to not less than 10 years, instead of 5 years, as presently required under the regulatory provisions. Pursuant to its delegated authority, NHTSA is updating its regulations in accordance with this mandate to extend the time that manufacturers are required to retain certain records that may be related to motor vehicle safety to 10 years.

#### DATES:

*Effective date:* This rule is effective October 15, 2024.

*Petitions for reconsideration:* Petitions for reconsideration of this final rule must be received not later than September 30, 2024.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Fourth Floor, Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Michael Kuppersmith, Trial Attorney, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 366–2992).

#### SUPPLEMENTARY INFORMATION:

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- II. Record Retention Requirements Under the Safety Act Prior to the FAST Act
- III. The Notice of Proposed Rulemaking

#### IV. The Final Rule

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##### I. Executive Summary

The FAST Act was signed into law on December 4, 2015. Public Law 114–94. Section 24403 of the FAST Act directs the Secretary of Transportation to increase the amount of time manufacturers of motor vehicles, child restraint systems, and tires are required to maintain records that contain information concerning malfunctions that may be related to motor vehicle safety. In the final rule, the Secretary must lengthen the time that manufacturers must maintain these records to not less than 10 years from the date the records were generated or acquired. Public Law 114–94, sec. 24403(a).

In May 2019, NHTSA proposed amending its regulation to increase the retention period to 10 years and is now finalizing that proposal. Based on NHTSA’s experience investigating potential defects, overseeing recalls, and our consideration of the comments, we have determined that finalizing the proposed 10-year records retention requirement would help address the agency’s investigative needs while minimizing the burden to manufacturers of motor vehicles and equipment. Thus, this final rule extends the record retention requirement for records required to be maintained under 49 CFR 576.6 to 10 years. NHTSA may consider further extending the retention period in the future.

This final rule does not require manufacturers to retain any new information; it merely requires manufacturers to retain information they are already required to retain under 49 CFR part 576 for a longer period of time. This final rule also does not extend the time period that manufacturers of motor vehicles and motor equipment are required to retain records underlying information reported under 49 CFR part 579.

In accordance with the FAST Act, the extended time period applies to records in manufacturers’ possession on the effective date of this rule and records generated or acquired in the future. Public Law 114–94, sec. 24403(b).

##### II. Record Retention Requirements Under the Safety Act Prior to the FAST Act

Part 576 requires manufacturers of motor vehicles, child restraint systems, and tires to retain “all documentary materials, films, tapes, and other information-storing media that contain information concerning malfunctions that may be related to motor vehicle



safety.” 49 CFR 576.6; *see* 49 CFR 576.5(a). These records must be maintained for use in the investigation and disposition of possible defects related to motor vehicle safety or noncompliance with safety standards and associated regulations. 49 CFR 576.2. Manufacturers of motor vehicles, child restraint systems, and tires must currently keep the records required to be maintained by 49 CFR 576.6 for 5 years after they are generated or acquired. 49 CFR 576.5(a). Manufacturers of motor vehicles and all manufacturers of motor vehicle equipment must also keep documents underlying reporting required by 49 CFR part 579 for 5 years after they are generated or acquired. 49 CFR 576.5(b). However, according to 49 CFR 576.5(c), manufacturers of motor vehicles and motor vehicle equipment are not required to keep copies of documents reported to NHTSA as required by 49 CFR parts 573, 577, and 579. No manufacturer is required to keep duplicates according to 49 CFR 576.7.

### III. The Notice of Proposed Rulemaking

In the notice of proposed rulemaking (NPRM), published May 15, 2019,<sup>1</sup> NHTSA proposed that manufacturers of motor vehicles, child restraint systems, and tires be required to retain records concerning malfunctions that may be related to motor vehicle safety for 10 years. The NPRM stated that the proposal was based on NHTSA’s experience with the increasing age of motor vehicles and motor vehicle equipment and the importance of records from manufacturers, balanced against the agency’s desire to avoid unnecessarily burdening manufacturers of motor vehicles and motor vehicle equipment. The NPRM stated that it was NHTSA’s belief that a records retention period of 10 years would ensure that manufacturers would preserve records that NHTSA needs to conduct defect investigations without imposing an undue record retention burden on manufacturers.

The NPRM requested comment on manufacturers’ current records retention practices; the burden of increasing the records retention period for records required to be maintained by 49 CFR 576.6 to 15, 20, or 25 years; costs that might be associated with storage of electronic records; and the total volume of records retained pursuant to part 576 by a manufacturer.

The NPRM noted that while the average age of the vehicle fleet was 11.6 years in 2016,<sup>2</sup> a 10-year long records

retention period is of significant length when compared to records retention periods of similar scope of other operating administrations within the United States Department of Transportation and other federal agencies that regulate motor vehicles and child products.<sup>3</sup> The NPRM recognized that, as the length of time that vehicles remain on the road has increased in recent years, the amount of information generated and retained by vehicle manufacturers has also increased. Thus, extending the records retention requirement increases the total volume of information that must be stored.

The NPRM also noted that manufacturers of child restraint systems and tires would also be bound by a lengthened retention period in part 576 even though the free remedy period for tires is 5 years and the useful life of tires and child restraint systems is often less than 10 years.

The NPRM also discussed the several instances in which NHTSA has declined to extend the records retention period in part 576 to correspond to the free remedy period for recalls in 49 U.S.C. 30120. The NPRM stated that, based on NHTSA’s experience investigating potential defects and overseeing recalls, many manufacturers of motor vehicles and equipment already retain some of the records subject to this rule for periods of time longer than the current 5-year minimum.

In response to the NPRM, NHTSA received comments from the U.S. Tire Manufacturers Association (USTMA), the Center for Auto Safety, and the Motor and Equipment Manufacturers Association (MEMA).

USTMA stated that it opposed any recordkeeping requirement applicable to tire manufacturers of a period longer than 10 years. USTMA stated that use cases for tires and the typical life span of tire models demonstrates that there is not sufficient justification to extend the records retention requirement longer than 10 years. USTMA further stated that an estimated 80 percent of tires are removed from service on a vehicle within 6 years of manufacture and more than 60 percent of tires are removed from service in fewer than 4 years after their manufacture. USTMA states that while the age of the U.S. vehicle fleet has increased, tire replacement rates have remained static despite improved tire technology because of increases in the total number of vehicle miles

traveled per year in the U.S. USTMA pointed to prior instances in which NHTSA had found it was not cost beneficial to extend the records retention requirements in part 576 as evidence that it may not be cost beneficial in the current instance to extend the records retention requirements beyond 10 years.

The Center for Auto Safety stated that a 10-year period was insufficient to ensure that information relevant to safety defects is preserved for review by NHTSA investigators. The Center for Auto Safety further stated that by limiting the records retention requirements in part 576 to 10 years, NHTSA would be limiting the purview of NHTSA’s Office of Defect Investigation (ODI) for vehicles older than 5 years to the post-design stage. The Center for Auto Safety maintained that this requirement would limit ODI’s ability to investigate design defects. The Center for Auto Safety maintained that often NHTSA’s ability to make a defect determination hinges on evidence of a design or manufacturing defect of which relevant documents may have been produced years before vehicles or equipment is manufactured and sold to the public. Thus, a shorter retention period could limit access to these types of records. The Center for Auto Safety noted that at the time of the NPRM, 44 percent of the 43 active Defect Petitions and Preliminary Evaluations and Engineering Analysis investigations involved vehicles or equipment that began production more than 10 years earlier. The Center for Auto Safety asserted that without knowing motor vehicle and equipment manufacturers’ current records retention practices, NHTSA has no basis for asserting that extending the records retention period beyond 10 years will burden manufacturers because manufacturers are likely already retaining the records. The Center for Auto Safety specifically called on NHTSA to extend the record retention period to a minimum of 20 years to ensure the agency can effectively evaluate safety defects in both new and older vehicles and to support the agency’s recall and enforcement authorities.

MEMA’s comments applauded NHTSA for recognizing the differences in record retention burdens between manufacturers of vehicles and those of manufacturers of tires and child restraints. MEMA supported NHTSA’s decision to propose only extending the records retention period in 49 CFR 576.6 as well as the decision not to propose extending retention requirements for manufacturers of motor vehicle equipment other than child

<sup>1</sup> 84 FR 21741.

<sup>2</sup> 84 FR 21742.

<sup>3</sup> *Id.* (citing Federal Railroad Administration, Federal Motor Carrier Safety Administration, Consumer Product Safety Commission, and Environmental Protection Agency requirements).

restraints and tires. MEMA also supported the comments of USTMA.

The commenters did not provide information on vehicle or equipment manufacturers' current retention practices or the costs of electronic records storage.

#### IV. The Final Rule

After considering all available information, including the comments, NHTSA has decided to adopt the changes to the regulation proposed in the NPRM without modification. In the NPRM the agency stated, that based on its experience investigating potential defects and overseeing recalls, many manufacturers of motor vehicles and equipment currently retain records subject to this rule for periods of time longer than currently required. NHTSA also stated a belief that the cost of electronic storage is low and nothing contained in the comments has led NHTSA to change that view. Thus, this final rule will require manufacturers to maintain records for the minimum 10-year period specified in the FAST Act and NHTSA will consider further extending this requirement in the future.

NHTSA acknowledges, as mentioned by the Center for Auto Safety, that in many cases manufacturers of motor vehicles and equipment are currently retaining records for their own business purposes for a period of time longer than 10 years. In its investigations, ODI has been able to receive relevant records from the motor vehicle or equipment manufacturer, even in many instances in which the records are far older than those required to be retained. In response to the Center for Auto Safety's assertion that the age of the vehicles and equipment that are the subject of open investigations and Defect Petitions demonstrate that a 10-year records retention period is insufficient, NHTSA notes that the manufacturers' general practices of retaining records longer than the required period has enabled the agency to obtain relevant records when necessary.

While the burden of extending the records retention requirement in part 576 longer than 10 years may be minimal, the agency has decided that finalizing a 10-year requirement now is appropriate. That action will ensure that records are retained for that longer retention period immediately upon the effective date of this rule and will not foreclose the agency from further consideration of a longer retention period, which could serve as a backstop to ensure that manufacturers continue to retain older records that the agency often considers in its work. NHTSA

must also consider the burden of extending the records retention requirements in 49 CFR 576.6 to manufacturers of tires and child restraints, which may not retain records for as long as motor vehicle manufacturers. Furthermore, ODI needs records older than 10 years old from child restraint system and tire manufacturers less often than from vehicle manufacturers. Thus, in the future, NHTSA may consider different retention periods tailored to its needs.

The Center for Auto Safety further asserted that a records retention period of 10 years will limit ODI's oversight of manufacturing and design defects. As noted above, it is ODI's experience that in most cases records are available past the period for which manufacturers are required to keep them. Furthermore, while design and manufacturing records can be helpful to demonstrating the existence of a defect, NHTSA can prove a defect based on performance alone. See 49 U.S.C. 30120(a)(3) (defining "defect" as including a defect in performance); *U.S. v. Gen. Motors*, 518 F.2d 420, 438 (D.C. Cir. 1975).

While we are declining at this time to extend the records retention requirement for records covered by 49 CFR 576.6 for a period longer than 10 years, we do note that the average age of the U.S. on-road vehicle fleet has increased since the NPRM.<sup>4</sup> Finalizing the proposed retention period now ensures that manufacturers retain records for the minimum 10-year period, in accordance with the FAST Act mandate. The agency will consider a further extension of the requirement in the future.

#### V. Regulatory Analyses and Notices

##### A. Executive Order (E.O.) 12866, E.O. 13563, E.O. 14094, and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866, E.O. 13563, E.O. 14094, and DOT's regulatory policies and procedures. This final rule is nonsignificant under E.O. 12866 and E.O. 14094 and was not reviewed by the Office of Management and Budget (OMB). It is also not considered "of special note to the Department" under DOT Order 2100.6A, Rulemaking and Guidance Procedures.

This rule amends 49 CFR part 576 to require motor vehicle, child restraint

system, and tire manufacturers to maintain records for a longer period than the currently required 5-year time period. This rule does not require manufacturers to maintain any records they are not already required to maintain, but instead is designed to lengthen the time manufacturers retain certain records. Extending the period of time to 10 years is expected to lead to various unquantifiable benefits such as formalizing manufacturers' records retention practices and ensuring that, in all instances, records that must be retained under section 576.6 are available in the case of a NHTSA investigation for a minimum of 10 years.

Based on NHTSA's experience conducting investigations and overseeing recalls, NHTSA believes that most manufacturers of motor vehicles subject to this rule already retain records for a longer period than currently specified in part 576. It is NHTSA's position that those manufacturers of motor vehicles or equipment who do currently retain records for longer than 10 years would be able to adjust their record retention systems in response to this rulemaking with minimal cost. Because we expect any costs, benefits, or savings associated with this rulemaking to be minimal, we have not prepared a separate economic analysis for this rulemaking.

##### B. Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, NHTSA has evaluated the effects of this action on small entities. I hereby certify that this final rule would not have a significant impact on a substantial number of small entities. The rule affects manufacturers of motor vehicles, child restraint systems, and tires, a few of which may qualify as small entities. Such manufacturers are expected to have fewer records, because they produce fewer motor vehicles, child restraint systems, and tires than larger manufacturers. Accordingly, the burden imposed on smaller manufacturers to retain these records should be small. Additionally, this rule will merely extend how long manufacturers keep records that they are already required to maintain under current regulations, amounting to a minimal impact on small businesses. Thus, NHTSA believes that the regulation does not impose a significant burden on small manufacturers.

##### C. Executive Order 13132 (Federalism)

NHTSA has examined today's rule pursuant to E.O. 13132 (64 FR 43255, Aug. 10, 1999) and concluded that no additional consultation with states,

<sup>4</sup> The average age of the U.S. light vehicle fleet was 12.6 years in 2024. See *Average Age of Vehicles in the US Continues to Rise: 12.6 Years in 2024*, According to S&P Mobility (May 22, 2024), available <https://www.spglobal.com/mobility/en/research-analysis/average-age-vehicles-united-states-2024.html> (last visited June 13, 2024).

local governments, or their representatives is mandated beyond the rulemaking process. The agency has determined that the rulemaking would not have sufficient federalism implications to warrant consultation with state and local officials or the preparation of a federalism summary impact statement. The rule would apply to manufacturers of motor vehicles and motor vehicle equipment and would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, E.O. 13132 is not implicated and consultation with state and local officials is not required.

#### *D. National Environmental Policy Act*

NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. The agency has determined that the implementation of this action will not have any significant impact on the quality of the human environment.

#### *E. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. NHTSA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule does not meet the criteria in 5 U.S.C. 804(2) to be considered a major rule.

#### *F. Paperwork Reduction Act*

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. A person is not required to respond to a collection of information by a federal agency unless the collection displays a valid OMB clearance number. In compliance with these requirements, NHTSA is submitting an information collection request (ICR) to OMB for modifications to a currently approved information collection titled “Record Retention—49 CFR part 576” (OMB Control No. 2127–0042, Current Expiration Date: 4/30/2026).

The final rule amends 49 CFR part 576 to extend the time manufacturers

must retain certain information, which is considered to be an information collection requirement, as that term is defined by the OMB in 5 CFR part 1320. NHTSA sought comment on this change in the NPRM published on May 15, 2019.<sup>5</sup> NHTSA’s responses to the comments are discussed in section III above. As discussed, NHTSA is adopting the proposal without modification.

In accordance with the requirements of the PRA, NHTSA is resubmitting the ICR for this final rule. While NHTSA has not made any substantial modifications to the ICR since publishing the NPRM, NHTSA has revised the estimates for the total burden of this collection due to changes in the number of respondents since the NPRM was issued. NHTSA estimates the total burden of this information collection to be 40,225 hours and \$0, which is the same burden estimate provided for the currently approved information collection. NHTSA does not believe the modification will increase burden to manufacturers. However, this estimate is higher than what we estimated in the May 15, 2019 NPRM, in which we as estimated that the burden would be 40,020 hours and \$0. The adjustment is a result of an increase in the estimated number of the manufacturers required to maintain the records (an increase of five manufacturers each incurring an estimated 40 burden hours each year and an additional five manufacturers incurring an estimated 1 burden hour each year). NHTSA continues to estimate that there are no additional costs associated with this information collection.

In compliance with the requirement at 5 CFR 1320.9(g), NHTSA is providing the following information to potential respondents to the information collections for part 576—Record Retention:

Paperwork Reduction Act Statement: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2127–0042. The information collected is necessary to increase the effectiveness of NHTSA’s investigations into potential safety related defects. The records that are required to be retained per 49 CFR part 576 are used to promptly identify potential safety-related defects in motor vehicles and motor vehicle equipment in the

United States. When a trend in incidents arising from a potentially safety-related defect is discovered, NHTSA relies on this information, along with other agency data, to determine whether or not to open a formal defect investigation (as authorized by Title 49 U.S.C. Chapter 301—Motor Vehicle Safety). The record retention requirements are mandatory and NHTSA estimates that the annual burden associated with these record retention requirements is approximately 40 hours per manufacturer for vehicle and equipment manufacturers and 1 hour per manufacturer for record retention for death reports. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE, Room W45–205, Washington, DC 20590.

#### *G. National Technology Transfer and Advancement Act*

Under the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113), “all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.” The amendment in today’s final rule extends the time manufacturers retain records, and does not involve any voluntary consensus standards as it relates to NHTSA or this rulemaking.

#### *H. Executive Order 12988 (Civil Justice Reform)*

With respect to the review of the promulgation of a new regulation, section 3(b) of E.O. 12988, “Civil Justice Reform” (61 FR 4729, Feb. 7, 1996), requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect; (2) clearly specifies the effect on existing federal law or regulation including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) adequately defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA has considered these issues and determined

<sup>5</sup> 84 FR 21741.

that this rule does not have any retroactive or preemptive effect. The rule only applies to documents in manufacturers' possession at the time the rule goes into effect and documents generated or acquired by manufacturers in the future. NHTSA notes further that there is no requirement associated with this rule that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

#### *I. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a federal mandate likely to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of 1995). This rule would not result in expenditures by state, local, or tribal governments, in the aggregate, or by the private sector in excess of \$100 million annually (adjusted for inflation with base year of 1995).

#### *J. Executive Order 13211*

E.O. 13211 (66 FR 28355, May 18, 2001) applies to any rulemaking that: (1) is determined to be economically significant as defined under E.O. 12866, and is likely to have a significantly adverse effect on the supply of, distribution of, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. This rulemaking is not subject to E.O. 13211.

#### *K. Regulation Identifier Number*

The DOT assigns a regulation identifier number (RIN) 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. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

#### **List of Subjects in 49 CFR Part 576**

Motor vehicle safety, Tires, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, NHTSA amends 49 CFR part 576 as follows:

#### **PART 576—RECORD RETENTION**

■ 1. The authority citation for part 576 is revised to read as follows:

**Authority:** 49 U.S.C. 322(a), 30117, 30120(g), 30141–30147; delegation of authority at 49 CFR 1.95.

■ 2. Amend § 576.5 to revise paragraph (a) to read as follows:

#### **§ 576.5 Basic requirements.**

(a) Each manufacturer of motor vehicles, child restraint systems, and tires shall retain, as specified in § 576.7 of this part, all records described in § 576.6 of this part for a period of 10 calendar years from the date on which they were generated or acquired by the manufacturer.

\* \* \* \* \*

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

**Sophie Shulman,**

*Deputy Administrator.*

[FR Doc. 2024–18112 Filed 8–15–24; 8:45 am]

**BILLING CODE 4910–59–P**

#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

**[Docket No. 240808–0216]**

**RIN 0648–BM69**

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 113 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program Adjustments**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement amendment 113 to the Fishery Management Plan (FMP) for the Groundfish of the Gulf of Alaska (GOA). This final rule modifies specific provisions of the Central Gulf of Alaska (CGOA) Rockfish Program (RP) to change the season start date, remove the catcher vessel (CV) cooperative quota (CQ) cap, and revise the processing and harvesting caps. This final rule is necessary to provide increased flexibility and efficiency and to help ensure the rockfish total allowable catch (TAC) is fully harvested and landed in Kodiak while maintaining the intent of the RP. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the GOA FMP, and other applicable laws.

**DATES:** Effective September 16, 2024.

**ADDRESSES:** Electronic copies of amendment 113 to the GOA FMP, the Environmental Assessment/Regulatory Impact Review prepared for this action (the analysis), and the Finding of No Significant Impact prepared for this action may be obtained from <https://www.regulations.gov> and the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Gretchen Harrington; and to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Joel Kraski, 907–586–7228, [joel.kraski@noaa.gov](mailto:joel.kraski@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This final rule implements amendment 113 to the GOA FMP. A notice of availability (NOA) for amendment 113 was published by NMFS in the **Federal Register** on April 4, 2024 (89 FR 23535), with public comments invited through June 3, 2024. NMFS published a proposed rule to implement amendment 113 in the **Federal Register** on May 10, 2024 (89 FR 40449), with public comments invited through June 10, 2024. The Secretary of Commerce approved amendment 113 on June 27, 2024 after considering information from the public and determining that amendment 113 is consistent with the GOA FMP, the Magnuson-Stevens Act, and other applicable laws.

NMFS received 3 relevant written comments in response to requests for public comment, that were either directed to the NOA for the FMP amendments, the proposed rule, or both, in association with Secretarial approval of the amendment or the proposed rule. A summary of the comments and NMFS' responses are provided under the heading Comments and Responses section below.

#### **Background**

##### *The Rockfish Program*

The RP was developed to enhance resource conservation and improve economic efficiency in the CGOA rockfish fisheries. A detailed description of the RP and its development is provided in the preambles to the proposed and final

rules implementing the RP (76 FR 52147, August 19, 2011; 76 FR 81248, December 27, 2011).

The RP, which includes the CGOA rockfish species of Pacific ocean perch, northern rockfish, and pelagic shelf rockfish, is based on the recognition of historical participation of fishing vessels and processors in the CGOA rockfish fisheries from 1996 to 2002. The rockfish primary species are northern rockfish, Pacific ocean perch, and dusky rockfish. The rockfish secondary species are Pacific cod, rougheye rockfish, shortraker rockfish, and sablefish. The RP provides catch limits for non-rockfish species and non-target rockfish species harvested with the CGOA rockfish species, based upon historical harvest levels of these incidentally caught species, and sets aside up to 5 percent of the TAC of the CGOA rockfish fisheries for CVs that are not eligible to participate in the program. The RP apportions TAC to cooperatives formed by individuals holding a License Limitation Program (LLP) license with rockfish quota share (QS). Fishing under cooperative management resulted in a slower-paced fishery that allowed harvesters to choose when to fish and provided greater stability for processors by spreading out production over a longer period of time.

### Final Rule

Amendment 113 and this final rule address changes in, and potentially resolve associated commercial fish market impacts to, the RP fishery since the RP was reauthorized in 2021. A detailed description of this action and its development is provided in the preamble to the proposed rule and in the Analysis.

This final rule changes the regulations to improve the likelihood that the TACs for the rockfish species are fully harvested and landed in Kodiak. This final rule provides additional flexibility for trawl vessels to participate in the RP during April each year, and keep rockfish processors fully operational, thus mitigating impacts from changes in market conditions. This final rule also implements changes to three of the RP use caps to remove constraints on the amount of CQ that can be caught or processed by participants, while still maintaining RP's original intent to limit consolidation while allowing this fishery to be prosecuted in a sustainable and functional manner. The term "use cap" or "cap" is the limit on the quota that can be caught or processed by participants in the RP.

### *Change in Rockfish Program Season Start Date*

This final rule changes the start date for this fishery from May 1 to April 1, specified at 50 CFR 679.80(a)(3)(ii) for a rockfish cooperative, to enhance flexibility for processing plants and vessel operators participating in the RP. This change in season start date helps maintain processing capacity for other non-trawl fisheries through workforce stability.

This final rule changes associated references to RP season start dates in §§ 679.5(r)(10), 679.7(n)(3)(i), 679.7(n)(6)(vi), 679.51(a)(2)(vi)(D)(1), 679.81(i)(3), 679.84(g)(1), and 679.84(g)(2). The changes in § 679.5(r)(10) add April to the reporting period of the Rockfish Ex-vessel Volume and Value Report. The changes in § 679.7(n)(3)(i) and (n)(6)(vi) extend the requirement to use a Vessel Monitoring System (VMS) during the month of April while operating in the RP fishery. The changes in § 679.51(a)(2)(vi)(D)(1) extend the observer requirements for RP from May to the month of April. The changes in §§ 679.81(i)(3), 679.84(g)(1), and 679.84(g)(2) extend when catch of the rockfish primary species and rockfish secondary species are deducted from CQ from May to the month of April. These provisions all reference the season start date for RP and the changes in this final rule make the regulations consistent with the change to the season start date and eliminate references to the prior start date of May 1.

### *Remove the Catcher Vessel Cooperative Rockfish CQ Use Cap*

This final rule removes § 679.82(a)(3), thereby eliminating the CV cooperative rockfish CQ use cap that prevents a CV rockfish cooperative from holding or using an amount of rockfish primary species CQ during a calendar year that is greater than an amount resulting from 30.0 percent of the aggregate rockfish primary species QS initially assigned to the CV sector. Therefore, this final rule relieves the unnecessary administrative burden caused by the CQ use cap preventing RP CVs from joining together into larger cooperatives, providing more flexibility within the RP fishery for CVs.

### *Increase the Use Caps for Rockfish Processors*

This final rule revises 50 CFR 679.82(a)(5) to increase the use cap for rockfish processors from 30 percent to 40 percent of the CV QS pool for rockfish primary species, Pacific cod, and sablefish, which ensures that a minimum of three Kodiak processors are necessary to process all the RP CQ.

### *Revise CV Aggregated Rockfish Harvesting Cap*

This final rule revises 50 CFR 679.82(a)(4) by removing dusky rockfish and northern rockfish from the calculation of the 8 percent harvest vessel use cap for CVs. This final rule does not change the harvest vessel use cap for catcher/processor vessels.

This change removes the phrases "rockfish primary species" and "aggregate rockfish primary species" in paragraph (4) and replaces them with the phrase "Pacific ocean perch." This effectively removes dusky rockfish and northern rockfish from the calculation of the 8 percent harvest vessel use cap, so that the cap now applies only to a CV's harvest of Pacific ocean perch. This may improve the likelihood that the TACs for the rockfish primary species and the rockfish secondary species are fully harvested and landed in Kodiak.

### *Other Regulatory Changes*

In addition to the regulatory changes necessary to implement amendment 113, NMFS revises the following regulations for clarity, efficiency, and technical consistency:

- Replace all relevant instances of "pelagic shelf rockfish" with "dusky rockfish" in 50 CFR 679.7(n)(4), 679.7(n)(6)(vi), and table 37 in part 679. This change clarifies that the regulations apply only to one species: dusky rockfish. This resolves an incorrect species grouping reference that was not completely resolved with the final rule to implement amendment 111 to the GOA FMP (86 FR 11895, March 1, 2021);
- Revise 50 CFR 679.5(r)(8)(i)(A) and (B) to allow vessel operators to submit the check in/out reports on behalf of the rockfish cooperative for additional flexibility;
- Remove the website address for the NMFS Alaska Region website in 50 CFR 679.5(r)(10)(v);
- Revise 50 CFR 679.81(f)(4) by removing the requirement to submit all listed documents for the Annual Application for the RP. Thus, all documents are required to be submitted with an initial application, while applicants are required to resubmit only those documents from the initial application that contain new or changed information; and
- Revise 50 CFR 679.81(g)(2)(i) and (ii) by removing "Transfer Key" from the application for inter-cooperative transfer of cooperative quota, as Transfer Keys are no longer used by the RP.

## Comments and Responses

NMFS received three comment letters on the Notice of Availability and the proposed rule. NMFS summarized and responded to the three unique comments below. The comments were from individuals and industry participants. One comment was outside the scope of this action.

*Comment 1:* The fishery is under extreme stress due to global and domestic seafood market conditions across all species and sectors. These adjustments help alleviate some of these challenges and stressors.

*Response:* NMFS acknowledges the comment.

*Comment 2:* The current practice of having the cooperative's designated representative perform all the check ins and check outs has worked well to date and a regulatory change is not warranted for catcher vessels. The provision allowing vessel operators to check vessels in and out of the fishery should be limited to the Catcher Processor sector.

*Response:* This provision requires that the designated representative authorizes a vessel operator to complete vessel check-ins and check-outs. This is a voluntary action and the designated representative may opt to complete all vessel check-ins and check-outs for the CV sector.

## Changes From Proposed to Final Rule

NMFS made no changes from the proposed to final rule.

## Classification

NMFS is issuing this final rule pursuant to sections 304(b) and 305(d) of the Magnuson-Stevens Act, which provide the specific authority for implementing this action. Pursuant to sections 304(b) and 305(d) of the Magnuson-Stevens Act, this action is necessary to carry out amendment 113 to the GOA FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, and to revise regulations associated with the RP for clarity and technical consistency. Section 305(d), in particular, grants the authority to make technical changes to existing regulations, updating cross-references, and clarifications to facilitate pre-planned efficiencies. The NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

## Final Regulatory Flexibility Analysis (FRFA)

This FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, and a summary of the analyses completed to support this action.

Section 604 of the Regulatory Flexibility Act (RFA) requires that, when an agency promulgates a final rule under section 553 of Title 5 of the U.S. Code, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a FRFA. Section 604 describes the required contents of a FRFA: (1) a statement of the need for and objectives for this rule; (2) a statement of the significant issues raised by the public comments in response to the IRFA, a statement of the assessment of the agency of such issues, and a statement of any changes made to the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made to the proposed rule in this final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in this final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

A description of this final rule and the need for and objectives of this rule are contained in the preamble to this final rule and the preamble to the proposed rule and are not repeated here (89 FR 40449, May 10, 2024).

## Public and Chief Counsel for Advocacy Comments on the Proposed Rule

NMFS published the proposed rule on May 10, 2024 (89 FR 40449). An IRFA was prepared and summarized in the "Classification" section of the preamble to the proposed rule. The comment period closed on June 10, 2024. NMFS received three letters of public comment on the proposed rule and amendment 113. The Chief Counsel for Advocacy of the SBA did not file any comments on the proposed rule.

## Summary of Significant Issues Raised During Public Comment

NMFS received no comments on the IRFA.

## Number and Description of Small Entities Regulated by This Final Action

This final rule directly regulates the owners and operators of CVs and catcher/processor vessels eligible to participate in the CGOA RP. In 2022 (*i.e.*, the most recent year of complete data), 57 vessels participated in the RP, 26 of which are considered small entities based on the \$11 million threshold. None of the nine catcher/processor vessels that participate in the RP are classified as small entities because their combined gross income through affiliation with the amendment 80 cooperative exceeds the \$11 million first wholesale value threshold for combined annual receipts for all affiliated operations worldwide. Additional detail is included in sections 2.9 in the Analysis prepared for this rule (see **ADDRESSES**).

## Recordkeeping, Reporting, and Other Compliance Requirements

This final rule modifies recordkeeping and reporting requirements under the RP to: (1) add the month of April to the Rockfish Ex-vessel Volume and Value Report; (2) modify cooperative check-in/out procedures to allow vessel operators to perform the check-in/out; (3) prohibit operation of a vessel that is assigned to a rockfish cooperative and fail to use functioning VMS equipment at all times when operating in a reporting area off Alaska for the month of April; and (4) require documentation for the Annual Application for the RP on the initial application, while subsequently requiring less documentation. Subsequent applications will only be required to resubmit documents for the application if information has changed. These recordkeeping and reporting changes clarify existing provisions of the RP and remove unnecessary reporting requirements, with the result of slightly reducing the reporting burden for all directly regulated entities

including small entities. The impact of these changes is described in more detail in section 2.8.2 of the Analysis prepared for this final rule (See **ADDRESSES**).

*Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities*

In recommending amendment 113 and this rule, the Council considered two alternatives, with multiple elements, including the “no action” alternative (Alternative 1) and an action alternative (Alternative 2) to modify the RP with four options to address a suite of potential management revisions. Those options, which are described (along with a description of the benefits of each option) above in the section entitled, “Final Rule,” are to: (1) change the season start date from May 1 to April 1; (2) remove the CV cooperative rockfish CQ use cap; (3) increase the use caps for rockfish processors; and (4) revise the CV aggregated rockfish harvesting cap. As described above in the “Final Rule” section, these options enhance flexibility (options 1, 2 and 3), relieve unnecessary administrative burdens for participants in the RP (option 2), and provide increased opportunities to harvest a larger portion of the dusky rockfish and northern rockfish CQ (option 4). The option to increase the processor use cap from 30 to 40 percent could allow consolidation of RP processing activity to three rockfish processors in Kodiak. This allows for the reduction of the number of operating rockfish processors from four to three. The expected result of this option to increase the processing cap would be continued limiting of processor consolidation while also allowing for additional flexibility compared to the status quo. These adjustments to the current CGOA RP allow additional flexibility to adapt to changing market and environmental conditions, both on the water and in processing capacity within the community, as discussed in the “Final Rule” section. The Council selected, and this final rule implements, Alternative 2, and all four options under that alternative, which would increase net benefits to the nation in comparison to the status quo. The final action meets the overall goals of prosecuting this fishery in a sustainable and functional manner and better ensuring that the TACs for the primary rockfish species and other allocated species are fully harvested and landed in Kodiak. As noted by the Council in its purpose and need statement, this final action includes relatively small changes to the regulations but these changes could

have a meaningful impact on the fishery and the Kodiak community.

Based upon the best available scientific data, and in consideration of the Council’s and NMFS’s objectives of this action, there are no significant alternatives to Alternative 2, which would be implemented by this final rule, that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes, and that have the potential to minimize any significant adverse economic impact of this final rule on small entities. After consideration of input from the public, the Council and NMFS concluded that the final action best accomplishes the stated objectives articulated above in the **SUPPLEMENTARY INFORMATION** section of this final rule, and in applicable statutes, and would minimize any significant economic impact of the proposed rule on small entities.

*Small Entity Compliance Guide*

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as “small entity compliance guides.” The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. The preambles to the proposed rule and this final rule include a detailed description of the actions necessary to comply with this rule. This action does not require any additional compliance from small entities that is not described in the preambles to the proposed rule and this final rule. Copies of the proposed rule and this final rule are available from the NMFS website at <https://www.fisheries.noaa.gov/region/alaska>.

*Collection-of-Information Requirements*

Under the Paperwork Reduction Act (PRA) of 1995, two collections of information (and the requirements therein) would continue to apply with no changes: Office of Management and Budget (OMB) Control Number 0648–0445, NMFS Alaska Region VMS Program; and OMB Control Number 0648–0711, Alaska Cost Recovery and Fee Programs. This final rule does not contain a change to the requirements contained in these two collections.

This final rule contains collection-of-information requirements subject to review and approval by the OMB under the PRA. This final rule revises existing

requirements for the collection of information OMB Control Number 0648–0545, entitled “Central Gulf of Alaska Rockfish Program: Permits and Reports.” As described below, the revisions made by this final rule to OMB Control Number 0648–0545 will not result in a change in estimated burden hours. Because of a concurrent action (submitted for three-year renewal) for 0648–0545, the revision to that collection of information for this rule will be assigned a temporary control number, OMB Control Number 0648–0826, that will later be merged into 0648–0545.

Specifically, this final rule revises the requirements for the Application for Rockfish Cooperative Fishing Quota to require the documents listed at 50 CFR 679.81(f)(4)(i) to be submitted only with the initial application. In subsequent applications, applicants would need to resubmit these documents only if information has changed. This will not modify the respondents, responses, or the burden related to this application. This final rule also allows vessel operators to conduct the check-in and check-out process for the rockfish cooperative vessel check-in and check-out reports. Currently this can only be done by the RP cooperative representative. This revision adds 10 vessel operators as new respondents for the rockfish check-in and check-out reports but does not change the number of responses or the burden.

The public reporting burden for the Application for Rockfish Cooperative Fishing Quota is estimated to average two hours and the check-in and check-out reports are estimated to average 10 minutes each. These burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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 at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find these particular information collections by selecting “Currently under Review” or by using the search function and entering the title of the collection or the OMB Control Number.

Notwithstanding any other provision of the law, no person is 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.

#### List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

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 proposes to amend 50 CFR part 679 as follows:

### PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

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

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

■ 2. In § 679.5, revise paragraphs (r)(8)(i)(A) introductory text, (r)(8)(i)(B) introductory text, (r)(8)(ii), and (r)(10)(ii) and (v) to read as follows:

#### § 679.5 Recordkeeping and reporting (R&R).

\* \* \* \* \*

(r) \* \* \*

(8) \* \* \*

(i) \* \* \*

(A) *Vessel check-in.* The designated representative of a rockfish cooperative must designate any vessel that is authorized to fish under the rockfish cooperative's CQ permit, or, if authorized by the rockfish cooperative, the operator of a vessel must do so, before that vessel may fish under that CQ permit through a check-in procedure. The designated representative for a rockfish cooperative or operator of the vessel must submit to NMFS, in accordance with paragraph (r)(8)(ii) of this section, a check-in designation for a vessel:

\* \* \* \* \*

(B) *Vessel check-out.* The designated representative of a rockfish cooperative must designate any vessel that is no longer fishing under a CQ permit for that rockfish cooperative, or, if authorized by the rockfish cooperative, the operator of the vessel must do so, through a check-out procedure. A check-out report must be submitted to NMFS, in accordance with (r)(8)(ii) of this section, within 6 hours after the effective date and time the rockfish cooperative ends the vessel's authority to fish under the CQ permit.

\* \* \* \* \*

(ii) *Submittal.* The designated representative of the rockfish cooperative or, if authorized by the rockfish cooperative, the operator of a vessel must submit a vessel check-in or check-out report electronically. The rockfish cooperative's designated representative or vessel operator must log into the online system and create a vessel check-in or vessel check-out request as indicated on the computer screen. By using the NMFS ID password and submitting the transfer request, the designated representative or vessel operator certifies that all information is true, correct, and complete.

\* \* \* \* \*

(10) \* \* \*

(ii) *Reporting period.* The reporting period of the Rockfish Ex-vessel Volume and Value Report shall extend from April 1 through November 15 of each year.

\* \* \* \* \*

(v) *Submittal.* The rockfish processor must complete and submit online by electronic submission to NMFS the Rockfish Ex-vessel Volume and Value Report available at the Alaska Region website.

\* \* \* \* \*

■ 3. Amend § 679.7 by:

■ a. Revising paragraph (n)(3)(i) introductory text; and

■ b. Removing in paragraphs (n)(4) and (n)(6)(vi) the phrase “pelagic shelf rockfish” and adding, in its place, the phrase “dusky rockfish”.

The revision reads as follows:

#### § 679.7 Prohibitions.

\* \* \* \* \*

(n) \* \* \*

(3) \* \* \*

(i) Operate a vessel that is assigned to a rockfish cooperative and fail to use functioning VMS equipment as described at § 679.28(f) at all times when operating in a reporting area off Alaska from April 1:

\* \* \* \* \*

■ 4. In § 679.51, revise paragraph (a)(2)(vi)(D)(1) to read as follows:

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

(a) \* \* \*

(2) \* \* \*

(vi) \* \* \*

(D) \* \* \*

(1) *Rockfish cooperative.* A catcher/processor that is named on an LLP license that is assigned to a rockfish cooperative and is fishing under a CQ permit must have at least two observers aboard for each day that the vessel is used to catch or process fish in the

Central GOA from April 1 through the earlier of November 15 or the effective date and time of an approved rockfish cooperative termination of fishing declaration. At least one observer must be endorsed as a lead level 2 observer. More than two observers must be aboard if the observer workload restriction would otherwise preclude sampling as required.

\* \* \* \* \*

■ 5. In § 679.80, revise paragraph (a)(3)(ii) to read as follows:

#### § 679.80 Allocation and transfer of rockfish QS.

\* \* \* \* \*

(a) \* \* \*

(3) \* \* \*

(ii) *Rockfish cooperative.* Fishing by vessels participating in a rockfish cooperative is authorized from 1200 hours, A.L.T., April 1 through 1200 hours, A.L.T., November 15.

\* \* \* \* \*

■ 6. In § 679.81, revise paragraphs (f)(4) introductory text, (f)(4)(i) introductory text, (g)(2)(i) and (ii), and (i)(3)(viii) and (xxii) read as follows:

#### § 679.81 Rockfish Program annual harvester privileges.

\* \* \* \* \*

(f) \* \* \*

(4) *Contents of the Application.* A completed application must contain the information specified on the Application for Rockfish Cooperative Fishing Quota identifying the rockfish cooperative, members of the cooperative, and processor associate of a catcher vessel rockfish cooperative, with all applicable fields accurately filled-in and all required documentation attached. The initial application must contain all documents specified in paragraph (f)(4)(i) of this section. Subsequent applications will only be required to resubmit documents specified at paragraph (f)(4)(i) of this section if the information they contain has changed.

(i) *Additional documentation.* For the cooperative application to be considered complete, the following documents must be attached to the initial application:

\* \* \* \* \*

(g) \* \* \*

(2) \* \* \*

(i) The transferor's designated representative must log into NMFS' online system and create a transfer request as indicated on the computer screen. By using the transferor's NMFS ID and password, and submitting the transfer request, the designated representative certifies that all



information is true, correct, and complete.

(ii) The transferee's designated representative must log into the online system and accept the transfer request.

By using the transferee's NMFS ID and password, the designated representative certifies that all information is true, correct, and complete.

\* \* \* \* \*

(i) \* \* \*

(3) \* \* \*

Requirement	Catcher vessel sector	Catcher/processor sector
(viii) Is there a season during which designated vessels may catch CQ?	Yes, any vessel designated to catch CQ for a rockfish cooperative is limited to catching CQ during the season beginning on 1200 hours, A.I.t., on April 1 through 1200 hours, A.I.t., on November 15.	
(xxii) When does catch count against my CQ permit?	Any vessel fishing checked-in (and therefore fishing under the authority of a CQ permit must count any catch of rockfish primary species, rockfish secondary species, or rockfish halibut PSC against that rockfish cooperative's CQ from April 1 until November 15, or until the effective date of a rockfish cooperative termination of fishing declaration that has been approved by NMFS).	

\* \* \* \* \*

■ 7. In § 679.82, remove and reserve paragraph (a)(3) and revise paragraphs (a)(4)(i) and (a)(5) to read as follows:

**§ 679.82 Rockfish Program use caps and sideboard limits.**

(a) \* \* \*

(4) \* \* \*

(i) A catcher vessel may not harvest an amount of Pacific ocean perch CQ greater than 8.0 percent of the Pacific ocean perch CQ issued to the catcher vessel sector during a calendar year.

\* \* \* \* \*

(5) *Use cap for rockfish processors.* (i) A rockfish processor may not receive or process an amount of rockfish primary species harvested with CQ assigned to the catcher vessel sector greater than 40.0 percent of the aggregate rockfish primary species CQ assigned to the catcher vessel sector during a calendar year.

(ii) A rockfish processor may not receive or process an amount of Pacific cod harvested with CQ assigned to the catcher vessel sector greater than 40.0 percent of Pacific cod CQ issued to the catcher vessel sector during a calendar year.

(iii) A rockfish processor may not receive or process an amount of sablefish harvested with CQ assigned to the catcher vessel sector greater than 40.0 percent of sablefish CQ issued to the catcher vessel sector during a calendar year.

\* \* \* \* \*

**§ 679.84 [Amended]**

■ 8. Amend § 679.84 by removing in paragraphs (g)(1) and (2) the word "May" and add, in its place, the word "April".

■ 9. Revise table 37 to § 679 to read as follows.

**TABLE 37 TO PART 679—GOA AMENDMENT 80 SIDEBOARD LIMIT FOR GROUND FISH FOR THE AMENDMENT 80 SECTOR**

In the following management areas in the GOA and in adjacent waters open by the State of Alaska for which it adopts a Federal fishing season . . .	The sideboard limit for . . .	Is . . .
Area 610 .....	Pollock .....	0.3% of the TAC.
Area 620 .....	Pollock .....	0.2% of the TAC.
Area 630 .....	Pollock .....	0.2% of the TAC.
Area 640 .....	Pollock .....	0.2% of the TAC.
West Yakutat District .....	Pacific cod .....	3.4% of the TAC.
	Pacific ocean perch .....	96.1% of the TAC.
	Dusky rockfish .....	89.6% of the TAC.
Central GOA .....	Pacific cod .....	4.4% of the TAC.
	Pacific ocean perch .....	Subject to regulations in subpart G to this part.
	Dusky rockfish .....	Subject to regulations in subpart G to this part.
	Northern rockfish .....	Subject to regulations in subpart G to this part.
Western GOA .....	Pacific cod .....	2.0% of the TAC.
	Pacific ocean perch .....	99.4% of the TAC.
	Dusky rockfish .....	76.4% of the TAC.
	Northern rockfish .....	100% of the TAC.

# Proposed Rules

Federal Register

Vol. 89, No. 159

Friday, August 16, 2024

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 984

[Doc. No. AMS–SC–24–0039]

#### Walnuts Grown in California; Increased Assessment Rate

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rulemaking would implement a recommendation from the California Walnut Board (Board) to increase the assessment rate established for the 2024–2025 and subsequent marketing years from \$0.011 to \$0.0125 per inshell pound of California walnuts. The proposed assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Comments must be received by September 16, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rulemaking. Comments can be sent to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237. Comments can also be sent to the Docket Clerk electronically by Email: [MarketingOrderComment@usda.gov](mailto:MarketingOrderComment@usda.gov) or via the internet at: <https://www.regulations.gov>. Comments should reference the document number and the date and page number of this issue of the **Federal Register**. Comments submitted in response to this proposed rulemaking will be included in the record, will be made available to the public, and can be viewed at: <https://www.regulations.gov>. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Joshua R. Wilde, Marketing Specialist,

or Barry Broadbent, Chief, Northwest Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, or Email: [Joshua.R.Wilde@usda.gov](mailto:Joshua.R.Wilde@usda.gov) or [Barry.Broadbent@usda.gov](mailto:Barry.Broadbent@usda.gov).

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

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rulemaking is issued under Marketing Order No. 984, as amended (7 CFR part 984), regulating the handling of walnuts grown in California. Part 984 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Board locally administers the Order and comprises growers and handlers of California walnuts operating within the area of production, and a public member.

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

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

This proposed rulemaking has been reviewed under Executive Order 12988—Civil Justice Reform. Under the Order now in effect, California walnut handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate would be applicable to all assessable California walnuts for the 2024–2025 marketing year, and continue until amended, suspended, or terminated.

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

This proposed rulemaking would increase the assessment rate for California walnuts handled under the Order from \$0.011 per inshell pound, the rate that was established for the 2023–2024 and subsequent marketing years, to \$0.0125 per inshell pound for the 2024–2025 and subsequent marketing years.

Sections 984.68 and 984.69 authorize the Board, with the approval of AMS, to formulate an annual budget of expenses

and collect assessments from handlers to administer the program. The members of the Board are familiar with the Board's needs and with the costs of goods and services in their local area and are able to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting, and all directly affected persons have an opportunity to participate and provide input.

For the 2023–2024 and subsequent marketing years, the Board recommended, and AMS approved, an assessment rate of \$0.011 per inshell pound of California walnuts within the production area. That rate continues in effect from marketing year to marketing year until modified, suspended, or terminated by AMS upon recommendation and information submitted by the Board or other information available to AMS.

The Board met on May 15, 2024, and unanimously recommended 2024–2025 marketing year expenditures of \$19,886,800 and an assessment rate of \$0.0125 per inshell pound of California walnuts for the 2024–2025 marketing year. In comparison, last year's budgeted expenditures were \$16,811,250. The proposed assessment rate of \$0.0125 per inshell pound is \$0.0015 higher than the rate currently in effect. The Board recommended increasing the assessment rate to better align assessment revenue with budgeted expenses, due in part to a smaller estimated crop. The Board projects handler receipts of 730,000 tons (equivalent to 1.46 billion pounds) of assessable California walnuts for the 2024–2025 marketing year, down from the approximately 820,000 tons (1.64 billion pounds) handled during the 2023–2024 marketing year.

The major expenditures recommended by the Board for the 2024–2025 marketing year include \$13,330,200 for domestic marketing, \$2,838,600 for employee expenses, \$2,425,000 for production and post-harvest research, \$435,000 for office expenses, \$473,000 for travel and other operating expenses, and \$385,000 for crop and acreage reporting. For comparison, budgeted expenses for these items during the 2023–2024 marketing year were \$10,588,750, \$2,472,500, \$2,425,000, \$350,000, \$390,000, and \$585,000, respectively.

The Board derived the recommended assessment rate by considering anticipated expenses, the estimated volume of assessable walnuts, and the amount of funds available in the authorized reserve. The expected 730,000 tons (1.46 billion pounds) of

California walnuts from the 2024–2025 marketing year crop would generate \$18,250,000 in assessment revenue at the proposed assessment rate (1.46 billion pounds multiplied by the \$0.0125 assessment rate). The remaining \$1,636,800 needed to cover budgeted expenditures would come from an approved administrative services agreement with the California Walnut Commission, which shares staff and office expenses with the Board. The income generated from assessments, along with non-assessment revenue, should be sufficient to meet the Board's estimated program expenditures of \$19,886,800. Funds available in the financial reserve (currently about \$14,665,274) would be kept within the maximum permitted by the Order (approximately two years' budgeted expenses as authorized in § 984.69).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by AMS upon recommendation and information submitted by the Board or other available information. Although this assessment rate would be in effect for an indefinite period, the Board will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or AMS. Board meetings are open to the public and interested persons may express their views at these meetings. AMS would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2024–2025 marketing year budget, and those for subsequent marketing years, will be reviewed and, as appropriate, approved by AMS.

#### **Initial Regulatory Flexibility Analysis**

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

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

There are approximately 68 handlers subject to regulation under the Order and approximately 4,500 growers of California walnuts in the production area. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural service firms as those having annual receipts of less than \$34,000,000 (North American Industry Classification System (NAICS) code 115114, Postharvest Crop Activities), and small agricultural producers of walnuts as those having annual receipts of less than \$3,750,000 (NAICS code 111335, Tree Nut Farming) (13 CFR 121.201).

Data from USDA's National Agricultural Statistics Service (NASS), indicate a three-year average value of utilized walnut production of \$828.2 million for the most recent seasons for which data is available (2020–2021 through 2022–2023 marketing years). Dividing that figure by the number of walnut growers (4,500) yields an average annual crop value per grower of approximately \$184,000. This figure is well below the SBA small agricultural producer threshold of \$3,750,000 in annual sales. Assuming a normal distribution, this provides evidence that a large majority of walnut growers would likely be considered small agricultural producers according to the SBA definition. Additionally, data from NASS's 2017 Agricultural Census show that 86 percent of California farms growing walnuts at the time had walnut sales of less than \$1 million.

Based on information from the Board, approximately 78 percent of California's walnut handlers shipped assessable walnuts valued under \$34 million during the 2023–2024 marketing year and would, therefore, be considered small handlers according to the SBA definition. Considering the abovementioned, it is reasonable to conclude that a substantial majority of both walnut growers and handlers would be considered small business entities according to current SBA definitions.

This proposal would increase the assessment rate collected from handlers for the 2024–2025 and subsequent marketing years from \$0.011 to \$0.0125 per inshell pound of California walnuts. The Board unanimously recommended 2024–2025 marketing year expenditures of \$19,886,800 and an assessment rate of \$0.0125 per inshell pound of California walnuts. The proposed assessment rate of \$0.0125 is \$0.0015 higher than the rate currently in effect. The Board expects the industry to handle 730,000 tons (1.46 billion pounds) of California walnuts during the 2024–2025

marketing year. Thus, the \$0.0125 per inshell pound assessment rate should provide \$18,250,000 in assessment income (1.4 billion pounds multiplied by \$0.0125). The Board also expects to receive \$1,636,800 from an administrative services agreement with the California Walnut Commission. Income derived from these sources should be adequate to meet budgeted expenditures for the 2024–2025 marketing year.

The major expenditures recommended by the Board for the 2024–2025 marketing year include \$13,330,200 for domestic marketing, \$2,838,600 for employee expenses, \$2,425,000 for production and post-harvest research, \$435,000 for office expenses, \$473,000 for travel and other operating expenses, and \$385,000 for crop and acreage reporting. For comparison, budgeted expenses for these items during the 2023–2024 marketing year were \$10,588,750, \$2,472,500, \$2,425,000, \$350,000, \$390,000, and \$585,000, respectively.

The Board recommended increasing the assessment rate to meet necessary expenses, due in part to a smaller estimated crop for the 2024–2025 marketing year. The Board estimates shipments for the 2024–2025 marketing year to be approximately 730,000 tons (equivalent to 1.46 billion pounds). Given the Board's estimate for 2024–2025 marketing year walnut shipments, the current assessment rate of \$0.011 would generate \$16,060,000 in assessment income (1.46 billion pounds multiplied by \$0.011 assessment rate), which would not cover budgeted expenses. By increasing the assessment rate to \$0.0125, assessment income would be \$18,250,000 (1.46 billion pounds multiplied by \$0.0125 assessment rate). This amount should provide sufficient funds to meet anticipated 2024–2025 marketing year expenses without needing to draw from the Board's financial reserve.

Prior to arriving at this budget and assessment rate recommendation, the Board considered information from various sources, such as the Board's Executive Committee, and discussed various alternatives, including maintaining the current assessment rate of \$0.011 per inshell pound of assessable walnuts and increasing the assessment rate by a different amount. However, the Board determined that the recommended assessment rate would be necessary to effectively achieve the Board's goals of covering budgeted expenses for the 2024–2025 marketing year and maintaining adequate funds in its financial reserve. Consequently,

these alternative assessment rates were rejected.

Based upon information from the National Agricultural Statistics Service (NASS), the average grower price reported for walnuts over the past three crop years (2020–2023) was approximately \$1,093 per ton (\$0.547 per pound). In order to determine the estimated assessment revenue as a percentage of the total grower revenue, we calculate the assessment rate (\$0.0125 per inshell pound) divided by the grower price (\$0.547 per pound) and multiply that number by 100. Therefore, estimated assessment revenue as a percentage of total grower revenue for the 2024–2025 marketing year would be about 2.3 percent ( $0.0125/0.547 * 100 = 2.29$ ).

This proposed action would increase the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to growers. However, these costs are expected to be offset by the benefits derived by the operation of the Order.

The Board's meetings are widely publicized throughout the California walnut industry and all interested persons are invited to attend the meetings and participate in Board deliberations on all issues. Like all Board meetings, the May 15, 2024, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rulemaking, including the regulatory and information collection impacts of this action on small businesses.

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

This proposed rulemaking would not impose any additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide

increased opportunities for citizen access to Government information and services, and for other purposes.

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

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

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

A 30-day comment period is provided to allow interested persons to respond to this proposed rulemaking. All written comments timely received will be considered before a final determination is made on this rulemaking.

#### List of Subjects in 7 CFR Part 984

Marketing agreements, Reporting and recordkeeping requirements, and Walnuts.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 984 as follows:

#### PART 984—WALNUTS GROWN IN CALIFORNIA

- 1. The authority citation for part 984 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

- 2. Section 984.347 is revised to read as follows:

##### § 984.347 Assessment rate.

On and after September 1, 2024, an assessment rate of \$0.0125 per inshell pound is established for California walnuts.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2024–18287 Filed 8–15–24; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2024–2020; Project Identifier MCAI–2024–00303–A]

RIN 2120–AA64

**Airworthiness Directives; Embraer S.A. Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2023–21–06, which applies to certain Embraer S.A. (Embraer) Model EMB–505 airplanes. AD 2023–21–06 requires installing structural reinforcements on certain monuments and replacing certain floor support rivets. Since the FAA issued AD 2023–21–06, the FAA has determined that certain airplanes need to be re-assigned to a different group and certain re-identified floor support part numbers need to be corrected. This proposed AD would require installing structural reinforcements on monuments and replacing fasteners on the floor support, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this NPRM by September 30, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* (202) 493–2251.

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

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2020; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and

other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For ANAC material identified in this proposed AD, contact ANAC, Continuing Airworthiness Technical Branch (GTAC), Rua Doutor Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; phone: 55 (12) 3203–6600; email: *pac@anac.gov.br*; website: *anac.gov.br/en/*. You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp*. It is also available at *regulations.gov* under Docket No. FAA–2024–2020.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

**FOR FURTHER INFORMATION CONTACT:** Jim Rutherford, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329–4165; email: *jim.rutherford@faa.gov*.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–2020; Project Identifier MCAI–2024–00303–A” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM

contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jim Rutherford, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

The FAA issued AD 2023–21–06, Amendment 39–22578 (88 FR 85093, December 7, 2023) (AD 2023–21–06), for certain serial-numbered Embraer Model EMB–505 airplanes. AD 2023–21–06 was prompted by an MCAI originated by ANAC, which is the aviation authority for Brazil. ANAC issued ANAC AD 2023–05–03, effective June 2, 2023 (ANAC AD 2023–05–03) to correct an unsafe condition.

AD 2023–21–06 requires installing structural reinforcements on certain monuments and replacing certain floor support rivets. The FAA issued AD 2023–21–06 to address certain monuments (the right-hand refreshment center and left-hand forward cabinet) that might not withstand the loads expected for specific emergency landing conditions, which may cause the detachment of mass items and result in injuries to the airplane occupants.

**Actions Since AD 2023–21–06 Was Issued**

Since the FAA issued AD 2023–21–06, ANAC superseded ANAC AD 2023–05–03 and issued ANAC AD 2023–05–03R01, effective March 8, 2024 (ANAC AD 2023–05–03R01) for certain serial-numbered Embraer Model EMB–505 airplanes. ANAC AD 2023–05–03R01 states it was issued to incorporate Embraer Service Bulletin SB505–25–0046, Revision 02, dated February 19, 2024, which updates effectivity information, compliance information, and part number information.

ANAC superseded ANAC AD 2023–05–03R01 and issued ANAC AD 2023–05–03R02, effective May 17, 2024 (ANAC AD 2023–05–03R02) (also referred to as the MCAI) for certain serial-numbered Embraer Model EMB–505 airplanes. The MCAI states it was issued to incorporate Embraer Service

Bulletin SB505–25–0046, Revision 03, dated May 6, 2024 (actual date May 7, 2024), which includes additional actions for certain airplane groups that had complied with the requirements of ANAC AD 2023–05–03R01 but had not yet installed part number (P/N) 506–66837–001 and updates the effectivity information, compliance information, and part number information.

The FAA is issuing this AD to address certain monuments that might not withstand the loads expected for specific emergency landing conditions, which may cause the detachment of mass items and result in injuries to the airplane occupants.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–2020.

#### Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed ANAC AD 2023–05–03R02, which specifies procedures for installing structural reinforcements on certain monuments and replacing certain fasteners on the floor support.

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

#### FAA’s Determination

These products have been approved by the aviation authority of another

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

#### Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in ANAC AD 2023–05–03R02 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under “Differences Between This Proposed AD and the MCAI.”

#### Differences Between This Proposed AD and the MCAI

The material specified in ANAC AD 2023–05–03R02 allows the use of alternative or similar parts in place of the ones specified in the kits, provided these alternative or similar parts are approved by Embraer, but this proposed AD would require approval from either the Manager, International Validation Branch, FAA; ANAC; or ANAC’s authorized Designee. If approved by the

ANAC Designee, the approval must include the Designee’s authorized signature.

#### Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate ANAC AD 2023–05–03R02 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2023–05–03R02 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by ANAC AD 2023–05–03R02 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–2020 after the FAA final rule is published.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 208 airplanes of U.S. registry.

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

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Airplane groups 1 and 2—install structural reinforcements.	22 work-hours × \$85 per hour = \$1,870	\$1,600	\$3,470	\$242,900 (70 airplanes).
Airplane groups 3, 4, and 5—install structural reinforcements and replace floor fasteners.	14 work-hours × \$85 per hour = \$1,190	600	1,790	\$200,480 (112 airplanes).
Airplane groups 6 and 8—install structural reinforcements and replace floor fasteners.	26 work-hours × \$85 per hour = \$2,210	2,000	4,210	\$84,200 (20 airplanes).
Airplane group 7—install structural reinforcements.	20 work-hours × \$85 per hour = \$1,700	1,600	3,300	\$16,500 (5 airplanes).
Airplane group 9—install structural reinforcements.	14 work-hours × \$85 per hour = \$1,190	1,600	2,790	\$2,790 (1 airplane).

The FAA estimates the following costs for the additional work that operators would be required to do for compliance with this proposed AD if they completed the actions in the

original version of Embraer Service Bulletin SB505–25–0046, dated March 31, 2021; Service Bulletin SB505–25–0046, Revision 01, dated May 8, 2023; or Service Bulletin SB505–25–0046,

Revision 02, dated February 19, 2024. The agency has no way of determining the number of airplanes that might need these actions:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Inspect floor fasteners .....	9 work-hours × \$85 per hour = \$765 .....	\$50	\$815
Replace floor fasteners .....	1 work-hour × \$85 per hour = \$85 .....	50	135

ESTIMATED COSTS—Continued			
Action	Labor cost	Parts cost	Cost per product
Airplane groups 1 and 2 install reinforcement support on left-hand forward cabinet.	2 work-hours × \$85 per hour = \$170 .....	200	370

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
  - a. Removing Airworthiness Directive 2023–21–06, Amendment 39–22578 (88 FR 85093, December 7, 2023); and
  - b. Adding the following new airworthiness directive:

Embraer S.A.: Docket No. FAA–2024–2020; Project Identifier MCAI–2024–00303–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 30, 2024.

(b) Affected ADs

This AD replaces AD 2023–21–06, Amendment 39–22578 (88 FR 85093, December 7, 2023).

(c) Applicability

This AD applies to Embraer S.A. Model EMB–505 airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2023–05–03R02, effective May 17, 2024 (ANAC AD 2023–05–03R02).

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by the analysis of certain monuments (the right-hand refreshment center and left-hand forward cabinet) that identified the need for installing structural reinforcements and replacing applicable floor support rivets. The FAA is issuing this AD to address the unsafe condition. The unsafe condition, if not addressed, could result in a monument not withstanding the loads expected for specific emergency landing conditions, which may cause the detachment of mass items and result in injuries to the airplane occupants.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2023–05–03R02.

(h) Exceptions to ANAC AD 2023–05–03R02

(1) Where ANAC AD 2023–05–03R02 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where ANAC AD 2023–05–03R02 refers to Embraer Service Bulletin SB505–25–0046, Revision 03, as dated “May 6, 2024,” replace that text with “May 7, 2024.”

(3) Where paragraph (b) of ANAC AD 2023–05–03R02 refers to “June 2, 2023, the effective date of AD 2023–05–03, original revision,” replace that text with “December 11, 2023, the effective date of AD 2023–21–06.”

(4) Although the material referenced in ANAC AD 2023–05–03R02 allows the use of alternative or similar parts in place of the ones specified in the kits provided, this AD requires that alternative or similar parts be approved by the Manager, International Validation Branch, FAA; ANAC; or ANAC’s authorized Designee. If approved by the ANAC Designee, the approval must include the Designee’s authorized signature.

(5) Where the material referenced in ANAC AD 2023–05–03R02 specifies to “discard” certain parts, replace that text with “remove from service.”

(6) This AD does not adopt paragraph (d)(1) of ANAC AD 2023–05–03R02.

(i) No Reporting Requirement

Although the material referenced in ANAC AD 2023–05–03R02 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k) of this AD or email to: [AMOC@faa.gov](mailto:AMOC@faa.gov). If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(k) Additional Information**

For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329-4165; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

**(l) Material Incorporated by Reference**

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

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

(i) Agência Nacional de Aviação Civil (ANAC) AD 2023-05-03R02, effective May 17, 2024.

(ii) [Reserved]

(3) For ANAC material identified in this AD, contact ANAC, Continuing Airworthiness Technical Branch (GTAC), Rua Doutor Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246-190—São José dos Campos—SP, Brazil; phone: 55 (12) 3203-6600; email: [pac@anac.gov.br](mailto:pac@anac.gov.br); website: [anac.gov.br/en/](http://anac.gov.br/en/). You may find this material on the ANAC website at [sistemas.anac.gov.br/certificacao/DA/DAE.asp](http://sistemas.anac.gov.br/certificacao/DA/DAE.asp).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

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

Issued on August 8, 2024.

**Victor Wicklund,**

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

[FR Doc. 2024-18046 Filed 8-15-24; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 129****International Aviation Safety Assessment (IASA) Program**

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

**ACTION:** Request for comments on proposed changes to the IASA Program.

**SUMMARY:** On September 28, 2022, the FAA published a Policy Statement in the **Federal Register** that described policy changes to the FAA's International Aviation Safety Assessment (IASA) program as well as clarification or restatement of prior

policy to “enhance engagement with civil aviation authorities (CAAs) through pre- and post-IASA assessment and to promote greater transparency.” After receiving inquiries and questions about the changes described in that policy statement, the FAA is, elsewhere in this issue of the **Federal Register**, suspending implementation of the September 28, 2022, Policy Statement while the agency reassesses the policy, and invites public comments on proposed changes to the FAA IASA program policy contained herein. The policy statement of March 8, 2013, remains active.

**DATES:** The FAA must receive comments by September 16, 2024.

**ADDRESSES:** You may send comments identified by docket number FAA-2024-2058 using any of the following methods:

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

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

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:**

Rolandos Lazaris, Division Manager, International Program Division (AFS-50), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267-3719.

**SUPPLEMENTARY INFORMATION:****Background**

The IASA program is the means by which the FAA determines whether another country's oversight of its air carriers that (1) operate, or seek to operate, services to/from the United States using their own aircraft and crews, or (2) seek to display the code of a U.S. air carrier on any services, complies with safety standards established by the International Civil Aviation Organization (ICAO). The published IASA results of a country's placement in Category 1 or Category 2 is the notification to the U.S. traveling public as to whether a foreign air carrier's homeland civil aviation

authority meets ICAO safety standards. A Category 1 rating indicates that the civil aviation authority meets ICAO safety standards for these operations, and a Category 2 rating indicates that the civil aviation authority does not meet ICAO safety standards. The IASA program was established by a document published in the **Federal Register** in 1992. Subsequent published documents in the **Federal Register** notified of the program's evolution. These **Federal Register** documents are as follows:

- August 24, 1992—Established the FAA Procedures for Examining and Monitoring Foreign Air Carriers (57 FR 38342).

- September 8, 1994—Established the Public Disclosure of the Results of Foreign Civil Aviation Authority Assessments, through a three-category numbered rating system (59 FR 46332).

- October 31, 1995—DOT Notice Clarification Concerning Examination of Foreign Carriers' Request for Expanded Economic Authority, clarified the Department's licensing policy regarding requests for expanded economic authority from foreign air carriers whose CAA's safety oversight capability has been assessed by the FAA as conditional (Category II) or unacceptable (Category III) (60 FR 55408).

- May 25, 2000—Changes to the International Aviation Safety Assessment program removed the Category 3 rating and combined it with Category 2 (65 FR 33751).

- March 8, 2013—Changes to the International Aviation Safety Assessment program removed inactive countries (countries with no air carrier operations to the United States or code-shares with U.S. air carrier for four years and no significant interaction between the country's CAA and the FAA) from the IASA Category list (78 FR 14912).

Through the IASA program, the FAA seeks continuous improvement to global aviation safety. As noted in the above-referenced policy statement of September 8, 1994, initial IASA assessments found that two-thirds of the assessed CAAs were deficient in meeting their safety oversight obligations under the Convention on International Civil Aviation.

The September 28, 2022, Policy Statement (87 FR 58725) (now suspended) announced certain changes to the IASA program and provided clarification to other aspects of the IASA policy. Since that publication, the FAA and DOT have received inquiries and questions that warrant reassessment of those changes and clarifications, and an opportunity for public comment before they are adopted permanently. As noted above, the FAA is suspending



implementation of the September 28, 2022, Policy Statement while the agency reassesses the policy and considers public comments. Public comment is invited on the matters and issues described below.

### **IASA Program Policy Changes, Clarification, or Restatement**

The following paragraphs describe proposed policy changes, clarification, or restatement to the FAA's IASA program to enhance engagement with CAAs through pre- and post-IASA assessment and to promote greater transparency.

### **Proposed Changes to the Definition of the IASA Categories**

The FAA is proposing to modify the scope of the IASA Category definitions to align them with the types of operations that require an IASA Category rating. The March 8, 2013, IASA policy statement describes two possible IASA Categories in which the FAA places countries:

- *Category 1, Meets ICAO Standards:* The FAA has found that the country meets ICAO standards for safety oversight of civil aviation. When a country is in Category 1, its foreign air carriers may provide service to the United States with their own aircraft/crews under 14 CFR part 129 and 14 CFR 375.42 and 375.70 or may, with the DOT's Office of the Secretary (OST) and FAA approval, engage in code-sharing partnerships with U.S. air carriers where a U.S. air carrier places its code on flights operated by a foreign air carrier(s).

- *Category 2, Does Not Meet ICAO Standards:* The FAA has found that the country does not meet ICAO standards for safety oversight of civil aviation.

In addition, the May 25, 2000, policy statement introduced the Category 2\* designation for those countries not serving the U.S. at the time of their IASA assessment.

The 2013 policy statement further states that "the IASA category rating applies only to services to and from the United States and to codeshare operations when the code of a U.S. air carrier is placed on a foreign carrier flight. . . . The [FAA] assessment team looks at [a foreign carrier's domestic flights or flights by that carrier between its homeland and a third country] only to the extent that they reflect on the country's oversight of operations to and from the United States and to codeshare operations where a U.S. air carrier code is placed on a flight conducted by a foreign air operator." The FAA highlights this explanation in this document to address any mistaken

perception that the IASA program evaluates the oversight of all operations of foreign air carriers of a particular country. The FAA exercises oversight authority of foreign air carriers with service to the United States through issuance and oversight of operations specifications (OpSpecs) issued under 14 CFR part 129 to foreign air carriers that operate services to/from the United States with their own aircraft and crews. This requires the FAA to engage in regular contact with the relevant foreign CAA as to various aspects of these operations. When a U.S. air carrier places its code on a foreign air carrier's flight that is conducted by the foreign carrier entirely outside the United States, part 129 OpSpecs are not required, but those code-share arrangements are subject to regular audits conducted by the FAA under the U.S. Department of Transportation Office of the Secretary (OST)/FAA Code-Share Safety Program Guidelines.

In addition, as part of its standard foreign carrier licensing process, the DOT requests that the FAA determine if foreign charters requesting service to the U.S. under 14 CFR 375.42 and 375.70 are receiving ICAO-compliant safety oversight from their CAA. In some instances, these part 375 applications have resulted in the FAA extending the IASA program to countries with only part 375 operators and no part 129 operators. Foreign civil aircraft operators authorized by OST to conduct charters to/from the United States under part 375 do not hold operations specifications from the FAA, nor are they allowed to carry the code of a U.S. operator.

### **Remove Category 2 \***

The FAA proposes to remove the 2\* designation. The FAA has used the 2\* category for those countries not serving the U.S. at the time of their IASA assessment. This distinction is no longer relevant, and the FAA will simply categorize any country that does not meet ICAO standards with a Category 2 rating.

### **New Category 1 \***

In order to better address the safety awareness and expectations of the U.S. traveling public, and to advise the U.S. traveling public, once a Category 1 country has been notified through official channels for a reassessment based on identified risks of possible noncompliance with ICAO standards pursuant to the FAA's risk assessment process, the FAA proposes that it would adjust the Category 1 rating of the country to a rating of Category 1\*.

- *Category 1\*:* The FAA will add an asterisk "\*" to a country's Category 1 rating once that country has been notified through official channels for a reassessment based on identified risks of possible noncompliance with ICAO standards. The 1\* category designation does not indicate that the FAA has determined that safety risks have been conclusively found or that a country's air operations are being modified at this time, but rather only serves as notice that the FAA initiated the IASA reassessment. The asterisk "\*" will be removed once a reassessment is complete and the country either retains its Category 1, or the country is assessed as not meeting ICAO standards and is subsequently assigned a Category 2 rating.

### **Change in the Timeframe for Country Removal From the IASA Category List Due to Inactivity, and Clarification on "Significant Activity"**

Under the March 8, 2013, policy statement, a country can be removed from the IASA category list after four years of inactivity. The three criteria that must be met for the FAA to remove the country from the IASA category list are: the country has no air carrier providing air transport service to the United States; the country has no air carrier that participates in a code-share arrangement with U.S. air carriers; and the CAA does not "interact significantly with the FAA."

The FAA's experience and analysis indicates that IASA information is not reliable after an initial assessment or reassessment without significant safety oversight interaction between the FAA and foreign CAA. Such interaction includes when a foreign air carrier is conducting services to/from the United States with its own aircraft/crews and holds FAA OpSpecs under part 129, operating under §§ 375.42 and 375.70, and/or when a U.S. air carrier places its code on any of a foreign air carrier's flight as authorized under the OST/FAA Code-Share Safety Program Guidelines.

The FAA seeks to amend the criteria for removal as follows: the country has no foreign operators holding OpSpecs under part 129, or operating under §§ 375.42 and 375.70 with service to the United States nor foreign operators carrying the code of a U.S. operator as authorized under the OST/FAA Code-Share Safety Program Guidelines, and the country has not received technical assistance from the FAA for identified ICAO safety oversight deficiencies within the prior two-year period. The FAA seeks comment on these proposed additional or clarifying criteria for

removal of a country from the IASA category list.

In addition, the FAA proposes to reduce the time for removal from the IASA list from four years to two years. The removal criteria published in 2013 no longer meet the need for timeliness and accuracy of information on the IASA Category Rating list. The 2013 criteria leave Category 1 countries on the list for an extended period of time and may give the U.S. traveling public a false sense of safety. Also, leaving Category 2 countries on the list for an extended period of time can be perceived as unfairly penalizing those countries when there has been no activity since the Category 2 rating was issued. As a result, the FAA proposes to reduce the removal benchmark from four years to two years absent the interaction described above. The FAA seeks comment on the proposed change from four years to two years, or whether any other timeframe would be appropriate.

#### **Clarification as to When an IASA Will Be Performed in a Country With No IASA Category Rating**

The FAA will perform an IASA of a country with no IASA Category rating after an operator from that country files an application with OST for economic authority to conduct (1) services to/from the United States with its own aircraft/crews, and/or (2) code-share operations that involve the foreign air carrier displaying the code of a U.S. air carrier on any services operated by the foreign air carrier. This would ensure that an initial IASA is used to assess whether the CAA and its operator(s) have each taken the necessary measures to manage and oversee operations in accordance with ICAO standards.

#### **Clarification of FAA and CAA Development of a Corrective Action Plan Upon Notification of an IASA Category 2 Rating**

If the FAA finds, as a result of an assessment, that a foreign CAA is not overseeing aviation safety in accordance with ICAO standards, the FAA will, prior to the conclusion of an assessment, state its findings in an oral briefing to that foreign CAA. The FAA will also deliver to the foreign CAA a written record of FAA findings and will schedule a follow-up final discussion with the foreign CAA. The final discussion shall take place no earlier than 15 calendar days following the delivery of the written record of findings. In any case in which the assessment finds an instance of non-compliance, the FAA will notify the foreign CAA that is the subject of such

finding. Within 90 days after the transmission of such notification, the FAA will request and initiate final discussions with the foreign country to recommend actions by which the foreign country can mitigate the noncompliance. If the FAA determines that the foreign CAA has not corrected its oversight deficiencies after the conclusion of the final discussion, the country will, upon formal communication from the United States Government, receive an official determination of Category 2 status, and be subject to restrictions on the operations of its air carriers to the United States and on the placement of U.S. carrier codes on flights operated by its carriers.

For additional communication and support for a country assigned an IASA Category 2 rating, the FAA may conduct a virtual meeting with the CAA to discuss the IASA findings. The FAA proposes to provide the CAA with a Corrective Action Plan outline for the CAA to use to document the actions needed to resolve safety deficiencies and the timelines for resolution. This would allow the CAA to begin work to address its safety oversight findings from the IASA in a timely manner.

Upon CAA request, the FAA may, under a technical assistance agreement, assist the CAA in developing a Corrective Action Plan to address its safety oversight deficiencies and timelines for completion.

#### **FAA Actions To Address Safety Concerns Outside of the IASA Process**

The FAA retains its authority to take action to address a known safety concern to prevent further non-compliance or unsafe operation of an aircraft by an air carrier, including limiting operations to/from the United States by foreign air carriers with their own aircraft/crews; placing limits on code share arrangements involving the display of a U.S. air carrier code by foreign air carriers from countries for which the FAA has identified safety oversight concerns and initiating immediate IASA category changes when justified based on available safety information. The FAA may also communicate with a CAA about safety concerns the FAA may be aware of so that the CAA can immediately take its own mitigating action. The FAA believes that immediate action that results in the resolution of a safety concern or provides the avenue for clarifying information from the CAA is in the best interest of public safety.

#### **Comments Invited**

The FAA invites public comments on the proposed IASA policy modifications and clarifications. The FAA will consider the public comments submitted during this comment period in finalizing the IASA policy.

Issued in Washington, DC.

**Jodi L. Baker,**

*Deputy Administrator for Aviation Safety.*

[FR Doc. 2024–18327 Filed 8–15–24; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

#### **21 CFR Part 1**

[Docket No. FDA–2024–N–1111]

**RIN 0910–AI64**

#### **Submission of Food and Drug Administration Import Data in the Automated Commercial Environment for Certain Tobacco Products**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration, with the Department of the Treasury's concurrence, proposes amending its regulations to require that the Submission Tracking Number for Electronic Nicotine Delivery System tobacco products that are being imported or offered for import be submitted in the Automated Commercial Environment or any other electronic data interchange system authorized by U.S. Customs and Border Protection, at the time of entry.

**DATES:** Either electronic or written comments on the proposed rule must be submitted by October 15, 2024. Submit written comments (including recommendations) on the collection of information under the Paperwork Reduction Act of 1995 by October 15, 2024.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 15, 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-1111 for "Submission of Food and Drug Administration Import Data in the Automated Commercial Environment for Certain Tobacco Products." 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, the plain language summary of the proposed rule of not more than 100 words as required by the "Providing Accountability Through Transparency Act," 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.

Submit comments on information collection under the Paperwork Reduction Act of 1995 to the Office of Management and Budget (OMB) at <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently Under Review—Open for Public Comments" or by using the search function. The title of this proposed collection is "Importer's Entry Notice—OMB Control Number 0910-0046—Revision."

### FOR FURTHER INFORMATION CONTACT:

**With regard to the proposed rule:** Ann M. Metayer, Office of Regulatory Affairs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4375, Silver Spring, MD 20993-0002, 301-796-3324.

**With regard to the information collection:** JonnaLynn Capezzuto, Office of Operations, Food and Drug

Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-3794, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

### SUPPLEMENTARY INFORMATION:

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### I. Executive Summary

#### A. Purpose of the Proposed Rule

The proposed rule would require that the Submission Tracking Number (STN) for tobacco products, as defined in 21 CFR 1114.3, be submitted for any entry containing an Electronic Nicotine Delivery System (ENDS) tobacco product(s) at the time of entry in the Automated Commercial Environment (ACE) or any other electronic data interchange (EDI) system authorized by U.S. Customs and Border Protection (CBP). The purpose of the rulemaking is to assist the Food and Drug Administration (FDA, the Agency, or we) in making decisions on admissibility for ENDS products by facilitating FDA's automated review process. The proposed rule, if finalized, would result in a more effective and efficient import admissibility review process by lowering instances of manual review by FDA of entries containing ENDS products, which will protect the public health by conserving Agency resources and more quickly identifying ENDS products that do not have marketing authorization and which may be associated with a greater public health risk. The automated review compares the STN submitted by the ACE filer, as defined in 21 CFR 1.71, to information in FDA's internal databases to determine if a "May Proceed" is appropriate. An automated "May Proceed" does not constitute a determination by FDA about the

article's compliance status, and it does not preclude FDA action at a later time.

#### *B. Summary of the Major Provisions of the Proposed Rule*

FDA proposes to revise part 1, subpart D of 21 CFR chapter I (21 CFR part 1, subpart D), added by a final rule issued by the Agency on November 29, 2016 (81 FR 85854), which established requirements for the electronic filing of certain data elements for FDA-regulated products in ACE, or any other EDI system authorized by CBP, at the time of entry. That final rule took effect on December 29, 2016.

The proposed rule would require an ACE filer to submit in ACE at the time of entry the Affirmation of Compliance for Tobacco Submission Tracking (code TST) for ENDS products. Specifically, TST requires the STN for the premarket application for an entry containing an ENDS product to be submitted in ACE at the time of entry. The STN is assigned by the Agency to the application for

premarket review for an ENDS product under section 910 of the Federal Food, Drug and Cosmetic Act (FD&C Act) (21 U.S.C. 387j). Currently, the submission of the STN in ACE is optional. Requiring submission of the STN in ACE at the time of entry would help FDA to more effectively and efficiently make admissibility decisions for ENDS products being imported or offered for import into the United States by increasing the opportunity for automated admissibility review of these entries by FDA's import systems.

#### *C. Legal Authority*

The legal authority for this proposed rule includes sections 301, 701, 801, and 910 of the FD&C Act (21 U.S.C. 331, 371, 381 and 387j), respectively).

#### *D. Costs and Benefits*

This proposed rule, if finalized, would require an ACE filer to submit the STN for tobacco products for any entry containing ENDS tobacco

product(s) at the time of entry in ACE or any other EDI system authorized by CBP. Benefits of the rule would be cost savings for the Federal Government and industry from reducing FDA's time spent on obtaining the STN of each ENDS product contained in the entry. We discuss these benefits qualitatively. We quantify costs to ACE filers of import entries containing ENDS products from reading and understanding the rule as well as obtaining and submitting the STN for these ENDS product(s). We estimate that the present value of costs of the rule over 10 years would range from \$0.021 million to \$0.061 million at a 2 percent discount rate, with a primary estimate of \$0.041 million. The annualized costs would range from \$0.002 million to \$0.007 million, with a primary estimate of \$0.005 million.

#### **II. Table of Abbreviations/Commonly Used Acronyms in This Document**

Abbreviation/acronym	What it means
ACE .....	Automated Commercial Environment or any other CBP-authorized EDI system.
ACE filer .....	The person who is authorized by CBP to submit an electronic import entry for an FDA-regulated product in ACE, as defined in 21 CFR 1.71.
APPH .....	Appropriate for the protection of the public health.
CBP .....	U.S. Customs and Border Protection.
EDI .....	Electronic Data Interchange.
ENDS .....	Electronic Nicotine Delivery System. FDA generally considers "ENDS" to be electronic nicotine delivery systems that deliver aerosolized e-liquid when inhaled, including components and/or parts of ENDS (e.g., e-liquids, cartridges/pods, tanks).
FDA .....	U.S. Food and Drug Administration.
FD&C Act .....	Federal Food, Drug and Cosmetic Act.
ITDS .....	International Trade Data System.
MGO .....	A <i>marketing granted order</i> is the order described in section 910(c)(1)(A)(i) of the FD&C Act stating that the new tobacco product may be introduced or delivered for introduction into interstate commerce.
PMTA .....	Premarket Tobacco Product Application.
PRIA .....	Preliminary Regulatory Impact Analysis.
PRA .....	Paperwork Reduction Act of 1995.
STN .....	Submission Tracking Number for ENDS tobacco products (the application number that FDA assigns to submissions such as a PMTA, supplemental PMTA, Substantial Equivalence (SE) report, or Exemption from substantial Equivalence Request (EX REQ) for ENDS tobacco products), as defined in 21 CFR 1114.3.
TST .....	Tobacco Submission Tracking. Affirmation of Compliance Code in ACE for the Submission Tracking Number for tobacco products.
Unique ENDS product .....	A particular combination of manufacturer, product code, and ACE filer for an ENDS product.

### **III. Background**

#### *A. Introduction/History of This Rulemaking*

ACE is a commercial trade processing system operated by CBP that is designed to implement the International Trade Data System (ITDS), automate import and export processing, eliminate redundant information requirements, and allow the effective enforcement of laws and regulations related to international trade. FDA is a Partner Government Agency for purposes of import data submitted in ACE. As of July 23, 2016, ACE became the sole EDI system authorized by CBP for entry of

FDA-regulated products into the United States (see 81 FR 32339).

FDA issued a final rule effective December 29, 2016, entitled "Submission of Food and Drug Administration Import Data in the Automated Commercial Environment" which added subpart D to part 1 of 21 CFR chapter I to require that certain data elements important to our import admissibility review be submitted in ACE at the time of entry. This proposed rule would add a requirement to submit in ACE, at the time of entry, the STN for an ENDS product to § 1.79.

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control

Act) (Pub. L. 111–31) enacted on June 22, 2009, provided FDA with the authority to regulate tobacco products by recognizing the Agency as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco, and any other tobacco products that the Agency by regulation deems to be subject to the law. Section 201(rr)(1) of the FD&C Act (21 U.S.C. 321(rr)(1)), defines "tobacco product" as "any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption,

including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).” The term “tobacco product” does not mean an article that is: a drug (section 201(g)(1)), a device (section 201(h)), a combination product (section 503(g) of the FD&C Act (21 U.S.C. 353(g))). It also does not mean an article that is a food (section 201(f)), if such article contains no nicotine, or no more than trace amounts of naturally occurring nicotine.

Component or part means any software or assembly of materials intended or reasonably expected: (1) to alter or affect the tobacco product’s performance, composition, constituents, or characteristics or (2) to be used with or for the human consumption of a tobacco product. Component or part excludes anything that is an accessory of a tobacco product (21 CFR parts 1100, 1140, and 1143).

The FD&C Act requires manufacturers of new tobacco products to receive marketing authorization before entering the market. Section 910(a) of the FD&C Act defines a “new tobacco product” as any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007, or any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery, or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

The Deeming rule (81 FR 28973), which published in the **Federal Register** on May 10, 2016, and took effect on August 8, 2016, extended FDA’s authority to regulate products that meet the statutory definition of “tobacco product” in the FD&C Act (including components and parts but excluding accessories of such newly deemed tobacco products). Deemed products include ENDS, and their components and parts, but not their accessories. Examples of ENDS products that were deemed include vapes or vape pens, e-liquids, e-cigarettes, cigalikes, e-pens, e-hookahs, e-cigars, and e-pipes.

The Consolidated Appropriations Act of 2022 (the Appropriations Act) (Pub. L. 117–103), enacted on March 15, 2022, expanded the definition of the term “tobacco product” in section 201(rr) of the FD&C Act to include products that contain nicotine from any source. The Appropriations Act also amended section 901(b) of the FD&C Act to apply

chapter IX of the FD&C Act to any tobacco product containing nicotine that is not made or derived from tobacco. As a result, ENDS products that contain non-tobacco nicotine, including synthetic nicotine, are now subject to the provisions in chapter IX of the FD&C Act (21 U.S.C. 387 to 387t).

To legally market and distribute a new tobacco product in the United States, an applicant may seek authorization under the following three pathways: Premarket Tobacco Product Application (PMTA), Substantial Equivalence (SE), and Exemption from Substantial Equivalence (EX REQ). Generally, for a new tobacco product, a marketing granted order (MGO) under section 910(c)(1)(A)(i) of the FD&C Act is required unless: (1) the manufacturer of the product submits a report under section 905(j) of the FD&C Act (21 U.S.C. 387e(j)) and FDA issues an order finding the product substantially equivalent to a predicate tobacco product (section 910(a)(2)(A) of the FD&C Act) or (2) the manufacturer submits a report under section 905(j)(1)(A)(ii) of the FD&C Act and all modifications are covered by exemptions from the requirements of substantial equivalence granted by FDA under section 905(j)(3) of the FD&C Act. A tobacco product manufacturer includes any person, including any repacker or relabeler, who imports a finished tobacco product for sale or distribution in the United States. See section 900(20) (21 U.S.C. 387(20)) of the FD&C Act. We expect the vast majority of premarket applications for ENDS products to be submitted through the PMTA pathway.

A new tobacco product that does not have an MGO in effect under section 910(c)(1)(A)(i) of the FD&C Act and is not otherwise exempt from the premarket review requirement is adulterated pursuant to section 902(6)(A) of the FD&C Act (21 U.S.C. 387b(6)(A)). In addition, a new tobacco product is misbranded under section 903(a)(6) of the FD&C Act (21 U.S.C. 387c(a)(6)) if a notice or other information respecting the product was not provided as required by section 905(j) of the FD&C Act. The premarket review requirements of chapter IX of the FD&C Act apply to all new tobacco products, including ENDS products (e.g., electronic cigarettes and e-liquids).

#### *B. Need for the Regulation*

Manufacturers, importers, retailers, and distributors of ENDS products are responsible for ensuring that these tobacco products are compliant with the FD&C Act requirements and

implementing regulations, including premarket authorization requirements.

Any tobacco product imported or offered for import into the United States that appears to be adulterated and/or misbranded is subject to refusal under section 801(a)(3) of the FD&C Act. We have determined that the STN for an ENDS product contained in an entry is a data element that is important for our import admissibility review of that ENDS product. Currently, this information is an optional submission in ACE for ENDS products and is not currently being submitted by ACE filers at the time of entry. Submission of a complete and accurate STN in ACE at the time of entry will facilitate FDA’s review process by electronically comparing the STN to information in FDA’s internal databases. This will help to expedite FDA’s import review process and increase the likelihood of an entry of an ENDS product with a currently effective marketing authorization receiving an automated “May Proceed.” Facilitating the use of automated review for admissibility of ENDS products would allow the Agency to conserve our resources by reducing the instances of manual admissibility review and to more effectively and efficiently make admissibility decisions.

FDA generally considers ENDS to be electronic nicotine delivery systems that deliver aerosolized e-liquid when inhaled, to include components, and/or parts (e.g., e-liquids, cartridges/pods, tanks) of ENDS. FDA conducts a science-based evaluation to determine whether a new tobacco product meets the applicable statutory standard for marketing authorization—such as, whether the product would be appropriate for the protection of the public health (APPH) with respect to the risks and benefits to the population as a whole, including both users and nonusers, and taking into account the increased or decreased likelihood that existing users of tobacco products will stop using such products; and the increased or decreased likelihood that those who do not use tobacco products will start using them.

Public health risks can include, for example, ENDS batteries that overheat, cause fires, or explode; ENDS packaging that allows for young children to be accidentally exposed to the product and poisoned; and youth initiation and use of ENDS products. In making the APPH assessment for a tobacco product such as an ENDS product, for example, FDA weighs, among other things, the negative public health impact stemming from youth initiation and use of the product against the potential positive public health impact stemming from

adult cigarette smokers transitioning away from combusted cigarettes to the ENDS product.

### C. FDA's Current Regulatory Framework

ACE electronically transmits the entry data submitted by an ACE filer at the time of entry to FDA via an electronic interface. The Affirmation of Compliance for STN in ACE for tobacco products is currently an optional submission. When FDA's import systems receive entry data from ACE, the data is initially screened using FDA's Predictive Risk-based Evaluation for Dynamic Import Compliance Targeting (PREDICT), a risk-based electronic screening tool, to determine if manual review of the entry is required. A manual review means that FDA personnel will review the entry information submitted by the ACE filer and may request additional information to make an admissibility determination and/or may direct that the FDA-regulated product be examined or sampled by FDA before admissibility is determined.

By requiring the STN to be submitted in ACE at the time of entry for ENDS products being imported or offered for import into the United States, FDA would be able to more effectively and efficiently determine the marketing authorization status of these products. Accurate and complete information submitted by an ACE filer increases the likelihood that an entry line containing an ENDS product that has a currently effective MGO will be given an automated "May Proceed" by FDA. We have found that ACE filers are not submitting the STN for an ENDS product in ACE at the time of entry. The proposed rule would preserve Agency resources by decreasing the amount of manual reviews, which may involve document requests and communication with ACE filers or importers because the STN and marketing status of the ENDS product will be able to be verified electronically using FDA's internal databases. A "May Proceed" does not constitute a determination by FDA that the product complies with all provisions of the FD&C Act and FDA regulations, and it does not preclude FDA action later. We believe that submission of the STN for all entries containing ENDS products would increase the opportunity for issuing a "May Proceed" without manual review of ENDS products that have a currently effective MGO. This would result in a much faster and effective admissibility review process for both FDA and trade than a manual review.

### IV. Legal Authority

FDA has the legal authority under the FD&C Act to regulate the importation of ENDS products into the United States (sections 701 and 801 of the FD&C Act). Section 701(a) of the FD&C Act authorizes the Agency to issue regulations for the efficient enforcement of the FD&C Act, while section 701(b) of the FD&C Act authorizes FDA and the Department of the Treasury to jointly prescribe regulations for the efficient enforcement of section 801 of the FD&C Act. This proposed rule is being jointly prescribed by FDA and the Department of the Treasury.

Section 801(a) of the FD&C Act provides authority for FDA to refuse admission to a tobacco product being imported or offered for import if such product appears adulterated or misbranded. A new tobacco product that does not have an FDA marketing order in effect pursuant to section 910(c)(1)(A) is adulterated pursuant to section 902(6)(A) of the FD&C Act. In addition, a new tobacco product is misbranded under section 903(a)(6) of the FD&C Act if a notice or other information respecting the product was not provided as required by section 905(j) of the FD&C Act. Under section 301(a) of the FD&C Act, it is a prohibited act to introduce or deliver for introduction into interstate commerce a tobacco product that is adulterated or misbranded.

### V. Description of the Proposed Rule

We propose to revise to part 1 of 21 CFR chapter I to require submission of the STN in ACE or any other CBP-authorized EDI system, at the time the electronic entry is filed. The STN is currently an optional submission in ACE for ENDS products. This information is important data for FDA to efficiently verify premarket authorization for the ENDS product in the entry. Under this proposed rule, if finalized, if an ACE filer fails to submit the STN as required in proposed § 1.79(b), the ACE system would not process the entry. If the complete STN is submitted in ACE in the correct syntax and the provided entry information matches the information in FDA's databases for that STN, the entry of that ENDS product may be eligible for a "May Proceed" using an automated admissibility review by FDA. If the STN submitted in ACE does not correspond with the information in FDA's data systems for that ENDS product, FDA would need to conduct a manual review to verify the STN. Conducting a manual review slows FDA's review by creating inefficiencies in the review process and

could create delays for the importer and other parties to the shipment.

As discussed earlier, FDA could issue an automated "May Proceed" if the ACE filer submits a complete STN, in the correct syntax, in ACE at the time of entry and the provided entry information matches the information in FDA's databases for that STN.

Currently, due to FDA's import program's limited resources, the automated look up validation process (the part of FDA's import systems that matches the STN with information in our databases) is only programmed for STNs for ENDS products. Thus, this proposed rule is limited to ENDS products because, at this time, the FDA automated look up validation process can only perform electronic verification of the STN for ENDS products.

### VI. Proposed Effective Date

We propose that any final rule based on this proposal become effective 30 days after the date of publication of the final rule in the **Federal Register**.

### VII. Preliminary Economic Analysis of Impacts

We have examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, Executive Order 14094, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866, 13563, and 14094 direct us to assess all benefits, costs, and transfers of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Rules are "significant" under Executive Order 12866 Section 3(f)(1) (as amended by Executive Order 14094) if they "have an annual effect on the economy of \$200 million or more (adjusted every 3 years by the Administrator of OIRA [the Office of Information and Regulatory Affairs] for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities." OIRA has determined that this proposed rule is not a significant regulatory action under Executive Order 12866 Section 3(f)(1).

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Small

businesses would be affected by the rule in the same way as non-small businesses. Small businesses would bear the costs of the rule, if finalized, but would also enjoy most of the benefits. Because small entities would face minor one-time costs relative to firm revenue to read the rule and to submit the required data, we propose to certify that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing “any rule that includes 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 one year.” The current threshold after adjustment for inflation is \$183 million, using the most current (2023) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

This proposed rule, if finalized, would require an ACE filer to submit

the STN for tobacco products submitted for any import entry containing ENDS tobacco product(s) at the time of entry in ACE or any other EDI system authorized by CBP. This information is important data for FDA to efficiently verify premarket authorization for the ENDS product in the entry.

If the STN is not voluntarily submitted in ACE at the time of entry, FDA needs to conduct a manual review, which includes contacting the ACE filer or importer to obtain the STN of each ENDS product contained in the entry. The manual admissibility review slows FDA import admissibility decisions. Thus, by reducing FDA’s time spent on obtaining the STN of each ENDS product contained in the entry, we expect this rulemaking to generate benefits in the form of cost savings for the Federal Government and industry. The proposed rule, if finalized, would result in a more effective and efficient admissibility review by FDA of those entry lines containing an ENDS product. Industry may benefit from the reduced time spent by FDA in making admissibility determinations on ENDS products contained in an entry.

ACE filers of import entries containing ENDS products would face

costs to read and understand the rule as well as to obtain and submit the STN for ENDS product(s) imported or offered for import. These costs would occur only once for each unique entity and ENDS product combination as a requirement upon initial submission of the STN, as explained in the Preliminary Regulatory Impact Analysis (PRIA).

Table 1 summarizes the estimated benefits and costs of this proposed rule, if finalized. Because we lack information to quantify expected benefits of the rule, table 1 presents them qualitatively. We expect that the rule would result in cost savings to both industry and FDA from more efficient and effective import admissibility review. We estimate that the present value of costs of the rule over 10 years would range from \$0.021 million to \$0.061 million at a 2 percent discount rate, with a primary estimate of \$0.041 million. The estimated annualized costs of this rulemaking over a 10-year period would range from \$0.002 million to \$0.007 million at a 2 percent discount rate, with a primary estimate of \$0.005 million.

TABLE 1—SUMMARY OF BENEFITS, COSTS AND DISTRIBUTIONAL EFFECTS OF PROPOSED RULE  
[Millions of 2022 dollars]

Category	Primary estimate	Low estimate	High estimate	Dollar year	Discount rate	Time horizon	Notes (e.g., risk assumptions; source citations; whether inclusion of capital effects differs across low, primary, high estimates; etc.)
Benefits:							
Annualized monetized benefits.	.....	.....	.....	.....	2%	.....	
Annualized quantified, but non-monetized, benefits.	.....	.....	.....	.....	.....	.....	
Unquantified benefits.	Cost savings to Federal Government and industry from more efficient and effective import review.			.....	.....	.....	Cost savings.
Costs:							
Annualized monetized costs.	\$0.005	\$0.002	\$0.007	2022	2%	10	
Annualized quantified, but non-monetized, costs.	.....	.....	.....	.....	.....	.....	
Unquantified costs.	.....	.....	.....	.....	.....	.....	
Transfers:							

TABLE 1—SUMMARY OF BENEFITS, COSTS AND DISTRIBUTIONAL EFFECTS OF PROPOSED RULE—Continued  
[Millions of 2022 dollars]

Category	Primary estimate	Low estimate	High estimate	Dollar year	Discount rate	Time horizon	Notes (e.g., risk assumptions; source citations; whether inclusion of capital effects differs across low, primary, high estimates; etc.)
Annualized monetized Federal budgetary transfers.	.....	.....	.....	.....	2%	.....	
Bearers of transfer gain and loss?	.....	.....	.....	.....	.....	.....	
Other annualized monetized transfers.	.....	.....	.....	.....	2%	.....	
Bearers of transfer gain and loss?	.....	.....	.....	.....	.....	.....	
Net Benefits: Annualized monetized net benefits.	.....	.....	.....	.....	2%	.....	
Category	Effects			Notes			
Effects on State, local, or Tribal governments.	None.						
Effects on small businesses.	None.						
Effects on wages.	None.						
Effects on growth.	None.						

We have developed a comprehensive Preliminary Economic Analysis of Impacts that assesses the impacts of the proposed rule. The full preliminary analysis economic of impacts is available in the docket for this proposed rule (Ref. 1) and at <https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations>.

#### VIII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### IX. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). A description of

these provisions is given in the *Description of the Proposed Rule* section of this document. Included in our estimate of the annual reporting and recordkeeping burden is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques,

when appropriate, and other forms of information technology.

*Title:* Importer's Entry Notice—OMB Control Number 0910–0046—Revision.

*Description:* This proposed rule would require the submission of the STN for tobacco products for ENDS products being imported or offered for import into the United States via ACE or any other electronic data interchange system authorized by CBP. The purpose of the rule is to facilitate FDA's review of imported ENDS products. This will allow the Agency to focus our resources on those FDA-regulated products that may be associated with a greater public health risk.

*Description of Respondents:* Respondents to the information collection provisions of the proposed rule are importers, and licensed customs brokers hired by an importer to file the entry in ACE, who offer products for importation that are finished ENDS products, including components and parts of ENDS products, sealed in final packaging or in the final form in which



they are intended to be sold to consumers.

The proposed rule would add the STN, assigned to the premarket application for an ENDS product under section 910 of the FD&C Act, to the data elements required for entries containing FDA-regulated tobacco products in § 1.79 that must be submitted in ACE at the time of entry. Currently, this is an optional submission. Requiring the STN to be submitted in ACE at the time of entry for finished ENDS products would help facilitate FDA’s import review.

FDA’s burden estimates are based on data discussed in the PRIA. For the analysis of the information collection, we calculate the submission of the STN in the ACE system as an initial first-year burden and subsequent recurring years. We anticipate these data retrieval and entry times to occur in the first year the rule becomes effective for all ENDS products imported or offered for import as a requirement upon initial submission of import information for unique entities and ENDS products combinations. In each subsequent year, any additional time spent on obtaining and submitting the required information would depend on the number of new Unique ENDS products imported or offered for import. As discussed in the PRIA, we assessed the baseline procedure for verifying marketing status. Currently, entries received without the optional STN data element trigger a manual admissibility review process by FDA to determine their premarket review status. From January 1, 2021, through June 27, 2023, there were no entries containing ENDS products where a filer voluntarily submitted a STN in ACE at the time of entry. We therefore assume that no ACE filers are submitting this information at baseline. For each Unique ENDS product, we assume time would be spent by an administrative worker on locating the sources of the data; obtaining the required information for submission to ACE, including reaching out to manufacturers if necessary; logging into the system; entering the required information or updating the already existing information in that firm’s internal database(s). Once this information is gathered and entered into a firm’s internal database(s), we foresee that it does not need to be gathered again for a subsequent shipment of the same Unique ENDS product.

As part of this proposed rulemaking, we are revising the currently approved collection of information for the ACE system under OMB control number 0910–0046.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED FIRST-YEAR REPORTING BURDEN <sup>1</sup>

21 CFR 1.79(b); Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Gathering and Entering STN into an ACE Filer’s internal database(s).	177	60.825	10,766	0.033 (2 minutes) .....	355

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 2 displays the estimated first year reporting burden associated with gathering and entering the required STN for ENDS products into the ACE filer’s software program. Our burden estimates are consistent with estimates from table 5 in the PRIA, which summarizes the number of import lines, ACE filers, and unique ENDS products expected to be affected by the rule. As we stated previously, we identify Unique ENDS products through a particular combination of manufacturer, product code, and ACE filer. Table 5 in the PRIA presents low and high estimates. For PRA purposes, we have utilized the midpoint of these low and high values. We estimate that 177 respondents (number of ACE filers) will submit 10,766 annual responses (number of unique ENDS products) in the first year that the proposed rule is finalized.

The 2016 ACE final rule assumed that preparing data elements for the first time could range from a few seconds to several minutes, depending on the complexity and location of the information. We assume that ACE filers have the required information readily available and that they will not need to contact manufacturers or other entities to obtain this data element. Likewise, we assume that importers would provide the necessary information to any licensed customs brokers they hire to complete these tasks. Finally, we assume that this time includes quality checks to ensure the accuracy of the information submitted in ACE. Some of this verification may be manual verification by staff or messaging from ACE or FDA that identifies incorrect information. To calculate the average burden per response we utilized assumptions in the 2016 ACE final rule, and we assume the time needed to locate, prepare, enter, and quality check the required information would range from 1 to 3 minutes per Unique ENDS product. For PRA estimates we have used the midpoint of 2 minutes (0.033 hours) per response. Our total first year burden is estimated to be 355 hours.

TABLE 3—ESTIMATED SUBSEQUENT YEARS REPORTING BURDEN <sup>1</sup>

21 CFR 1.79(b); Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Gathering and Entering the Submission Tracking Number into Filer’s Internal Database.	8	56.5	452	0.033 (2 minutes) .....	15

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 3 displays the estimated subsequent years burden associated with gathering and entering the required STN for ENDS products into the ACE filer’s internal database. In each subsequent year after year one, any additional time spent preparing the required information would depend on the number of new Unique ENDS products imported or offered for import.

As with the estimate for first year burden, our estimates for subsequent year burden are based on the midpoint of low and high estimates from table 5 in the PRIA. We estimate recurring

burden by averaging years 2–3 based on a 3-year OMB approval timeframe, which equaled to 8.25 respondents (number of ACE filers) and rounded to 8. For the number of annual responses, we used the average of years 2–3 which equaled to 452 annual responses (number of Unique ENDS products). We estimate the same estimate of 2 minutes (0.033 hours) per response as in table 2, and our total recurring burden is estimated to be a rounded 15 hours.

If this proposed rule is finalized, we estimate that ENDS tobacco product importers submitting the required STN will increase the burden under OMB control number 0910–0046 by 370 hours (355 first year burden hours + 15 subsequent (years 2–3) recurring hours).

To ensure that comments on information collection are received, OMB recommends that written comments be submitted through <https://www.regulations.gov> (see **ADDRESSES**). All comments should be identified with the title of the information collection.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3407(d)), we have submitted the information collection provisions of this proposed rule to OMB for review. These information collection requirements will not be effective until FDA publishes a final rule, OMB approves the information collection requirements, and the rule goes into effect. FDA will announce OMB approval of these requirements in the **Federal Register**.

## X. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. We have determined that the proposed rule does not contain policies that 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. Accordingly, we conclude that this proposed rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

## XI. Consultation and Coordination With Indian Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13175. We have tentatively determined that the proposed rule does not contain policies that would 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.

## XII. Reference

The following reference is on display at the Dockets Management Staff (see **ADDRESSES**) and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at <https://www.regulations.gov>. Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. FDA, Submission of Food and Drug Administration Import Data in the Automated Commercial Environment (Proposed Rule) Preliminary Regulatory Impact Analysis. Economic Impact Analyses of FDA Regulations.

### List of Subjects in 21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, FDA proposes to amend 21 CFR part 1 as follows:

## PART 1—GENERAL ENFORCEMENT REGULATIONS

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

**Authority:** 15 U.S.C. 1333, 1453, 1454, 1455, 4402; 19 U.S.C. 1490, 1491; 21 U.S.C. 321, 331, 332, 333, 334, 335a, 342, 343, 350c, 350d, 350j, 352, 355, 360b, 360ccc, 360ccc–1, 360ccc–2, 362, 371, 374, 381, 382, 384a, 387, 387a, 387c, 393, and 2223; 42 U.S.C. 216, 241, 243, 262, 264, 271.

■ 2. In § 1.79, add paragraph (b) to read as follows:

### § 1.79 Tobacco products.

\* \* \* \* \*

(b) *Submission tracking number* assigned to an application for market authorization submitted for an electronic nicotine delivery system product, such as a premarket tobacco product application (PMTA) or a supplemental PMTA.

Dated: August 12, 2024.

**Robert M. Califf,**

*Commissioner of Food and Drugs. In concurrence with FDA.*

Dated: August 12, 2024.

*Aviva R. Aron-Dine, Acting Assistant Secretary of the Treasury for Tax Policy.*

[FR Doc. 2024–18343 Filed 8–15–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 1000

[245A2100DD/AAKC001030/  
A0A501010.999900]

### Self-Governance PROGRESS Act Negotiated Rulemaking Committee; Notice of Meeting

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule; public meetings.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Self-Governance PROGRESS Act Negotiated Rulemaking Committee (Committee), will hold public meetings to negotiate and advise the Secretary of the Interior (Secretary) on a proposed rule to implement the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act).

**DATES:** The meetings are open to the public and will be held:

- Thursday, September 12, 2024, and
- Thursday, September 19, 2024.

**ADDRESSES:** The meeting will be held in the John Muir Room of the Department of the Interior Building, 1849 C Street NW, Washington, DC. Members of the public may attend the meeting in-person or participate virtually. Send your comments, within 30 days following the meeting, to the Designated Federal Officer, Vickie Hanvey, using the following methods:

- *Preferred method:* Email to [comments@bia.gov](mailto:comments@bia.gov) with “PROGRESS Act” in subject line.
- *Alternate methods:* Mail, hand-carry or use an overnight courier service to the Designated Federal Officer, Ms. Vickie Hanvey, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, Mail Stop 3624, Washington, DC 20240.

#### FOR FURTHER INFORMATION CONTACT:

Vickie Hanvey, Designated Federal Officer, [comments@bia.gov](mailto:comments@bia.gov), (918) 931–0745. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

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 document 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.

**SUPPLEMENTARY INFORMATION:** These meetings will be held under the authority of the PROGRESS Act (Pub. L. 116–180), the Negotiated Rulemaking Act (5 U.S.C. 561 *et seq.*), and the Federal Advisory Committee Act (5 U.S.C. Ch. 10). The Committee is to negotiate and reach consensus on recommendations for a proposed rule that will replace the existing regulations at 25 CFR part 1000. The Committee is charged with developing proposed regulations for the Secretary's implementation of the PROGRESS Act's provisions regarding the Department of the Interior's (DOI) Self-Governance Program.

The PROGRESS Act amends subchapter I of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5301 *et seq.*, which addresses Indian Self-Determination, and subchapter IV of the ISDEAA, which addresses DOI's Tribal Self-Governance Program. The PROGRESS Act also authorizes the Secretary to adapt negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes. The **Federal Register** (87 FR 30256) notice published on May 18, 2022, discussed the issues to be negotiated and the members of the Committee.

### Meeting Agenda

These meetings are open to the public. Detailed information about the Committee, including meeting agendas can be accessed at <https://www.bia.gov/service/progress-act>. Topics for these meetings will include Committee priority setting, subcommittee reports on comments received from Tribal consultations, review and approval of draft final rule documents, Committee caucus, and public comment.

For in-person meetings, members of the public are required to present a valid government-issued photo ID to enter the building; and are subject to security screening, including bag and parcel checks.

### Plenary Meeting (Number 16)

- *Meeting date:* September 12, 2024.

- *Meeting time:* 1 to 5 p.m. ET.
- *Meeting location:* Hybrid (in-person and virtual).
- *In-person meeting room:* John Muir Room.
- *Address:* Department of the Interior, 1849 C Street NW, Washington, DC 20240.
- *Virtual link:* [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTJjZDA1M2YtNmM5MC00NGFhLWF1OTItNjQ1NTZmZWQ4Nzll%40thread.v2/0?context=%7B%22Tid%22%3A%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%2C%22Oid%22%3A%2213321130-a12b-4290-8bcf-30387057bd7b%22%2C%22IsBroadcastMeeting%22%3Atrue%22%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTJjZDA1M2YtNmM5MC00NGFhLWF1OTItNjQ1NTZmZWQ4Nzll%40thread.v2/0?context=%7B%22Tid%22%3A%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%2C%22Oid%22%3A%2213321130-a12b-4290-8bcf-30387057bd7b%22%2C%22IsBroadcastMeeting%22%3Atrue%22%2C%22role%22%3A%22a%22%7D&btype=a&role=a).

- *Comments:* Submit by October 10, 2024.

### Plenary Meeting (Number 17)

- *Meeting date:* September 19, 2024.
- *Meeting time:* 1 to 5 p.m. ET.
- *Meeting location:* Hybrid (in-person and virtual).
- *In-person meeting room:* John Muir Room.
- *Address:* Department of the Interior, 1849 C Street NW, Washington, DC 20240.
- *Virtual link:* [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OTNhMTFmNTUtZGE3My00YmViLTGwNzQtZDliYjVhNTEyYjkz%40thread.v2/0?context=%7B%22Tid%22%3A%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%2C%22Oid%22%3A%2213321130-a12b-4290-8bcf-30387057bd7b%22%2C%22IsBroadcastMeeting%22%3Atrue%22%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTNhMTFmNTUtZGE3My00YmViLTGwNzQtZDliYjVhNTEyYjkz%40thread.v2/0?context=%7B%22Tid%22%3A%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%2C%22Oid%22%3A%2213321130-a12b-4290-8bcf-30387057bd7b%22%2C%22IsBroadcastMeeting%22%3Atrue%22%2C%22role%22%3A%22a%22%7D&btype=a&role=a).
- *Comments:* Submit by October 17, 2024.

### Public Comments

Depending on the number of people who want to comment and the time available, the amount of time for individual oral comments may be limited. Requests to address the Committee during the meeting will be accommodated in the order the requests are received. Individuals who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written comments to the Designated Federal Officer up to 30 days following the meeting. Written comments may be sent to Vickie Hanvey listed in the **ADDRESSES** section above.

Before including your address, phone number, email address, or other

personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 5 U.S.C. Ch. 10)

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2024–18382 Filed 8–15–24; 8:45 am]

**BILLING CODE 4337–15–P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1614

**RIN 3046–AB00**

### Withdrawal of NPRM Addressing Official Time in the Federal Equal Employment Opportunity Process

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Withdrawal of rulemaking.

**SUMMARY:** The Equal Employment Opportunity Commission (“EEOC” or “Commission”) is withdrawing its Notice of Proposed Rulemaking (“NPRM”) to amend its regulation addressing official time for Federal agency employees who represent co-workers during the EEO complaint process.

**DATES:** August 16, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Oram, Assistant Legal Counsel, at (202) 921–2665 or [kathleen.oram@eeoc.gov](mailto:kathleen.oram@eeoc.gov), or Gary J. Hozempa, Senior Staff Attorney, at (202) 921–2672 or [gary.hozempa@eeoc.gov](mailto:gary.hozempa@eeoc.gov), Office of Legal Counsel, U.S. Equal Employment Opportunity Commission. Requests for this document in an alternative format should be made to the EEOC's Office of Communications and Legislative Affairs at (202) 921–3191 (voice), 1–800–669–6820 (TTY), or 1–844–234–5122 (ASL video phone).

**SUPPLEMENTARY INFORMATION:** On December 11, 2019, the EEOC published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) announcing its intention to amend 29 CFR 1614.605(b) to state that union officers and stewards are excluded from that section's grant of reasonable official time for representational services during EEO administrative proceedings. See *NPRM, Official Time in Federal Sector Cases Before the Commission*, 84 FR

67683. That publication generated over 1800 comments, almost all of which opposed the proposed change. In order to give “all interested stakeholders ample opportunity to comment,” the Commission reopened the comment period for another 60 days. *See* 85 FR 33049 (June 1, 2020). During the second comment period, over 5,700 individuals and organizations submitted comments. Again, the vast majority of commenters opposed the proposed amendment. On January 12, 2021, the EEOC submitted to the **Federal Register** a draft final rule amending section 1614.605(b) as proposed in the NPRM. On January 21, 2021, the EEOC withdrew the draft rule before it was published, pursuant to the “Memorandum for the Heads of Executive Departments and Agencies,” from Ronald A. Klain, Assistant to the President and Chief of Staff (January 20, 2021). For the reasons stated below, the Commission has decided to withdraw this rulemaking.

#### **Background—29 CFR 1614.605(a)**

Pursuant to the EEOC’s Federal sector complaint processing regulations, “[a]t any stage in the processing of a complaint,” a complainant is entitled “to be accompanied, represented, and advised by a representative of complainant’s choice.” 29 CFR 1614.605(a). If the representative is an employee of the complainant’s agency, “the representative shall have a reasonable amount of time, if otherwise on duty,” to provide representational services. 29 CFR 1614.605(b).

#### **The Proposed Rule To Amend 29 CFR 1614.605(b)**

The NPRM proposed amending section 1614.605(b) to state that the entitlement to official time to represent a same-agency employee in an EEO matter does not apply to a representative who serves in an official capacity in a labor organization that is an exclusive representative of employees of the agency. Instead, whether the union representative is entitled to official time would depend on a bargaining agreement between the agency and labor organization.

The NPRM asserted that whether a union official should receive official time for EEO representational duties was best determined by the relevant labor relations statute—the Federal Service Labor-Management Relations Statute (“FSLMRS”), as the FSLMRS was “specifically designed to address the unique relationship between labor organizations and federal agencies.” 84 FR at 67684. The NPRM reasoned that, because the EEOC’s basic approach to official time stems from regulations

predating enactment of the FSLMRS, and the EEOC never reconsidered its approach in light of the FSLMRS, the EEOC has caused stakeholder confusion. *See id.* In consideration of the FSLMRS, the NPRM concluded that the best policy choice would be to amend the EEOC’s official time rule to exclude union officials so that an agency and a union could bargain over the availability of official time.

#### **The Public Comments on the Proposed Rule**

Most commenters objected to the proposed rule, although a small number endorsed the proposal and the rationale provided in the NPRM.

#### *Comments in Support of the Proposed Rule*

Those favoring the proposed rule primarily did so because it differentiated between the EEOC’s authority over the Federal sector complaint process pursuant to section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16 (“Title VII”) and the authority of the Federal Labor Relations Authority (“FLRA”) under the FSLMRS. Commenters stated that the proposed rule correctly placed the issue of official time for union representatives under 5 U.S.C. 7131 (Official Time) of the FSLMRS. In the opinion of these commenters, official time for union representatives should not be administered or governed by the EEOC because the EEOC lacks authority over the issue, whereas the FLRA possesses such authority.

#### *Comments Opposed to the Proposed Rule*

Commenters objecting to the NPRM stated that the proposed rule was erroneously predicated upon the FSLMRS, rather than the Congressional intent expressed in Title VII, and unfairly targeted only those Federal employees who also happen to serve as union officials. Commenters further argued that the EEOC had not presented empirical evidence—such as reports, studies, statistics, data, surveys, or anecdotes—to demonstrate that, since the inception of the EEOC’s official time rule in 1987, agencies or unions had in fact expressed confusion regarding bargaining obligations about official time or requested clarification on the matter of official time and its relationship to the FSLMRS. These commenters concluded that the EEOC was creating a solution for a non-existent problem.

Other commenters argued that the Commission failed to show that its

policy choice would lead to better EEO complaint processing or outcomes consistent with the EEOC’s mission. Some of these commenters asserted that the NPRM had not considered whether the proposal would have a negative impact on a complainant’s right to a representative of their choice. For example, it was noted that union representatives often are knowledgeable of, and experienced in, the EEO process. These commenters stated that, if the only Federal employees not granted official time to represent their coworkers were those employees most experienced in these types of cases, the proposed rule would hinder Federal employees challenging discrimination. It further was asserted that the proposed amendment threatened to arbitrarily and capriciously except union representatives—and only union representatives—from the class of employees a complainant can choose as a representative.

Commenters stated that a union official representative could assist complainants in distinguishing between prohibited discrimination and non-actionable workplace behavior, which would lead to more constructive outcomes for complainants and agencies, and a more efficient EEO process. If union officials could not use official time, commenters stated, complainants would be deprived of the effective assistance that union officials can provide, and employees who have experienced prohibited discrimination would be less likely to initiate complaints and follow them through to resolution.

Other commenters opposing the NPRM noted that the EEOC’s proposal to leave the determination of official time to negotiations between employers and labor organizations would most likely diminish a Federal employee’s right to choose a union official as their representative of choice. They argued that the likely result of the proposed change—requiring union officials to take leave without pay for performing representational services—would discourage them from representing their coworkers in the EEO complaint process. They further maintained that the proposed rule would send a message that the EEOC wants complainants to have inferior representation or representation that is cost-prohibitive to many; it would cause many complainants to proceed pro se or with coworker-representatives who are unfamiliar with the EEO complaint process. Thus, they concluded, the proposed rule would prevent many complainants from obtaining competent representation and could thwart Federal

workers from successfully challenging and addressing workplace harassment and discrimination.

### The Commission's Decision To Withdraw the Rulemaking

The NPRM proposed amending the official time rule because it “believe[d] that the best policy approach is to leave the determination of whether a union official receives official time to the provisions of the FSLMRS.” 84 FR at 67684. However, the NPRM did not take into account that the FSLMRS does not require an agency and union to bargain over the use of official time for representational services when provided in forums unrelated to labor-management relations activities, such as the 29 CFR part 1614 EEO complaint process. See *National Archives and Records Administration (Agency) and American Federation of Government Employees, Council 236, Local 2928 (Union)*, 24 F.L.R.A. 245, 247, FLRA Rep. No. 407, 24 FLRA No. 29, 1986 WL 54527, \*3 (November 26, 1986) (holding that “official time negotiated under [the FSLMRS] is to be used for labor management relations activity”); *American Federation of Government Employees National Council of Field Labor Locals (Union) and U.S. Department of Labor Mine Safety and Health Administration Denver, Colorado (Agency)*, 39 F.L.R.A. 546, 553, FLRA Rep. No. 672, 39 FLRA No. 44, 1991 WL 32963, \*6 (February 13, 1991) (stating that “[the FSLMRS] relates only to the granting of official time in connection with labor-management relations activities”).

Additionally, the FSLMRS does not address the Federal sector EEO complaint process and, in the absence of such a statutory command, commenters in favor of the proposed rule did not explain why the best policy choice for the EEOC would be to follow the FSLMRS when determining which EEO-related representational activities warrant the use of official time. As commenters acknowledged, the EEOC and the FLRA have authority to administer different laws, each with its own standards. Just as the EEOC does not have the authority to impose official time rules in the labor-management relations arena, the FLRA does not have the authority to impose its rules in the EEO complaint forum. Deferring to the FSLMRS regarding whether union officials are entitled to official time when representing a same-agency Federal co-worker in an EEO complaint would interfere with EEOC’s authority and responsibilities under Title VII.

Part of the mission of the EEOC is to ensure that laws that protect Federal

employees from workplace discrimination are fully enforced. This includes the guarantee that a Federal EEO complainant is entitled to a representative of their choice and that both the complainant and the representative, if a co-worker, are authorized to use official time when pursuing the complaint. Singling out union representatives as the only Federal employees ineligible for using official time to assist EEO complainants undermines this mission. It creates an obstacle to securing competent representation, making it harder for complainants to effectively pursue their EEO complaints. As a number of commenters stated, if a complainant is dissuaded from securing a union representative because the representative is not entitled to official time, the complainant may decide not to challenge alleged employment discrimination. When a Federal sector complainant is reluctant to proceed, it diminishes the EEOC’s fundamental ability to eliminate employment discrimination within the Federal government. Since the purpose of the EEOC is to ensure that employees have equal employment opportunities, it must promote effective representation by providing employees with choices on who represents them, including being represented by co-worker union officials.

Moreover, Congress intended for both Title VII and the Commission to serve a broad remedial function in the Federal sector and for actions accordingly to be remedial in nature. See 42 U.S.C. 2000e–16(b) (the EEOC “shall have the authority to enforce [the federal sector prohibition against discrimination in Title VII] through appropriate remedies. . . .”). The change proposed in this NPRM, however, is contrary to this Congressional directive and will harm Federal employees. It restricts a complainant’s choice of representative by excluding, for the first time, any representative who “serves in an official capacity in a labor organization” from eligibility. Union representatives in the EEO process often are the only representatives available to Federal employees at no cost to those alleging discrimination. Without access to such representation, complainants would have to choose between finding and paying an attorney, proceeding without a representative, or dropping the complaint. None of these options is consistent with the EEOC’s mandate under Title VII.

The Commission also agrees with commenters’ arguments that there is no guarantee that all agencies and unions would bargain for affording official time

to union officials when representing EEO complainants. Under the proposed rule, the result of bargaining would be that union officials at some agencies would be entitled to use official time whereas at other agencies they would not. Complainants who would file EEO complaints against agencies in the latter group likely would be foreclosed from choosing a union official as a representative, and many would be deprived of their chosen representative in the Title VII administrative EEO forum. Thus, it is likely that, if the proposed rule were adopted, a knowledgeable corps of union representatives committed to strongly advocating for Federal workers in workplace disputes would be excluded from representing EEO complainants in direct contradiction to EEOC’s overall goal, to the detriment of Federal employees.

The EEOC, as the lead Federal EEO agency, is charged with full enforcement of the Federal EEO laws. Pursuant to 42 U.S.C. 2000e–16(b), the EEOC “shall have authority to . . . issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section.” Using this authority, the EEOC adopted a rule that provides that a same-agency co-worker shall have a reasonable amount of time to represent a same-agency EEO complainant. See 29 CFR 1614.605(a). Nothing in Title VII or the current rule restricts the type of co-worker representative who can receive official time. The co-worker can be a subordinate, a peer, a management official, or a union steward or officer. The changes proposed in this NPRM would, for the reasons stated above, weaken rather than strengthen EEO enforcement in Federal agencies. Therefore, the EEOC concludes that the proposal that official time for union officials in the EEO complaint process be governed by the FSLMRS is not consistent with the EEOC’s statutory mandate.

Given that the Commission has determined that amending the current official time rule is not in the best interests of EEO complainants and their co-worker representatives under the laws enforced by the Commission, the Commission is withdrawing this rulemaking.

**Charlotte A. Burrows,**  
Chair.

[FR Doc. 2024–18238 Filed 8–15–24; 8:45 am]

BILLING CODE 6570–01–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R05–OAR–2023–0190; FRL–12117–01–R5]

**Air Plan Approval; Indiana; Ozone SIP Modifications Due to the Municipal Solid Waste Landfill Update**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the Indiana Department of Environmental Management's request to repeal and replace portions of the Indiana Administrative Code (IAC) for Lake, Porter, Clark, and Floyd Counties in Indiana. This new regulation includes Federal updates to municipal solid waste landfill rules with the incorporation by reference of the Federal plan for Municipal Solid Waste Landfills. EPA is proposing that this action is approvable because it is consistent with the EPA's Emission Guidelines for Municipal Solid Waste Landfills and is a SIP strengthening measure.

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

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2023–0190 at <https://www.regulations.gov> or via email to [arra.sarah@epa.gov](mailto:arra.sarah@epa.gov). For comments submitted at <https://www.regulations.gov>, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general

guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Katie Mullen, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3490, [mullen.kathleen@epa.gov](mailto:mullen.kathleen@epa.gov). The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:** The Environmental Protection Agency (EPA) is proposing to approve the Indiana Department of Environmental Management's request to repeal 326 Indiana Administrative Code (IAC) 8–8 for Lake, Porter, Clark, and Floyd Counties in Indiana, and replace it with 326 IAC 8–8.2. In the “Rules and Regulations” section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives such comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: August 7, 2024.

**Debra Shore,**

*Regional Administrator, Region 5.*

[FR Doc. 2024–17990 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2023–0444; FRL–10461–01–R3]

**Air Plan Approval; Delaware; 2022 Amendments to the Delaware's Ambient Air Quality Standards**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Delaware. This SIP revision consists of Delaware's amendments to its ambient air quality standards for ground level ozone, amendments to citations to the Code of Federal Regulation (CFR) dates for all ambient air quality standards in Delaware's regulations, and Delaware's amendment removing the sulfur dioxide (SO<sub>2</sub>) 24-hour and annual primary standards that have been revoked by EPA. This action is being taken under the Clean Air Act (CAA).

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

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2023–0444 at [www.regulations.gov](https://www.regulations.gov), or via email to [talley.david@epa.gov](mailto:talley.david@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit

[www.epa.gov/dockets/commenting-epa-dockets](http://www.epa.gov/dockets/commenting-epa-dockets).

**FOR FURTHER INFORMATION CONTACT:** Erin Malone, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2190. Ms. Malone can also be reached via electronic mail at [malone.erin@epa.gov](mailto:malone.erin@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 15, 2022, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted to EPA a revision to its SIP that consists of amendments to Title 7 of the Delaware Administrative Code (7 DE Admin Code). Specifically, the amendments are to 7 DE Admin 1103 Ambient Air Quality Standards (DE 1103). DNREC's amendments to DE 1103 aligned the language of that regulation to be consistent with existing Federal regulatory standards. Specifically, DNREC revised DE 1103 to reflect: the most current national ambient air quality standards (NAAQS) for ground level ozone; amendments to update citations in DE 1103 to include the CFR dates in effect at the time DNREC amended DE 1103 for all NAAQS; and amendments to remove the SO<sub>2</sub> 24-hour and annual primary standards. On May 14, 2024, DNREC submitted a withdrawal letter to remove an update to section 1.6.5 of DE 1103 in Delaware's SIP. Delaware withdrew its revision to Section 1.6.5 because that regulation erroneously cites to an EPA analytical method that was revoked by EPA.

## I. Background

The CAA mandates that EPA set NAAQS for criteria pollutants, which are ozone and related photochemical oxidants, carbon monoxide, lead, nitrogen oxides, particulate matter, and sulfur oxides. The CAA also requires EPA to periodically review the relevant scientific information and the standards and revise them, if appropriate, to ensure that the standards provide the requisite protection for public health and the environment. The CAA also requires states to develop a general plan to attain and maintain the standards in all areas of the country and a specific plan to attain the standards for each area designated nonattainment.

The NAAQS for ground-level ozone were updated on October 1, 2015, to strengthen the NAAQS for ground-level ozone to 0.070 parts per million (ppm).

See 80 FR 65291.<sup>1</sup> The primary and secondary standards established in 2015 are determined by the fourth-highest daily maximum 8-hour concentration, averaged over three consecutive years. In December 2020, EPA retained the 2015 standards without revision. See 85 FR 87256, December 31, 2020.<sup>2</sup>

On June 2, 2010, EPA revised the primary SO<sub>2</sub> NAAQS based on its review of the air quality criteria for oxides of sulfur and the primary NAAQS for oxides of sulfur as measured by SO<sub>2</sub>.<sup>3</sup> See 75 FR 35520. The 1-hour SO<sub>2</sub> standard was set at a level of 0.075 ppm, based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. EPA also revoked both the existing 24-hour and annual primary SO<sub>2</sub> standards.

## II. Summary of SIP Revision and EPA Analysis

Delaware's November 15, 2022 SIP submission consists of: (1) amendments to its ambient air quality standards in DE 1103 to reflect the current NAAQS for ground level ozone; (2) amendments to its regulatory citations to the CFR dates for the EPA sampling and analytical procedures and techniques for the various NAAQS that Delaware incorporates into its regulations, and (3) amendments to remove from DE 1103 the SO<sub>2</sub> 24-hour and annual primary standards that have been revoked by EPA. Delaware's regulatory amendments aligned DE 1103 with current EPA's NAAQS regulations. By including these revisions to DE 1103 in the Delaware SIP, the SIP will also align with EPA's current NAAQS regulations.

The Delaware SIP's current primary and secondary ozone NAAQS standards are outdated at 0.075 ppm. DNREC's revision to DE 1103 updated the primary and secondary ozone standards in Section 6.0 of DE 1103 to reflect the 2015 Ozone NAAQS of 0.070 ppm. If approved, Delaware's SIP submittal will make the SIP consistent with EPA's current ozone NAAQS.

DNREC has also amended DE 1103 to update its references for the dates for EPA's sampling and analytical procedures and techniques for the various NAAQS, that Delaware

incorporates by reference into DE 1103. The dates, for all sections except 1.6.5, will be updated to July 1, 2019, which was the most current version of the CFR as of the time that DNREC revised DE 1103. If approved, Delaware's SIP will incorporate the NAAQS monitoring methodologies as codified in the 2019 CFR, which was the most recent version of the CFR at the time Delaware revised DE 1103. Updating these references will strengthen the Delaware SIP.

Additionally, Delaware removed subsections 4.2 and 4.3 from DE 1103. These subsections had set forth Delaware's SO<sub>2</sub> 24-hour primary standard and SO<sub>2</sub> annual primary standard, which corresponded to the EPA's revoked SO<sub>2</sub> 24-hour primary standard and SO<sub>2</sub> annual primary standard. This amendment to DE 1103 conforms the Delaware SO<sub>2</sub> ambient air quality standard with EPA's current Federal regulations. If this revision to DE 1103 is approved into the Delaware SIP, the SIP will align with EPA's current SO<sub>2</sub> NAAQS, at 40 CFR 50.17.

## III. Proposed Action

EPA is proposing to approve Delaware's submittal of November 15, 2022, consisting of the changes to 7 DE Admin Code 1103, Ambient Air Quality Standards, as described in sections I and II of the preamble. This revision to the Delaware SIP will align the SIP to be consistent with Federal requirements by updating the SIP to be consistent with EPA's 2015 ozone NAAQS; updating the citations in the SIP to the 2019 CFR dates for all NAAQS; and by removing from the SIP the current reference to the revoked the SO<sub>2</sub> 24-hour and annual primary standards. EPA is soliciting public comments on the proposed rulemaking for the next 30 days. Relevant comments will be considered before taking the final action.

## IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference DE regulation 1103, as effective on July 1, 2019, excluding updates to section 1.6.5, as discussed in sections I and II of the preamble. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

<sup>1</sup> 2015 National Ambient Air Quality Standards for Ozone available at [www.federalregister.gov/documents/2015/10/26/2015-26594/national-ambient-air-quality-standards-for-ozone](http://www.federalregister.gov/documents/2015/10/26/2015-26594/national-ambient-air-quality-standards-for-ozone).

<sup>2</sup> 2020 Review of the Ozone National Ambient Air Quality Standards available at [www.federalregister.gov/documents/2020/12/31/2020-28871/review-of-the-ozone-national-ambient-air-quality-standards](http://www.federalregister.gov/documents/2020/12/31/2020-28871/review-of-the-ozone-national-ambient-air-quality-standards).

<sup>3</sup> 40 CFR parts 50, 53, and 58 Primary National Ambient Air Quality Standard for Sulfur Dioxide; Final Rule available at [www3.epa.gov/ttn/naaqs/standards/so2/fr/20100622.pdf](http://www3.epa.gov/ttn/naaqs/standards/so2/fr/20100622.pdf).



## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (E.J.) as "the fair treatment and meaningful involvement of all people regardless of race, color,

national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." EPA further defines the term fair treatment to mean that "no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies."

DNREC did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an E.J. analysis and did not consider E.J. in this proposed rulemaking. Due to the nature of the proposed action being taken here, this proposed rulemaking is expected to have a neutral to positive impact on the air quality of the affected area.

In addition, this proposed rule, regarding Delaware's amendments to 7 DE Admin. Code 1103, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2024-18160 Filed 8-15-24; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2023-0633; FRL-11928-01-R5]

### Air Plan Approval; Indiana; Update to CFR References

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a request submitted by the Indiana Department of Environmental Management (IDEM) on December 14,

2023, to revise the Indiana State Implementation Plan (SIP). The submission revises and updates the Indiana Administrative Code (IAC) definition of "References to the Code of Federal Regulations," from the 2018 edition to the 2022 edition.

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

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2023-0633 at <https://www.regulations.gov>, or via email to [arra.sarah@epa.gov](mailto:arra.sarah@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

### FOR FURTHER INFORMATION CONTACT:

Nicole Naber, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6609, [naber.nicole@epa.gov](mailto:naber.nicole@epa.gov). The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

### I. What is the background of these SIP submissions?

On December 14, 2023, IDEM submitted a request to revise the definition of "References to the Code of Federal Regulations" in SIP rules 326



IAC 1–1–3 to mean the 2022 edition of the Code of Federal Regulations (CFR).

IDEM's public review process began on January 24, 2023, when it published a "Notice of Public Information" providing a 30-day public comment period on the proposed revision to its SIP concerning an update to the definition of "References to the Code of Federal Regulations." A public hearing was held on June 24, 2023. IDEM did not receive any comments.

## II. What revision did the State request be incorporated into the SIP?

IDEM has requested that EPA approve revisions to 326 IAC 1–1–3, definition of "References to Code of Federal Regulations." IDEM updated the reference to the CFR in 326 IAC 1–1–3 from the 2018 edition to the 2022 edition. This is an administrative change that allows Indiana to reference a more current version of the CFR.

By amending 326 IAC 1–1–3 to reference the 2022 version of the CFR, the provision in title 326 of the IAC will be consistent with the applicable CFR regulations. Because this action updates Indiana rules to be more consistent with EPA's current regulations, EPA is proposing to approve these revisions.

## III. What action is EPA taking?

EPA is proposing to approve the December 14, 2023, submission as a revision to the Indiana SIP. Specifically, EPA is updating 326 IAC 1–1–3.

## IV. Incorporation by Reference

In this rulemaking, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Indiana rules 326 IAC 1–1–3, effective October 20, 2023, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this

action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

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

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation,

and enforcement of environmental laws, regulations, and policies." EPA further defines the term fair treatment to mean that "no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies."

IDEM did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. As this is an administrative SIP, consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

## List of Subjects in 40 CFR Part 52

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

Dated: August 7, 2024.

**Debra Shore,**

*Regional Administrator, Region 5.*

[FR Doc. 2024–17913 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[EPA–R03–OAR–2023–0026; FRL–11859–01–R3]

### Air Plan Approval; West Virginia; Revision to the State Operating Permits Program Under Title V of the Clean Air Act To Revise 45 Code of State Rules 33; Acid Rain Provisions and Permits

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a Title V operating permits program revision submitted by the West Virginia Department of Environmental Protection (WVDEP) on behalf of the State of West Virginia. The revision incorporated by reference final rules promulgated by

EPA, effective June 1, 2020, into West Virginia's Title V operating permits program. In addition, the revision includes other minor amendments.

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

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2023-0026 at [www.regulations.gov](http://www.regulations.gov). For comments submitted at [Regulations.gov](http://Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://Regulations.gov). For either manner of submission, 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit [www.epa.gov/dockets/commenting-epa-dockets](http://www.epa.gov/dockets/commenting-epa-dockets).

**FOR FURTHER INFORMATION CONTACT:** Paul Entwistle, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2343. Mr. Entwistle can also be reached via electronic mail at [Entwistle.Paul@epa.gov](mailto:Entwistle.Paul@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On May 10, 2021, WVDEP submitted to EPA amendments that West Virginia made to 45 Code of State Rules (CSR) 33, Acid Rain Provisions and Permits. WVDEP amended 45 CSR 33-1.3, 45 CSR 33-1.4, 45 CSR 33-1.5, 45 CSR 33-1.6, 45 CSR 33-2.2, and 45 CSR 33-4.1. The amendment to 45 CSR 33-4.1 incorporated by reference final regulations promulgated by EPA and codified in 40 Code of Federal

Regulations (CFR) parts 72, 74, 75, 76, and 77 under the Clean Air Act (CAA) Title IV Acid Rain program. West Virginia has requested that EPA approve the submitted amendments to revise the West Virginia Title V operating program approved at 40 CFR part 70, appendix A. West Virginia indicates that this revision to its approved 40 CFR part 70 program is necessary to ensure that 45 CSR 33 stays up-to-date with its Federal counterpart regulations, consistent with section 22-1-3(c) of the West Virginia Code. The CAA requires all State and local permitting authorities to develop operating permits programs that meet the requirements of Title V of the CAA, 42 U.S.C. 7661-7661(f), and its implementing regulations, 40 CFR part 70. The West Virginia State Operating Permits Program under Title V of the CAA is codified in 45 CSR 30 of the West Virginia Code of State Rules. The documents associated with the West Virginia submittal can be found at [www.regulations.gov](http://www.regulations.gov), Docket ID No. EPA-R03-OAR-2023-0026.

##### **II. Summary of Title V Operating Permits Program Revision and EPA Analysis**

EPA is proposing to approve as a revision to EPA's approved Title V program for West Virginia the following amendments that the State made to 45 CSR 33-1.3, 45 CSR 33-1.4, 45 CSR 33-1.5, 45 CSR 33-1.6, 45 CSR 33-2.2, and 45 CSR 33-4.1. The amendment to 45 CSR 33-4.1 adopted and incorporated by reference the following Federal regulations: 40 CFR part 72, "Permits Regulation;" 40 CFR part 74, "Sulfur Dioxide Opt-Ins;" 40 CFR part 75, "Continuous Emission Monitoring;" 40 CFR part 76, "Acid Rain Nitrogen Oxides Emission Reduction Program;" and 40 CFR part 77, "Excess Emissions." The amendment to 45 CSR 33-4.1 incorporated by reference these Federal regulations as they existed on June 1, 2020.<sup>1</sup> The State also removed the previous version of 45 CSR 33-1.6 and replaced it with new language. Previously 45 CSR 33-1.6 specified that the version of 45 CSR 33 filed in 2010 served to replace the version of 45 CSR 33 filed in 2006. The current 45 CSR 33-1.6 specifies that the date of the version of the Federal counterpart to the WVDEP regulations that the WVDEP

secretary recommended be incorporated by reference was June 1, 2020.

In the Federal regulations which West Virginia incorporated by reference through the amendment to 45 CSR 33-4.1, EPA promulgated time-limited changes to the emissions reporting regulations applicable to sources that monitor and report emissions under the Acid Rain Program, the Cross-State Air Pollution Rule (CSAPR), and/or the Nitrogen Oxides (NO<sub>x</sub>) State Implementation Plan (SIP) Call. These Federal regulations provided that if an affected unit failed to complete a required quality-assurance, certification or recertification, fuel analysis, or emission rate test by the applicable deadline under the regulations because of travel, plant access, or other safety restrictions implemented to address the then current COVID-19 national emergency and if the unit's actual monitored data would have been considered valid if not for the delayed test, then the unit may have temporarily continued to report actual monitored data instead of substitute data. Sources were required to maintain documentation, notify EPA when a test was delayed and later completed, and certify to EPA that they met the criteria for using the amended reporting procedures. Substitute data was required to be reported if those criteria were not met or if monitored data were missing or were invalid for any non-emergency-related reason. Units were required to complete any delayed tests as soon as practicable after relevant emergency-related restrictions no longer applied, and the emergency period for which a unit could have reported valid data under the time-limited changes to the Federal regulations was limited to the duration of the COVID-19 national emergency plus a grace period of 60 days to complete delayed tests, but no later than the date of expiration of the time-limited changes to the Federal regulations, which was October 19, 2020. These Federal regulations were necessary during the COVID-19 national emergency to protect on-site power plant operators and other essential personnel from unnecessary risk of exposure to the coronavirus. The Federal regulations did not suspend emissions monitoring or reporting requirements or alter emissions standards under any program, and so should not have caused any change in emissions levels or resulted in any harm to public health or the environment. The time-limited changes to the Federal regulations became effective April 22, 2020, and as noted, expired on October

<sup>1</sup> June 1, 2020, is the date chosen by West Virginia as the point in time at which the State incorporated by reference the previously listed Federal regulations. This, notably, is after the date that time-limited changes to these Federal regulations, relating to the Covid-19 national emergency, became effective on April 22, 2020. See 85 FR 22362 (April 22, 2020). The time limited changes were therefore included in the June 1, 2020, incorporation by reference.

19, 2020. See 85 FR 22362 (April 22, 2020).

In addition to the amendments to 45 CSR 33–4.1 which incorporated by reference the previously mentioned Federal regulations, and 45 CSR 33–1.6 which updated the date to match that of the counterpart Federal regulations, West Virginia also amended 45 CSR 33–1.3, 45 CSR 33–1.4, 45 CSR 33–1.5, and 45 CSR 33–2.2. The amendments to 45 CSR 33–1.3 and 45 CSR 33–1.4 updated the filing date and effective date for 45 CSR 33 to April 28, 2021 and June 1, 2021, respectively.

The amendment to 45 CSR 33–1.5 created a reference to West Virginia’s Sunset Provision, as described in the West Virginia Code at section 29A–3–19. Importantly, the Sunset Provision does not apply to rules promulgated by WVDEP, such as 45 CSR 33. See W. Va. Code section 29A–3–19(b). The amendment to 45 CSR 33–1.5 also made clear that the Sunset Provision does not apply to 45 CSR 33. As such, these regulations will not sunset.

45 CSR 33–2.2 defines the meaning of the “Clean Air Act” and was amended to include language specifying that the provision refers to the Federal Clean Air Act, while also acknowledging that the Act has been amended.

Apart from these minor changes, the effect of the amendments to 45 CSR 33 is to update the incorporation by reference of the aforementioned Federal regulations, incorporating the time-limited changes created in response to the COVID–19 national emergency. These time-limited changes to the Federal regulations were only in effect through October 19, 2020, 180 days after their effective date of April 22, 2020. West Virginia is now requesting in its submittal that EPA approve the State’s amended regulations to its Acid Rain Provisions. West Virginia’s submittal requests that EPA approve only these changes to its Title V program.<sup>2</sup> EPA finds that the May 10, 2021 submittal has met the requirements of CAA section 502, and is consistent with applicable EPA requirements in the

Title V operating permits program of the CAA and 40 CFR part 70. This

rulemaking proposes to approve the amendments to 45 CSR 33–1.3, 45 CSR 33–1.4, 45 CSR 33–1.5, 45 CSR 33–1.6, 45 CSR 33–2.2, and 45 CSR 33–4.1 contained in the West Virginia submittal as a revision to EPA’s approved Title V program for West Virginia by adding a paragraph (h) into 40 CFR part 70, appendix A under West Virginia. This new paragraph will indicate EPA’s approval of the revision.

### III. Proposed Action

Pursuant to CAA 502(d), EPA is proposing to approve the West Virginia Title V operating permits program revision submitted on May 10, 2021. The revision meets the requirements in 40 CFR part 70. EPA is soliciting public comments on the Title V operating permits program revision discussed in this document. These comments will be considered before taking final action.

### IV. Statutory and Executive Order Reviews

#### A. General Requirements

Under the CAA, the Administrator approves Title V operating permits program revisions that comply with the CAA and applicable Federal regulations. See 42 U.S.C. 7661a(d). Thus, in reviewing Title V operating permits program submissions, EPA’s role is to approve State choices, provided that they meet the criteria of the CAA. This action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 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

Executive Order 12898 directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations.

EPA believes that this specific Title V action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on people of color, low-income populations and/or Indigenous peoples.

This action merely approves into West Virginia’s 40 CFR part 70 operating permit program revisions to State regulations that incorporated by reference relevant Federal regulations and provided ministerial updates, such as updating relevant effective dates, clarifying language to ensure regulatory consistency, and making clear that the sunset provision is inapplicable (as it is with all WVDEP regulations). This Title V action therefore does not directly address emission limits or otherwise directly affect any human health or environmental conditions in the State of West Virginia. In addition, EPA is providing meaningful involvement on this rulemaking through the notice and comment process and is in addition to the State-level notice and comment process held by West Virginia.

In addition, this rulemaking does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

#### List of Subjects in 40 CFR Part 70

Environmental protection, Acid rain, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Lead, Nitrogen dioxide, Operating permits, Ozone, Particulate matter, Reporting and recordkeeping

<sup>2</sup> Because West Virginia’s typical legislative rulemaking process involves a 1-year cycle, the update to 45 CSR 33 was not finalized until after the original EPA time-limited changes had already expired. The purpose of the update to 45 CSR 33 then, and West Virginia’s submittal to EPA, was not to independently create or remove requirements under West Virginia’s Acid Rain or Title V program, but to incorporate already existing time-limited changes promulgated by EPA. The update ensured that West Virginia sources which utilized the provisions granted by EPA’s Covid emergency related time-limited changes would not later become subject to retroactive State enforcement. The update also served to maintain consistency between West Virginia State and Federal regulations, as required by the CAA.

requirements, Sulfur oxides, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2024–18161 Filed 8–15–24; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA–HQ–OLEM–2022–0733; EPA–HQ–OLEM–2023–0602; EPA–HQ–OLEM–2024–0294; EPA–HQ–OLEM–2024–0326; FRL–12112–01–OLEM]

### Proposed Deletion From the National Priorities List

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

**ACTION:** Proposed rule; notice of intent.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing a Notice of Intent to delete one site and partially delete three sites from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the States, through their designated State agency, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** Comments regarding this proposed action must be submitted on or before September 16, 2024.

**ADDRESSES:** EPA has established a docket for this action under the Docket Identification numbers included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. Submit your comments, identified by the appropriate Docket ID number, by one of the following methods:

- <https://www.regulations.gov>. Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written

comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

- **Email:** Table 2 in the **SUPPLEMENTARY INFORMATION** section of this document provides an email address to submit public comments for the proposed deletion action.

**Instructions:** Direct your comments to the Docket Identification number included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov> or email. The <https://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** EPA has established a docket for this action under the Docket Identification included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the <https://>

[www.regulations.gov](https://www.regulations.gov) website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Docket materials are available through <https://www.regulations.gov> or at the corresponding Regional Records Center. Location, address, and phone number of the Regional Records Centers follows.

#### Regional Records Center:

- Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4308.
- Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW, Mail code 9T25, Atlanta, GA 30303.
- Region 9 (AZ, CA, HI, NV, GU, AS, MP), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105; 415/947–8000.
- EPA Headquarters Docket Center Reading Room (deletion dockets for all States), William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, 202/566–1744.

EPA staff listed below in the **FOR FURTHER INFORMATION CONTACT** section may assist the public in answering inquiries about deleted sites, accessing deletion support documentation, and determining whether there are additional physical deletion dockets available.

#### FOR FURTHER INFORMATION CONTACT:

- Mabel Garcia, U.S. EPA Region 2 (NJ, NY, PR, VI), [garcia.mabel@epa.gov](mailto:garcia.mabel@epa.gov), 212/637–4356.
- Alayna Famble, U.S. EPA Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), [fbamble.alayna@epa.gov](mailto:fbamble.alayna@epa.gov), 404/562–8768.
- Yarissa Martinez Leon, U.S. EPA Region 9 (AZ, CA, HI, NV, GU, AS, MP), [martinez.yarissa@epa.gov](mailto:martinez.yarissa@epa.gov), 415/972–3932.
- Charles Sands, U.S. EPA Headquarters, [sands.charles@epa.gov](mailto:sands.charles@epa.gov), 202/566–1142.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

I. Introduction

II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis for Intended Full Site or Partial Site Deletion

I. Introduction

EPA is issuing a proposed rule to delete one site and partially delete three sites from the NPL and requests public comments on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the NCP, which EPA created under section 105 of the CERCLA statute of 1980, as amended. EPA maintains the NPL as those sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). These partial deletions are proposed in accordance with 40 CFR 300.425(e) and are consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466, (November 1, 1995). As described in 40 CFR 300.425(e)(3) of the NCP, a site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

EPA will accept comments on the proposal to delete or partially delete these sites for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III of this document discusses procedures that EPA is using for this action. Section IV of this document discusses the site or portion of the site proposed for deletion and demonstrates how it meets the deletion criteria, including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion or partial deletion of the sites in this proposed rule:

(1) EPA consulted with the respective State before developing this Notice of Intent for deletion.

(2) EPA has provided the State 30 working days for review of site deletion documents prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate.

(4) The State, through their designated State agency, has concurred with the proposed deletion action.

(5) Concurrently, with the publication of this Notice of Intent for deletion in the **Federal Register**, a notice is being published in a major local newspaper of general circulation near the site. The newspaper announces the 30-day public comment period concerning the proposed action for deletion.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket, made these items available for public

inspection, and copying at the Regional Records Center identified above.

If comments are received within the 30-day comment period on this document, EPA will evaluate and respond accordingly to the comments before making a final decision to delete or partially delete the site. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete or partially delete the site, the EPA will publish a final Notice of Deletion or Partial Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and included in the site information repositories listed above.

Deletion of a site or a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site or a portion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP States that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Full Site or Partial Site Deletion

The site to be deleted or partially deleted from the NPL, the location of the site, and docket number with information including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete are specified in Table 1. The NCP permits activities to occur at a deleted site, or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in Table 1, if applicable, under Footnote such that; 1 = site has continued operation and maintenance of the remedy, 2 = site receives continued monitoring, and 3 = site five-year reviews are conducted.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Del Amo .....	Los Angeles, CA .....	Partial .....	EPA-HQ-OLEM-2022-0733 ..	1, 3
Mercury Refining, Inc .....	Colonie, NY .....	Full .....	EPA-HQ-OLEM-2023-0602 ..	1, 2, 3

TABLE 1—Continued

Site name	City/county, state	Type	Docket No.	Footnote
Lawrence Aviation Industries, Inc.	Port Jefferson Station, NY .....	Partial .....	EPA-HQ-OLEM-2024-0294 ..	1, 2, 3
Redstone Arsenal (USARMY/NASA).	Huntsville, AL .....	Partial .....	EPA-HQ-OLEM-2024-0326 ..	1, 3

Table 2 includes information concerning whether the full site is proposed for deletion from the NPL or a description of the area, media or

Operable Units (OUs) of the NPL site proposed for partial deletion from the NPL, and an email address to which public comments may be submitted if

the commenter does not comment using <https://www.regulations.gov>.

TABLE 2

Site Name	Full site deletion (full) or media/parcels/ description for partial deletion	E-mail address for public comments
Del Amo .....	Ten parcels and one road section located in Operable Unit 1.	<i>martinez.yarissa@epa.gov</i> .
Mercury Refining, Inc .....	Full .....	<i>mongelli.thomas@epa.gov</i> .
Lawrence Aviation Industries, Inc .....	125-acre land/soils portion of the Site and all groundwater not included in Figure 2 of the PDJ, which shows the remaining ground-water plume.	<i>jon.maria@epa.gov</i> .
Redstone Arsenal (USARMY/NASA) .....	Soils and sediments from Operable Unit 8 .....	<i>harrington.jon@epa.gov</i> .

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that

future conditions warrant further actions.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

*Authority:* 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Larry Douchand,

*Office Director, Office of Superfund Remediation and Technology Innovation.*

[FR Doc. 2024–17934 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

# Notices

Federal Register

Vol. 89, No. 159

Friday, August 16, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0055]

#### Notice of Availability of a Draft Programmatic Environmental Impact Statement for Outbreak Response Activities for Highly Pathogenic Avian Influenza Outbreaks in Poultry in the United States and U.S. Territories

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of availability.

**SUMMARY:** We are advising the public that a draft programmatic environmental impact statement (EIS) has been prepared by the Animal and Plant Health Inspection Service relative to our response activities to highly pathogenic avian influenza (HPAI) outbreaks in commercial and backyard poultry operations located throughout the United States, including the U.S. territories. The draft EIS analyzes and compares the potential environmental effects of using three action alternatives during an HPAI outbreak. We are making this draft programmatic EIS available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before September 30, 2024.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). Enter APHIS–2022–0055 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2022–0055, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The draft programmatic EIS and any comments we receive on this docket may be viewed at [www.regulations.gov](http://www.regulations.gov) or in our reading room, located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC 20250. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Ms. Chelsea Bare, Chief of Staff, Veterinary Services, APHIS, U.S. Department of Agriculture, 1400 Independence Avenue SW, Whitten Building Room 318–E, Washington, DC 20250; [chelsea.j.bare@usda.gov](mailto:chelsea.j.bare@usda.gov); (515) 337–6128.

**SUPPLEMENTARY INFORMATION:** The Secretary of Agriculture is authorized to protect the health of livestock, including poultry, in the United States by preventing the introduction and interstate spread of serious diseases and pests of livestock, and for eradicating such diseases within the United States when feasible (7 U.S.C. 8301–8322). This authority has been delegated to the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS).

Highly pathogenic avian influenza (HPAI) is one such serious disease of livestock. In February of 2004, the first outbreak of HPAI in the United States in 20 years occurred in Texas. Since then, HPAI outbreaks in poultry have continued to occur across the United States and impact commercial poultry facilities and backyard flocks.

USDA APHIS VS works closely with States, Tribes, and the poultry industry to prevent HPAI from becoming established in the U.S. poultry population. Once established, HPAI rapidly spreads within and between flocks and can cause severe, painful conditions, including hemorrhaging and neurologic conditions, widespread organ failure, and high mortality. Keeping our nation's poultry operations free from HPAI helps protect the poultry industry, farmers' livelihoods, the availability of poultry for U.S. consumers, international trade, the health of wild birds, and the health of people who are in close, regular contact with poultry. While HPAI is extremely infectious and fatal in poultry, the risks

from HPAI infections to humans are low.

USDA APHIS VS has prepared a programmatic environmental impact statement (EIS) to analyze the potential environmental impacts associated with action alternatives taken during an HPAI outbreak in poultry. The chosen alternative must (1) detect, control, and contain HPAI in poultry as quickly as possible; (2) eradicate the HPAI virus using strategies that protect public health and the environment, and stabilize animal agriculture, the food supply, and the economy; and (3) provide science- and risk-based approaches and systems to facilitate continuity of business for non-infected animals and non-contaminated animal products. The findings of the programmatic EIS will be used to support HPAI planning and decision making and enhance the decisionmakers' ability to protect the environment and human health. USDA APHIS VS may use information presented in this EIS to promptly fulfill its National Environmental Policy Act (NEPA) obligations. The EIS also informs the public about the potential environmental effects of HPAI outbreak response activities.

The draft programmatic EIS presents the purpose and need for the action, a description of the affected environment, and an analysis of potential environmental impacts of three alternative actions: (1) No Federal Operational Assistance Alternative; (2) Federal Operational Assistance (No Action) Alternative; and (3) Federal Operational Assistance with Biosecurity Incentive Alternative (Preferred Alternative). The three alternatives considered in the programmatic EIS have been determined reasonable for USDA APHIS VS to carry out its mission to eradicate HPAI.

Under the No Federal Operational Assistance Alternative, State and local authorities, Tribes, and poultry owners and producers would be responsible for depopulating HPAI-infected flocks, disposing of carcasses and other potentially HPAI-contaminated materials, and managing any necessary transportation, cleanup and disinfection. USDA APHIS VS would not be involved in managing, overseeing, and/or actively implementing any of these operational activities. Upon request from the States,



Tribes, or poultry owners and producers, USDA APHIS VS would provide technical guidance (*e.g.*, recommendations, issuance of guidance documents) about surveillance testing to owners and producers of commercial and backyard flocks that are not experiencing signs of clinical illness to determine if infections of the virus have occurred. USDA APHIS VS may provide indemnity and/or financial compensation.

Under the Federal Operational Assistance Alternative, USDA APHIS VS would conduct all activities as described under the No Federal Operational Assistance Alternative. In addition, upon request from State, local, or Tribal authorities, USDA APHIS VS would provide operational assistance through managing, overseeing, and/or actively participating in depopulation, carcass disposal, and transportation. Cleaning and disinfection would be the responsibility of States, Tribes, and poultry owners and producers, as USDA APHIS VS does not perform these activities. USDA APHIS VS would also provide tools upon request, such as machinery and contracted operators, for depopulation and disposal activities. The level of assistance USDA APHIS VS would provide will depend on the needs of the impacted State.

Under the Federal Operational Assistance with Biosecurity Incentive Alternative (Preferred Alternative), USDA APHIS VS would provide all the same support and assistance described under the Federal Operational Assistance Alternative. In addition, USDA APHIS VS may choose to incentivize poultry owners and producers, via qualifying their eligibility for indemnity or compensation, to implement biosecurity measures that may mitigate the risk of HPAI infection and reinfection on poultry premises within an outbreak Control Area. This alternative would incentivize compliance with the written biosecurity plan for all commercial poultry producers. Under this alternative, USDA APHIS VS may require various types of in-person or virtual audits to verify that appropriate biosecurity plans are in place as conditions for indemnity and/or compensation for HPAI.

The potential environmental impacts on the following resources are considered in the draft EIS: Soil, air, and water quality; vegetation health; humans (including effects on health and safety, the economy, equity and environmental justice, cultural and historic resources, children's health, and Tribes); wildlife health, including birds of conservation concern, eagles, and threatened and endangered species.

The draft programmatic EIS also considers the impacts of HPAI outbreak response activities on climate change, the impacts of climate change on HPAI outbreak response activities, and the cumulative impacts from other past, present, and reasonably foreseeable future related actions. The primary HPAI outbreak response activities that will be the focus of the impacts section under each alternative are depopulation and disposal, as well as some discussion concerning transportation and cleaning and disinfection.

In general, the potential environmental impacts from the Federal Operational Assistance and Biosecurity Incentive Alternative are expected to result in similar or less environmental impacts than impacts under the No Federal Operational Assistance Alternative. Direct assistance from USDA APHIS VS would mean an additional level of expertise when making decisions and implementing actions. With Federal, State, and local authorities, Tribes, and poultry owners and producers all working together, it is more likely that the disease will be eradicated as rapidly as possible. A rigorous Federal response should incentivize the rapid reporting of HPAI incidents because it achieves disease eradication while providing relief to the poultry owners and producers, States and Tribes that may lack the resources to deal with the outbreaks in a timely manner. The benefit of completing HPAI virus eradication activities as fast as possible is that it would decrease the risk of HPAI spreading to nearby premises or to wild birds that may infect other flocks thereby thus preventing additional environmental impacts from future HPAI outbreaks and HPAI outbreak responses. Under the Federal Operational Assistance and Biosecurity Incentive Alternative, poultry suffering from HPAI should be minimized due to effective and efficient depopulation procedures being implemented with USDA APHIS VS assistance. Additionally, the assistance of USDA APHIS VS under the Federal Operational Assistance and Biosecurity Incentive Alternative is also expected to allow poultry owners and producers to resume business as rapidly as possible and likely more rapidly than under the No Federal Operational Assistance Alternative.

Impacts under the Federal Operational Assistance and Biosecurity Incentive Alternative may see the greatest reduction in impacts of all the alternatives. Requiring certain biosecurity measures as part of the outbreak response in order to receive indemnity and/or compensation may

increase the chance of biosecurity measures being implemented by commercial poultry owners and producers. Under this alternative, increased biosecurity measures could decrease the chance of reinfections at the outbreak site or at surrounding premises resulting in a decrease in future HPAI outbreak response activities and their potential impacts over time.

Based on the draft programmatic EIS, USDA APHIS VS has concluded that the three alternatives will have minor impacts on soil, air, water quality, wildlife, and vegetation health if all appropriate Federal, State, and local laws and guidance are followed. Risk of HPAI infections to humans is low, with risks of injuries and psychological trauma to workers being a concern that is minimized by following appropriate guidelines. Under all alternatives, impacts to climate change would be relative to the biomass of poultry depopulated and carcasses disposed of, and the particular depopulation, disposal, and sanitation methods used.

After the public comment period ends, we will consider all comments received, revise the draft programmatic EIS to address these comments, as appropriate, and publish a notice of availability of the final programmatic EIS in the **Federal Register**.

The draft programmatic EIS was prepared in accordance with: (1) the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), (2) the Council on Environmental Quality's NEPA-implementing regulations (40 CFR parts 1500–1508), compliant with the July 2020 regulations, (3) USDA's NEPA-implementing regulations (7 CFR part 1b), and (4) USDA APHIS' NEPA-Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 5th day of August 2024.

**Michael Watson,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2024–18156 Filed 8–15–24; 8:45 am]

**BILLING CODE 3410–34–P**

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS–2024–0019]

### National Advisory Committee on Meat and Poultry Inspection

**AGENCY:** Food Safety and Inspection Service (FSIS), Department of Agriculture (USDA).

**ACTION:** Notification of public meeting.

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**SUMMARY:** Pursuant to the provisions of the rules and regulations of the Department of Agriculture and the Federal Advisory Committee Act (FACA), FSIS is announcing a virtual meeting of the National Advisory Committee on Meat and Poultry Inspection (NACMPI). The purpose of the Committee is to advise the Secretary of Agriculture on State and Federal meat and poultry inspection programs, food safety, and other matters that fall within the scope of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). The committee will convene virtually on September 16 and 17, 2024. The Committee will review and advise FSIS on whether the Agency should change its definitions for establishment sizes to better assess and describe current business operations. The Committee will also offer input on ways technology could enhance FSIS' inspection activities.

**DATES:** The public meeting is from 10 a.m. to 4 p.m. EDT on September 16 and 17, 2024.

**ADDRESSES:** The meeting is virtual and will be viewable via a link provided by email when you register for the meeting. Attendees must pre-register for the meeting. See the pre-registration instructions under "Registration and Meeting Materials."

*Public Comments:* FSIS invites interested persons to submit comments on this meeting by September 16, 2024. Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to <https://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250-3700.

- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350-E, Washington, DC 20250-3700.

*Instructions:* All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2024-0019. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

*Docket:* For access to background documents or comments received, call

202-720-5046 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250-3700.

**FOR FURTHER INFORMATION CONTACT:** Katrina Green, Director, Resource and Administrative Management Staff—Designated Federal Officer, Office of Policy and Program Development, by email at [NACMPI@usda.gov](mailto:NACMPI@usda.gov) or telephone at 202-205-0495 regarding specific questions about the Committee or this meeting. General information about the Committee can also be found at: <https://www.fsis.usda.gov/nacmpi>. For the hearing impaired, contact the Federal Information Relay Service: <https://www.federalrelay.us/> or 800-877-0996 (Voice, TTY, ASCII or Spanish).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The NACMPI was established in 1971 and is authorized under section 301(a)(4) of the FMIA (21 U.S.C. 661(a)(4)) to carry out the responsibilities imposed by 21 U.S.C. 607(c), 624, 645, 661(a)(3), and 661(c), and authorized under 21 U.S.C. 454(a)(4) of the PPIA, to carry out the responsibilities imposed by 21 U.S.C. 454(a)(3), 454(c), 457(b), and 460(e). The purpose of the Committee is to provide advice to the Secretary on meat and poultry inspection programs, food safety, and other matters that fall within the scope of the FMIA and PPIA. The current charter and other information about NACMPI can be found at <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-meat-and-poultry-inspection-nacmpi>. Membership of NACMPI is drawn from consumers; public health and academic communities; state and local governments; and industry.

On September 16 and 17, 2024, NACMPI will review and advise FSIS on whether the Agency should change its definitions for establishment size categories (*i.e.*, large, small, and very small) to better assess and describe current business operations as well as to better determine the impact of FSIS policies on different size establishments.<sup>1</sup> The Committee will also offer input on ways technology could enhance FSIS' inspection activities. The two issues will be presented to the full Committee. The

<sup>1</sup> FSIS categorizes establishments using the following criteria: large establishments have 500 or more employees; small establishments have 10 or more employees, but fewer than 500; and very small establishments have fewer than 10 employees or annual sales of less than \$2.5 million (see 61 FR 38806).

Committee will then divide into two subcommittees to discuss the issues. Each subcommittee will provide a report of their comments and recommendations to the full Committee before the meeting concludes on September 17, 2024.

An agenda will be published online before the public meeting. FSIS will finalize the agenda on or before the meeting dates and post it on the FSIS website at: <http://www.fsis.usda.gov/meetings>.

##### **Registration and Meeting Materials**

There is no fee to register for the public meeting, but pre-registration is mandatory for participants attending. All attendees must register online at <https://www.fsis.usda.gov/policy/advisory-committees/nacmpi/meeting-registration>.

##### **Public Comments and Participation in Meetings**

Stakeholders will have an opportunity to provide oral comments during the public meeting. Stakeholders must notify FSIS during registration of their wish to speak at the meeting. Stakeholders who do not notify FSIS during registration of their wish to speak will not have the opportunity to comment on the day of the public meeting. Due to the anticipated high level of interest in the opportunity to make public comments and the limited time available to do so, FSIS will do its best to accommodate all persons who registered and requested to provide oral comments and will limit all speakers to three minutes. FSIS encourages persons and groups who have similar interests to consolidate their information for presentation by a single representative.

##### **Transcripts**

As soon as the meeting transcripts are available, they will be accessible on the FSIS website at: <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-meat-and-poultry-inspection-nacmpi>. The transcripts may also be viewed at the FSIS Docket Room at the address listed above.

##### **Additional Public Notification**

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update*, which is used to

provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

#### USDA Non-Discrimination Statement

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/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.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. 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/forms/electronic-forms> and at any USDA office or write a letter addressed to USDA and provide in the letter all of 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: 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](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender. Equal opportunity practices in accordance with USDA's policies will be followed in all member appointments to the committee. To ensure that the recommendations of the committee consider the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

Dated: August 12, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-18326 Filed 8-15-24; 8:45 am]

BILLING CODE 3410-DM-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Forest Service Manual 2470, Silvicultural Practices

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of availability for public comment.

**SUMMARY:** The United States Department of Agriculture, Forest Service (Agency), is revising its directive related to silvicultural practices on National Forest System lands. The proposed directive updates Forest Service Manual 2470, "Silvicultural Practices." This directive sets forth policy, responsibilities, and direction for several aspects of management and moves the agency closer to its goal of providing more current direction.

**DATES:** Comments must be received in writing by October 15, 2024.

**ADDRESSES:** Comments may be submitted electronically to <https://cara.fs2c.usda.gov/Project/Details/4178>. Written comments may be mailed to Stephanie Miller, Assistant Director for Future Forest, Denver Federal Center, Building 40, Lakewood, CO 80215. All timely received comments, including names and addresses, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received at <https://cara.fs2c.usda.gov/Project/Details/4178>.

#### FOR FURTHER INFORMATION CONTACT:

Stephanie Miller, Assistant Director for Future Forest, by phone at 720-354-6454 or by email to [stephanie.miller2@usda.gov](mailto:stephanie.miller2@usda.gov). Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** The proposed directive reorganizes and eliminates redundant policies and procedures, deletes obsolete references, and updates agency policies and procedures. The intent of the updates is to amend the directive to reflect new authorities and more closely align with current and future forest restoration needs. An analysis of existing agency policy in Forest Service Handbooks and Manuals was conducted to identify revisions needed to support this initiative.

The Forest Service has determined that the changes to the manual formulate standards, criteria, or guidelines applicable to a Forest Service program and it is therefore publishing the proposed directive for public comment in accordance with 36 CFR part 216. The Forest Service is seeking public comment on the proposed directive, including the sufficiency of the proposed directive in meeting the stated objectives, ways to enhance the utility and clarity of information within the directive, or ways to streamline processes outlined.

Forest Service National Environmental Policy Act procedures exclude from documentation in an environmental assessment or impact statement "rules, regulations, or policies to establish servicewide administrative procedures, program processes, or instructions." 36 CFR 220.6(d)(2). The Agency's conclusion is that the proposed directive falls within this category of actions and that no extraordinary circumstances exist as currently defined that require preparation of an environmental assessment or an environmental impact statement.

After the public comment period closes, the Forest Service will consider timely comments that are within the scope of the proposed directive in the development of the final directive. A notice of the final directive, including a response to timely comments, will be posted on the Forest Service's web page at <https://www.fs.usda.gov/about>.

agency/regulations-policies/comment-on-directives.

**Christopher French,**

*Deputy Chief, National Forest System.*

[FR Doc. 2024–18353 Filed 8–15–24; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Newspapers Used for Publication of Legal Notices by the Malheur National Forest, Pacific Northwest Region, Oregon

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of newspapers of record.

**SUMMARY:** This notice updates the newspapers that will be used by the Malheur National Forest of the Pacific Northwest Region to publish legal notices required under the Code of Federal Regulations (CFR). The newspaper of record for Malheur National Forest Supervisor, Blue Mountain District Ranger, and Prairie City District Ranger decisions will be changed from the *Blue Mountain Eagle* to the *East Oregonian*. The intended effect of this action is to inform interested members of the public which newspaper the Forest Service will use to publish notices of proposed actions and notices of decision. This will provide the public with constructive notice of Forest Service proposals and decisions, provide information on the procedures to comment, object or appeal, and establish the date that the Forest Service will use to determine if comments or appeals/objections were timely.

**DATES:** The list of newspapers will remain in effect for one year from the date of publication, when another notice will be published in the **Federal Register**.

**ADDRESSES:** Sasha Bertel, Regional Environmental Coordinator, Pacific Northwest Region, 1220 Southwest Third Avenue, Portland, Oregon 97204.

**FOR FURTHER INFORMATION CONTACT:** Laurie Montgomery, Forest Environmental Coordinator, Malheur National Forest, by email at [laurie.montgomery@usda.gov](mailto:laurie.montgomery@usda.gov) or by phone at 541–820–3800.

**SUPPLEMENTARY INFORMATION:** The administrative procedures at 36 CFR 214, 218, and 219 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR 214, 218, and 219. In general, the notices will identify the decision or

project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments or appeals/objections. The date the notice is published will be used to establish the official date for the beginning of the comment or appeal/objection period. The newspapers to be used are as follows:

#### Malheur National Forest

Malheur National Forest Supervisor, Blue Mountain District Ranger, and Prairie City District Ranger decisions: *East Oregonian*.

Emigrant Creek District Ranger decisions: *Burns Times Herald*.

Dated: August 13, 2024.

**Jacqueline Emanuel,**

*Associate Deputy Chief, National Forest System.*

[FR Doc. 2024–18405 Filed 8–15–24; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

[Docket ID NRCS–2024–0014]

#### Request for Public Input About Implementation of the Sustainability Targets in Agriculture to Incentivize Natural Solutions Act

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Request for information.

**SUMMARY:** The Natural Resources Conservation Service (NRCS) requests public input for USDA to use all available tools to support climate-smart agriculture and forestry and advance conservation priorities on working lands. The Sponsoring USDA Sustainability Targets in Agriculture to Incentivize Natural Solutions Act of 2021 (the SUSTAINS Act) was signed into law as part of the Consolidated Appropriations Act of 2023. The SUSTAINS Act expands USDA's authority to accept contributions of private funds to support existing conservation programs and provides additional guidelines for those contributions. Specifically, the SUSTAINS Act provides an opportunity for the private sector to partner with USDA in engaging farmers and ranchers in conservation initiatives, including expanding conservation practices to sequester carbon, improve wildlife habitat, protect sources of drinking water, and address other natural resource priorities.

**DATES:** We will consider comments that we receive by September 16, 2024. Comments received after that date will be considered to the extent possible.

**ADDRESSES:** We invite you to send comments in response to this notice. You may send comments through the method below:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and search for Docket ID NRCS–2024–0014. Follow the online instructions for submitting comments.

All comments received, including those received by mail, will be posted without change and will be publicly available on <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Lisa Bertelson, telephone: (253) 778–2409; email: [Lisa.Bertelson@usda.gov](mailto:Lisa.Bertelson@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 and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

#### SUPPLEMENTARY INFORMATION:

##### Background

In Title I of Division HH of the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), section 202, (the SUSTAINS Act amended section 1241(f) of the Food Security Act of 1985 (16 U.S.C. 3841(f))). The SUSTAINS Act authorized NRCS to accept contributions of non-Federal funds (contribution account authority) to support a range of covered existing conservation programs, as detailed below.

The original authority for the contribution account was enacted as part of the Food, Conservation, and Energy Act of 2008, and included all programs authorized under subtitle D of title XII of the Food Security Act of 1985 except the Conservation Reserve Program. Due to changes under the Agricultural Act of 2014, the authority of the contribution account became limited to supporting only the Environmental Quality Incentives Program and the Conservation Stewardship Program. The SUSTAINS Act expanded the authority to include other conservation programs, including:

- the Agricultural Conservation Easement Program;
- the Regional Conservation Partnership Program;
- the Emergency Watersheds Protection Program;
- the Healthy Forests Reserve Program; and

- the Watersheds Protection and Flood Prevention Act programs (excluding the Watershed Rehabilitation Program).

Both new and existing covered programs assist agricultural producers, landowners, and others with addressing natural resource concerns. The SUSTAINS Act also made changes to the administration of contributed funds, which allows NRCS the option to match contributions with program funds and permits contributors to designate funds for use in a specific program or geographic area. In addition, the SUSTAINS Act includes provisions that allow contributing entities to prescribe the terms for owning the entity's share of environmental service benefits that result from funded activities, subject to the approval of the Secretary. In implementing the SUSTAINS Act, NRCS is interested in improving program delivery by effectively dedicating the additional funds to increase outreach and expand access to underserved producers.

NRCS is requesting comments and recommendations from the public to determine how to best allocate private funds to target specific natural resource concerns associated with agricultural production. NRCS will consider the comments provided in response to this request when determining the next steps for implementing the SUSTAINS Act, which could include a proposed rule.

#### List of Questions for Commenters

The following list of questions is not exhaustive and serves only to assist members of the public in formulating comments on some of the most important issues that NRCS is considering. Members may provide feedback about the SUSTAINS Act that is outside the parameters of the provided questions. The questions are not intended to restrict or limit feedback that members of the public may provide.

#### *Program Prioritization and Initial Implementation*

1. Should USDA actively solicit the contribution of funds, and if so, how?
2. The SUSTAINS Act identifies several objectives that can be addressed through this provision (such as changing climate, sequestering carbon, improving wildlife habitat, protecting sources of drinking water, and addressing other natural resource priorities identified by the Secretary). Should USDA initially prioritize requesting contributions for specific natural resource priorities? If so, which natural resource priorities?
3. Should USDA initially launch a pilot program to use contributed funds?

If so, what might that pilot program look like?

4. Are there certain covered programs that USDA should dedicate contributions or pilot the program first?

#### *Program Administration*

1. The SUSTAINS Act provides criteria that the Secretary should consider when determining whether to accept private funds, such as the source of funds; any natural resource concerns to be addressed; consistency with the Secretary's priorities; and "other factors determined by the Secretary to be relevant" (16 U.S.C. 3841(f)(3)). What other criteria or issues should the Secretary consider in determining whether to accept a contribution of private funds?

2. What processes should USDA establish to document contributions?

3. How should USDA ensure that there is no conflict of interest or appearance of impropriety associated with accepting funds from certain sources?

#### *Environmental Benefit Accounting*

1. How should the environmental service benefits generated through the SUSTAINS Act be defined? Specifically, what type of parameters would need to be in place?

2. Should the environmental service benefits be consistently quantified, and if so, by which methods or protocols?

3. Would you be interested in supporting NRCS conservation programs as a contributing entity through the SUSTAINS Act? If yes, would you also want to acquire environmental credits through the projects you support? If so, what type of credits (for example, carbon credits, water quality credits, etc.)?

#### *Interest and Participation*

1. What steps should USDA take to address any potential barriers to producer participation? What steps should USDA take to address challenges that a private entity may face when considering contributing funds?

2. What steps should USDA take to make this program attractive to both producers and potential contributing entities?

3. What type of protections should USDA adopt to ensure that producers receiving contributed funds are treated equitably to other conservation program applicants and participants that do not receive contributed funds?

4. What mechanisms should USDA adopt to ensure that producers who receive contributed funds are sufficiently aware of the conditions for those funds?

5. How should potential contributing entities best use this program to meet their goals? What might potential outcomes be?

6. When evaluating options for implementing the SUSTAINS Act, how should USDA ensure the program is equitable and beneficial to farmers, ranchers, and rural communities, while still advancing maximum conservation benefits?

#### **Maximizing the Value of Public Feedback**

NRCS plans to use the answers provided by the public to inform its approach to delivering the funds contributed under and covered by the SUSTAINS Act. NRCS encourages public comment on these questions and requests any additional information that commenters believe is relevant. NRCS is particularly interested in feedback that identifies specific data, policies, procedures, or processes and includes actionable information, data, or viable alternatives that would assist in implementing programmatic goals and requirements. You may contact us by sending an email to: [NRCS.SUSTAINS.Input@usda.gov](mailto:NRCS.SUSTAINS.Input@usda.gov) if you have questions or concerns. Please specify the Docket ID: NRCS-2024-0014 in the subject line.

#### **Review of Public Feedback**

NRCS will use the input from the public comments to improve our program delivery for any funds made available.

This document is issued solely for informational and program-planning purposes. Public comments provided in response to this document will not bind NRCS to any further actions, including publication of any formal response or agreement to initiate a recommended change. NRCS will consider the feedback in the public comments and make changes or consider improvements at our sole discretion.

Finally, comments submitted in response to this document will not be considered as petitions for rulemaking as specified in the Administrative Procedure Act (5 U.S.C. 553(e)).

#### **USDA Non-Discrimination Policy**

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or

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**Terry Cosby,**  
Chief, Natural Resources Conservation Service.

[FR Doc. 2024-18348 Filed 8-15-24; 8:45 am]

BILLING CODE 3410-16-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Order Denying Export Privileges; In the Matter of: Kenan L'Homme, 67 Chastain Circle, Newman, GA 30263

On November 28, 2022, in the U.S. District Court for the Northern District of Georgia, Kenan L'Homme ("L'Homme") was convicted of violating 18 U.S.C. 554(a). Specifically, L'Homme pleaded guilty to willfully and knowingly attempting to export from the United States the following eleven (11) items: one (1) Smith & Wesson model M&P pistol; one (1) CZ P-10F pistol; one (1) Taurus revolver; one (1) Glock

model 26 pistol; one (1) Glock model 43 pistol; one (1) Glock model 30s pistol; one (1) Anderson AR-15 lower unit; one (1) Aero Precision AR-15 lower unit; and three (3) Glock model 23s pistols. As a result of his conviction, the Court sentenced him to 36 months in prison, and a \$200 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act ("ECRA"),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security ("BIS") licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of L'Homme's conviction for violating 18 U.S.C. 554(a). As provided in section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"), BIS provided notice and opportunity for L'Homme to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from L'Homme.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny L'Homme's export privileges under the Regulations for a period of 6 years from the date of L'Homme's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which L'Homme had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *Ordered*:

*First*, from the date of this Order until November 28, 2028, Kenan L'Homme, with a last known address of: 67 Chastain Circle, Newman, GA 30263, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives ("the Denied Person"), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the

Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm,

<sup>1</sup> ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801-4852.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2024).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

corporation, or business organization related to L'Homme by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with part 756 of the Regulations, L'Homme may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to L'Homme and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until November 28, 2028.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2024-18401 Filed 8-15-24; 8:45 am]

BILLING CODE 3510-DT-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Order Denying Export Privileges; In the Matter of: Marco Antonio Peralta-Vega, 1537 E Bristol Dr, Nogales, AZ 85621

On August 18, 2021, in the U.S. District Court for the District of Arizona, Marco Antonio Peralta-Vega ("Peralta-Vega") was convicted of violating 18 U.S.C. 554(a). Specifically, Peralta-Vega was convicted of smuggling various firearms and ammunition from the United States to Mexico. As a result of his conviction, the Court sentenced him to 36 months in prison with credit for time served, three years of supervised release, and a \$100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act ("ECRA"),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security ("BIS") licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Peralta-Vega's conviction for violating 18 U.S.C.

554(a). As provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"), BIS provided notice and opportunity for Peralta-Vega to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from Peralta-Vega.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Peralta-Vega's export privileges under the Regulations for a period of 10 years from the date of Peralta-Vega's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Peralta-Vega had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *Ordered*:

*First*, from the date of this Order until August 18, 2031, Marco Antonio Peralta-Vega, with a last known address of: 1537 E Bristol Dr, Nogales, AZ 85621, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives ("the Denied Person"), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied

Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Peralta-Vega by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with part 756 of the Regulations, Peralta-Vega may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Peralta-Vega and shall be published in the **Federal Register**.

<sup>1</sup> ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801-4852.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2024).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

*Sixth*, this Order is effective immediately and shall remain in effect until August 18 2031.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2024–18399 Filed 8–15–24; 8:45 am]

BILLING CODE 3510–DT–P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**Order Denying Export Privileges; In the Matter of: Yi-Chi Shih, Currently Incarcerated at: Inmate Number: 75830–112, FCI Lompoc, 3600 Guard Road, Lompoc, CA 93436 and With an Address at: 3040 Beckman Road, Los Angeles, CA 90068**

On November 17, 2023, the U.S. District Court for the Central District of California entered judgment against Yi-Chi Shih (“Shih”) for violating (among other statutes) 50 U.S.C. 1705 (“IEEPA”) and 18 U.S.C. 1001. Specifically, Shih was convicted of knowingly and willfully exporting Monolithic Microwave Integrated Circuits (MMIC) from the United States to China without the required licenses. He was also found to have made false statements to federal agents.

Pursuant to section 1760(e) of the Export Control Reform Act (“ECRA”),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 50 U.S.C. 1705 and 18 U.S.C. 1001, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (“BIS”) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Shih’s conviction for violating 50 U.S.C. 1705 and 18 U.S.C. 1001. As provided in section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”), BIS provided notice and opportunity for Shih to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from Shih.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS,

I have decided to deny Shih’s export privileges under the Regulations for a period of 10 years from the date of Shih’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Shih had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *Ordered*:

*First*, from the date of this Order until November 17, 2033, Yi-Chi Shih, with last known addresses of: currently incarcerated at: Inmate Number: 75830–112, FCI Lompoc, 3600 Guard Road, Lompoc, CA 93436, and with an address at: 3040 Beckman Road, Los Angeles, CA 90068, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Shih by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with part 756 of the Regulations, Shih may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Shih and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until November 17, 2033.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2024–18400 Filed 8–15–24; 8:45 am]

BILLING CODE 3510–DT–P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**Order; In the Matter of: Nicolas Ayala, 25 NE Fifth Street Apt 1720, Miami, FL 33132**

On September 6, 2023, I issued an Order<sup>1</sup> denying Nicholas Ayala

<sup>1</sup> ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2024).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

<sup>1</sup> 88 FR 62536 (Sept. 12, 2023).



(“Ayala”) all U.S. export privileges until November 16, 2032, pursuant to section 1760(e) of the Export Control Reform Act (“ECRA”),<sup>2</sup> and section 766.25 of the Export Administration Regulations,<sup>3</sup> and based on a criminal conviction of violating 18 U.S.C. 371 and 18 U.S.C. 554.

Whereas, in the September 6, 2023 Order, Ayala’s first name was misspelled in the caption and the text of the Order. The correct spelling should be “Nicolas Ayala” instead of “Nicholas Ayala”;

Whereas, the September 6, 2023 Order identified Ayala’s address as “Inmate Number: 97331–509, FCI Edgefield, P.O. Box 725, Edgefield, SC 29824”;

Whereas, the Office of Export Enforcement, Bureau of Industry and Security, U.S. Department of Commerce (“Department”), has confirmed that the address is no longer correct, and that Ayala’s current last known address is “25 NE Fifth Street Apt 1720, Miami, FL 33132”.

Accordingly, it is hereby ordered:

First, the September 6, 2023 Order denying all U.S. export privileges to Ayala is amended by correcting the spelling of the Respondent’s name to Nicolas Ayala in the caption and text of the Order.

Second, the September 6, 2023 Order denying all U.S. export privileges to Ayala is amended by deleting the address “Inmate Number: 97331–509, FCI Edgefield, P.O. Box 725, Edgefield, SC 29824” and by adding the address “25 NE Fifth Street Apt 1720, Miami, FL 33132”. In all other aspects, the September 6, 2023 Order remains in full force and effect.

This Order, which is effective immediately, shall be published in the **Federal Register**.

**John Sonderman,**

*Director, Office of Exporter Services.*

[FR Doc. 2024–18398 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–DT–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### **Order Denying Export Privileges; In the Matter of: Rami Najm Ghanem, Inmate Number: 73420–112, MCFP Springfield, Federal Medical Center, P.O. Box 4000, Springfield, MO 65801**

On October 31, 2022, in the U.S. District Court for the Central District of California, Rami Najm Ghanem (“Ghanem”) was convicted of violating 18 U.S.C. 371, 18 U.S.C. 554 and section 38 of the Arms Export Control Act (22 U.S.C 2778) (“AECA”). Specifically, Ghanem was convicted of having knowingly and willfully engaged in the business of weapons brokering activities without the required licenses, and of having engaged in negotiating and arranging contracts, purchases, sales, and transfers of defense articles, foreign defense articles, defense services, and foreign defense services, including for machine guns.

Pursuant to section 1760(e) of the Export Control Reform Act (“ECRA”), the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, 18 U.S.C. 554 and section 38 of the AECA, may be denied for a period of up to ten (10) years from the date of his/her conviction. See 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (“BIS”) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Ghanem’s convictions for violating 18 U.S.C. 371, 18 U.S.C. 554 and section 38 of the AECA. BIS provided notice and opportunity for Ghanem to make a written submission to BIS, as provided in section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”). 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from Ghanem.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Ghanem’s export privileges under the Regulations for a period of 10 years from the date of Ghanem’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which

Ghanem had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *Ordered*:

First, from the date of this Order until October 31, 2032, Rami Najm Ghanem, with a last known address of Inmate Number: 73420–112, MCFP Springfield, Federal Medical Center, P.O. Box 4000, Springfield, MO 65801, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

<sup>2</sup> ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

<sup>3</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2024).

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2024).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).



D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, pursuant to section 1760(e) of ECRA (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Ghanem by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with part 756 of the Regulations, Ghanem may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Ghanem and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until October 31, 2032.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2024-18397 Filed 8-15-24; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-860, A-834-812, A-557-828]

#### **Ferrosilicon From Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**DATES:** Applicable August 16, 2024.

#### **FOR FURTHER INFORMATION CONTACT:**

Jaron Moore (Brazil) at (202) 482-3640; Samantha Kinney (Kazakhstan) at (202) 482-2285; Peter Farrell (Malaysia) at (202) 482-2104, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On April 17, 2024, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations on imports of ferrosilicon from Brazil, Kazakhstan, and Malaysia.<sup>1</sup> On July 22, 2024, Commerce tolled certain deadlines in these administrative proceedings by seven days.<sup>2</sup> The deadline for the preliminary determinations is now September 11, 2024.

##### **Postponement of Preliminary Determinations**

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

##### **Brazil, Kazakhstan, and Malaysia**

On July 31, 2024, the petitioners<sup>3</sup> submitted a timely request that Commerce postpone the preliminary determinations in the LTFV

<sup>1</sup> See *Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations*, 89 FR 31137 (April 24, 2024).

<sup>2</sup> See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

<sup>3</sup> The petitioners are CC Metals and Alloys, LLC and Ferroglobe USA, Inc.

investigations.<sup>4</sup> The petitioners stated that they requested the postponement because Commerce either has not yet received, or has only just recently received, full initial questionnaire responses from the mandatory respondents in all three investigations and additional time is necessary to allow Commerce and petitioners “to fully develop the record, and to review and comment upon the original and any supplemental responses.”<sup>5</sup>

For the reason stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than October 31, 2024.<sup>6</sup> In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 12, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2024-18384 Filed 8-15-24; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-475-841]

#### **Forged Steel Fluid End Blocks From Italy: Final Results of Countervailing Duty Administrative Review; 2022**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that certain producers and exporters of forged steel fluid end blocks (fluid end blocks) from Italy received countervailable subsidies during the period of review (POR) January 1, 2022, through December 31, 2022.

<sup>4</sup> See Petitioners’ Letter, “Petitioners’ Request to Postpone Preliminary Antidumping Duty Determinations,” dated July 31, 2024.

<sup>5</sup> *Id.*

<sup>6</sup> This deadline has been tolled by seven days. See footnote 2, *supra*.

**DATES:** Applicable August 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Czajkowski or Claudia Cott, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1395 or (202) 482-4270, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 6, 2024, Commerce published in the **Federal Register** the *Preliminary Results* of this administrative review and invited comments from interested parties.<sup>1</sup> For a detailed description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>2</sup> On May 3, 2024, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results until August 2, 2024.<sup>3</sup> On July 22, 2024, Commerce tolled certain deadlines in this administrative review by seven days.<sup>4</sup> The deadline for the final results of review is now August 9, 2024.

**Scope of the Order**<sup>5</sup>

The products covered by the scope of the *Order* are forged steel fluid end blocks from Italy. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs submitted by interested parties in this review are addressed in

<sup>1</sup> See *Forged Steel Fluid End Blocks from Italy: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Administrative Review*, in Part, 2022, 89 FR 8145 (February 6, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Forged Steel Fluid End Blocks from Italy; 2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See Memorandum, “Extension of Deadline for Final Results of Countervailing Duty Administrative Review,” dated May 3, 2024.

<sup>4</sup> See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

<sup>5</sup> See *Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China*, 86 FR 7535 (January 29, 2021); see also *Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Correction to Countervailing Duty Orders*, 86 FR 10244 (February 19, 2021) (*Order*).

the Issues and Decision Memorandum. The topics discussed and the issues raised by interested parties to which we responded in the Issues and Decision Memorandum are listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on comments received from interested parties, we revised the calculation of the net countervailable subsidy rates for Lucchini Mame Forge S.p.A. (Lucchini) and Metalcam S.p.A. (Metalcam). For a discussion of these changes, see the Issues and Decision Memorandum.

**Methodology**

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found to be countervailable, we determine that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>6</sup> For a complete description of the methodology underlying all of Commerce's conclusions, including our reliance, in part, on facts otherwise available, including adverse facts available, pursuant to sections 776(a) and (b) of the Act, see the Issues and Decision Memorandum.

**Companies Not Selected for Individual Review**

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation. Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate the all-others rate

<sup>6</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely on the basis of facts available.

There are two companies (*i.e.*, Officine Meccaniche Roselli S.r.l. and Cogne Acciai Speciali S.p.A.) for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. In this review, the rates for Lucchini and Metalcam were above *de minimis* and not based entirely on facts available. Therefore, we are applying to the non-selected companies the average of the net subsidy rates calculated for Lucchini and Metalcam in these final results, which we calculated using the publicly-ranged sales data submitted by Lucchini and Metalcam.<sup>7</sup>

**Final Results of the Administrative Review**

We find the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i> )
Lucchini Mame Forge S.p.A. <sup>8</sup> ....	6.80
Metalcam S.p.A. <sup>9</sup> .....	3.28
Review-Specific Average Rate Applicable to the Following Companies:	
Officine Meccaniche Roselli S.r.l. ....	5.04
Cogne Acciai Speciali S.p.A. ..	5.04

<sup>7</sup> With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See, *e.g.*, *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010).

<sup>8</sup> Commerce finds the following companies to be cross-owned with Lucchini: Lucchini RS S.p.A.; Lucchini Industries Srl; and Bicomet S.p.A.

<sup>9</sup> Commerce finds the following companies to be cross-owned with Metalcam: Adamello Meccanica S.r.l.; and B.S. S.r.l.

## Disclosure

Commerce intends to disclose calculations and analysis performed for these final results of review within five days after the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

## Assessment Requirements

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

## Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above for shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

## 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 disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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

The final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: August 9, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Non-Selected Rate
- V. Subsidies Valuation
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Analysis of Programs
- VIII. Discussion of the Issues
  - Comment 1: Whether to Adjust Lucchini's Benefits Under the Electricity Purchases Through the Interconnector Program
  - Comment 2: Whether Commerce Should Calculate Lucchini's Benefit Amount for the Gas Interruptibility Program on an Entity-Specific Basis
  - Comment 3: Whether Commerce Correctly Calculated Lucchini's Benefits Under the Free Allocation of European Union Emissions Trading System Program
  - Comment 4: Whether Commerce Should Countervail Certain Additional Energy Subsidies in this Review
  - Comment 5: Whether Respondents Received Benefits Under the Industrial Exemptions for General Electricity Network Costs (Energivori) Program
  - Comment 6: Whether Commerce Should Adjust Lucchini's Denominator
  - Comment 7: Whether Commerce Should Countervail the Energy Interruptibility Contracts Program
  - Comment 8: Whether the Aid for Economic Growth Program is Specific
  - Comment 9: Whether Commerce Should Countervail the Super-Ammortamento, Iper-Ammortamento and Patent Box Deductions Programs
  - Comment 10: Whether Commerce Should Countervail Certain Sgravi Programs
- IX. Recommendation

[FR Doc. 2024–18417 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–351–842]

### Certain Uncoated Paper From Brazil: Final Results of Antidumping Duty Administrative Review; 2022–2023

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that Suzano S.A. (Suzano) made sales of subject merchandise at prices below normal value (NV) during the period of review (POR) March 1, 2022, through

February 28, 2023. Commerce also determines that Sylvamo do Brasil Ltda. and Sylvamo Exports Ltda. (collectively, Sylvamo) did not make sales of subject merchandise at prices below normal NV the POR.

**DATES:** Applicable August 16, 2024.

### FOR FURTHER INFORMATION CONTACT:

Christopher Maciuba or Nathan James, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0413 or (202) 482–5305, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 5, 2024, Commerce published the *Preliminary Results*.<sup>1</sup> On May 6, 2024, Commerce issued a questionnaire to which Suzano timely responded on May 23, 2024.<sup>2</sup> On June 6, 2024, Commerce notified interested parties of the deadline for the submission of case and rebuttal briefs.<sup>3</sup> No interested party submitted comments on the *Preliminary Results*. Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Commerce made no changes from the *Preliminary Results*, which are herein adopted as the final results of review. Additionally, because these final results remain unchanged from the *Preliminary Results*, no memorandum accompanies this notice.

#### Scope of the Order<sup>4</sup>

The merchandise covered by the *Order* is uncoated paper from Brazil. For a complete description of the scope of the *Order*, see the *Preliminary Results* PDM.

#### Final Results of Review

We determine that the following estimated weighted-average dumping margins exist for the POR, March 1, 2022, through February 28, 2023:

<sup>1</sup> See *Certain Uncoated Paper from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 23971 (April 5, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Suzano's Letter, "Suzano's Supplemental Questionnaire Response," dated May 23, 2024.

<sup>3</sup> See Memorandum, "Briefing Schedule for the Final Results," dated June 6, 2024.

<sup>4</sup> See *Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders*, 81 FR 11174 (March 3, 2016) (*Order*).

Exporter/producer	Weighted-average dumping margin (percent)
Suzano S.A .....	3.49
Sylvamo do Brasil Ltda/Sylvamo Exports Ltda .....	0.00

## Disclosure

Because we made no changes to the calculations performed in connection with the *Preliminary Results*, there are no new calculations to disclose, in accordance with 19 CFR 351.224(b), for these final results.

## Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.

Because Suzano's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we calculated importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales. Where an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For Sylvamo, because its weighted-average dumping margin is zero, we will instruct CBP to liquidate entries reported in this review without regard to antidumping duties.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Suzano or Sylvamo for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>5</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a

statutory injunction has expired (*i.e.*, within 90 days of publication).

## Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for Suzano and Sylvamo will be the rates established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.11 percent, the all-others rate established in the LTFV investigation.<sup>6</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

## Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

## Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations

and terms of an APO is a violation which is subject to sanction.

## Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 9, 2024.

Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2024–18383 Filed 8–15–24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–475–840]

### Forged Steel Fluid End Blocks From Italy: Final Results of the Antidumping Duty Administrative Review; 2022

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that certain producers/exporters subject to this administrative review made sales of forged steel fluid end blocks (fluid end blocks) from Italy at less than normal value during the period of review (POR) January 1, 2022, through December 31, 2022.

**DATES:** Applicable August 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Allison Hollander or Claudia Cott, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805 or (202) 482–4270.

### SUPPLEMENTARY INFORMATION:

#### Background

On February 6, 2023, Commerce published in the **Federal Register** the preliminary results of this administrative review of the antidumping duty order<sup>1</sup> on fluid end blocks from Italy and invited comments from interested parties.<sup>2</sup> A summary of

<sup>1</sup> See *Forged Steel Fluid End Blocks from the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders*, 86 FR 7528 (January 29, 2021) (*Order*).

<sup>2</sup> See *Forged Steel Fluid End Blocks from Italy: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review; 2022*, 89 FR 8157 (February 6, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>5</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>6</sup> See *Order*.

the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.<sup>3</sup> On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days. The deadline for the final results of this administrative review is now August 9, 2024.<sup>4</sup> Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the *Order* are fluid end blocks from Italy. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed as an appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Commerce evaluated the comments in the case and rebuttal briefs and record evidence and made no changes from the *Preliminary Results*. For a discussion of the comments, see the Issues and Decision Memorandum.

Rate for Non-Examined Company

The statute and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the

all-others rate in an investigation of sales at less than fair value (LTFV), for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review.

Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” We calculated a dumping margin for Lucchini Mamé Forge S.p.A., Lucchini Industries S.r.l., and Lucchini RS S.p.A (collectively Lucchini)<sup>5</sup> that is not zero, *de minimis*, or determined entirely on the basis of facts available. Accordingly, we assigned a margin of 1.41 percent based on Lucchini’s calculated weighted-average dumping margin to the sole non-selected respondent, Officine Meccaniche Roselli S.r.l.

Final Results of Administrative Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period January 1, 2022, through December 31, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
Lucchini Mamé Forge S.p.A.; Lucchini Industries S.r.l.; Lucchini RS S.p.A .....	1.41
Cogne Acciai Speciali S.p.A .....	0.00
Officine Meccaniche Roselli S.r.l	1.41

Disclosure

Normally, Commerce will disclose the calculations performed in connection with the final results to parties in this proceeding within five days of the date of public announcement or, if there is no public announcement, within five days of the date of publication of the final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results*, there are no new calculations to disclose.

<sup>5</sup> In the *Preliminary Results*, we collapsed these three companies into a single entity. See *Preliminary Results*, 89 FR at 8157, n.3, and *Preliminary Results* PDM at 5–7. For the final results, we continue to find that these three companies comprise a single entity.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. If the respondent’s weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1) or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which it did not know that the merchandise was destined to the United States, we will instruct CBP to liquidate those entries at the all-others rate (*i.e.*, 7.33 percent)<sup>6</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>7</sup>

For Officine Meccaniche Roselli S.r.l., who was not selected for individual examination, we will instruct CBP to assess antidumping duties at a rate equal to the weighted-average dumping margin established in the final results of review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies

<sup>3</sup> See Memorandum, “Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Forged Steel Fluid End Blocks from Italy; 2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

<sup>6</sup> See *Order*, 86 FR at 7530.  
<sup>7</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation of sales at LTFV, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 7.33 percent, the all-others rate established in the LTFV investigation.<sup>8</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties 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.

#### Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to 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 the terms of an APO is a sanctionable violation.

<sup>8</sup> See *Order*, 86 FR at 7530.

#### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 9, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Rate for Non-Selected Respondent
- V. Changes from the *Preliminary Results*
- VI. Discussion of the Issues
  - Comment 1: Lucchini's "Channel 1" Sales to the United States
  - Comment 2: Reconciliation of LIND's Reported Costs
  - Comment 3: Roselli's Status as a Non-Selected Respondent
- VII. Recommendation

[FR Doc. 2024-18416 Filed 8-15-24; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-583-831]

#### Stainless Steel Sheet and Strip in Coils From Taiwan: Preliminary Results, Preliminary Determination of No Shipments, and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that sales of stainless steel sheet and strip in coils (SSSSC) from Taiwan were sold at less than normal value during the period of review (POR), July 1, 2022, through June 30, 2023. Additionally, Commerce is rescinding this review, in part, with respect to certain companies. Commerce also preliminarily determines that certain companies for which we initiated a review had no shipments during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable August 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Genevieve Coen, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3251.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 27, 1999, Commerce published in the **Federal Register** the antidumping duty (AD) order on SSSSC from Taiwan.<sup>1</sup> On July 7, 2023, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On September 11, 2023, based on a timely request for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review.<sup>3</sup> This review covers 61 producers and/or exporters of the subject merchandise.<sup>4</sup> Commerce selected Tung Mung Development Co Ltd. (Tung Mung) and Yieh Trading Corporation (Yieh Corporation) for individual examination.<sup>5</sup> The producers and/or exporters not selected for individual examination are listed in the "Preliminary Results of the Review" section of this notice.

On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.<sup>6</sup> The deadline for the preliminary results is now August 6, 2024. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.<sup>7</sup>

##### Scope of the Order

The merchandise subject to the *Order* is certain stainless steel sheet and strip in coils. For a complete description of the scope of the *Order* *see* Preliminary Decision Memorandum.

##### Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Pursuant to sections 776(a) and (b) of the Act, Commerce

<sup>1</sup> 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) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Service List*, 88 FR 42693 (July 7, 2023).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 62322 (September 11, 2023) (*Initiation Notice*).

<sup>4</sup> *Id.*

<sup>5</sup> See Memorandum, "Respondent Selection," dated March 4, 2023.

<sup>6</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

<sup>7</sup> See Memorandum, "Decision Memorandum for the Preliminary Results Administrative Review of the Antidumping Duty Order on Stainless Steel Sheet and Strip in Coils from Taiwan; 2022–2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

preliminarily relied entirely upon facts otherwise available with adverse inferences for Yieh Corporation.

For a complete description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no suspended entries of subject merchandise during the POR.<sup>8</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.<sup>9</sup> Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct CBP to liquidate at the AD assessment rate calculated for the review period.<sup>10</sup>

There were no suspended entries of subject merchandise during the POR for the 52 companies listed in Appendix II.<sup>11</sup> On December 11, 2023, Commerce notified all interested parties of its intent to rescind the administrative review in part with respect to these companies, because there were no suspended entries of subject merchandise during the POR and invited interested parties to comment.<sup>12</sup> No interested party submitted comments in response to this notice. Accordingly, in the absence of

suspended entries of subject merchandise during the POR for these companies for which this review was initiated, we are, hereby, rescinding this administrative review, in part, with respect to these 52 companies, in accordance with 19 CFR 351.213(d)(3).

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. On December 11, 2023, North American Stainless and Outokumpu Stainless USA, LLC, (collectively, the domestic interested parties) timely withdrew their request for an administrative review with respect to Lien Kuo Metal Industries Co., Ltd. and S More Steel Materials Co., Ltd.<sup>13</sup> Because no other parties requested a review of these two companies, we are rescinding the administrative review in part, with respect to these two companies, as noted in Appendix II.

### Preliminary Determination of No Shipments

Yieh United Steel Corporation (YUSCO) reported that it made no sales or exports of subject merchandise to the United States during the POR.<sup>14</sup> Additionally, Tung Mung reported that it had no sales of subject merchandise to the United States during the POR.<sup>15</sup> CBP data indicated that entries of subject merchandise were made under the CBP 10-digit case reference file numbers for YUSCO and Tung Mung. We requested additional information from CBP including entry summary documents for certain POR entries attributed to Tung Mung and YUSCO, respectively.<sup>16</sup> Based on an analysis of information on the record, we preliminarily determine that Tung Mung and YUSCO made no shipments of subject merchandise to the United States during the POR. Further, consistent with Commerce's practice, we find that it is not appropriate to rescind the review with respect to Tung Mung and YUSCO, but rather to

complete the review and issue appropriate assessment instructions to CBP based on the final results of review.<sup>17</sup>

### Rate for Non-Selected Companies

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies that were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

Section 735(c)(5)(B) further provides if the estimated weighted average dumping margins established for all exporters and producers individually investigated are zero, *de minimis*, or are determined entirely by application of facts available, Commerce may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.

We preliminarily based the weighted-average dumping margins for Yieh Corporation, a mandatory respondent in this review, entirely on adverse facts available (AFA), as discussed in the Preliminary Decision Memorandum. Further, we preliminarily find that the mandatory respondent's total AFA dumping margin of 21.10 percent is reasonably reflective of the non-selected companies' potential dumping margins during the POR. Therefore, we preliminarily assigned the margin of 21.10 percent to the four companies not individually examined. For further discussion, *see* the Preliminary Decision Memorandum.

<sup>8</sup> *See, e.g., Diocetyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4154 (January 24, 2023).

<sup>9</sup> *See* 19 CFR 351.212(b)(1).

<sup>10</sup> *See* 19 CFR 351.213(d)(3).

<sup>11</sup> This list includes two companies, Yieh Mau Corporation (Yieh Mau) and Yieh Phui Enterprise Co., Ltd. (Yieh Phui) which submitted no shipment certifications but did not have suspended entries of subject merchandise during the POR.

<sup>12</sup> *See* Memorandum, "Notice of Intent to Rescind Review, In Part," dated December 11, 2024.

<sup>13</sup> *See* Domestic Interested Parties' Letter, "Domestic Interested Parties' Partial Withdrawal of Request for Administrative Review," dated December 11, 2023.

<sup>14</sup> *See* YUSCO's Letter, "No Shipment Certification," dated October 11, 2023.

<sup>15</sup> *See* Tung Mung's Letters, "Aluminum Extrusions from China {sic};" dated April 1, 2024; "Stainless Steel Sheet and Strip in Coils (SSSSC) from Taiwan," dated April 17, 2024.

<sup>16</sup> *See* Memorandum, "Release of U.S. Customs and Border Protection Information," dated May 3, 2024; *see also* Memorandum, "Release of U.S. Customs and Border Protection Information," dated July 17, 2024.

<sup>17</sup> *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).



## Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period July 1, 2022, through June 30, 2023:

Exporter or producer	Estimated weighted-average dumping margin (percent)
Yieh Trading Corporation .....	21.10
Review-Specific Average Rate Applicable to the Following Companies:	
Chia Far Industrial Factory Co., Ltd. ....	21.10
Ta Chen Stainless Pipe Company Ltd. ....	21.10
Tang Eng Iron Works Company, Ltd. ....	21.10
Yu Ting Industries Co., Ltd. ....	21.10

## Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied total AFA to the individually examined company, Yieh Corporation, in this administrative review, and the applied AFA rate is based on a rate calculated for a respondent in a prior segment of this proceeding, there are no calculations to disclose.

## Public Comment

Interested parties may submit case briefs or other written comments to Commerce no later than 30 days after the date of publication of this notice.<sup>18</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.<sup>19</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>20</sup> As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings, we have encouraged

interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide, at the beginning of their briefs, a public executive summary for each issue raised in their briefs.<sup>21</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, no including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>22</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined and will notify the parties through ACCESS.<sup>23</sup> Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

## Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>24</sup>

For the companies that were not selected for individual review, we intend to assign an assessment rate

based on the methodology described in the "Rate for Non-Selected Companies" section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>25</sup>

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>26</sup>

Further, if we continue to find in the final results that Tung Mung and YUSCO had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries that entered under their AD case number (*i.e.*, at that exporter's rate) at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

## Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the exporters listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or

<sup>18</sup> See 19 CFR 351.309(c).

<sup>19</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023) (APO and Service Final Rule).

<sup>20</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>21</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>22</sup> See APO and Service Final Rule.

<sup>23</sup> See 19 CFR 351.310(d).

<sup>24</sup> See 19 CFR 351.212(b).

<sup>25</sup> See section 751(a)(2)(C) of the Act.

<sup>26</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).



investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review or previous segment, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently-completed segment for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 12.61 percent, the all-others rate established in the less-than-fair-value investigation.<sup>27</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1), unless otherwise extended.<sup>28</sup>

### Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 5, 2024.

### Scot Fullerton,

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix I

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Rescission of Review, In Part
- V. Preliminary Determination of No Shipments

- VI. Companies Not Selected for Individual Examination
- VII. Discussion of the Methodology: Application of Facts Available and Use of Adverse Inferences
- VIII. Recommendation

### Appendix II

#### Companies Rescinded From Review

##### *Companies With No Suspended Entries*

1. Broad International Resources Ltd.
2. Chain Chon Industrial Co., Ltd.
3. Cheng Feng Plastic Co., Ltd.
4. Chien Shing Stainless Co.
5. China Steel Corporation
6. Chung Hung Steel Corp
7. Chyang Dah Stainless Co., Ltd.
8. Dah Shi Metal Industrial Co., Ltd.
9. Da-Tsai Stainless Steel Co., Ltd.
10. DB Schenker (HK) Ltd. Taiwan Branch.
11. DHV Technical Information Co., Ltd.
12. Froch Enterprises Co., Ltd.
13. Gang Jou Enterprise Co., Ltd.
14. Genn Hann Stainless Steel Enterprise Co., Ltd.
15. Goang Jau Shing Enterprise Co., Ltd.
16. Goldioceans International Co., Ltd.
17. Gotosteel Ltd.
18. Grace Alloy Corp.
19. Hung Shuh Enterprises Co., Ltd.
20. Hwang Dah Steel Inc.
21. Jie Jin Stainless Steel Industry Co., Ltd.
22. JJSE Co., Ltd.
23. KNS Enterprise Co., Ltd.
24. Lancer Ent. Co., Ltd.
25. Lien Chy Laminated Metal Co., Ltd.
26. Lih Chan Steel Co., Ltd.
27. Lung An Stainless Steel Ind. Co., Ltd.
28. Master United Corp.
29. Maytun International Corp.
30. NKS Steel Ind. Ltd.
31. PFP Taiwan Co., Ltd.
32. Po Chwen Metal.
33. Prime Rocks Co., Ltd.
34. Shih Yuan Stainless Steel Enterprise Co., Ltd.
35. Silineal Enterprises Co., Ltd.
36. Stanch Stainless Steel Co., Ltd.
37. Tah Lee Special Steel Co., Ltd.
38. Taiwan Nippon Steel Stainless
39. Teng Yao Hardware Industrial Co., Ltd.
40. Tibest International Inc.
41. Ton Yi Industrial Corp
42. Tsai See Enterprise Co., Ltd.
43. Vasteel Enterprises Co., Ltd.
44. Vulcan Industrial Corporation
45. Wu Jeng Enterprise Co., Ltd.
46. Yc Inox Co., Ltd.
47. Yes Stainless International Co., Ltd.
48. Yieh Mau Corporation
49. Yieh Phui Enterprise Co., Ltd.
50. Yue Seng Industrial Co., Ltd.
51. Yuen Chang Stainless Steel Co., Ltd.
52. Yung Fa Steel & Iron Industry Co., Ltd.

##### *Companies for Which Review Requests Were Withdrawn*

1. Lien Kuo Metal Industries Co., Ltd.
2. S More Steel Materials Co., Ltd.

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Socioeconomics of Coral Reef Conservation, U.S. Virgin Islands 2025 Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. This notice pertains to an individual survey under the approved collection of information for Socioeconomics of Coral Reef Conservation. Public comments were previously requested via the **Federal Register** on January 5, 2024 during a 60-day comment period and on April 15, 2024 during an additional 30-day comment period. This notice allows for an additional 30 days for public comments with respect to the U.S. Virgin Islands survey.

*Agency:* National Oceanic & Atmospheric Administration (NOAA), Commerce.

*Title:* Socioeconomics of Coral Reef Conservation, U.S. Virgin Islands 2025 Survey.

*OMB Control Number:* 0648-0646.

*Form Number(s):* None.

*Type of Request:* Regular [This is a request for revision and extension.]

*Number of Respondents:* 1,125.

*Average Hours per Response:* 20 minutes (0.33 hours).

*Total Annual Burden Hours:* 375 hours.

*Needs and Uses:* This request is for a revision and extension to an approved collection of information, OMB Control Number 0648-0646, under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and implementing regulations at 5 CFR part 1320. This previously-approved information collection assists NOAA in the administration of the National Coral Reef Monitoring Program (NCRMP), which was established by the NOAA Coral Reef Conservation Program (CRCP) under the authority of the Coral Reef Conservation Act of 2000, 16

<sup>27</sup> See Order.

<sup>28</sup> See section 751(a)(3)(A) of the Act.

U.S.C. 6401 *et seq.* This act authorizes CRCP to, among other things, conserve and restore the condition of United States coral reef ecosystems and enhance public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems and their ecological and socioeconomic value. In accordance with its mission goals, NOAA developed a survey to track relevant information regarding each jurisdiction's population, social and economic structure, the benefits of coral reefs and related habitats, the impacts of society on coral reefs, and the impacts of coral management on communities. The survey is repeated in each jurisdiction every five to seven years in order to provide longitudinal data and information for managers to effectively conserve coral reefs for current and future generations.

The purpose of this information collection is to obtain human dimensions information from residents in the U.S. Virgin Islands. Specifically, NOAA is seeking information on the behaviors and activities related to coral reefs, as well as information on perceptions of coral reef conditions and attitudes toward specific reef conservation activities. The survey has a core set of questions that are asked across all jurisdictions to allow for information to be tracked over time and across jurisdictions. To account for geographical, cultural and linguistic differences between jurisdictions, the survey questions include items that are specific to the local context and developed based on jurisdictional partner feedback.

We intend to use the information collected through this instrument for research purposes, as well as for measuring and improving the results of our reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow CRCP to ensure that programs are designed appropriately at the start, future program evaluation efforts are as successful as possible, and outreach efforts are targeting the intended recipients with useful information.

**Affected Public:** Individuals or households.

**Frequency:** Every 5–7 years.

**Respondent's Obligation:** Voluntary.

**Legal Authority:** Coral Reef Conservation Act of 2000.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0646.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–18396 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Final Management Plan for the Apalachicola National Estuarine Research Reserve

**AGENCY:** Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**ACTION:** Notice of approval of the revised management plan Apalachicola National Estuarine Research Reserves.

**SUMMARY:** Notice is hereby given that the Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce approves the revised management plan for the Apalachicola National Estuarine Research Reserve in Florida. In accordance with applicable Federal regulations, the Florida Department of Environmental Protection revised the Apalachicola Reserve's management plan, which replaces the plan previously approved in 2015.

**ADDRESSES:** The approved Apalachicola Reserve management plan can be downloaded or viewed at <https://floridadep.gov/rcp/nerr-apalachicola/documents/apalachicola-nerr-management-plan>. These documents are also available by sending a written request to the point of contact identified below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Matt Chasse of NOAA's Office for Coastal Management, by email at [matt.chasse@noaa.gov](mailto:matt.chasse@noaa.gov), phone at 240–628–5417.

**SUPPLEMENTARY INFORMATION:** Pursuant to 15 CFR 921.33(c), Florida must revise the management plan for the Apalachicola research reserve at least every five years. Changes to a reserve's management plan may be made only after receiving written approval from NOAA. NOAA approves changes to management plans via notice in the **Federal Register**. On December 27, 2023, NOAA issued a notice in the **Federal Register** announcing a thirty-day public comment period for the proposed revision of the management plan for the Apalachicola National Estuarine Research Reserve (87 FR 89406). Appendix C of the plan contains a summary of written and oral comments received, and an explanation of how comments were incorporated into the final version of the management plan.

The revised management plan outlines the reserve's: strategic goals and objectives; administrative structure; programs for conducting research and monitoring, education, and training; resource management, restoration and public use and access; volunteer support, and communications plans; consideration for future land acquisition; and facility development and improvement to support reserve operations.

The Apalachicola's revised management plan will focus on addressing specific coastal management issues including hydrological changes in the Apalachicola River and floodplain; coastal development; and climate change and extreme events. Research and monitoring aims to expand understanding of the ecological processes related to the Apalachicola River and watershed and develop new research initiatives and monitoring projects to fill gaps in our understanding of key ecosystem functions related to pollutants, habitats, and diversity. Reserve education programming prioritizes in-field studies for students and teachers. Programming for K–12 students will be provided for a continuity of content across the entire academic experience of local students. Reserve outreach efforts will target participants from all ages and walks of life while recognizing the local community as key stakeholders. Coastal training will deliver formal trainings, skill-building opportunities, tools and technical assistance that enable audiences to continue to implement sound policies based on science that protect the environment. In addition, the reserve's regular engagement with decision makers strengthens partnerships, furthers assessments of audience needs and forges positive

working relationships with decision makers to increase stewardship and resilience throughout the reserve.

Furthermore, no reserve boundary or acreage changes are incorporated into the revised management plan. The revised management plan will serve as the guiding document for the 234,715 acre Apalachicola National Estuarine Research Reserve for the next five years.

NOAA reviewed the environmental impacts of the revised management plan and determined that this action is categorically excluded from further analysis under the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 *et seq.*, and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508 (2022)), consistent with NOAA Administrative Order 216–6A.

*Authority:* 16 U.S.C. 1451 *et seq.*; 15 CFR 921.33.

**Keelin S. Kuipers,**

*Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2024–18333 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Coastal Ocean Program Grants Proposal Application Package

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before October 15, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648–0384 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Laura Golden, Grants Administrator, by telephone 240–569–0196 or by email [laurie.golden@noaa.gov](mailto:laurie.golden@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a revision and extension of a currently approved information collection. The National Oceanic and Atmospheric Administration's Coastal Ocean Program (COP) now known as the Competitive Research Program (CRP) under the National Centers for Coastal Ocean Science provides direct financial assistance through grants and cooperative agreements for research supporting the management of coastal ecosystems and the NOAA Restore Science Program. The statutory authority for COP is Public Law 102–567, section 201 (Coastal Ocean Program). NOAA was authorized to establish and administer the Restore Science Program, in consultation with the U.S. Fish and Wildlife Service, by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) of the Gulf States Act of 2012 (Pub. L. 112–141, section 1604). Identified in the RESTORE Act as the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program, the Program is commonly known as the NOAA RESTORE Science Program (RSP). In addition to standard government application requirements, applicants for financial assistance for both programs are required to submit a project summary form, current and pending form, and a Data Management form template. The Data Management form template is a new addition to the application package. Data Management is a required element of the application package and the use of this form will reduce the public burden by providing a specific format instead of requiring each applicant to create their own

format. The Key Contacts form has been removed from the collection. CRP recipients are required to file annual progress reports and a project final report using CRP formats. The RSP recipients are required to file semiannual progress reports, a final report and a Gantt chart showing project milestones using RSP formats. All of these requirements are needed for better evaluation of proposals and monitoring of awards.

##### II. Method of Collection

Respondents have a choice of either electronic or paper forms.

##### III. Data

*OMB Control Number:* 0648–0384.

*Form Number(s):* None.

*Type of Review:* Regular submission (revision/extension of a currently approved collection).

*Affected Public:* Non-profit institutions; State, local, or tribal government; business or other for-profit organizations.

*Estimated Number of Respondents:* 1,200.

*Estimated Time per Response:* 30 minutes each for a project summary, data management template and current and pending Federal support; 5.5 hours for a semi-annual report; 5 hours for an annual report, 10 hours for a CRP final report, 10.5 hours for the RSP final report and 1 hour for the milestone Gantt chart.

*Estimated Total Annual Burden Hours:* 1,912.5.

*Estimated Total Annual Cost to Public:* \$0 in recordkeeping/reporting costs.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* The statutory authority for COP is Public Law 102–567, section 201 (Coastal Ocean Program). NOAA was authorized to establish and administer the Restore Science Program, in consultation with the U.S. Fish and Wildlife Service, by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) of the Gulf States Act of 2012 (Pub. L. 112–141, section 1604).

##### IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c)

Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–18438 Filed 8–15–24; 8:45 am]

BILLING CODE 3510–JE–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 2, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration, Commerce.

*Title:* Application for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act.

*OMB Control Number:* 0648–0293.

*Form Number(s):* None.

*Type of Request:* Regular submission (extension of existing collection.)

*Number of Respondents:* 100.

*Average Hours per Response:* Initial registration 15 minutes.

*Total Annual Burden Hours:* 25 hours.

*Needs and Uses:* This is a request for an extension of a currently approved collection. Section 118 of the Marine Mammal Protection Act (MMPA) requires any commercial fisherman operating in Category I and II fisheries to register for a certificate of authorization that will allow the fisherman to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by National Marine Fisheries Service (NMFS) on the MMPA List of Fisheries as having either frequent or occasional takings of marine mammals. All states have integrated the NMFS registration process into the existing state fishery registration process and vessel owners do not need to file a separate federal registration. If applicable, vessel owners will be notified of this simplified registration process when they apply for their state or Federal permit or license. A valid certificate of authorization protects the vessel owner from prosecution under the MMPA for violation of the moratorium on taking marine mammals. The information needed to register or update a commercial fishery authorization is found at 50 CFR 229.4. There are no revisions to this information collection.

*Affected Public:* Individuals or households; Business or other for-profit organizations.

*Frequency:* One time for initial registration. Then only on an as needed if vessel owners' contact or vessel information changes after initial registration.

*Respondent's Obligation:* Required to lawfully take marine mammals' incidental to fishing operations.

*Legal Authority:* 16 U.S.C. 1361 *et seq.*; MMPA.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the

following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0293.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–18394 Filed 8–15–24; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Modification to the Special Use Permit (SUP) Category for the Continued Presence of Commercial Submarine Cables Within the National Marine Sanctuary System

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice; request for public comments.

**SUMMARY:** NOAA hereby gives public notice that ONMS is modifying the special use permit (SUP) category for the continued presence of commercial submarine cables on or within a national marine sanctuary's submerged lands so that, for a two-year period, the SUP category does not apply to commercial submarine cables in any new sanctuaries designated after August 16, 2024. In addition, NOAA is seeking public comment on the use of the SUP category for the continued presence of commercial submarine cables, potential modifications to the SUP category, and input on developing an updated policy and permit guidance document for submarine cable projects. This temporary suspension affords NOAA time to consider and respond to public comment, evaluate the need for updating the SUP category and permit guidance document, publish a draft update of the SUP category and/or the permit guidance document for further public comment, and finalize any updates to the SUP category and/or permit guidance document, if needed. During this temporary two-year suspension, NOAA will not require or issue SUPs for the continued presence of commercial submarine cables on or within the submerged lands of any new sanctuaries designated after August 16,

2024. Any activities related to submarine cables that would violate sanctuary regulatory prohibitions within new sanctuaries designated after August 16, 2024, which may include such activities as cable installation, maintenance, and repair, will still be prohibited unless approved by other NOAA approval mechanisms, such as certifications, authorizations or general permits. This two-year suspension period may be subject to further extension, as appropriate, via subsequent **Federal Register** notices.

**DATES:** The effective date of this temporary two-year suspension is August 16, 2024. Comments must be received on or before September 30, 2024.

**ADDRESSES:** Comments may be submitted by the following method:

*Federal eRulemaking Portal:* <https://www.regulations.gov>. Submit electronic comments via the Federal eRulemaking Portal and search for Docket Number NOAA-NOS-2024-0089.

*Instructions:* All comments received are a part of the public record. All personal identifying information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA will accept anonymous comments (enter N/A in the required fields to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:**

Sophie De Beukelaer, NOAA Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring, MD 20910, or [sophie.debeukelaer@noaa.gov](mailto:sophie.debeukelaer@noaa.gov), (831) 583-8755.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431 *et seq.*, ONMS designates and manages special areas of the marine environment as national marine sanctuaries. Congress first granted NOAA the authority to issue SUPs for the conduct of specific activities in national marine sanctuaries in the 1988 amendments to NMSA (Pub. L. 100-627). Under section 310 of the NMSA, 16 U.S.C. 1441, NOAA may issue SUPs to establish conditions of access to and use of any sanctuary resource or to promote public use and understanding of a sanctuary resource. *See also* 15 CFR 922.31 (providing that a “person may conduct a specified special use permit activity, if such activity is specifically authorized by, and is conducted in accordance with the scope, purpose, manner, terms and

conditions of, a special use permit issued under this section”).

In the National Marine Sanctuaries Amendments Act of 2000 (Pub. L. 106-513), Congress added a requirement that prior to identifying any category of activity subject to a SUP, NOAA has to provide appropriate public notice. *See* 16 U.S.C. 1441(b). To comply with this requirement, NOAA published a list of five SUP categories—categories of activities subject to the requirements of SUPs—in the **Federal Register** in 2002 (67 FR 35501). One of the five SUP categories was the maintenance of submarine cables beneath or on the seabed. On January 30, 2006, NOAA amended the submarine cable category to apply to submarine cables’ “continued presence” instead of their maintenance and, in addition, NOAA specified the category applies only to “commercial” submarine cables (71 FR 4898). As such, the updated category provided that “the continued presence of commercial submarine cables beneath or on the seabed” was subject to the requirements of special use permits under section 310 of the NMSA. NOAA has since published other notices in the **Federal Register** to make updates to other SUP categories but these notices did not further revise the SUP category for the continued presence of commercial submarine cables.

Section 310(c) of the NMSA, 16 U.S.C. 1441(c), establishes certain conditions on the issuance of SUPs. Section 310(c) requires that SUPs:

- Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;
- Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by NOAA;
- Shall require that activities carried out under the SUP be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and
- Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

In addition, under section 310(d) of the NMSA, 16 U.S.C. 1441(d), NOAA may assess three types of fees associated with the conduct of any activity under a SUP: (1) administrative costs of issuing the permit (which NOAA considers to include a \$50 application fee and labor fees); (2) implementation and monitoring costs; and (3) fair

market value (FMV) of the use of the sanctuary resource.

In 2011, NOAA published Policy and Permit Guidance for Submarine Cable Projects<sup>1</sup> (“submarine cable permit guidance”) to define and describe how NOAA will consider proposals to install and maintain submarine cables within national marine sanctuaries (76 FR 56973). The submarine cable permit guidance describes how NOAA considers proposals (*i.e.*, permit applications) to conduct site assessments for cable routes and install, maintain, repair, and remove submarine cables within national marine sanctuaries. The guidance provides detailed information for a permit applicant as well as sanctuary staff who process the permit applications for activities related to submarine cables in sanctuaries. NOAA has used this guidance to approve numerous cables within existing sanctuary sites.

On November 19, 2015, NOAA published a **Federal Register** notice (FRN) finalizing the methods, formulas and rationale for the calculations it uses to assess fees associated with the then existing seven SUP categories (80 FR 72415). In this FRN, NOAA stated that it assesses FMV for submarine cables in national marine sanctuaries based on the findings of its 2002 study entitled “Fair Market Value Analysis for a Fiber Optic Cable Permit in National Marine Sanctuaries” (67 FR 55201).<sup>2</sup> The methodology established in NOAA’s 2002 FMV study provided for FMV valuation on a per-mile basis, using a range of fees per mile of overall linear distance (length) the infrastructure occupies on or within the seafloor within the sanctuary. ONMS intends to consider updating its FMV analysis and methodology in a new report, which would be peer reviewed. A separate FRN would be published when the peer reviewed report is completed to provide notice to the public.

<sup>1</sup> The Policy and Permit Guidance for Submarine Cable Projects document is available is available on the “National Marine Sanctuaries Documents” website at <https://sanctuaries.noaa.gov/library/alldocs.html> under the section “Policy, Permitting or Regulations” or directly at [https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/subcable\\_final\\_guidance\\_2011.pdf](https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/subcable_final_guidance_2011.pdf).

<sup>2</sup> This 2002 FMV analysis document is available on the “National Marine Sanctuaries Documents” website at <https://sanctuaries.noaa.gov/library/alldocs.html> under the section “Policy, Permitting or Regulations” or directly at [https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/fmv\\_focpermit\\_final\\_2002.pdf](https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/fmv_focpermit_final_2002.pdf).

## II. Action Description

### *A. Two-Year Pause of SUP Requirement for Commercial Submarine Cables in New Sanctuaries*

With this notice, the SUP category for the continued presence of commercial submarine cables is modified so that, for a two-year period, the SUP category does not apply to commercial submarine cables in new sanctuaries designated after August 16, 2024. During this timeframe, the continued presence of commercial submarine cables on or within the submerged lands in newly designated sanctuaries will not be subject to the SUP requirements of section 310 of the NMSA or 15 CFR part 922. The temporary suspension affords NOAA time to evaluate the need for updating (i) the SUP category, (ii) its submarine cable permit guidance, and/or (iii) the FMV methodology, consider and respond to public comment, publish any proposed updates to the SUP category and/or submarine cable permit guidance for further public comment, and finalize any updates to the SUP category, submarine cable permit guidance, and/or FMV methodology, if needed and appropriate. During this temporary suspension, NOAA will not require or issue SUPs for the continued presence of commercial submarine cables on or within the submerged lands of newly designated sanctuaries.

NOAA's current (2011) submarine cable policy and permit guidance addresses multiple sanctuary permit mechanisms, including sanctuary general permits and authorizations as well as SUPs. NOAA intends to propose updates to this submarine cable permit guidance in a separate action, subject to further public review and comment. However, at this time, NOAA invites any public comments on the current submarine cable permit guidance and input on updating the guidance. Any comments received will be considered and addressed as NOAA is developing a proposed update to the guidance.

An update to the submarine cable permit guidance could include various possible changes, including but not limited to: updating references to and clarifications regarding national sanctuary permitting regulations; updating construction and mitigation measures; and adding details about how repair and maintenance would be approved or about any different approval processes for different types of cables. Revisions could specify streamlining steps, such as bundling approval for multiple cables into one action, and how different stages of a cable's "lifecycle" (installation, repair,

maintenance, and removal) can be handled. NOAA is reviewing Bureau of Ocean Energy Management's (BOEM's) and coastal States' requirements for permitting submarine electrical transmission cables, and it may be prudent to refer to these standards in the policy and permitting guidelines (or, to explain how NOAA will handle any variances should a State's and BOEM requirements differ). The updated submarine cable permit guidance could contain a more comprehensive section on prohibited activities within different sites and a clearer description of the different types of approvals NOAA ONMS can issue for prohibited activities related to cables in national marine sanctuaries. It could also include examples of how NOAA ONMS has issued permits and authorizations for cable related activities in the past, how permit applications will be evaluated, and a checklist of information to include in the permit application materials.

Once NOAA has considered public input, relevant available science, other peer reviewed information, and provided the final updated submarine cable permit guidance to the public, NOAA would then finalize any updates to the SUP category for the continued presence of commercial submarine cables on or within the submerged lands of any national marine sanctuary in a subsequent FRN. In addition, NOAA intends to consider updating its submarine cable FMV assessment and methodology in a peer-reviewed report, and would provide public notice of any updated and final FMV assessment and methodology concurrent with any final updates to the SUP category.

This notice does not alter:

- The applicability of the SUP categories other than the category for the continued presence of commercial submarine cables beneath or on the seabed;
- The applicability of the SUP category for the continued presence of commercial submarine cables beneath or on the seabed in national marine sanctuaries designated prior to August 16, 2024; or
- The applicability of sanctuary permit types other than SUPs to submarine cables in national marine sanctuaries.

Commercial submarine cables in national marine sanctuaries designated prior to August 16, 2024 will continue to be subject to the requirements of this SUP category, including terms and conditions of any currently effective SUPs.

Any prohibited activities related to submarine cables that would violate

NOAA regulatory prohibitions for national marine sanctuaries designated after August 16, 2024, which may include such activities as cable installation, maintenance, and repair, will still be prohibited unless approved by other NOAA approval mechanisms, such as certifications, authorizations, or general permits. Existing cables within national marine sanctuaries designated after August 16, 2024 should be certified to be in compliance with the NMSA. Certifications shall be obtained within a set number of days of the effective date of sanctuary designation as indicated in the final regulations of the sanctuary designation's FRN.

This two-year suspension period may be subject to further extension, as appropriate, via subsequent FRNs.

### *B. Rationale*

A temporary two-year suspension of requiring or issuing SUPs for commercial submarine cables in national marine sanctuaries designated after August 16, 2024 affords NOAA time to evaluate if and how it needs to update the SUP category, including the FMV methodology, for the continued presence of commercial submarine cables on or within the submerged lands of any national marine sanctuary. NOAA is initiating this action in part to be responsive to comments received on the draft Chumash Heritage National Marine Sanctuary (CHNMS) designation documents,<sup>3</sup> raising concerns regarding aspects of this SUP category and its implications for industries reliant on submarine cables, including telecommunications and offshore renewable energy. NOAA recognizes the importance of telecommunication cables and submarine electrical transmission cables from renewable offshore energy installations to shore. NOAA will continue to support the implementation of the Presidential Policy Directive 21: Critical Infrastructure Security and Resilience and the critical infrastructure Communications Sector-Specific Plan<sup>4</sup> within the Department of Homeland Security's National Infrastructure Protection Plan. NOAA is responding to the development plans consistent with NOAA's statutory authorities and Executive Order 14008, which directs all federal agencies to cooperate and assist in addressing the climate crisis, including planning for and executing offshore wind development while

<sup>3</sup> At <https://www.regulations.gov/>, Docket No. NOAA-NOS-2021-0080.

<sup>4</sup> The Department of Homeland Security's Cybersecurity and Infrastructure Security Agency's Communications Sector-Specific Plan can be downloaded from: <https://www.cisa.gov/2015-sector-specific-plans>.

ensuring robust protection for the Nation's waters and biodiversity (86 FR 7619). In addition, NOAA acknowledges that submarine cables have been designated as critical infrastructure by the U.S. Government due to their importance for U.S. commercial and national security interests.

As authorized in the NMSA, NOAA protects nationally-significant marine resources while facilitating compatible uses in sanctuaries. 16 U.S.C. 1431(b)(6). Cable construction projects have been proposed, approved by NOAA, and successfully built within national marine sanctuaries. However, for the policy reasons described above and in consideration of the public and industry comments NOAA has received, NOAA considers it timely to evaluate and seek input on the need to update the SUP category for commercial submarine cables. During the pendency of this process, to avoid uncertainty, NOAA has determined it appropriate to suspend the application of the submarine cable SUP category for a two-year period for national marine sanctuaries designated after August 16, 2024.

NOAA has a thorough understanding of how cables impact national marine sanctuaries designated before August 16, 2024, and, for those sites, has established methods to approve prohibited activities related to cables and to consider and issue SUPs for the continued presence of commercial submarine cables on the seabed. NOAA may use different approval types depending on differences in its regulations for each national marine sanctuary, findings, or other agency permits. Approval processes in place for national marine sanctuaries designated before August 16, 2024 provide reasonable predictability and assurance and suspending the SUPs for the continued presence of commercial cables for a short two-year period could disrupt existing management, therefore, NOAA is not extending the pause to those sites.

Within the two-year suspension period, NOAA intends to consider and respond to public comments on a separate, proposed update to its submarine cable permit guidance document. In updating and improving the submarine cable permit guidance document and providing an opportunity for the public to comment on the updated guidance document, NOAA intends to be responsive to CHNMS draft designation documents comments<sup>5</sup> requesting clearer guidance

on the permitting and approval process for cables.

### III. Request for Comments

NOAA is seeking public comment on the following:

- The use of the SUP category for the continued presence of commercial submarine cables;
- Potential modifications to this SUP category; and
- The current (2011) submarine cable permit guidance and input on updating the guidance.

Any subsequent FRN proposing updates to the SUP category and/or to the submarine cable permit guidance will consider and address public comments received on this notice.

### IV. Classification

#### A. National Environmental Policy Act

NOAA has concluded this action will not have a significant effect, individually or cumulatively, on the human environment. This action is categorically excluded from the requirement to prepare an Environmental Assessment or Environmental Impact Statement in accordance with the NOAA Categorical Exclusion G7 and because there are no extraordinary circumstances precluding the application of this categorical exclusion. Specifically, this action is a notice of an administrative and legal nature, and any future effects of subsequent actions are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be subject to later NEPA analysis. This action would only temporarily pause the issuance of new special use permits for the continued presence of commercial submarine cables on or within the submerged lands of any national marine sanctuary designated after August 16, 2024. It does not commit the outcome of any particular federal action taken by NOAA. NOAA is proposing to update the 2011 submarine cable guidelines and request public comment on the newly proposed guidance. NOAA will ensure the appropriate NEPA documentation is prepared prior to taking final action or making any irretrievable or irreversible commitment of agency resources.

#### B. Paperwork Reduction Act

Notwithstanding any other provisions of the law, no person is 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 Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, unless that collection of

information displays a currently valid Office of Management and Budget (OMB) control number. NOAA has an OMB control number (0648–0141) for the collection of public information related to the processing of ONMS permits across the National Marine Sanctuary System. NOAA does not anticipate that this temporary two-year suspension of the SUP category for the continued presence of commercial submarine cables in newly designated sanctuaries would alter the public reporting burden for national marine sanctuaries permits. As such, this action does not necessitate a modification to the information collection approval.

*Authority:* 16 U.S.C. 1431 *et seq.*

**John Armor,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2024–18099 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–NK–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Environmental Compliance Questionnaire for NOAA Federal Funding Opportunity Applicants

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before October 15, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648–0538 in the subject line of your

<sup>5</sup> At <https://www.regulations.gov/>, Docket No. NOAA–NOS–2021–0080.



comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or specific questions related to collection activities should be directed to Mia Logan, 1315 East West Hwy., Bldg. SSMC3, Rm. 15107, Silver Spring, MD 20910–3282, tel. 202–365–1052, or [mia.logan@noaa.gov](mailto:mia.logan@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for a renewal of a currently approved information collection through the *Environmental Compliance Questionnaire for National Oceanic and Atmospheric Administration Federal Funding Opportunity Applicants* (Questionnaire). This Questionnaire is used by the National Oceanic and Atmospheric Administration (NOAA) to collect information about proposed activities for the purpose of complying with the National Environmental Policy Act (“NEPA,” 42 U.S.C. 4321 *et seq.*) and other environmental compliance requirements associated with proposed activities. NEPA requires federal agencies to complete an environmental analysis for all major federal actions, including funding non-federal activities through federal financial assistance awards where federal participation in the funded activity is expected to be significant. The Questionnaire is used in conjunction with NOAA Notices of Funding Opportunity (NOFO).

The NOFO will indicate the specific questions to which an applicant must respond in one of three ways: (1) the applicable questions are inserted directly into the NOFO with reference to the OMB Approval Number (0648–0538) for this form; (2) the NOFO will specify which questions (*e.g.*, 1, 2) an applicant must answer, with the entire OMB-approved Questionnaire attached to the NOFO; or (3) applicants to be recommended for funding will be required to answer relevant questions from the Questionnaire. The federal program officer will determine which questions are relevant to each specific applicant. Answers must be provided before the application can be submitted for final funding approval. This Questionnaire has been not revised since 2021.

**II. Method of Collection**

Submissions are collected electronically.

**III. Data**

OMB Control Number: 0648–0538.

Form Number(s): None.

Type of Review: Regular submission [extension of a current information collection].

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Estimated Number of Respondents: 736.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 2,208.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

**IV. Request for Comments**

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–18408 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–12–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Southeast Region Logbook Family of Forms**

**AGENCY:** National Marine Fisheries Service (NMFS), Commerce.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Department of Commerce invites the general public and other Federal agencies to comment on proposed and continuing information collections in accordance with the Paperwork Reduction Act of 1995 (PRA), which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to the Office of Management and Budget (OMB).

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received by October 15, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [noaa.pra@noaa.gov](mailto:noaa.pra@noaa.gov). Please reference OMB Control Number 0648–0016 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information or questions related to collection activities described in this notice to Rich Malinowski, NMFS Southeast Regional Office, Sustainable Fisheries Division, 263 13th Ave South, St. Petersburg, FL 33701, telephone: 727–824–5305, email: [rich.malinowski@noaa.gov](mailto:rich.malinowski@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The NMFS Southeast Region proposes to revise parts of the information collections currently approved under OMB Control Number 0648–0016 to comply with a court order from the U.S. Fifth Circuit Court of Appeals, which effectively invalidated previous regulations implemented by NMFS. The



NMFS Southeast Region manages commercial and recreational fisheries in Federal waters of the Gulf of Mexico (Gulf), South Atlantic, and Caribbean under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, through regulations implemented at 50 CFR part 622. Participants in most of these federally managed fisheries are required to keep and submit logbooks of their fishing effort and catch from their fishing trips. Some fishermen on these vessels also provide information on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the fishing gear. These fishermen may also provide information about dockside prices, trip operating costs, and annual fixed costs.

NMFS is developing a final rule to remove the regulations for the Gulf electronic reporting program applicable to an owner or operator of a recreational charter vessel or headboat (for-hire vessel) with such a recreational permit to fish for federally managed Gulf reef fish or Gulf coastal migratory pelagic species. The final rule will reinstate regulations for recordkeeping and reporting that were in effect on January 4, 2021, before the effective dates of the invalidated rules. Those historical regulations can be viewed at this website: <https://www.ecfr.gov/on/2021-01-04/title-50/chapter-VI/part-622?toc=1>. See subparts B and Q to part 622.

Because the rulemaking action results from a court order, NMFS does not have discretion to change the recordkeeping and reporting regulations from those in effect on January 4, 2021, which consisted of the information collection requirements previously approved by OMB and implemented by NMFS. Therefore, this revision would: 1. remove from the approved information collections all components associated with the Gulf for-hire electronic reporting program, and 2. reinstate those previously approved recordkeeping and reporting requirements, the number of respondents, responses, and the time and cost burdens for which were at a much smaller scale, without changes to other information collections under OMB Control Number 0648–0016, Southeast Region Logbook Family of Forms.

## II. Method of Collection

The information is submitted on paper forms and electronic transmissions.

## III. Data

*OMB Control Number:* 0648–0016.

*Form Number(s):* None.

*Type of Review:* Regular submission—revision of a current information collection.

*Affected Public:* Businesses or other for-profit organizations.

*Estimated Number of Respondents:* 5,499.

*Estimated Time per Response:* Annual fixed-cost report, 45 minutes; Discard logbook, 15 minutes; headboat, charter vessel, golden crab, reef fish-mackerel, economic cost per trip, and wreckfish, 10 minutes; No-fishing report for golden crab, reef fish-mackerel, charter vessels, and wreckfish, 2 minutes.

*Estimated Total Annual Burden Hours:* 42,797.

*Estimated Total Annual Cost to Public:* \$148,400 in recordkeeping and reporting costs.

*Respondent's Obligation:* Mandatory, required to obtain or retain benefits.

*Legal Authority:* Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*

## IV. Request for Comments

We are soliciting public comments to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–18406 Filed 8–15–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XE189]

### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its On-Demand Fishing Gear Conflict Working Group via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This webinar will be held on Tuesday, September 3, 2024, at 9 a.m.

#### ADDRESSES:

*Webinar registration URL information:* <https://nefmc-org.zoom.us/j/9876543210>

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

#### SUPPLEMENTARY INFORMATION:

#### Agenda

The On-Demand Fishing Gear Conflict Working Group (ODWG) will meet to address Terms of Reference 3a and 6 by continuing to develop recommendations to the Council, including draft gear marking regulations. The Working Group will receive updates on other on-demand gear related activity. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any

issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: August 12, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024-18350 Filed 8-15-24; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Coral Reef Conservation Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on April 30, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration, Commerce.

*Title:* Coral Reef Conservation Program.

*OMB Control Number:* 0648-0448.

*Form Number(s):* None.

*Type of Request:* Revision of a current information collection.

*Number of Respondents:* 49.

*Average Hours per Response:* 13.7.

*Total Annual Burden Hours:* 1004.

*Needs and Uses:* This request is for revision to an approved collection of information and new information collection under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and implementing regulations at 5 CFR part 1320. The Coral Reef Conservation Act of 2000, 16 U.S.C. 6401 *et seq.*, has been amended since the last approval and the revised requirements for information collection are outlined below.

The Coral Reef Conservation Act was enacted to conserve and restore the condition of United States coral reef ecosystems challenged by natural and human-accelerated changes; to promote the science-based management and sustainable use of coral reef ecosystems to benefit local communities and the Nation; to develop sound scientific information on the condition of coral reef ecosystems, continuing and emerging threats to such ecosystems, and the efficacy of innovative tools, technologies, and strategies to mitigate stressors and restore such ecosystems; to assist in the preservation of coral reefs by supporting science-based, consensus-driven, and community-based coral reef management by covered States (Florida, Hawaii, and the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands) and covered Native entities (an Indian Tribe, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or a Native Hawaiian organization with interests in a coral reef ecosystem); to provide financial resources, technical assistance, and scientific expertise to supplement, complement, and strengthen community-based management programs and conservation and restoration projects of non-Federal reefs; to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation and restoration projects; to support rapid, effective, and science-based assessment and response to exigent circumstances that pose immediate and long-term threats to coral reefs; and to serve as a model for advancing similar international efforts to monitor, conserve, and restore coral reef ecosystems.

Under section 6406 of the Act (Block Grants), covered States are responsible for documenting and reporting the State's use of Federal funds received under the Act; and expenditures of non-Federal funds made in furtherance of

coral reef management and restoration as the NOAA Administrator (Administrator) deems appropriate. The Administrator is responsible for providing guidance on the proper documentation of expenditures.

Under section 6410 of the Act (Ruth D. Gates Coral Reef Conservation Grant Program), the NOAA Administrator, and subject to the availability of appropriations, is authorized to provide up to \$3,500,000 annually (per section 6414(c)) in grants for coral reef conservation projects.

Under section 6405 of the Act, Federal agencies, covered State or County resource management agencies, and/or covered Native entities may form and chair stewardship partnerships to further community-based stewardship of coral reefs. The NOAA Administrator is responsible for identifying ecologically significant coral reef units that stewardship partnerships may be focused on and adjudicating multiple applicants for stewardship of the same of overlapping reef units to ensure no geographic overlap in representation among stewardship partnerships.

The match waiver requests and request for written comments are being removed from this collection as they are no longer applicable. The match waiver requests may still be made under Ruth D. Gates but are not expected and not requested of applicants. They were included in the original because all territories (5) requested a match waiver, however, their awards are now located in Block Grants, and there is no matching requirement. The Ruth D. Gates application process now requires "evidence of support for the project by appropriate representatives of States . . . in which the project will be conducted" on the front end.

Additionally, the Performance Progress Report (PPR) from collection 0648-0718 is being added to this collection so that all program requirements are under a single control number. The PPR will be removed from 0648-0718 at the next renewal period.

*Affected Public:* Business or other for-profit organizations; nonprofit, nongovernmental, and not-for-profit institutions; state or local government; institutions of higher education; and regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

*Frequency:* Annually.

*Respondent's Obligation:* Required to obtain or retain benefits for grant-related collections, or voluntary for coral reef stewardship partnership submissions.

*Legal Authority:* The Coral Reef Conservation Act of 2000, 16 U.S.C. 6401 *et seq.*.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0448.

**Sheleen Dumas,**  
*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*  
[FR Doc. 2024–18385 Filed 8–15–24; 8:45 am]  
**BILLING CODE 3510–08–P**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration  
[RTID 0648–XE104]

**Pacific Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council (Pacific Council) will convene one webinar meeting of its Groundfish Management Team (GMT) and one webinar meeting of its Groundfish Advisory Subpanel (GAP). The meetings will discuss items on the Pacific Council’s September 2024 meeting agenda. These meetings are open to the public.

**DATES:** The GAP online meeting will be held on Thursday, September 5, 2024, from 12 p.m. to 3 p.m., Pacific time. The GMT meeting will be held on Tuesday,

September 10, 2024, from 9 a.m. to 12 p.m., Pacific time. The scheduled ending times for these meetings are an estimate. Each meeting will adjourn when business for the day is completed.

**ADDRESSES:** Both meetings will be held online. Specific meeting information, including directions on how to attend the meeting and system requirements will be provided in the meeting announcements on the Pacific Council’s website (see [www.pcouncil.org](http://www.pcouncil.org)). You may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820–2412 for technical assistance.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Todd Phillips, Staff Officer, Pacific Council; [todd.phillips@noaa.gov](mailto:todd.phillips@noaa.gov), telephone: (503) 820–2426.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the GAP webinar held on September 5, 2024 and the GMT webinar held on September 10, 2024 is to prepare for the Pacific Council’s September 2024 meeting agenda items. The advisory bodies are expected to primarily discuss groundfish-related matters during this webinar. As time allows, they may potentially discuss ecosystem, Pacific halibut, and administrative matters on the Pacific Council agenda as well.

Detailed agendas for the webinars will be available on the Pacific Council’s website prior to the meetings. The GAP and GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT and GAP.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

**Special Accommodations**

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov); (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: August 12, 2024.

**Key Israel Marquez,**  
*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2024–18335 Filed 8–15–24; 8:45 am]  
**BILLING CODE 3510–22–P**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE192]

**Marine Mammals and Endangered Species**

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

**ACTION:** Notice; issuance of a permit amendment.

**SUMMARY:** Notice is hereby given that a permit amendment has been issued to the following entity under the Marine Mammal Protection Act (MMPA).

**ADDRESSES:** The permits and related documents are available for review upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore; at (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** Notice was published in the **Federal Register** on the date listed below that a request for a permit amendment had been submitted by the below-named applicant. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to <https://www.federalregister.gov> and search on the permit number provided in table 1 below.

TABLE 1—ISSUED PERMIT AMENDMENT

Permit No.	RTID	Applicant	Previous <b>Federal Register</b> notice	Issuance date
27514–01 .....	0648–XD927 ..	Heather E. Liwanag, Ph.D., California Polytechnic State University, 1 Grand Avenue, San Luis Obispo, CA 93407.	89 FR 36765, May 3, 2024 ...	July 11, 2024

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

**Authority:** The requested permit amendment has been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Dated: August 13, 2024.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 2024-18423 Filed 8-15-24; 8:45 am]

**BILLING CODE 3510-22-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Deletions from the Procurement List.

**SUMMARY:** The Committee is proposing to delete product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Comments must be received on or before:* September 15, 2024.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322 or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

### Deletions

The following product(s) are proposed for deletion from the Procurement List:

*Product(s)*

**NSN(s)—Product Name(s):** 7520-01-424-4847—Pen, Ballpoint, Ergonomic, Refillable, Red, Fine Point

**Authorized Source of Supply:** Alphapointe,

Kansas City, MO  
**Contracting Activity:** GSA/FAS ADMIN  
SVCS ACQUISITION BR(2, NEW YORK, NY

**NSN(s)—Product Name(s):** 7920-01-682-0309—Handle, Extension, Fiberglass, 5 ft –10 ft

**Authorized Source of Supply:** Industries for the Blind and Visually Impaired, Inc., West Allis, WI

**Contracting Activity:** GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

**Michael R. Jurkowski,**

*Director, Business Operations.*

[FR Doc. 2024-18367 Filed 8-15-24; 8:45 am]

**BILLING CODE 6353-01-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Deletions from the procurement list.

**SUMMARY:** This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Date added to and deleted from the Procurement List:* September 15, 2024.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322 or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

### SUPPLEMENTARY INFORMATION:

#### Deletions

On 7/12/2024 (89 FR 57134), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the product(s) and service(s) deleted from the Procurement List.

### End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

*Product(s)*

**NSN(s)—Product Name(s):** 7520-01-377-9533—Cord Connector/Rotator, Telephone, Detangler, Clear

**Authorized Source of Supply:** BESTWORK INDUSTRIES FOR THE BLIND, INC, Cherry Hill, NJ

**Contracting Activity:** GSA/FAS ADMIN  
SVCS ACQUISITION BR(2, NEW YORK, NY

**NSN(s)—Product Name(s):**  
7530-00-286-4337—Paper, Loose-Leaf, Ruled, White, 8½" x 11"  
7530-00-286-4338—Paper, Loose-Leaf, Ruled, White, 9½" x 6"  
7530-00-286-6366—Paper, Loose-Leaf, Ruled, White, 6¾" x 3¾"

**Authorized Source of Supply:** Alabama Industries for the Blind, Talladega, AL

**Contracting Activity:** GSA/FAS ADMIN  
SVCS ACQUISITION BR(2, NEW YORK, NY

**NSN(s)—Product Name(s):** 7510-00-782-6274—Envelope, Transparent, 4½" x 11¼"

**Authorized Source of Supply:** NEWVIEW Oklahoma, Inc, Oklahoma City, OK

**Contracting Activity:** GSA/FAS ADMIN  
SVCS ACQUISITION BR(2, NEW YORK, NY

**NSN(s)—Product Name(s):** 7510-00-782-6274—Envelope, Transparent, 4½" x 11¼"

**Authorized Source of Supply:** Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC

**Contracting Activity:** GSA/FAS ADMIN  
SVCS ACQUISITION BR(2, NEW YORK, NY

**NSN(s)—Product Name(s):** 7930-00-NIB-0761—Glass Cleaner, Biobased, Heavy Duty, Spray Pump Bottle, 16 oz, EA/1

**Authorized Source of Supply:** Lighthouse for the Blind of Houston, Houston, TX

**Contracting Activity:** GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

*Service(s)*

**Service Type:** Document Destruction

*Mandatory for:* NARA—Pacific Alaska  
Region: 6125 Sand Point Way NE,  
Seattle, WA  
*Authorized Source of Supply:* Northwest  
Center, Seattle, WA  
*Contracting Activity:* NATIONAL ARCHIVES  
AND RECORDS ADMINISTRATION,  
NARA FACILITIES  
*Service Type:* Janitorial/Custodial Service  
*Mandatory for:* National Oceanic &  
Atmospheric Administration, National  
Weather Service Office, Except  
Communication & Electrical Room, 500  
Airport Blvd., #115, Lakes Charles, LA;  
*Contracting Activity:* NATIONAL OCEANIC  
AND ATMOSPHERIC  
ADMINISTRATION, WESTERN  
ACQUISITION DIVISION—BOULDER  
*Service Type:* Janitorial Service  
*Mandatory for:* Federal Aviation  
Administration, Norfolk Air Traffic  
Control Tower, 1245 Miller Store Road  
Virginia Beach, VA and Patrick Henry  
Field Air Traffic Control Tower; Newport  
News, VA  
*Authorized Source of Supply:* Portco, Inc.,  
Portsmouth, VA  
*Contracting Activity:* FEDERAL AVIATION  
ADMINISTRATION, 697DCK  
REGIONAL ACQUISITIONS SVCS  
*Service Type:* Shelf Stocking, Custodial &  
Warehousing  
*Mandatory for:* Defense Commissary Agency,  
Kaneohe Bay Marine Corps Base  
Commissary, Mokapu Road, Kaneohe  
Bay, HI  
*Authorized Source of Supply:* Trace, Inc.,  
Boise, ID  
*Contracting Activity:* DEFENSE  
COMMISSARY AGENCY (DECA),  
DEFENSE COMMISSARY AGENCY  
*Service Type:* Shelf Stocking, Custodial &  
Warehousing  
*Mandatory for:* U.S. Coast Guard Support  
Center, Kodiak, AK  
*Authorized Source of Supply:* MQC  
Enterprises, Inc., Anchorage, AK  
*Contracting Activity:* DEFENSE  
COMMISSARY AGENCY (DECA),  
DEFENSE COMMISSARY AGENCY  
*Service Type:* Recycling Service  
*Mandatory for:* US Air Force, 251 4th Street  
Laughlin Air Force Base, Laughlin AFB,  
TX  
*Authorized Source of Supply:* Goodwill  
Industries of San Antonio Contract  
Services, San Antonio, TX  
*Contracting Activity:* DEPT OF THE AIR  
FORCE, FA3099 47 CONS—CC  
*Service Type:* Food Service Attendant  
*Mandatory for:* Wisconsin Air National  
Guard, 115th Fighter Wing, 3110  
Mitchell Street Building 500, Truax  
Field, Madison, WI  
*Contracting Activity:* DEPT OF THE ARMY,  
W7N8 USPFO ACTIVITY WI ARNG  
*Service Type:* Shelf Stocking & Custodial  
*Mandatory for:* Defense Commissary Agency,  
Fort Wainwright Commissary/CDC, 1060  
Gaffney Road; Fort Wainwright, AK  
*Authorized Source of Supply:* MQC  
Enterprises, Inc., Anchorage, AK  
*Contracting Activity:* DEFENSE  
COMMISSARY AGENCY (DECA),  
DEFENSE COMMISSARY AGENCY

*Service Type:* Recycling Service  
*Mandatory for:* US Air Force, Robins Air  
Force Base, 215 Page Road; Robins AFB,  
GA  
*Contracting Activity:* DEPT OF THE AIR  
FORCE, FA8501 AFSC PZIO  
*Service Type:* Food Service Attendant  
*Mandatory for:* US Air Force, Iowa Air  
National Guard, 3100 McKinley Avenue,  
Des Moines, IA  
*Contracting Activity:* DEPT OF THE ARMY,  
W7M8 USPFO ACTIVITY IA ARNG  
*Service Type:* Recycling Service  
*Mandatory for:* US Air Force, Dobbins Air  
Reserve Base, 1538 Atlantic Avenue,  
Dobbins ARB, GA  
*Authorized Source of Supply:* Nobis  
Enterprises, Inc., Marietta, GA  
*Contracting Activity:* DEPT OF THE AIR  
FORCE, FA6703 94 LG LGC  
*Service Type:* Painting Service  
*Mandatory for:* US Air Force, 101 Bodin  
Circle, Travis Air Force Base, CA  
*Authorized Source of Supply:* PRIDE  
Industries, Roseville, CA  
*Contracting Activity:* DEPT OF THE AIR  
FORCE, FA4427 60 CONS LGC  
*Service Type:* Laundry Service  
*Mandatory for:* US Air Force, Joint Base  
Andrews and Joint Base Anconstia-  
Bolling, Joint Base Andrews, MD, 1349  
Lutman Drive, Joint Base Andrews, MD  
*Authorized Source of Supply:* Louise W.  
Eggleston Center, Inc., Norfolk, VA  
*Contracting Activity:* DEPT OF THE AIR  
FORCE, FA2860 11 CONS LGC

**Michael R. Jurkowski,**  
*Director, Business Operations.*

[FR Doc. 2024–18368 Filed 8–15–24; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 9 a.m. EDT, Friday,  
August 23, 2024.

**PLACE:** Virtual meeting.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

Enforcement matters. In the event that  
the time, date, or location of this  
meeting changes, an announcement of  
the change, along with the new time,  
date, and/or place of the meeting will be  
posted on the Commission's website at  
<https://www.cftc.gov/>.

**CONTACT PERSON FOR MORE INFORMATION:**  
Christopher Kirkpatrick, 202–418–5964.

(Authority: 5 U.S.C. 552b)

Dated: August 14, 2024.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2024–18510 Filed 8–14–24; 4:15 pm]

**BILLING CODE 6351–01–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Wednesday, August 21,  
2024–10 a.m.

**PLACE:** The meeting will be held  
remotely, and in person at 4330 East  
West Highway, Bethesda, Maryland,  
20814.

**STATUS:** Commission Meeting—Open to  
the Public.

#### MATTERS TO BE CONSIDERED:

*Decisional Matter:* Notice of Proposed  
Rulemaking: Requirements for Water  
Beads.

*To attend remotely, please use the  
following link: [https://cpsc.webex.com/  
cpsc/j.php?MTID=me4aa49a924485  
db23a8ab8ff941d8a3b](https://cpsc.webex.com/cpsc/j.php?MTID=me4aa49a924485db23a8ab8ff941d8a3b).*

#### CONTACT PERSON FOR MORE INFORMATION:

Alberta E. Mills, Office of the Secretary,  
U.S. Consumer Product Safety  
Commission, 4330 East West Highway,  
Bethesda, MD 20814, 301–504–7479  
(Office) or 240–863–8938 (Cell).

Dated: August 14, 2024.

**Alberta E. Mills,**

*Commission Secretary.*

[FR Doc. 2024–18548 Filed 8–14–24; 4:15 pm]

**BILLING CODE 6355–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

[Docket ID: USAF–2024–HQ–0004]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Air Force,  
Department of Defense (DoD).

**ACTION:** 30-Day information collection  
notice.

**SUMMARY:** The DoD has submitted to the  
Office of Management and Budget  
(OMB) for clearance the following  
proposal for collection of information  
under the provisions of the Paperwork  
Reduction Act.

**DATES:** Consideration will be given to all  
comments received by September 16,  
2024.

**ADDRESSES:** Written comments and  
recommendations for the proposed  
information collection should be sent  
within 30 days of publication of this  
notice to [www.reginfo.gov/public/do/  
PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular  
information collection by selecting  
“Currently under 30-day Review—Open  
for Public Comments” or by using the  
search function.

**FOR FURTHER INFORMATION CONTACT:**  
Reginald Lucas, (571) 372–7574,

*whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Aircraft and Personnel Automated Clearance System (APACS); OMB Control Number 0701–0160.

*Type of Request:* Extension.

*Number of Respondents:* 492,000.

*Responses per Respondent:* 1.

*Annual Responses:* 492,000.

*Average Burden per Response:* 30 minutes.

*Annual Burden Hours:* 246,000.

*Needs and Uses:* The information collection requirement is necessary to obtain Personally Identifiable Information (PII) which is used by in-country U.S. Embassy approvers to grant country travel clearances, Geographical Combatant Commands approvers to grant theater travel clearances, and by the Office of Secretary of Defense for Policy approvers to grant special area travel clearances. Aircrew PII is used for verification, identification and authentication of travelers for aircraft and personnel travel clearances, as required by DoD Directive 4500.54E, “DoD Foreign Clearance Program.”

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 12, 2024.

**Patricia L. Toppings,**  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 2024–18356 Filed 8–15–24; 8:45 am]

BILLING CODE 6001–FR–P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

[Docket ID: USAF–2023–HQ–0010]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Air Force, Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372–7574,  
*whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Air Force JROTC Instructor Application; OMB Control Number 0701–AFJR.

*Type of Request:* Existing collection currently in use without an OMB Control Number.

*Number of Respondents:* 500.

*Responses per Respondent:* 1.

*Annual Responses:* 500.

*Average Burden per Response:* 1.5 hours.

*Annual Burden Hours:* 750.

*Needs and Uses:* Air Force Junior Reserve Officer's Training Corps (AFJROTC) collects instructor application data from qualified United States Air Force veterans and retired Air Force personnel who are interested in becoming an AFJROTC Instructor at a high school. Prospective Instructors are directed to the Air University website where they will find helpful information needed during the application process, including the Process Overview, Vacancy Listings, Pay Information, as well as a link to start their Instructor Application. Completed applications are reviewed and evaluated by the Headquarters AFJROTC Instructor Management

Division to verify qualifications. After review, an approval or disapproval letter is sent to the applicant. Fully approved applicants are then referred to the schools of their preference for consideration for an AFJROTC Instructor vacancy. Eligibility for membership cannot be determined if this information is not collected.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 12, 2024.

**Patricia L. Toppings,**  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 2024–18360 Filed 8–15–24; 8:45 am]

BILLING CODE 6001–FR–P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Record of Decision for Legislative Environmental Impact Statement Regarding Training and Public Land Withdrawal Extension, Fort Irwin, California

**AGENCY:** Department of the Army, Department of Defense.

**ACTION:** Notice of availability.

**SUMMARY:** The Department of the Army (Army) signed the Record of Decision (ROD) on February 29, 2024, for the Legislative Environmental Impact Statement (LEIS) Regarding Training and Public Land Withdrawal Extension, Fort Irwin, California.

The Army selected a program of training infrastructure and range improvement, along with new uses for its Western Training Area (WTA). The ROD also determined that the Army will request that Congress renew the withdrawal of 110,000 acres of Fort Irwin training land, which consists of public land withdrawn from all types of appropriation and reserved for military purposes. The Army considered public comments received during the LEIS process. The ROD completes the National Environmental Policy Act (NEPA) process for the action.

**ADDRESSES:** Questions and requests for copies of the ROD should be directed to the Fort Irwin Public Affairs Office at phone number 760-380-4511, Monday through Friday from 7:30 a.m. to 4:00 p.m. Pacific Time, or via email at [usarmy.irwin.ntc.mbx.eis-info-request@army.mil](mailto:usarmy.irwin.ntc.mbx.eis-info-request@army.mil).

**FOR FURTHER INFORMATION CONTACT:** Please contact Renita Wickes, Public Affairs Office, IMPC-IRW-PAO (Wickes), 983 Inner Loop Rd., Fort Irwin, CA 93410; telephone: (760) 380-3078; email: [renita.y.wickes.civ@army.mil](mailto:renita.y.wickes.civ@army.mil).

**SUPPLEMENTARY INFORMATION:** The Army based its decision on the analysis contained in the Final LEIS, which addressed the Army's mission needs and the effects of the Army's action on the human environment at Fort Irwin, CA. The LEIS analyzed the effects of the proposed alternatives, issues of concern, and the comments provided during scoping and the public review period. The Army determined the selected alternative most closely achieves the purpose of and need for the proposed action while maintaining a high level of environmental stewardship. The Army determined that with implementation of the mitigation adopted in the ROD, there would be no significant adverse effects to the environment from any of the considered alternatives.

The Army will implement a program of training area and range improvements and will execute new training in Fort Irwin's WTA. This new training in the WTA includes high- intensity, full-scale, brigade-level maneuvers, with unrestricted ammunition use. Dud-producing munitions may be fired from the WTA, but no dud-producing munitions would be deliberately fired to impact in the WTA. The selected alternative also includes improvements to the Manix Trail, which takes training units to and from Fort Irwin and Marine Corps Logistics Base Barstow.

**Authority:** This Notice of Availability is published in accordance with NEPA (42 U.S.C 4321, *et seq.*) and pursuant to

NEPA regulations (40 CFR 1501.9 and 32 CFR part 651).

**James W. Satterwhite, Jr.,**  
U.S. Army Federal Register Liaison Officer.  
[FR Doc. 2024-18390 Filed 8-15-24; 8:45 am]

**BILLING CODE 3711-02-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

[Docket ID: DoD-2024-OS-0064]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Army, Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Radiation Exposure Data Collection; DD Form 1952 (Dosimetry Application and Record of Previous Radiation Exposure), DA Form 7689 (Bioassay Information Summary Sheet); OMB Control Number 0702-0150.

*Type of Request:* Extension.  
*Number of Respondents:* 50.  
*Responses per Respondent:* 1.  
*Annual Responses:* 50.  
*Average Burden per Response:* 15 minutes.

*Annual Burden Hours:* 12.  
*Needs and Uses:* The information collection requirement is to document and record an individual's external and internal short and long-term exposure to radioactive materials and radiation generating equipment. The information collection is also utilized to monitor, evaluate, and control the risks and

associated health hazards, conduct investigations, management studies and training to ensure individual qualifications and education in handling radioactive materials are maintained in compliance with the Nuclear Regulatory Commission (NRC) 10 Code of **Federal Register** (CFR) 20, Army NRC license conditions, and Occupational Safety and Health Administration 29 CFR 1926.53.  
*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: August 12, 2024.

**Patricia L. Toppings,**

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 2024-18358 Filed 8-15-24; 8:45 am]

**BILLING CODE 6001-FR-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2024-OS-0095]

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks



public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 15, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to M&RA (MPP/Accession Policy), 4000 Defense Pentagon 3D1066, Washington, DC 20301, LTC Charles Manning, 703-695-5527.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Record of Military Processing-Armed Forces of the United States; DD Form 1966/USMEPCOM FORM 680-3A-E; OMB Control Number 0704-0173.

*Needs and Uses:* Title 10 United States Code (U.S.C.), sections 504, 505, 508, and 1012; title 14 U.S.C., sections 351 and 632; title 50 U.S.C., Appendix section 451; and Executive Order 9397 require applicants to meet standards for enlistment into the Armed Forces. This information collection is the basis for determining eligibility of applicants for

enlistment in the Armed Forces and is needed to verify data given by the applicant and to determine his/her qualification of enlistment. The information collected aids in the determination of qualifications, terms of service, and grade in which a person, if eligible, will enter active duty or reserve status. The information collected is used to feed other DoD and service-specific forms that later would be used to issue identification cards and receive benefits associated with military service.

*Affected Public:* Individuals and households.

*Annual Burden Hours:* 296,100.

*Number of Respondents:* 423,000.

*Responses per Respondent:* 2.

*Annual Responses:* 846,000.

*Average Burden per Response:* 21 minutes.

*Frequency:* On occasion.

Dated: August 12, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2024-18364 Filed 8-15-24; 8:45 am]

**BILLING CODE 6001-FR-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2024-OS-0015]

### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Grow Safe and Secure Feasibility Evaluation; OMB Control Number: 0704-GSFE.

*Type of Request:* New.

### Time Point Surveys

*Number of Respondents:* 31.

*Responses per Respondent:* 3.

*Annual Responses:* 93.

*Average Burden per Response:* 15 minutes.

*Annual Burden Hours:* 23.

### PFC (Completed by Clinicians)

*Number of Respondents:* 31.

*Responses per Respondent:* 60.

*Annual Responses:* 1860.

*Average Burden per Response:* 5 minutes.

*Annual Burden Hours:* 155.

### Parent/Caregiver Survey

*Number of Respondents:* 310.

*Responses per Respondent:* 1.

*Annual Responses:* 310.

*Average Burden per Response:* 10 minutes.

*Annual Burden Hours:* 52.

*Number of Respondents:* 341.

### Total

*Number of Respondents:* 372.

*Annual Responses:* 2,263.

*Annual Burden Hours:* 230.

*Needs and Uses:* Grow Safe and Secure (GSS) is a DoD co-developed, evidence-informed parent-education program designed to be delivered to parents/caregivers by trained clinicians in an individual format over a minimum of six sessions. This project is needed to understand the implementation feasibility of using the GSS program with parents/caregivers of elementary school-aged children (5 to 10 years old) who are experiencing or may be at risk of child maltreatment. The DoD, Service branches, and the Family Advocacy Program need to gain an understanding of: (a) the program's processes and (b) clinicians', parents', and caregivers' perceptions of the program.

*Affected Public:* Individuals or households.

*Frequency:* Once.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket



ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: August 12, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2024–18361 Filed 8–15–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD–2024–OS–0096]

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 15, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management

Officer, Directorate for Oversight and Compliance, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy)/ Accession Policy, 4000 Defense Pentagon, Washington, DC 20301–4000, Suzanne Tovar, 703–697–9272.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* DoD Educational Loan Repayment Program (LRP) Annual Application; DD Form 2475; OMB Control Number 0704–0152.

*Needs and Uses:* The information collection requirement is necessary for Military Services to pay a portion of Service member student loan(s). The information provided is reviewed by Military Service personnel record custodians to verify that the Service member meets eligibility requirements. This form will then be forwarded to the lender the Service member identifies for verification of the loan amount and status. The form is returned to the Service finance office to make the annual payment to the Service member's lender. Collected information is covered by the Applicable Military Service System of Records Notice for the Official Military Personnel File of Military Records Jacket.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 7,333.

*Number of Respondents:* 44,000.

*Responses per Respondent:* 1.

*Annual Responses:* 44,000.

*Average Burden per Response:* 10 minutes.

*Frequency:* On occasion.

This information provides the Armed Services with the necessary data regarding outstanding student loan(s) of its Service Members. The DD Form 2475 is the method of collecting and verifying Service Member student loan data and enables the Department to pay on the student loan(s) based on the terms outlined in the Service Member's contract. The DD Form 2475 is considered the official request for obtaining payment on Service Member's student loan(s).

Dated: August 12, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2024–18363 Filed 8–15–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD–2024–OS–0057]

#### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Reginald Lucas, (571) 372–7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Personnel Security Investigation Projection for Industry Census Survey, OMB Control Number 0705–0007.

*Type of Request:* Extension.

*Number of Respondents:* 7,999.

*Responses per Respondent:* 1.

*Annual Responses:* 7,999.

*Average Burden per Response:* 40 minutes.

*Annual Burden Hours:* 5,333.

*Needs and Uses:* Executive Order (E.O.) 12829, "National Industrial Security Program (NISIP)," stipulates that the Secretary of Defense shall serve as the Executive Agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. The Under Secretary of Defense for Intelligence assigned Defense Counterintelligence and Security Agency (DCSA) the responsibility for central operational management of NISIP personnel security investigation (PSI) workload projections, and for monitoring of NISIP PSI funding and investigations. The execution of the collection instrument is an essential element of DCSA's ability to plan, program and budget for the PSI needs of NISIP personnel security investigations.

*Affected Public:* Businesses or other for-profit, not-for-profit institutions, state, local or tribal governments.

*Frequency:* Annually.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: August 12, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2024-18357 Filed 8-15-24; 8:45 am]

**BILLING CODE 6001-FR-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2024-OS-0094]

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 15, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any

personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to M&RA (MPP/Accession Policy), 4000 Defense Pentagon 3D1066, Washington, DC 20301, LTC Charles Manning, 703-695-5527.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Medical Screening of Military Personnel-Medical History Report and Accession Medical History Report; DD Form 2807-1/DD Form 2807-2; OMB Control Number 0704-0413.

*Needs and Uses:* This information collected is the basis for determining medical eligibility of applicants for entry in the Armed Forces. This information is needed to determine the medical qualifications of applicants based upon their current and past medical history. The information obtained on the DD Form 2807-2 ensures the recruiter that an applicant meets the Congressional requirements to obtain both the applicant's Health Care provider and Insurance provider. Additionally, it allows the military examining physician to obtain medical records critical to evaluating the applicant's medical condition(s) prior to their medical examination. The DD Form 2807-1 is needed as part of the required medical examination to assist physicians in making determinations as to acceptability of applicants for military service and verifies disqualifying medical condition(s) noted on the accession medical history report form.

*Affected Public:* Individuals and households.

*Annual Burden Hours:* 128,834.

*Number of Respondents:* 773,003.

*Responses per Respondent:* 1.

*Annual Responses:* 773,003.

*Average Burden per Response:* 10 minutes.

*Frequency:* On occasion.

Dated: August 12, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2024-18365 Filed 8-15-24; 8:45 am]

**BILLING CODE 6001-FR-P**

**DEPARTMENT OF EDUCATION****[Docket ID ED–2024–OFO–0047]****Privacy Act of 1974; System of Records**

**AGENCY:** Office of Security, Facilities and Logistics, Office of Finance and Operations, U.S. Department of Education.

**ACTION:** Notice of a new system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended (Privacy Act), the U.S. Department of Education (Department) publishes this notice of a new system of records titled “Integrated Workplace Management System (IWMS)” (18–03–08). The system will assist the Office of Finance and Operations, Office of Security, Facilities and Logistics (OSFL) in managing the Department’s office space, including moving, and tracking the movement of, Government-furnished equipment and assigning Department personnel to designated office spaces; managing the Department’s real estate portfolio; managing facility-related projects; and administering processes for reserving flexible workspaces, conference rooms, and other bookable resources, such as lockers and parking spaces.

**DATES:** Submit your comments on this new system of records notice on or before September 16, 2024.

This new system of records notice will become applicable upon publication in the **Federal Register** on August 16, 2024 unless it needs to be changed as a result of public comment. The routine uses outlined in the section titled “ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES” will become applicable on the expiration of the 30-day period of public comment on September 16, 2024, unless they need to be changed as a result of public comment. The Department will publish any significant changes to this new system of records notice or routine uses resulting from public comment.

**ADDRESSES:** Comments must be submitted via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). However, if you require an accommodation or cannot otherwise submit your comments via [www.regulations.gov](http://www.regulations.gov), please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments submitted 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. In addition, please include the Docket ID at the top of your comments.

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [www.regulations.gov](http://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ”.

**Privacy Note:** The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:** On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or aid, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Barbara Shawyer, Information System Owner, Office of Security, Facilities and Logistics, Office of Finance and Operations, U.S. Department of Education, 400 Maryland Avenue SW, Room HQ–LBJ–2A225, Washington, DC 20202–6110. Telephone: (202) 320–4785. Email: [Barbara.Shawyer@ed.gov](mailto:Barbara.Shawyer@ed.gov).

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** The IWMS supports OSFL’s management of the Department’s office space, including moving, and tracking the movement of, Government-furnished equipment and assigning Department personnel to designated office spaces; managing the Department’s real estate portfolio; managing facility-related projects; and administering processes for reserving flexible workspaces, conference rooms, and other bookable resources, such as lockers and parking spaces. The IWMS’ new system of records will provide OSFL with the ability to prepare, execute, and track building modifications (e.g., space configurations and facility equipment), and generate internal and external reports regarding

Department facilities and office space. More specifically, OSFL will use the IWMS to produce various reports for internal and external audiences, which may include information such as building demographics, space utilization, capital plans, total square feet, rentable square feet (RSF), usable square feet (USF), and space types; lease/operating agreement data; and improvements and/or changes to the leased building portfolios (e.g., reduce the footprint metrics).

The IWMS will also provide OSFL staff with a web-based system to allow Department employees and contractors to reserve conference rooms, flexible workspaces and other bookable resources. OSFL staff will administer the new system of records and can identify and make space available for reservation. Further, IWMS will allow OSFL staff to manage workplace data (e.g., floorplans, space data (including attributes like capacity, square feet, and quantity), occupancy, and space types (e.g., conference room, office, training center, workstation, or warehouse)). For instance, OSFL staff will have the ability to generate reports that provide details on the capacity to assist with space planning efforts.

The IWMS consists of two components: (1) a desktop application accessed by OSFL staff that creates two- and three-dimensional drawings, models, and diagrams, for uploading workspace layout; and (2) a web application that Department employees and contractors can use to reserve desks and meeting/conference spaces. Reservation of these spaces will be integrated with Microsoft Outlook, allowing reservations to appear on users’ calendars and users to modify the reservation and set reminders and alerts. **Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF,

you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Richard J. Lucas,**

*Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Finance and Operations.*

For the reasons discussed in the preamble, the Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for the Office of Finance and Operations of the U.S. Department of Education (Department) publishes a new system of records notice to read as follows:

**SYSTEM NAME AND NUMBER:**

Integrated Workplace Management System (IWMS) (18-03-08).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

U.S. Department of Education, Office of Security, Facilities and Logistics, Office of Finance and Operations, 400 Maryland Avenue SW, Washington, DC 20202-6110.

FM:Systems, 2301 Sugar Bush Road, Suite 500, Raleigh, NC 27612. (*Note:* FM:Systems is a Department contractor that hosts the infrastructure that supports the IWMS applications (FMS:Employee and FMS:Workplace), as a Software-as-a-Service (SaaS), including backend application processing and data hosting.)

**SYSTEM MANAGER(S):**

Information System Owner, Office of Security, Facilities and Logistics, Office of Finance and Operations, U.S. Department of Education, 400 Maryland Avenue SW, Room HQ-LBJ-2A225, Washington, DC 20202-6110.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 12411, "Government Work Space Management Reforms" (Mar. 29, 1983).

**PURPOSE(S) OF THE SYSTEM:**

The purposes of this system of records are to assist the Office of Finance and Operations, Office of Security, Facilities and Logistics (OSFL) in managing the Department's office space, including moving, and tracking the movement of, Government-furnished equipment and

assigning Department personnel to designated office spaces; managing the Department's real estate portfolio; managing facility-related projects; and administering processes for reserving flexible workspaces, conference rooms, and other bookable resources, such as lockers and parking spaces.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current Department employees and contractors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The categories of records in the system are comprised of information related to current Department employees and contractors, such as their first name, last name, work email address, physical work address, work telephone number, principal office, organizational code, position, pay plan and grade, and supervisory status.

**RECORD SOURCE CATEGORIES:**

Records covered by the system of records notice titled "Federal Personnel Payroll System" (18-05-03), last published in the **Federal Register** on December 27, 1999 (64 FR 72389-72391) will be obtained from the Department's Office of Human Resources and then updated by Department employees and contractors, as appropriate. The records provided from FPPS is stored in IWMS and is used by the program office to assist with the assignment of office space. Records in this system also may be obtained from other persons or entities from whom or from which data is obtained under the routine uses set forth below.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a), under a computer matching agreement.

(1) *Congressional Member Disclosure.* The Department may disclose the records of an individual to a member of Congress or the member's staff when necessary to respond to an inquiry from the member made at the written request of and on behalf of the individual. The member's right to the information is no

greater than the right of the individual who requested it.

(2) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulations, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether Federal, State, Tribal, or local, charged with investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive Order, rule, regulation, or order issued pursuant thereto.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(a) *Introduction.* In the event that one of the following parties listed in subparagraphs (i) through (v) of this routine use is involved in judicial or administrative litigation or ADR, or has an interest in judicial or administrative litigation or ADR, the Department may disclose certain records from this system of records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department or any of its components;
- (ii) Any Department employee in their official capacity;
- (iii) Any Department employee in their individual capacity where the U.S. Department of Justice (DOJ) agrees to or has been requested to provide or arrange for representation of the employee;
- (iv) Any Department employee in their individual capacity where the Department has agreed to represent the employee; and
- (v) The United States, where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to DOJ.* If the Department determines that disclosure of certain records to DOJ is relevant and necessary to judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to DOJ.

(c) *Adjudicative Disclosure.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to a person or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, person, or entity.

(d) *Disclosure to Parties, Counsel, Representatives, and Witnesses.* If the Department determines that disclosure of certain records is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(4) *Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure.* The Department may disclose records to the DOJ or to the Office of Management and Budget (OMB) if the Department determines that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA or the Privacy Act.

(5) *Disclosure to DOJ.* The Department may disclose records to DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to this system.

(6) *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires disclosing records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such contract, the Department shall require the contractor to agree to establish and maintain safeguards to protect the security and confidentiality of the disclosed records.

(7) *Employee Grievance, Complaint, or Conduct Disclosure.* If a record is relevant and necessary to an employee grievance, complaint, or disciplinary action involving a present or former employee of the Department, the Department may disclose a record from this system of records in the course of investigation, fact-finding, or adjudication to any party to the grievance, complaint, or action; to the party's counsel or representative; to a witness; or to a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter.

(8) *Labor Organization Disclosure.* The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

(9) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, Tribal, or local agency, or to another public authority or professional organization, maintaining civil, criminal, or other relevant

enforcement or other pertinent records, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, Tribal, local, or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(10) *Disclosure in the Course of Responding to a Breach of Data.* The Department may disclose records from this system of records to appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that there has been a breach of the system of records; (b) the Department has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(11) *Disclosure in Assisting Another Agency in Responding to a Breach of Data.* The Department may disclose records from this system of records to another Federal agency or Federal entity when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach, or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(12) *Disclosure to National Archives and Records Administration (NARA).* The Department may disclose records from this system of records to NARA for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

#### **POLICIES AND PRACTICES FOR STORAGE OR RECORDS:**

Records are stored on an encrypted system within a secured and controlled environment.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by an employee's or contractor's name only for administrative purposes, including associating the employee or contractor with a specific region or building to assign them an office space or conference room.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

The records in this system of records will be retained and disposed of in accordance with General Records Schedule 5.4, "Facility, Equipment, Vehicle, Property, and Supply Records," Items 010 (DAA-GRS-2016-0011-0001) and 050 (DAA-GRS-2016-0011-0005).

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

The vendor, which is Federal Risk and Authorization Management Program (FedRAMP) certified, hosts the IWMS system outside the Department's network. The Department accesses and uses this system as a SaaS and requires the vendor to complete routine testing of its environment to ensure the confidentiality, integrity, and availability of the information in the system and services provided. The Cloud Service Provider enforces security controls over the physical facility where the system is hosted in adherence with FedRAMP standards and provides continuous monitoring reports to the Department.

In accordance with the Federal Information Security Management Act of 2002 (FISMA), as amended by the Federal Information Security Modernization Act of 2014, every Department system must receive a signed Authorization to Operate (ATO) from a designated Department official. The ATO process includes a rigorous assessment of security and privacy controls, a plan of actions and milestones to remediate any identified deficiencies, and a continuous monitoring program.

FISMA controls implemented are comprised of a combination of management, operational, and technical controls, and include the following control families: access control, awareness and training, audit and accountability, security assessment and authorization, configuration management, contingency planning, identification and authentication, incident response, maintenance, media

protection, physical and environmental protection, planning, personnel security, privacy, risk assessment, system and services acquisition, system and communications protection, system and information integrity, and program management.

The IWMS system is integrated with the Department's Identity, Credential, and Access Management (ICAM) and also utilizes role-based authentication to ensure that only authorized users can access information, and can only access the information needed to perform their duties. Authentication to the system is permitted only over secure, encrypted connections.

#### RECORD ACCESS PROCEDURES:

If you wish to request access to records regarding you in this system of records, contact the system manager at the address listed under the SYSTEM MANAGER(S) section above. You must provide necessary particulars such as your full name, address, and telephone number, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. Your request must meet the requirements of the Department's Privacy Act regulations in 34 CFR 5b.5, including proof of identity.

#### CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in this system of records, contact the system manager at the address listed under the SYSTEM MANAGER(S) section above. You must provide necessary particulars such as your full name, address, and telephone number, and any other identifying information requested by the Department to distinguish between individuals with the same name. Your request must also identify the particular record within the system that you wish to have changed, state whether you seek an addition to or a deletion or substitution of the record, and explain the reasons why you wish to have the record changed. Your request must meet the requirements of the Department's Privacy Act regulations in 34 CFR 5b.7.

#### NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager at the address listed under the SYSTEM MANAGER(S) section above. You must provide necessary particulars such as your full name, address, telephone number, and any other identifying information requested by the Department while processing the

request to distinguish between individuals with the same name. Your request must meet the requirements of the Department's Privacy Act regulations in 34 CFR 5b.5, including proof of identity.

#### EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

#### HISTORY:

None.

[FR Doc. 2024-18334 Filed 8-15-24; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Nevada

**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), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, September 11, 2024; 4–8:30 p.m. PDT; The opportunity for public comment is at 4:10 p.m. PDT. This time is subject to change. Please contact the Nevada Site Specific Advisory Board (NSSAB) Administrator listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for confirmation of time prior to the meeting.

**ADDRESSES:** Molasky Corporate Center, 15th Floor Conference Room, 100 North City Parkway, Las Vegas, Nevada 89106. This meeting will be open to the public in-person at the Molasky Corporate Center or virtually via Microsoft Teams. To attend virtually, please contact Barbara Ulmer, NSSAB Administrator, by email [nssab@emcbc.doe.gov](mailto:nssab@emcbc.doe.gov) or phone (702) 523-0894, no later than 4 p.m. PDT on Monday, September 9, 2024.

**FOR FURTHER INFORMATION CONTACT:** Barbara Ulmer, NSSAB Administrator, by phone: (702) 523-0894 or email: [nssab@emcbc.doe.gov](mailto:nssab@emcbc.doe.gov) or visit the Board's internet homepage at [www.nnss.gov/NSSAB/](http://www.nnss.gov/NSSAB/).

#### 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

1. Public Comment Period
2. Update from Deputy Designated Federal Officer
3. Update from National Nuclear Security Administration/Nevada Field Office
4. Updates from NSSAB Liaisons
5. Presentations
6. Chair and Vice-Chair Elections
7. Development of Fiscal Year 2025 Work Plan

**Public Participation:** The in-person/online virtual hybrid meeting is open to the public either in-person at the Molasky Corporate Center or via Microsoft Teams. To sign-up for public comment, please contact the NSSAB Administrator no later than 4 p.m. PDT on Monday, September 9, 2024. In addition to participation in the live public comment session identified above, written statements may be filed with the Board either before or within seven days after the meeting by sending them to the NSSAB Administrator at the aforementioned email address. Written public comment received prior to the meeting will be read into the record. 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 can do so in 2-minute segments for the 15 minutes allotted for public comments.

**Minutes:** Minutes will be available by writing or calling Barbara Ulmer, NSSAB Administrator, U.S. Department of Energy, EM Nevada Program, 100 North City Parkway, Suite 1750, Las Vegas, NV 89106; Phone: (702) 523-0894. Minutes will also be available at the following website: <https://www.nnss.gov/nssab/nssab-meetings/>.

**Signing Authority:** This document of the Department of Energy was signed on August 12, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 13, 2024.

**Treena V. Garrett,**  
Federal Register Liaison Officer, U.S.  
Department of Energy.

[FR Doc. 2024–18378 Filed 8–15–24; 8:45 am]

BILLING CODE 6450–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–R08–OPPT–2020–0013; FRL–12189–01–OMS]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Environmental Protection Agency (EPA) Pollution Prevention (P2) Recognition Program (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), EPA Pollution Prevention (P2) Recognition Program” (EPA ICR Number 2614.02, OMB Control Number 2008–0004) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2024. Public comments were previously requested via the **Federal Register** on December 5, 2023, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

**DATES:** Comments may be submitted on or before September 16, 2024.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–R08–OPPT–2020–0013, to EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the

proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://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:

Melissa Payan, EPA R8 Land, Chemical and Redevelopment Division, Pollution Prevention Program, (8LCRD–CSES), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 303–312–651; email address: [payan.melissa@epa.gov](mailto:payan.melissa@epa.gov).

**SUPPLEMENTARY INFORMATION:** This is a proposed extension of the ICR, which is currently approved through August 31, 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 OMB control number.

Public comments were previously requested via the **Federal Register** on December 5, 2023 during a 60-day comment period (88 FR 84321). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

**Abstract:** EPA’s Pollution Prevention (P2) Program is a voluntary program that encourages businesses/facilities to adopt P2 projects that reduces both financial costs (waste management and cleanup) and environmental costs (health problems and environmental damage). In passing the Pollution Prevention Act (PPA) in 1990, Congress found that “(T)here are significant opportunities for industry to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use. Such changes offer industry substantial savings in reduced raw material, pollution control, and liability costs as well as help protect the environment and reduce risks to worker health and safety.” 42 U.S.C. 13101(a)(2). Furthermore, the PPA states the Administrator shall “establish an annual award program to recognize a company or companies which operate outstanding or innovative source reduction programs” (PPA section 6604)

42 U.S.C. 13103(b)(13). The EPA P2 Recognition Program is an annual, voluntary, and non-monetary program that will recognize companies that demonstrate leadership in innovative P2 practices and encourage other entities to consider P2 approaches. This ICR may be applicable to HQ, as well as any of the 10 Regional Offices that choose to participate and implement a P2 Recognition Program.

*Form Numbers:* EPA P2 Award Program Application—5800–005.

*Respondents/affected entities:* Various types of businesses, companies, organizations, both for-profit and non-profit, from all North American Industry Classification System (NAICS) codes. However, businesses need to be from a state or tribe in an EPA Region implementing this recognition program.

*Respondent’s obligation to respond:* Voluntary.

*Estimated number of respondents:* 42 (total).

*Frequency of response:* Annually.

*Total estimated burden:* 458 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$33,012.84 (per year), which includes \$0 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is a decrease of 517 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to adjustments to the estimates and receiving input from respondents over the past three years. The original consultations were with state recognition programs, which are more rigorous than the regional P2 award program. Regions who are currently implementing Regional P2 Programs, consulted with applicants who provided an average estimate of 10.9 hours to respond to questions in the application. Based off these consultations we are decreasing the respondent burden by 8.6 hours per respondent.

**Courtney Kerwin,**

Director, Regulatory Support Division.

[FR Doc. 2024–18344 Filed 8–15–24; 8:45 am]

BILLING CODE 6560–50–P



**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OGC-2024-0296; FRL-12051-01-OGC]****Class Determination 1–24: Confidentiality of Certain Business Information Concerning Contractors, Prospective Contractors, and Subcontractors****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is notifying interested persons of the issuance of a class determination concerning the confidentiality of certain classes of contractor- and prospective contractor-submitted information. The class determination announced in this notice—identified as Class Determination 1–24—updates and supersedes EPA’s earlier Class Determination 1–95 covering certain contractor-submitted information. Class Determination 1–24 is being issued to bring EPA’s approach to identifying and processing contractor-submitted CBI into alignment with the Supreme Court’s decision in *Food Mktg. Inst. v. Argus Leader Media* and to update the classes of contractor-submitted CBI that are, and are not, presumptively entitled to confidential treatment. EPA’s CBI regulations will still govern EPA’s handling and processing of all CBI claims, including the contractor-submitted information covered by Class Determination 1–24, but will enable EPA offices to respond more quickly and efficiently to requests submitted under the Freedom of Information Act.

**DATES:** Class Determination 1–24 will take effect on August 23, 2024.

**FOR FURTHER INFORMATION CONTACT:** Dylan Duffey, Attorney-Advisor, Office of General Counsel, EPA, at [duffey.dylan@epa.gov](mailto:duffey.dylan@epa.gov) or (202) 564–3008.

**SUPPLEMENTARY INFORMATION:****I. General Information**

EPA’s Office of General Counsel (OGC) issues class determinations to describe the categories of business information that can be considered presumptively confidential or presumptively not confidential. EPA relies on class determinations to permit efficient processing of numerous Freedom of Information Act (FOIA) requests for the same types of confidential business information (CBI). On June 10, 1995, OGC issued “Class Determination 1–95 Confidentiality of

Certain Business Information Submitted by Contractors and Prospective Contractors.” Class Determination 1–24 updates and supersedes Class Determination 1–95 and brings EPA’s approach to processing contractor-submitted CBI into alignment with the Supreme Court’s decision in *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 204 L. Ed. 2d 742 (2019). In accordance with 40 CFR 2.207, Class Determination 1–24 is intended solely as guidance and is not a final agency action subject to judicial review. It does not impose legally binding requirements on the EPA, state or tribal regulators, or any other party. Nor does it contradict the Federal Acquisition Regulation’s protection of contractor information at 48 CFR 3.104–4. An EPA office that is making a determination as to whether business information covered by this class determination may be entitled to confidential treatment should follow the procedures in 40 CFR part 2, subpart B, applying this class determination as guidance. As of the effective date of this notice, Class Determination 1–95 is officially superseded by Class Determination 1–24 and will no longer be used at EPA. The full text of Class Determination 1–24 can be found on the EPA web page titled “Guidance Documents Managed by the Office of General Counsel.”

In summary, Class Determination 1–24 finds that the following class of information submitted by EPA contractors or prospective contractors is presumptively entitled to confidential treatment where the information is private or at least closely held, where the information is not otherwise publicly available, and where disclosure of the information is not otherwise required by statute or regulation:

- Information that would disclose a contractor’s, subcontractor’s, prospective contractor’s, or prospective subcontractor’s proposal that may include unit pricing, client information, marketing strategy, financial statements or structure, accounting methods, labor hourly rates, salaries, overhead costs, general and administrative costs, fees, profits, accounting methods, and potential plans to manage the project.
- Information that would disclose a contractor’s, subcontractor’s, prospective contractor’s, or prospective subcontractor’s proprietary processes, devices, software, or similar proprietary information submitted to the Agency.
- Contract deliverables that would reveal proprietary analytical methods, manufacturing processes, or algorithms.

Conversely, the following class of information is presumptively not private, nor closely held and is therefore

not entitled to confidential treatment under Class Determination 1–24. Unless this information is otherwise claimed as CBI in accordance with EPA’s CBI regulations at 40 CFR part 2, subpart B, EPA may release this information without further notice to the submitter:

- Information concerning the identity and scope of work of any government contracts or grants performed by the submitter pursuant to the awarded contract. This information is available to the public pursuant to the Federal Funding Accountability and Transparency Act, and through the Commerce Business Daily, the Federal Procurement Data System, and from specific government agencies.

- Information that the submitter has previously published or disclosed to the public, either in writing or verbally, regardless of the medium.

- Information in documents that are already publicly available, such as requests for proposals, other publicly available EPA documents, or published materials, whether in print or electronic.

- The following information is not entitled to confidential treatment after contract award unless the information could reasonably be used to reverse engineer information that is entitled to confidential treatment:

- The aggregate cost (total of all costs and fees) of an awarded contract to the government. The aggregate cost of awarded contract options to the government.

- Totals of labor effort expended, invoiced, or paid at any point during contract performance for work performed under the contract or for any discrete segment of such contract work.

- Totals of costs incurred, invoiced, or paid at any point during contract performance for work performed under the contract or for any discrete segment of such contract work.

- The aggregate of labor hours worked by all subcontractors and consultants and the aggregate of all costs incurred by them at any point during contract performance or for any discrete segment of such contract work.

- Information developed by the government, regardless of whether the information is subsequently contained in a document submitted to the Government by a contractor or prospective contractor.

- Names and business contact information of Agency contractors or subcontractors or their employees or consultants of any contractor or subcontractor, unless sufficient countervailing factors exist. This category reflects, among other things, the fact that in the course of routine interaction with contractors and



subcontractors with the Agency, the names of employees are revealed and not kept confidential. Additionally, many employees and employers publicly post names and business contact information on the internet.

## II. Does this action apply to me?

This action is directed to all current and future EPA contractors and prospective contractors who submit information to the Agency after the effective date of this class determination, and it applies to information submitted both before and after a contract is awarded. Class Determination 1–24 does not apply to contractor or prospective contractor-submitted information that was in the Agency's possession prior to the effective date of this class determination. Additionally, by its express terms, Class Determination 1–24 does not apply to the following categories of contractor or prospective contractor submissions:

- For information submitted after this class determination's effective date, any information where ten years have passed after submission.

- Any information more than ten years old when submitted to EPA, regardless of submittal date.

- Except as otherwise provided, information submitted to EPA by or on behalf of any person or entity that is not an EPA contractor or subcontractor.

Any contractor or prospective contractor-submitted information that falls outside of the scope of Class Determination 1–24 or to which Class Determination 1–24 does not apply will be handled in accordance with EPA's CBI regulations at 40 CFR part 2, subpart B.

This **Federal Register** notice may be of relevance to current and future EPA contractors that submit information to the Agency in connection with their performance of a contract, or to future prospective contractors that submit proposals to Agency solicitations. If you have further questions regarding the applicability of this action to a party, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

## III. How can I get copies of this document and other related information?

**Electronic Access.** You may access this **Federal Register** document electronically from the Government Printing Office under the “**Federal Register**” listings. You may also access the full text of Class Determination 1–24 on the EPA web page titled

“Guidance Documents Managed by the Office of General Counsel.”

**Jennifer Clark,**

*Associate General Counsel.*

[FR Doc. 2024–18351 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–12143–01–OMS]

### Good Neighbor Environmental Board

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

**ACTION:** Notice of meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, the Environmental Protection Agency (EPA) gives notice of a public meeting of the Good Neighbor Environmental Board (GNEB). The purpose of this meeting is for the Board to discuss and approve its first in the series of four comment letters that will comprise the GNEB 21st report.

**DATES:** September 4, 2024, from 9 a.m.–1 p.m. (MT) and September 5, 2024, from 9 a.m.–1 p.m. (MT).

**ADDRESSES:** The meeting will be held at the U.S. EPA Region 6, El Paso Border Office, 511 E San Antonio Avenue, Suite 145, El Paso, Texas 79901.

**FOR FURTHER INFORMATION CONTACT:** Eugene Green at (202) 564–2432 or via email at [green.eugene@epa.gov](mailto:green.eugene@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Board is an independent federal advisory committee chartered under the Federal Advisory Committee Act, 5 U.S.C. 10. Its mission is to advise the President and Congress of the United States on good neighbor practices along the U.S. border with Mexico. Its recommendations are focused on environmental infrastructure needs within the U.S. states contiguous to Mexico. A copy of the agenda will be posted at [www.epa.gov/faca/gneb](http://www.epa.gov/faca/gneb). The meeting will be held virtually and in-person in El Paso, Texas at the EPA Region 6, El Paso Border Office, 511 E San Antonio Avenue, Suite 145, El Paso, Texas 79901. The meeting is open to the public with limited seating available for in-person attendance and on a first come first serve basis. Members of the public wishing to participate or attend in-person must contact Eugene Green at [green.eugene@epa.gov](mailto:green.eugene@epa.gov) or 202–564–2432 by August 28, 2024, to register. Members of the public wishing to attend or participate virtually must contact Eugene Green with the information above by August 28, 2024, to receive a link to the meeting. The Federal

Protective Service requires 48-hour notification for guests entering federal government spaces, therefore, it is imperative that the timeframe noted is met prior to the meeting.

Requests to make oral comments or submit written public comments to the Board, should also be directed to Eugene Green at least five business days prior to the meeting (August 28, 2024). Requests for accessibility and/or accommodations for individuals with disabilities should be directed to Eugene Green at the phone number or email address listed below. To ensure adequate time for processing, please make requests for accommodations at least 10 business days (August 21, 2024) prior to the meeting.

**Oscar Carrillo,**

*Program Analyst.*

[FR Doc. 2024–18329 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–139]

### Environmental Impact Statements; Notice of Availability

**Responsible Agency:** Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed August 5, 2024 10 a.m. EST  
Through August 12, 2024 10 a.m. EST

Pursuant to 40 CFR 1506.9.

### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

**EIS No. 20240147, Final, USFS, NE,** Nebraska National Forests and Grasslands Undesirable Plant Management, Review Period Ends: 09/23/2024, Contact: Melissa Martin 307–399–7346.

**EIS No. 20240148, Draft, APHIS, PRO,** Outbreak Response Activities for Highly Pathogenic Avian Influenza Outbreaks in Poultry in the United States and U.S. Territories, Comment Period Ends: 09/30/2024, Contact: Chelsea Bare 515–337–6128.

Amended Notice:

**EIS No. 20170151, Draft, USFS, MN,** WITHDRAWN—School Trust Land

Exchange, Contact: Peter Taylor  
218–626–4368.

Revision to FR Notice Published 08/11/2017; Officially Withdrawn per request of the submitting agency.  
*EIS No. 20240114, Draft, USACE, MS, Yazoo Backwater Area Water Management Project, Comment Period Ends: 08/27/2024, Contact: Mike Renacker 601–631–5842. Revision to FR Notice Published 06/28/2024; Extending the Comment Period from 08/12/2024 to 08/27/2024.*

Dated: August 13, 2024.

**Timothy Witman,**

*Acting Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2024–18403 Filed 8–15–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–12151–01–ORD]

### Request for Nominations of Experts to the Office of Research and Development's Board of Scientific Counselors Advisory Committee

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is seeking nominations for technical experts to serve on its Board of Scientific Counselors (BOSC), a Federal advisory committee to the Office of Research and Development (ORD). Submission of nominations should be made via the BOSC website at: <https://www.epa.gov/bosc>.

**DATES:** Nominations should be submitted by September 6, 2024.

**ADDRESSES:** Please submit nominations by completing the nomination form provided on the BOSC website at <https://www.epa.gov/bosc>.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public needing additional information regarding this Notice and Request for Nominations may contact Mr. Tom Tracy, Office of Science Advisor, Policy and Engagement, Office of Research and Development, Mail Code B343–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; via phone/voice mail at: (919) 541–4334; or via email at: [tracy.tom@epa.gov](mailto:tracy.tom@epa.gov). General information concerning the BOSC can be found at the following website: <https://www.epa.gov/bosc>.

## SUPPLEMENTARY INFORMATION:

### Background

The BOSC is a chartered Federal Advisory Committee established by the EPA to provide independent scientific and technical peer review, advice, consultation, and recommendations on ORD's research programs. As a Federal Advisory Committee, the BOSC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. app. 10) and related regulations.

The BOSC is comprised of an Executive Committee and one or more supporting subcommittee(s). Current subcommittees are: Social and Community Science, and Climate Change. All the work of BOSC subcommittees and ad-hoc panels is conducted under the auspices of the chartered BOSC Executive Committee. The BOSC Executive Committee members review all BOSC subcommittee and ad-hoc panel draft reports and determine whether each meets the BOSC's criteria and high-quality standards required to deliver them to the EPA Administrator. General information concerning the BOSC, including its charter, current membership, and activities can be found on the EPA website at: <https://www.epa.gov/bosc>.

### BOSC Membership

Members of the BOSC constitute a distinguished body of non-EPA scientists, engineers, and economists who are experts in their respective fields. EPA will consider nominees from industry, business, public and private research institutes or organizations, academia, government (Federal, State, local, and Tribal) and non-government organizations, and other relevant interest areas. Members are appointed by the EPA Administrator to serve as special government employees and provide independent expert advice to the agency, for a maximum of six years of service. EPA compensates special government employees for their time and provides reimbursement for travel and other incidental expenses associated with official government business related to the BOSC meetings, as allowed.

Members of the BOSC are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, each nominee will be asked to submit confidential financial information that fully discloses, among other financial interests, the candidate's employment, stocks and bonds, and

where applicable, sources of research support. The information provided is strictly confidential and will not be disclosed to the public. Before a candidate is considered further for service on the BOSC, EPA will evaluate each candidate to assess whether there is any conflict of financial interest, appearance of a lack of impartiality, or prior involvement with matters likely to be reviewed by the Board.

### Expertise Sought

The chartered BOSC provides scientific advice to the EPA Administrator on a variety of EPA science and research topics. EPA invites nominations of individuals to serve on the chartered BOSC with expertise or extensive experience in the following scientific disciplines and topic areas as they relate to human health and the environment:

Agronomy, Soil Science  
Air Quality  
Atmospheric Sciences  
Biology and Microbiology  
Chemistry (including Environmental)  
Climate Science and Change  
Community Engagement  
Contaminated Site Remediation  
Disaster Science  
Ecology  
Ecosystem Services  
Emergency Management  
Energy and the Environment  
Environmental Economics  
Environmental Engineering  
Environmental Justice  
Environmental Life Cycle Assessment  
Environmental Modeling  
Epidemiology  
Exposure Science and Assessment  
Forestry and Natural Resource Management  
Information and Data Science  
Materials/Waste Management  
New Approach Methods  
Novel Analytical Methods  
Participatory Science (including Community and Citizen Science)  
Physiologically Based Pharmacokinetic (PBPK) Modeling  
Public Health  
Research Program Evaluation  
Risk Assessment (including Human Health, Ecological, Environmental)  
Science Policy/Public Policy  
Social, Behavioral and Decision Sciences  
Sustainability  
Systems Science  
Toxicology  
Water Quality (including drinking water, surface water, groundwater)  
Water Quantity and Reuse  
Watershed Management

### Submission of Nominations

To nominate a candidate for consideration or self-nominate, please visit the BOSC website at <https://www.epa.gov/bosc> to access and complete the nomination form. Nominations should be submitted no

later than 11:59 p.m., September 6, 2024. To receive full consideration, nominations should include all information requested. EPA's nomination form requests: contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; committee preference; the nominee's curriculum vita and/or resume; and additional information that would be useful for considering the nomination such as background and qualifications (e.g., current position, educational background, expertise, research areas), experience relevant to one or more of ORD's research programs, service on other advisory committees and professional societies, and availability to participate as a member of the Executive Committee and/or Subcommittee. EPA values and welcomes diversity. To obtain nominations of diverse candidates, EPA encourages all qualified candidates to apply regardless of gender, race, disability, or ethnicity, as well as from a variety of backgrounds (e.g., tribal, industry, non-profit organizations, academia, and government). Persons having questions about the nomination procedures, or who are unable to submit nominations through the BOSC website, should contact Mr. Tom Tracy, as indicated above under **FOR FURTHER INFORMATION CONTACT** section of this notice.

#### Evaluation of Nominations

The BOSC is a balanced and diverse board of experts designed to possess the necessary domains of expertise, depth and breadth of knowledge, and diverse and balanced scientific perspectives to best support the needs of the EPA's ORD. Nominations will be evaluated on the basis of several criteria including: (a) demonstrated scientific and/or technical credentials and disciplinary expertise, knowledge, and experience in relevant fields; (b) availability to serve and willingness to commit time to the committee (approximately one to three meetings per year both by teleconferences and possibly face-to-face meetings); (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) demonstrated ability to work constructively and effectively on committees; and (f) background and experiences that would contribute to the diversity of viewpoints on the Executive Committee, e.g., workforce sector, geographical location, social, cultural, and educational backgrounds, and professional affiliations.

To help the Agency in evaluating the effectiveness of its outreach efforts, nominees and nominators are requested to inform the Agency of how you learned of this opportunity when completing the nomination form.

Final selection of BOSC members is a discretionary function of the Agency and will be announced as soon as selections are made on the BOSC website at <https://www.epa.gov/bosc>.

**Kathleen Deener,**

*Acting Director, Office of Science Advisor, Policy and Engagement.*

[FR Doc. 2024-18373 Filed 8-15-24; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-12120-01-OAR]

#### 2025 Clean Air Excellence Awards Program; Request for Nominations

##### Correction

In Notice document, 2024-16156, appearing on pages 59735 through 59736 in the issue of Tuesday July 23, 2024, on page 59735, in the second column, in the second line and first lines from the bottom, the text "October 11, 2024" is corrected to read "October 22, 2024".

[FR Doc. C1-2024-16156 Filed 8-15-24; 8:45 am]

**BILLING CODE 0099-10-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2024-0390; FRL-12174-01-OGC]

#### Proposed Settlement Agreement, Endangered Species Act and Administrative Procedure Act Claims

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

**ACTION:** Notice of proposed settlement agreement; request for public comment.

**SUMMARY:** In accordance with the Environmental Protection Agency (EPA) Administrator's March 18, 2022, memorandum regarding "Consent Decrees and Settlement Agreements to resolve Environmental Claims Against the Agency," notice is hereby given of a proposed settlement agreement in *Center for Biological Diversity v. U.S. Environmental Protection Agency, et al.*, No. 1:22-cv-486-BAH (D.D.C.). On February 24, 2022, the Plaintiff Center for Biological Diversity filed a complaint in the United States District Court for the District of Columbia against the EPA alleging that the Agency

had violated the Administrative Procedure Act and Section 7 of the Endangered Species Act (ESA) in connection with EPA's 1993, 1998, and 2007 approvals under the Clean Water Act of Washington State's water quality criteria for cyanide. EPA seeks public input on a proposed settlement agreement prior to its final decision-making with regard to potential settlement of the litigation.

**DATES:** Written comments on the proposed settlement agreement must be received by September 16, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2024-0390 online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments, see the "Additional Information About Commenting on the Proposed Settlement Agreement" heading under the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Eleanor Garretson, Water Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone: (202) 564-9636; email address: [Garretson.Eleanor@epa.gov](mailto:Garretson.Eleanor@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Settlement Agreement

On February 24, 2022, the Plaintiff filed a complaint against the EPA, the National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (FWS) (collectively "the Agencies"), alleging violations of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*, related to EPA's Clean Water Act Section 303(c) actions to approve Washington's water quality criteria for cyanide in 1993, 1998 and 2007. The complaint alleges that the EPA failed to complete ESA Section 7 consultation on its approvals of Washington's cyanide criteria and failed to ensure those approvals would not jeopardize ESA-listed species or adversely modify critical habitat. The complaint further alleges that the Agencies violated the ESA by failing to reinstate consultation on Washington's cyanide criteria following the designation and revision of critical habitat and new information regarding the impact of Washington's cyanide

criteria on listed species and designated habitat.

On August 8, 2023, the U.S. District Court for the District of Columbia denied the government's Motion to Dismiss the complaint. The parties then initiated settlement discussions, which produced the proposed settlement agreement. Under the settlement agreement, EPA would be obligated to complete a biological evaluation pursuant to 50 CFR 402.13(c)(1) and 50 CFR 402.14(c)(1) of Washington State's current marine and Puget Sound cyanide criteria and submit its request to initiate formal consultation or a letter requesting concurrence with any "not likely to adversely affect" findings within 18 months of Washington State's submission of revised freshwater cyanide criteria. As noted in the proposed settlement agreement, Washington recently proposed revisions to its freshwater criteria for cyanide and intends to submit the revised criteria to EPA for review and action under CWA Section 303(c). In the event Washington does not submit revised freshwater criteria for cyanide by September 24, 2024, the settlement obligates EPA to complete a biological evaluation on Washington's current freshwater criteria for cyanide. Under the proposed agreement, EPA would be required to complete and submit its biological evaluation of Washington's cyanide criteria within an 18-month period starting no later than September 24, 2024. If NMFS and/or FWS determine the data requirements of 50 CFR 402.14(c) have not been met, EPA would be obligated to resolve any data deficiencies within 60 days of such notification consistent with 40 CFR 402.14(f). Finally, under the proposed agreement, NMFS and FWS would be obligated to issue a concurrence or non-concurrence within 120 days of any EPA request for concurrence or issue biological opinions within 12 months of initiating formal consultation. The schedule set forth in the proposed settlement agreement reflects the Agencies' reasoned consideration of the time needed to address ESA Section 7 consultation requirements.

For a period of thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed EPA obligations in the settlement agreement from persons who are not parties to the litigation. EPA or the Department of

Justice may withdraw or withhold consent to the proposed settlement agreement if the comments received disclose facts or considerations that indicate that such settlement agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the ESA or APA.

## II. Additional Information About Commenting on the Proposed Settlement Agreement

### A. How can I get a copy of the proposed settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2024-0390) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search."

### B. How and to whom do I submit comments?

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2024-0390 via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA does not plan to consider these late comments.

**Steven Neugeboren,**  
Associate General Counsel.

[FR Doc. 2024-18436 Filed 8-15-24; 8:45 am]

**BILLING CODE 6560-50-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Agency Information Collection Activities: Existing Collection

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of information collection—proposed revision of Local Union Report (EEO–3).

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year PRA approval of revisions to the currently approved Local Union Report (EEO–3).

**DATES:** Written comments on this notice must be submitted on or before October 15, 2024.

**ADDRESSES:** You may submit comments by any of the following methods—please use only one method:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions on the website for submitting comments.

*Mail:* Comments may be submitted by mail to Raymond Windmiller, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

*Fax:* Comments totaling six or fewer pages can be faxed to (202) 663–4114. Receipt of fax transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 921–2815 (voice) or (800) 669–6820 (TTY).

*Instructions:* All comments received must include the agency name and docket number. Comments will be posted without change to <http://www.regulations.gov>, including any personal information provided. However, the EEOC reserves the right to refrain from posting libelous or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, religion, sex, national origin, age, disability, or genetic information; or that promote or endorse services or products.

Copies of comments received in response to this notice are also available for review at the Commission's library by appointment only at 131 M Street NE, Suite 4NW08R, Washington, DC 20507. Members of the public may

schedule an appointment by emailing [OEDA@eeoc.gov](mailto:OEDA@eeoc.gov).

**FOR FURTHER INFORMATION CONTACT:** Paul Guerino, Director, Data Development and Information Products Division, Office of Enterprise Data and Analytics (OEDA), Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507; (202) 921–2928 (voice), (800) 669–6820 (TTY) or email at [OEDA@eeoc.gov](mailto:OEDA@eeoc.gov). Requests for this notice in an alternative format should be made to the EEOC's Office of Communications and Legislative Affairs at (202) 921–3191 (voice), (800) 669–6820 (TTY), or (844) 234–5122 (ASL Video Phone).

**SUPPLEMENTARY INFORMATION:** Since 1967, the EEOC has required EEO–3 filers to submit workforce demographic data. Every labor organization subject to Title VII of the Civil Rights Act of 1964, as amended (Title VII)<sup>1</sup> is required to file the EEO–3 report, provided it has 100 or more members at any time during the 12 months preceding the due date of the report and is a “local union” (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.

Pursuant to the PRA and OMB regulations found at 5 CFR 1320.8(d)(1), the Commission solicits public comment on its intent to seek a three-year approval of revisions to the currently approved EEO–3 to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility; (2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including 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.

Based on data from the most recent EEO–3 data collection reporting year (i.e., 2022), as well as ongoing updates by the EEOC to the EEO–3 frame (i.e., filer roster or master list), the EEOC anticipates the total number of filers

submitting an EEO–3 report may increase to 5,999 per biennial collection. Accordingly, the burden estimates in this Notice are based on this revised estimate of the number of filers.

### Overview of Information Collection

*Collection Title:* Local Union Report (EEO–3).

*OMB Number:* 3046–0006.

*Frequency of Report:* Biennial.

*Type of Respondent:* Labor organizations with 100 or more members<sup>2</sup> that are local unions or independent or unaffiliated unions and meet certain criteria.

*Description of Affected Public:* Labor organizations with 100 or more members<sup>3</sup> that are local unions or independent or unaffiliated unions and meet certain criteria.

*Reporting Hours:* 8,922 per biennial collection.

*Respondent Burden Hour Cost:*

\$359,091 per biennial collection.

*Federal Cost:* \$378,002 per biennial collection.

*Number of Filers:* 5,999 per biennial collection.<sup>4</sup>

*Number of Responses:* 5,999 per biennial collection.

*Number of Forms:* 1.

*Form Number:* EEOC Form 274.

*Abstract:* Section 709(c) of Title VII requires labor organizations to make and keep records relevant to the determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order.<sup>5</sup> Pursuant to this statutory authority, the EEOC issued regulations prescribing the reporting and related record retention requirements for labor organizations.<sup>6</sup> The regulations require every local union to retain the most recent report filed, to make records necessary for completion of the EEO–3 and preserve them for a year (or if a charge of discrimination is filed, relevant records must be retained until final disposition of the matter). These recordkeeping requirements are part of

<sup>2</sup> Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.

<sup>3</sup> Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.

<sup>4</sup> This figure is based on the expanded frame of potentially eligible respondents and the response rate for the most recently completed EEO–3 data collection (2022 EEO–3 data collection).

<sup>5</sup> 42 U.S.C. 2000e–8(c).

<sup>6</sup> The EEOC's EEO–3 regulation is at 29 CFR part 1602 Subparts F and G. The EEOC is responsible for obtaining OMB's PRA approval for the EEO–3 report.

<sup>1</sup> 42 U.S.C. 2000e, et seq.

standard administrative practices, and as a result, the EEOC believes that any impact on burden would be negligible and nearly impossible to quantify. Additionally, the regulations require labor organizations with 100 or more members at any time during the 12 months preceding the due date of the report, and that are a “local union” (as that term is commonly understood)<sup>7</sup> or are independent or unaffiliated unions to file executed copies of the EEO–3 in conformity with the directions set forth in the form and accompanying instructions. Under this authority, such unions are required to report biennially<sup>8</sup> the number of their members and applicants for membership by sex and race or ethnicity.

Please note that on March 28, 2024, OMB published revisions, the first since 1997, to its *Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*.<sup>9</sup> See <https://spd15revision.gov/>. The revisions include, for example, using a single combined race and ethnicity question and adding Middle Eastern or North African (MENA) as a new minimum reporting category. Federal agencies, including the EEOC, are required to bring their data collections into compliance with these standards by March 28, 2029. Because the EEOC’s current EEO–3 PRA clearance expires January 31, 2025, the agency is not proposing updates to its collection of race and ethnicity data under this Notice in order to provide filers with sufficient notice of the revised standards and to give the EEOC sufficient time to

implement the revisions across its EEO collections.

These data are currently collected electronically by the EEOC through a web-based data collection application (*i.e.*, portal) referred to as the *EEO–3 Online Filing System (OFS)*.<sup>9</sup> Filers must submit their data electronically to the web-based portal. The individual EEO–3 reports are confidential.<sup>10</sup> EEO–3 data are used by the EEOC to investigate charges of employment discrimination against local unions and to publish periodic reports on workforce demographics.<sup>11</sup>

**Burden Statement:** The EEOC’s Office of Enterprise Data and Analytics (OEDA) administers the agency’s data collections, including the EEO–3. Since OEDA’s creation in 2018, the EEOC has undertaken several efforts to modernize the agency’s data collections and improve the quality of data collected. OEDA also has streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of these ongoing modernization efforts, and in response to a recent GAO report<sup>12</sup> which recommended that the EEOC improve its approach to routinely identify local unions required to file the EEO–3 report, OEDA has undertaken measures to enhance the agency’s EEO–3 data frame of potentially eligible filers. Additionally, OEDA has identified changes that make the EEO–3 filing process more user-friendly and less burdensome. By comparing the EEOC’s 2022 EEO–3 frame to a list of active unions from the U.S. Department of Labor’s Office of Labor Management Standards (OLMS) Online Public

Disclosure Room (OPDR) database,<sup>13</sup> OEDA identified more than 5,000 local unions that may be eligible to file during the next biennial data collection. With the addition of these unions to the EEO–3 frame and considering response rates during the 2022 EEO–3 data collection, OEDA now estimates 5,999 potential respondents to the agency’s next EEO–3 data collection.<sup>14</sup>

The EEOC has also updated its methodology for calculating the biennial burden of the EEO–3 to better reflect the types of personnel responsible for preparing and filing these reports on behalf of their unions. Based upon job titles provided during the 2022 EEO–3 data collection by individuals completing the report within the *EEO–3 OFS*, the EEOC has identified four specific job categories which account for the largest amount of time spent biennially on EEO–3 reporting. These job categories include: (1) Secretaries and Administrative Assistants; (2) Administrative Services and Facilities Managers; (3) Bookkeeping, Accounting, and Auditing Clerks; and (4) Executive-Level Staff.<sup>15</sup>

Additionally, the *EEO–3 OFS* captures detailed information on when each filer starts and certifies their report. The EEOC used this information from the most recent EEO–3 data collection (*i.e.*, 2022) to calculate more precise burden hour estimates.<sup>16</sup> In table 1 below, the estimated average hour burden per report is 1.49 hours. The total estimated biennial respondent burden for all filers is 8,922 hours. The estimated average burden hour cost per report is \$59.90, and the estimated total burden hour cost for all filers per biennial collection is \$359,091.

<sup>7</sup> Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.

<sup>8</sup> Beginning in 1986, the EEO–3 report has been collected biennially in even-numbered years. Prior to 1986, the EEO–3 report was collected annually.

<sup>9</sup> EEO–3 filers may access the *EEO–3 OFS* through the EEOC’s dedicated EEO–3 website at [www.eeocdata.org/eeo3](http://www.eeocdata.org/eeo3).

<sup>10</sup> All reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving the EEO–3 data. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual member’s personal information. With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII

only if the agencies agree in writing to comply with the confidentiality provisions of Title VII. In addition, section 709(d) (42 U.S.C. 2000e–8(d)) provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information. The EEOC shares EEO–3 data with Fair Employment Practices Agencies (FEPAs) pursuant to Worksharing Agreements that impose obligations on the contracted FEPA with respect to confidentiality, privacy, and data security. On a case-by-case basis, the EEOC may share EEO–3 data with a FEPA that does not have a Worksharing Agreement, but only if that FEPA agrees to comply with confidentiality, privacy, and data security obligations similar to those imposed on FEPAs with Worksharing Agreements.

<sup>11</sup> Any reports the EEOC publishes based on EEO–3 data include only aggregated EEO–3 data that protect the confidentiality of each union’s information, as well as the privacy of each member’s personal information.

<sup>12</sup> U.S. Government Accountability Office, “Workforce Diversity: Hispanic Workers Are Underrepresented in the Media, and More Data Are

Needed for Federal Enforcement Efforts”, Government Accountability Office, Sept. 29, 2022, <https://www.gao.gov/products/gao-22-104669>.

<sup>13</sup> The OPDR database contains information on approximately 20,000 unions in the United States. See <https://olmsapps.dol.gov/olpdr/>.

<sup>14</sup> This estimate covers local unions within the 50 United States and the District of Columbia as well as the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island. Please note that 5,999 respondents may ultimately turn out to be an overestimate. Following the initial enhancement of the EEO–3 frame, collection data may yield an unknown number of ineligible filers.

<sup>15</sup> Hourly wage rates for these four job categories were obtained from the U.S. Department of Labor’s Bureau of Labor Statistics (BLS) Occupational Outlook Handbook. See <https://www.bls.gov/ooh/>. Please note that the actual job titles reported during the 2022 EEO–3 data collection were collapsed into these four BLS occupational categories.

<sup>16</sup> The time estimates are based on the average time elapsed among filers who completed their reports during the same calendar day within the *EEO–3 OFS*.

TABLE 1—PROJECTED BURDEN FOR EACH EEO–3 BIENNIAL REPORTING YEAR (N = 5,999)

Staff job category	Percent in job category (%)	Median hourly wage rate	Hours per report	Cost per report	Total burden hours	Total burden hour cost
Secretaries and Administrative Assistants	21.4	\$21.19	0.33	\$6.99	1,958	\$41,490
Administrative Services and Facilities Managers .....	56.5	48.98	0.84	41.14	5,046	247,153
Bookkeeping, Accounting, and Auditing Clerks .....	5.1	22.05	0.09	1.98	546	12,039
Executive-Level Staff .....	4.4	48.12	0.06	2.89	365	17,564
Other <sup>a</sup> .....	12.6	40.56	0.17	6.90	1,007	40,845
Total <sup>b</sup> .....			1.49	59.90	8,922	359,091

<sup>a</sup> The average hourly wage rate for the “Other” category was derived by taking the weighted mean average of the hourly wage rates of the four BLS job categories listed in the above table.

<sup>b</sup> These estimates are based upon filers’ use of the EEO–3 OFS to submit reports electronically because paper submissions are no longer accepted. Electronic filing remains the most efficient, accurate, and secure means of reporting for respondents required to submit EEO–3 data.

Dated: August 12, 2024.

For the Commission,

**Charlotte A. Burrows,**  
Chair.

[FR Doc. 2024–18420 Filed 8–15–24; 8:45 am]

BILLING CODE 6570–01–P

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Agency Information Collection Activities: Existing Collection

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of information collection—proposed revision of Elementary-Secondary Staff Information Report (EEO–5).

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year PRA approval of revisions to the currently approved Elementary-Secondary Staff Information Report (EEO–5).

**DATES:** Written comments on this notice must be submitted on or before October 15, 2024.

**ADDRESSES:** You may submit comments by any of the following methods—please use only one method:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions on the website for submitting comments.

*Mail:* Comments may be submitted by mail to Raymond Windmiller, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

*Fax:* Comments totaling six or fewer pages can be faxed to (202) 663–4114. Receipt of fax transmittals will not be

acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 921–2815 (voice) or (800) 669–6820 (TTY).

*Instructions:* All comments received must include the agency name and docket number. Comments will be posted without change to <http://www.regulations.gov>, including any personal information provided. However, the EEOC reserves the right to refrain from posting libelous or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, religion, sex, national origin, age, disability, or genetic information; or that promote or endorse services or products.

Copies of comments received in response to this notice are also available for review at the Commission’s library by appointment only at 131 M Street NE, Suite 4NW08R, Washington, DC 20507. Members of the public may schedule an appointment by emailing [OEDA@eoc.gov](mailto:OEDA@eoc.gov).

**FOR FURTHER INFORMATION CONTACT:** Paul Guerino, Director, Data Development and Information Products Division, Office of Enterprise Data and Analytics (OEDA), Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507; (202) 921–2928 (voice), (800) 669–6820 (TTY) or email at [OEDA@eoc.gov](mailto:OEDA@eoc.gov). Requests for this notice in an alternative format should be made to the EEOC’s Office of Communications and Legislative Affairs at (202) 921–3191 (voice), (800) 669–6820 (TTY), or (844) 234–5122 (ASL Video Phone).

**SUPPLEMENTARY INFORMATION:** Since 1973, the EEOC has required EEO–5 filers to submit workforce demographic data. All public elementary and

secondary school systems and districts that are covered by Title VII of the Civil Rights Act of 1964, as amended (Title VII)<sup>1</sup> and that have 100 or more employees are required to file the workforce demographic data.

Pursuant to the PRA and OMB regulations found at 5 CFR 1320.8(d)(1), the Commission solicits public comment on its intent to seek a three-year approval of revisions to the currently approved EEO–5 to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission’s functions, including whether the information will have practical utility; (2) Evaluate the accuracy of the Commission’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including 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.

Based on data from the most recent EEO–5 data collection reporting year (i.e., 2022), as well as ongoing updates by the EEOC to the EEO–5 frame (i.e., filer roster or master list), the EEOC anticipates the total number of filers submitting an EEO–5 report may increase to 10,500 per biennial collection. Accordingly, the burden estimates in this Notice are based on this revised estimate of the number of filers.

<sup>1</sup> 42 U.S.C. 2000e, et seq.



## Overview of Information Collection

*Collection Title:* Elementary-Secondary Staff Information Report (EEO-5).

*OMB Number:* 3046-0003.

*Frequency of Report:* Biennial.

*Type of Respondent:* Public elementary and secondary school systems and districts that have 100 or more employees and meet certain criteria.

*Description of Affected Public:* Public elementary and secondary school systems and districts that have 100 or more employees and meet certain criteria.

*Reporting Hours:* 17,927 hours per biennial collection.

*Respondent Burden Hour Cost:* \$597,472.29 per biennial collection.

*Federal Cost:* \$492,635 per biennial collection.

*Number of Filers:* 10,500 per biennial collection.<sup>2</sup>

*Number of Responses:* 10,500 per biennial collection.

*Number of Forms:* 1.

*Form Number:* EEOC Form 168A.

*Abstract:* Section 709(c) of Title VII requires employers to make and keep records relevant to the determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order.<sup>3</sup> Pursuant to this statutory authority, the EEOC issued regulations prescribing the reporting and related record retention requirements for public elementary and secondary school systems and districts.<sup>4</sup> The regulations require school systems or districts to make or keep all records necessary for completion of an EEO-5 submission and retain those records for three years, and require EEO-5 filers to retain a copy of each filed EEO-5 report for three years. These recordkeeping requirements are part of standard administrative practices, and as a result, the EEOC believes that any impact on burden would be negligible and nearly impossible to quantify. Additionally, the regulations require public elementary and secondary school systems and districts to file executed copies of the EEO-5 in conformity with the directions set forth in the form and accompanying instructions. Under this authority, public elementary and

secondary school systems and districts with 100 or more employees are required to report biennially<sup>5</sup> the number of individuals they employ by activity assignment classification (*i.e.*, job category)<sup>6</sup> and by sex and race or ethnicity.

Please note that on March 28, 2024, OMB published revisions, the first since 1997, to its *Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*.<sup>7</sup> See <https://spd15revision.gov/>. The revisions include, for example, using a single combined race and ethnicity question and adding Middle Eastern or North African (MENA) as a new minimum reporting category. Federal agencies, including the EEOC, are required to bring their data collections into compliance with these standards by March 28, 2029. Because the EEOC's current EEO-5 PRA clearance expires January 31, 2025, the agency is not proposing updates to its collection of race and ethnicity data under this Notice in order to provide filers with sufficient notice of the revised standards and to give the EEOC sufficient time to implement the revisions across its EEO collections.

These data are currently collected electronically by the EEOC through a web-based data collection application (*i.e.*, portal) referred to as the *EEO-5 Online Filing System (OFS)*.<sup>7</sup> Filers must submit their data electronically to the web-based portal by either manual entry or by uploading a data file. The individual EEO-5 reports are confidential.<sup>8</sup> EEO-5 data are used by

the EEOC to investigate charges of employment discrimination against public elementary and secondary school systems and districts and to publish periodic reports on workforce demographics.<sup>9</sup>

*Burden Statement:* The EEOC's Office of Enterprise Data and Analytics (OEDA) administers the agency's data collections, including the EEO-5. Since OEDA's creation in 2018, the EEOC has undertaken several efforts to modernize the agency's data collections and improve the quality of data collected. OEDA has also streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of these ongoing modernization efforts, OEDA has undertaken measures to enhance the agency's EEO-5 data frame of potentially eligible filers as well as changes that make the EEO-5 filing process more user-friendly and less burdensome. By comparing the EEOC's 2022 EEO-5 frame to the U.S. Department of Education's publicly available Common Core of Data (CCD) database,<sup>10</sup> OEDA identified approximately 4,000 additional public elementary and secondary school systems and districts that may be eligible to file during the next biennial data collection. With the addition of these filers to the EEO-5 frame and considering response rates during the 2022 EEO-5 data collection, OEDA now estimates 10,500 potential respondents

with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree in writing to comply with the confidentiality provisions of Title VII. In addition, section 709(d) (42 U.S.C. 2000e-8(d)) provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information. The EEOC shares EEO-5 data with Fair Employment Practices Agencies (FEPAs) pursuant to Worksharing Agreements that impose obligations on the contracted FEPA with respect to confidentiality, privacy, and data security. On a case-by-case basis, the EEOC may share EEO-5 data with a FEPA that does not have a Worksharing Agreement, but only if that FEPA agrees to comply with confidentiality, privacy, and data security obligations similar to those imposed on FEPAs with Worksharing Agreements.

<sup>9</sup> Any reports the EEOC publishes based on EEO-5 data include only aggregated data that protect the confidentiality of each employer's information, as well as the privacy of each employee's personal information.

<sup>10</sup> According to the U.S. Department of Education, the CCD is the department's primary database on public elementary and secondary education in the United States. The CCD serves as a "comprehensive, annual, national database" of all public elementary and secondary schools and school districts. See <https://nces.ed.gov/ccd/>.

<sup>2</sup> This figure is based on the expanded frame of potentially eligible respondents and the response rate for the most recently completed EEO-5 data collection (2022 EEO-5 data collection).

<sup>3</sup> 42 U.S.C. 2000e-8(c).

<sup>4</sup> The EEOC's EEO-5 regulation is at 29 CFR part 1602 Subparts L and M. The EEOC is responsible for obtaining OMB's PRA approval for the EEO-5 report.

<sup>5</sup> Beginning in 1982, the EEO-5 report has been collected biennially in even-numbered years. Prior to 1982, the EEO-5 report was collected annually.

<sup>6</sup> The activity assignment classifications (*i.e.*, job categories) are: Officials, Administrators, Managers; Principals; Assistant Principals; Elementary Classroom Teachers, Secondary Classroom Teachers and Other Classroom Teachers; Guidance; Psychological; Librarians/Audiovisual Staff; Consultants and Supervisors of Instruction; Other Professional Staff; Teacher Aides; Technicians; Administrative Support Workers; Service Workers; Skilled Crafts; Laborers and Helpers; Professional Instructional; Other Professional Staff.

<sup>7</sup> EEO-5 filers may access the *EEO-5 Online Filing System* through the EEOC's dedicated EEO-5 website at [www.eeocdata.org/eeo5](http://www.eeocdata.org/eeo5).

<sup>8</sup> All reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving the EEO-5 data. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual employee's personal information. With respect to other federal agencies



(a 47% increase) to the agency's next EEO-5 data collection.<sup>11</sup>

The EEOC has also updated its methodology for calculating the biennial burden of the EEO-5 to better reflect the types of personnel responsible for preparing and filing these reports on behalf of their employers. Based upon job titles provided during the 2022 EEO-5 data collection by individuals completing the report within the *EEO-5 OFS*, the EEOC has identified six specific job categories which account for

the largest amount of time spent biennially on EEO-5 reporting. These job categories include: (1) Human Resource Specialists; (2) Executive-Level Staff; (3) Secretaries and Administrative Assistants; (4) Bookkeeping, Accounting, and Auditing Clerks; (5) Administrative Services and Facilities Managers; and (6) Database Administrators and Architects.<sup>12</sup>

Additionally, the *EEO-5 OFS* captures detailed information on when each filer starts and certifies its report. The EEOC

used this information from the most recent EEO-5 data collection to calculate more precise burden hour estimates.<sup>13</sup> In table 1 below, the estimated average hour burden per report is 1.7 hours. The total estimated biennial respondent burden for all filers is 17,927 hours. The estimated average burden hour cost per report is \$56.90, and the estimated total burden hour cost for all filers per biennial collection is \$597,472.29.

TABLE 1—PROJECTED BURDEN FOR EACH EEO-5 BIENNIAL REPORTING YEAR (N=10,500)

Staff job category	Percent in job category (%)	Median hourly wage rate	Hours per report	Total burden hours	Cost per report	Total burden hour cost
Human Resource Specialists .....	39.1	\$30.88	1.9	7,807	\$58.67	\$241,078.65
Executive-Level Staff .....	15.9	48.12	1.7	2,829	81.80	136,153.91
Secretaries and Administrative Assistants	14.1	21.19	1.8	2,674	38.14	56,659.49
Bookkeeping, Accounting, and Auditing Clerks .....	14.0	22.05	1.3	1,904	28.67	41,993.03
Administrative Services and Facilities Managers .....	7.7	48.98	1.4	1,137	68.57	55,707.84
Database Administrators and Architects	3.0	53.91	1.3	414	70.08	22,301.40
Other <sup>a</sup> .....	6.1	37.52	1.8	1,161	67.54	43,577.97
Average .....			1.7		56.90	
Total <sup>b</sup> .....	100.0			17,927		597,472.29

<sup>a</sup> The average hourly wage rate for the "Other" category was derived by taking the weighted mean average of the hourly wage rates of the six BLS job categories listed in the above table.

<sup>b</sup> These estimates are based upon filers' use of the *EEO-5 OFS* to submit reports electronically because paper submissions are no longer accepted. Electronic filing remains the most efficient, accurate, and secure means of reporting for respondents required to submit EEO-5 data.

Dated: August 12, 2024.

For the Commission.

**Charlotte A. Burrows,**  
Chair.

[FR Doc. 2024-18421 Filed 8-15-24; 8:45 am]

**BILLING CODE 6570-01-P**

## EXPORT-IMPORT BANK

[Public Notice: 2024-3015]

### Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 10-05 Export-Import Bank Notice of Claim Proof of Loss Medium-Term Insurance

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before September 16, 2024 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) (EIB 10-03), or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038 Attn: OMB 3048-0034.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please

contact Donna Schneider, [donna.schneider@exim.gov](mailto:donna.schneider@exim.gov), 202-565-3612.

**SUPPLEMENTARY INFORMATION:** This form will enable EXIM to identify the specific details necessary for reviewing and paying a claim.

The application tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib10-05.pdf>.

**Title and Form Number:** EIB 10-05, Notice of Claim Proof of Loss Medium- and Long-Term Guarantee.

**OMB Number:** 3048-0034.

**Type of Review:** Regular.

**Need and Use:** The information collected will provide information needed to determine compliance for claim requests submitted to the Export-Import Bank under its guarantee loan program.

**Affected Public:** This form affects entities involved in the export of U.S. goods and services.

<sup>11</sup> This estimate covers public elementary and secondary school systems or districts with 100 or more employees within the 50 United States and the District of Columbia as well as the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island. Please note that 10,500 respondents may ultimately turn out to be an overestimate. Following

the initial enhancement of the EEO-5 frame, collection data may yield an unknown number of ineligible filers.

<sup>12</sup> Hourly wage rates for these six job categories were obtained from the U.S. Department of Labor's Bureau of Labor Statistics (BLS) Occupational Outlook Handbook. See <https://www.bls.gov/ooh/>. Please note that the actual job titles reported during

the 2022 EEO-5 data collection were collapsed into these six BLS occupational categories.

<sup>13</sup> The time estimates are based on the average time elapsed among filers who completed their reports during the same calendar day within the *EEO-5 OFS*. This methodology was chosen because a single-session submission would also approximate the completion time over several, multi-day sessions.

*Annual Number of Respondents:* 15.  
*Estimated Time per Respondent:* 60 minutes.

*Annual Burden Hours:* 15 hours.  
*Frequency of Reporting or Use:* As needed.

Dated: August 13, 2024.

**Andrew Smith,**  
Records Officer.

[FR Doc. 2024–18427 Filed 8–15–24; 8:45 am]

**BILLING CODE 6690–01–P**

## EXPORT-IMPORT BANK

[Public Notice: 2024–3017]

**Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 24–06 Export-Import Bank Notice of Claim Proof of Loss Medium-Term Insurance**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before September 16, 2024 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) (EIB 10–03), or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW Washington, DC 20038 Attn: OMB 3048–XXX, EIB 24–06.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please contact Donna Schneider, [donna.schneider@exim.gov](mailto:donna.schneider@exim.gov), 202–565–3612.

**SUPPLEMENTARY INFORMATION:** This form will enable EXIM to identify the specific details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit

agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

The application tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib24-06.pdf>.

*Title and Form Number:* EIB 24–06, Notice of Claim Proof of Loss Medium-term Insurance.

*OMB Number:* 3048–XXX.

*Type of Review:* Regular.

*Need and Use:* The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export Import Bank under its insurance, guarantee, and direct loan programs.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 25.  
*Estimated Time per Respondent:* 60 minutes.

*Annual Burden Hours:* 25 hours.  
*Frequency of Reporting or Use:* As needed.

Dated: August 13, 2024.

**Andrew Smith,**  
Records Officer.

[FR Doc. 2024–18428 Filed 8–15–24; 8:45 am]

**BILLING CODE 6690–01–P**

## EXPORT-IMPORT BANK

[Public Notice: 2024–3011]

**Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Short-Term Letter of Credit Export Credit Insurance Policy**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before September 16, 2024 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [www.regulations.gov](http://www.regulations.gov) (EIB 92–29), or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0009.

**FOR FURTHER INFORMATION CONTACT:** To request additional information please contact Alyson Young, [Alyson.young@exim.gov](mailto:Alyson.young@exim.gov), 202–565–3657.

**SUPPLEMENTARY INFORMATION:** The “Report of Premiums Payable for Exporters Only” form will be used by exporters to report and pay premiums on insured shipments to various foreign buyers. The Application for Short Term Letter of Credit Export Credit Insurance Policy is used to determine the eligibility of the applicant and the transaction for EXIM assistance under its insurance program. EXIM customers are able to submit this form on paper or electronically.

*Title and Form Number:* EIB 92–34 Application for Short-Term Letter of Credit Export Credit Insurance Policy.

*OMB Number:* 3048–0009.

*Type of Review:* Regular.

*Need and Use:* This form is used by a financial institution (or broker acting on its behalf) to obtain approval for coverage of a short-term letter of credit. The information allows the EXIM staff to make a determination of the eligibility of the applicant and transaction for EXIM assistance under its programs.

The application tool can be reviewed at: [https://img.exim.gov/s3fs-public/pub/pending/eib92-34\\_short\\_term\\_bank\\_letter\\_of\\_credit\\_application\\_508\\_pending.pdf](https://img.exim.gov/s3fs-public/pub/pending/eib92-34_short_term_bank_letter_of_credit_application_508_pending.pdf).

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 11.  
*Estimated Time per Respondent:* 0.5 hrs.

*Annual Burden Hours:* 5.5.

*Frequency of Reporting of Use:* On occasion.

Dated: August 13, 2024.

**Andrew Smith,**  
Records Officer.

[FR Doc. 2024–18430 Filed 8–15–24; 8:45 am]

**BILLING CODE 6690–01–P**

**EXPORT-IMPORT BANK****[Public Notice: 2024–3016]****Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 10–03 Export-Import Bank Notice of Claim Proof of Loss Short-Term Insurance****AGENCY:** Export-Import Bank of the United States.**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before September 16, 2024 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [www.regulations.gov](http://www.regulations.gov) (EIB 10–03), or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038 Attn: OMB 3048–0033.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please contact Donna Schneider, [donna.schneider@exim.gov](mailto:donna.schneider@exim.gov), 202–565–3612.

**SUPPLEMENTARY INFORMATION:** This form will enable EXIM to identify the specific details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

The application tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib10-03.pdf>.

**Title and Form Number:** EIB 10–03, Notice of Claim Proof of Loss Short-Term Insurance.

**OMB Number:** 3048–0033.

*Type of Review:* Regular.

*Need and Use:* The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export Import Bank under its insurance, guarantee, and direct loan programs.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 75.

*Estimated Time per Respondent:* 60 minutes.

*Annual Burden Hours:* 75 hours.

*Frequency of Reporting or Use:* As needed.

Dated: August 13, 2024.

**Andrew Smith,**

*Records Officer.*

[FR Doc. 2024–18424 Filed 8–15–24; 8:45 am]

**BILLING CODE 6690–01–P**

**EXPORT-IMPORT BANK****[Public Notice: 2024–3018]****Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 11–04 Export-Import Bank Co-Financing With Foreign Export Credit Agency****AGENCY:** Export-Import Bank of the United States.**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before September 16, 2024 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [www.regulations.gov](http://www.regulations.gov) (EIB 11–04), or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW Washington, DC 20038 Attn: OMB 3048–0037.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please contact Donna Schneider, [donna.schneider@exim.gov](mailto:donna.schneider@exim.gov), 202–565–3612.

**SUPPLEMENTARY INFORMATION:** This form will enable EXIM to identify the specific details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

The application tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib11-04.pdf>.

**Title and Form Number:** EIB 11–04, Co-financing with Foreign Export Credit Agency.

**OMB Number:** 3048–0037.

*Type of Review:* Regular.

*Need and Use:* The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export Import Bank under its insurance, guarantee, and direct loan programs.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 75.

*Estimated Time per Respondent:* 15 minutes.

*Annual Burden Hours:* 18.75 hours.

*Frequency of Reporting or Use:* As needed.

Dated: August 13, 2024.

**Andrew Smith,**

*Records Officer.*

[FR Doc. 2024–18432 Filed 8–15–24; 8:45 am]

**BILLING CODE 6690–01–P**

**FEDERAL ELECTION COMMISSION****Sunshine Act Meetings**

**FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT:** 89 FR 65625.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** Thursday, August 15, 2024 at 10 a.m. Hybrid Meeting: 1050 First Street NE, Washington, DC (12th Floor) and virtual.

**CHANGE IN THE MEETING:** The August 15, 2024 Open Meeting has been canceled.

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktoria J. Allen,

*Deputy Secretary of the Commission.*

[FR Doc. 2024–18534 Filed 8–14–24; 4:15 pm]

BILLING CODE 6715–01–P

## FEDERAL MARITIME COMMISSION

[Docket No. 24–26]

### Triple L Global, LLC, Complainant v. SLI, Inc. d/b/a Sealink International, Respondent; Notice of Filing of Complaint and Assignment

Served: August 7, 2024.

Notice is given that a complaint has been filed with the Federal Maritime Commission (the “Commission”) by Triple L Global, LLC (the “Complainant”) against SLI, Inc. d/b/a Sealink International (the “Respondent”). Complainant states that the Commission has subject matter jurisdiction over the complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 40101 *et seq.* and personal jurisdiction over the Respondent as an ocean transportation intermediary, ocean freight forwarder, and a non-vessel-operating common carrier, as these terms are defined in 46 U.S.C. 40102.

Complainant is a corporation organized and existing under the laws of California with its principal place of business in San Leandro, California.

Complainant identifies Respondent as a corporation organized and existing under the laws of Texas with its principal place of business in Allen, Texas.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c) and 41103, and 46 CFR 515.31 and 515.32. Complainant alleges these violations arose from conversion of cargo ownership, withholding of information, unauthorized alteration of a bill of lading, unlawful disclosure of information related to cargo, and other acts or omissions of Respondent.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission’s electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/24-26/>. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by August 7, 2025, and the final decision of the

Commission shall be issued by February 23, 2026.

David Eng,

*Secretary.*

[FR Doc. 2024–18392 Filed 8–15–24; 8:45 am]

BILLING CODE 6730–02–P

## GULF COAST ECOSYSTEM RESTORATION COUNCIL

[Docket No.: 108122024–1111–03]

### Notice of Proposed Subaward Under a Council-Selected Restoration Component Award

**AGENCY:** Gulf Coast Ecosystem Restoration Council.

**ACTION:** Notice.

**SUMMARY:** The Gulf Coast Ecosystem Restoration Council (Council) publishes notice of a proposed subaward from the Texas Commission on Environmental Quality to The Nature Conservancy, a nonprofit organization, for the purpose of land acquisition in accordance with the Texas Land Acquisition Program for Coastal Conservation Award as approved in the Council’s 2021 Funded Priorities List (FPL 3b).

**FOR FURTHER INFORMATION CONTACT:** Please send questions to Bridget Zachary by email [bridget.zachary@restorethegulf.gov](mailto:bridget.zachary@restorethegulf.gov) or (504) 232–3750.

**SUPPLEMENTARY INFORMATION:** The RESTORE Act at 33 U.S.C. 1321(t)(2)(E)(ii)(III) and Treasury’s implementing regulation at 31 CFR 34.401(b) require that, for purposes of awards made under the Council-Selected Restoration Component, a State or Federal award recipient may make a grant or subaward to or enter into a cooperative agreement with a nongovernmental entity that equals or exceeds 10 percent of the total amount of the award to the State or Federal recipient only if certain notice requirements are met. Specifically, at least 30 days before the State or Federal award recipient enters into such an agreement, the Council must publish in the **Federal Register** and deliver to specified Congressional committees the name of the recipient and subrecipient; a brief description of the activity, including its purpose; and the amount of the award. This notice fulfills the **Federal Register** requirement.

#### Description of Proposed Action

As specified in FPL 3b, which is available on the Council’s website at <https://www.restorethegulf.gov/council-selected-restoration-component/funded-priorities-list>, RESTORE Act funds in

the amount of \$24,300,000 will support the Texas Land Acquisition Program for Coastal Conservation Award to the Texas Commission on Environmental Quality. Under the Texas Land Acquisition Program for Coastal Conservation Award, Texas Commission on Environmental Quality will provide a subaward in the amount of \$7,600,000 to The Nature Conservancy, a non-profit organization, to purchase conservation easements on properties within the Goliad Refugio Prairie to ensure the preservation of land in perpetuity.

Keala J. Hughes,

*Director of External Affairs & Tribal Relations, Gulf Coast Ecosystem Restoration Council.*

[FR Doc. 2024–18366 Filed 8–15–24; 8:45 am]

BILLING CODE 6560–58–P

## GULF COAST ECOSYSTEM RESTORATION COUNCIL

[Docket No.: 108122024–1111–02]

### Notice of Proposed Subaward Under a Council-Selected Restoration Component Award

**AGENCY:** Gulf Coast Ecosystem Restoration Council.

**ACTION:** Notice.

**SUMMARY:** The Gulf Coast Ecosystem Restoration Council (Council) publishes notice of a proposed subaward from the Texas Commission on Environmental Quality to the Armand Bayou Nature Center, a non-government organization, for the purpose of land acquisition in accordance with the Texas Land Acquisition Program for Coastal Conservation Award as approved in the Council’s Third Funded Priority List.

**FOR FURTHER INFORMATION CONTACT:** Please send questions to Bridget Zachary by email [bridget.zachary@restorethegulf.gov](mailto:bridget.zachary@restorethegulf.gov) or (504) 232–3750.

**SUPPLEMENTARY INFORMATION:** The RESTORE Act at 33 U.S.C. 1321(t)(2)(E)(ii)(III) and Treasury’s implementing regulation at 31 CFR 34.401(b) require that, for purposes of awards made under the Council-Selected Restoration Component, a State or Federal award recipient may make a grant or subaward to or enter into a cooperative agreement with a nongovernmental entity that equals or exceeds 10 percent of the total amount of the award provided to the State or Federal award recipient only if certain notice requirements are met. Specifically, at least 30 days before the State or Federal award recipient enters into such an agreement, the Council must publish in the **Federal Register** and deliver to specified Congressional

Committees the name of the recipient and subrecipient; a brief description of the activity, including its purpose; and the amount of the award. This notice accomplishes the **Federal Register** requirement.

### Description of Proposed Action

As specified in the Council's 2021 Funded Priorities List, which is available on the Council's website at <https://www.restorethegulf.gov/council-selected-restoration-component/funded-priorities-list>, RESTORE Act funds in the amount of \$24,300,000 will support the Texas Land Acquisition Program for Coastal Conservation Award to the Texas Commission on Environmental Quality. Under the Texas Land Acquisition Program for Coastal Conservation Award, Texas Commission on Environmental Quality will provide a subaward in the amount of \$3,000,000 to Armand Bayou Nature Center, a non-government organization, to acquire and preserve approximately 1,160 acres of habitat along Armand Bayou just north of the current 2,800-acre preserve.

Keala J. Hughes,

*Director of External Affairs & Tribal Relations,  
Gulf Coast Ecosystem Restoration Council.*

[FR Doc. 2024-18369 Filed 8-15-24; 8:45 am]

BILLING CODE 6560-58-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

[60Day-24-0047; Docket No. ATSDR-2024-0003]

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This information collection

activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery.

**DATES:** ATSDR must receive written comments on or before October 15, 2024.

**ADDRESSES:** You may submit comments, identified by Docket No. ATSDR-2024-0003 by either of the following methods:

- **Federal eRulemaking Portal:**

[www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

**Instructions:** All submissions received must include the agency name and Docket Number. ATSDR will post, without change, all relevant comments to [www.regulations.gov](http://www.regulations.gov). Please note: Submit all comments through the Federal eRulemaking portal ([www.regulations.gov](http://www.regulations.gov)) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and

5. Assess information collection costs.

### Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0923-0047, Exp. 02/28/2025)—Extension—Agency for Toxic Substances and Disease Registry (ATSDR).

### Background and Brief Description

This proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery. By qualitative feedback ATSDR means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

ATSDR will only submit a collection for approval under this Generic Clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not

intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this Generic Clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of Generic Clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which

generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results. As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This is an extension of the previously approved collection of 7,075 annualized burden hours. There is no cost to respondents other than their time.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Respondent type	Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total burden (in hours)
Individuals and Households; Businesses and Organizations; and State, Local, or Tribal Government.	Small discussion groups .....	300	1	90/60	450
	Request for customer comment cards/complaint forms/post-conference or training surveys.	1,500	1	15/60	375
	Focus groups of customers, potential customers, delivery partners, or other stakeholders.	2,000	1	2	4,000
	Qualitative customer satisfaction surveys or interviews.	3,000	1	30/60	1,500
	Usability testing/in-person observation testing.	1,500	1	30/60	750
Total .....	.....	.....	.....	.....	7,075

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2024–18375 Filed 8–15–24; 8:45 am]

**BILLING CODE 4163–18–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Centers for Disease Control and Prevention

**[30Day–24–0900]**

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Contact Investigation Outcome Reporting Forms” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a

“Proposed Data Collection Submitted for Public Comment and Recommendations” notice on June 4, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Contact Investigation Outcome Reporting Forms (OMB Control No. 0920-0900, Exp. 8/31/2024)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The goal of this information collection is to obtain sufficient information on the results of contact investigations carried out by state, local, and territorial public health professionals or maritime medical crews to assess the impact of a confirmed communicable disease of public health concern in a traveler, both in terms of further transmission of disease and health outcomes for cases and contacts. This data collection will also determine if further public health intervention is appropriate.

CDC sends an outcome reporting form to state, local, and territorial health departments and maritime operators when an individual with a communicable disease is reported and there is sufficient evidence to suggest that the individual was infectious during travel and/or potentially posed a public health risk to other travelers on the same conveyance. The reporting forms record information about the exposed traveler’s location and activities on air or maritime conveyance or land border crossing, other potential exposures, signs/symptoms that may have occurred after their potential exposure, prior history of vaccination or disease, and other medical conditions that could influence the risk of infection or severity of illness. CDC has adjusted the burden to account for changes after the COVID-19 pandemic. Minor adjustments were also made to some forms to improve clarity, readability, and public health relevance of the data collected; these changes are not expected to affect reporting burden.

CDC requests OMB approval for an estimated 33 annualized burden hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Cruise Ship Physicians/Cargo Ship Managers	TB Maritime Contact Investigation Worksheet	17	1	10/60
Cruise Ship Physicians .....	Varicella Outbreak Enhanced Data Collection Form—Maritime.	74	1	10/60
Cruise Ship Physicians .....	Influenza Outbreak Enhanced Data Collection Form—Maritime.	10	1	10/60
State/Local/Territorial public health staff .....	General Contact Investigation Outcome Reporting Form—Air.	8	1	5/60
State/Local/Territorial public health staff .....	TB Aircraft Contact Investigation Outcome Reporting Form.	51	1	10/60
State/Local/Territorial public health staff .....	Measles Contact Investigation Outcome Reporting Form—Air.	72	1	5/60
State/Local/Territorial public health staff .....	Rubella Contact Investigation Outcome Reporting Form—Air.	1	1	5/60
State/Local/Territorial public health staff .....	General Land Contact Investigation Outcome Reporting Form.	2	1	5/60
	Land .....			

Jeffrey M. Zirger,  
Lead, Information Collection Review Office,  
Office of Public Health Ethics and  
Regulations, Office of Science, Centers for  
Disease Control and Prevention.  
[FR Doc. 2024-18376 Filed 8-15-24; 8:45 am]  
BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-24-1346]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for

Disease Control and Prevention (CDC) has submitted the information collection request titled “Oral Health Basic Screening Survey for Children” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on January 16, 2024, to obtain comments from the public and affected agencies. CDC received no substantive

public comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

### Proposed Project

Oral Health Basic Screening Survey for Children—(OMB Control No. 0920-1346, Exp. 8/31/2024)—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers

for Disease Control and Prevention (CDC).

### Background and Brief Description

Dental caries (tooth decay) is one of the most common chronic diseases among children in the United States and can lead to pain, infection, and diminished quality of life throughout the lifespan. Dental sealants are a cost-effective measure to prevent caries but remain underutilized. To address states' critical need for state-level oral health surveillance data on dental caries and sealants, the Association of State and Territorial Dental Directors (ASTDD) developed and released an oral health screening survey protocol referred to as the Basic Screening Survey (BSS) in 1999 in collaboration with the Ohio Department of Health and with technical assistance from the CDC's Division of Oral Health.

BSS is a non-invasive visual observation of the mouth performed by trained screeners including dental and non-dental health professionals (*e.g.*, dentists, hygienists, school nurses) and is not duplicative of any other federal collection. Though the National Health and Nutrition Examination Survey (NHANES) collects national data on oral health status including dental caries and sealants based on clinical examination it is not designed to provide state-level data. BSS is designed to be easy to perform while being consistent and aligned with the oral health Healthy People objectives, which are based on NHANES measures. BSS is the only data source that provides state-representative data on oral health status based on clinical examination. BSS is also used to monitor state progress toward key national oral health objectives.

The BSS is a state-tailored survey administered and conducted by individual states. CDC has supported some of the 50 states to build and maintain their oral health surveillance system and ASTDD to provide technical assistance to states through state and partner cooperative agreements since 2001. Conducting BSS for third graders is a key component of that support.

The target populations include school children in grades K-3 and children enrolled in Head Start in 50 states and Washington, DC. ASTDD and CDC recommend that states conduct BSS at minimum for third graders at least once every five years. Individual states

determine how often to conduct BSS and which grade or grades to target based on their program needs and available resources. Forty-seven states have conducted BSS for children, and all of the 47 conducted BSS with third graders. Thirty-two states also have conducted BSS in one or more other grades (K-2) or in Head Start. CDC estimates that approximately 34 states, including 20 states currently funded by CDC, will conduct one BSS for third grade during the period for which this approval is being sought.

State health departments administer the survey by determining probability samples, arranging logistics with selected schools or Head Start sites, gaining consent, obtaining demographic data, training screeners, conducting the oral health screening at schools or Head Start sites. Screeners record four data points either electronically or on a paper form: (1) presence of treated caries, (2) presence of untreated tooth decay, (3) urgency of need for treatment, and (4) presence of dental sealants on at least one permanent molar tooth.

State programs enter, clean, and analyze the data; de-identify it; and respond to ASTDD's annual email request for state-aggregated prevalence of dental caries and sealants. ASTDD reviews the data to ensure that both survey design and data meet specific criteria before sending it to CDC for publication on the CDC's public-facing Oral Health Data website ([www.cdc.gov/oralhealthdata](http://www.cdc.gov/oralhealthdata)).

BSS for children serves as a key state oral health surveillance data source and facilitates state capacity to (1) monitor children's oral health status, trends, and disparities, and compare with other states; (2) inform planning, implementation and evaluation of effective oral health programs and policies; (3) measure state progress toward Healthy People objectives; and (4) educate the public and policy makers regarding cross-cutting public health programs. CDC also uses the data to evaluate performance of CDC oral health funding recipients.

The estimated total annualized burden hours for the survey across the 34 states over the three years of this request are 40,207 with an average of 1,183 per state. There are no costs to respondents other than their time.



ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Child .....	Screening form .....	150,370 .....	1	5/60
Parent/caretaker .....	Consent .....	150,370 .....	1	1/60
Screeener .....	Screening form .....	301 .....	1	11
School/site .....	Participation form .....	2,890 .....	1	68/60
State Official .....	Data Submission form .....	34 .....	1	546

Jeffrey M. Zirger,  
*Lead, Information Collection Review Office,  
Office of Public Health Ethics and  
Regulations, Office of Science, Centers for  
Disease Control and Prevention.*  
[FR Doc. 2024–18372 Filed 8–15–24; 8:45 am]  
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

Centers for Disease Control and  
Prevention  
[30Day–24–1108]  
Agency Forms Undergoing Paperwork  
Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Paul Coverdell National Acute Stroke Program” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on June 4, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Paul Coverdell Acute National Stroke Program (OMB Control No. 0920–1108, Exp. 09/30/2024)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

The Centers for Disease Control and Prevention (CDC), Division for Heart Disease and Stroke Prevention (DHDSP), requests an Extension of a previously approved data collection for a period of three years. The CDC is the primary federal agency for protecting health and promoting quality of life through the prevention and control of disease, injury, and disability. CDC is committed to programs that reduce the health and economic consequences of the leading causes of death and disability, thereby

ensuring a long, productive, healthy life for all people. Stroke remains a leading cause of serious, long-term disability and is the fifth leading cause of death in the United States after heart disease, cancer, chronic lower respiratory diseases, and accidents. Estimates indicate that approximately 795,000 suffer a first-ever or recurrent stroke each year with more than 145,000 deaths annually. Although there have been significant advances in preventing and treating stroke, the rising prevalence of heart disease, diabetes, and obesity has increased the relative risk for stroke, especially in African American populations.

There is a critical need to improve access to and quality of care for those at highest risk for events and stroke patients among the continuum of care, particularly among high burden populations. Coverdell-funded State programs are in the forefront of developing and implementing system-change efforts to improve stroke systems of care using strategies like linking and using data, using team-based approaches to coordinate stroke care, and providing community resources to reach the general populations and specifically those at highest risk of stroke events, and reduce disparities in access to quality care for high burden populations. When Congress directed the Centers for Disease Control and Prevention (CDC) to establish the Paul Coverdell National Acute Stroke Program (PCNASP) in 2001, CDC intended to monitor trends in stroke and stroke care, with the ultimate mission of improving the quality of care for stroke patients in the United States. Since 2021, CDC has funded and provided technical assistance to thirteen recipients to develop comprehensive stroke systems of care. A comprehensive system of care improves quality of care by creating seamless transitions for individuals experiencing stroke. In such a system, pre-hospital providers, in-hospital providers, and early post-hospital providers coordinate patient hand-offs and ensure continuity of care. While PCNASP has existed since 2001,

the goal and mission of the program has evolved with each funding cycle. The 2021–2024 funding cycle is the first such initiative to focus on addressing health equity specifically and understanding efforts to impact stroke outcomes for those at highest risk of stroke. CDC proposes to continue collecting information from thirteen funded PCNASP recipients to gain insight into the effectiveness of

implementation approaches, including linking and using data, using teambased approaches to coordinate stroke care, and providing community resources in order to reach the general population and those at highest risk of stroke events, and reduce disparities in access to quality care for high burden populations. The insights to be gained from this continuing data collection will be critical to improving immediate

efforts and achieving the goals of spreading and replicating State-level strategies that are proven programmatically and are cost-effective in contributing to a higher quality of care for stroke patients.

CDC requests OMB approval for an estimated 501 annual burden hours. There is no cost to respondents other than their time to participate.

#### ESTIMATED ANNUALIZED BURDEN (HOURS)

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
PCNASP Awardee .....	Pre-Hospital data .....	3	4	30/60
		10	4	1
	In-Hospital data .....	13	4	30/60
	Hospital Inventory (awardees) .....	13	1	8
PCNASP Hospital Partners .....	Hospital Inventory for Hospital Partners .....	650	1	30/60

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2024–18374 Filed 8–15–24; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Notice of Closed Meeting

In accordance with 5 U.S.C. 1009(d), the Centers for Disease Control and Prevention (CDC) announces 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, and the Determination of the Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463.

*Name of Committee: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).*

*Dates: October 23–24, 2024.*

*Times: 11 a.m.–5 p.m., EDT.*

*Place: Teleconference.*

*Agenda: The meeting will convene to address matters related to the conduct of Study Section business and for the Study Section to consider safety and occupational health-related grant applications.*

#### For Further Information Contact:

Michael Goldcamp, Ph.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone: (304) 285–5951; Email: [MGoldcamp@cdc.gov](mailto:MGoldcamp@cdc.gov).

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2024–18434 Filed 8–15–24; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2014–D–0055]

#### Voluntary Sodium Reduction Goals: Target Mean and Upper Bound Concentrations for Sodium in Commercially Processed, Packaged, and Prepared Foods; Draft Guidance for Industry (Edition 2); Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled “Voluntary Sodium Reduction Goals: Target Mean and Upper Bound Concentrations for Sodium in Commercially Processed, Packaged, and Prepared Foods (Edition 2).” The draft guidance, when finalized, will describe our views on the next voluntary goals (Phase II (3-year)) for sodium reduction in a variety of identified categories of foods that are commercially processed, packaged, or prepared. These goals are intended to address the excessive intake of sodium in the current population to help reduce the burden of diet-related chronic disease, promote improvements in public health, and advance health equity by supporting a healthier food supply.

**DATES:** Submit either electronic or written comments on the draft guidance by November 14, 2024 to ensure that we consider your comment on the draft

guidance before we begin work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2014-D-0055 for "Voluntary Sodium Reduction Goals: Target Mean and Upper Bound Concentrations for Sodium in Commercially Processed, Packaged, and Prepared Foods (Edition 2)." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential

information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Food Additive Safety, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

#### **FOR FURTHER INFORMATION CONTACT:**

Kasey Heintz, Center for Food Safety and Applied Nutrition, Office of Food Additive Safety, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1376; or Holli Kubicki, Center for Food Safety and Applied Nutrition, Office of Regulations and Policy, Food and Drug

Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2378.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

We are announcing the availability of a draft guidance for industry entitled "Voluntary Sodium Reduction Goals: Target Mean and Upper Bound Concentrations for Sodium in Commercially Processed, Packaged, and Prepared Foods (Edition 2)." We are issuing the draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the applicable statutes and regulations.

Sodium is widely present in the American diet (most commonly, but not exclusively, as a result of eating or drinking foods to which sodium chloride, commonly referred to as "salt," has been added). More than 70 percent of total sodium intake is from sodium added during food manufacturing and commercial food preparation (Ref. 1). The average sodium intake for those 1 year and older in the United States is approximately 3,400 milligrams/day (mg/day) (Ref 2). The "Dietary Guidelines for Americans, 2020-2025" (Ref. 2) advises individuals 14 years and older to limit their consumption to 2,300 mg/day; this aligns with recommendations from the National Academies of Sciences, Engineering, and Medicine, which set the chronic disease risk reduction intake for sodium at 2,300 mg/day for those 14 years and older (Ref. 3). The guidance aims to help Americans reduce average sodium intake to 2,750 mg/day (Phase II) by encouraging food manufacturers, restaurants, and food service operations to gradually reduce sodium in a wide variety of food categories over time. Although we recognize that a reduction even to 2,750 mg/day still would be higher than the recommended sodium limit of 2,300 mg/day, the Phase II goals are intended to balance the need for broad and gradual reductions in sodium and what is publicly known about technical and market constraints on sodium reduction and reformulation.

In the **Federal Register** of October 14, 2021, we announced the availability of the final guidance for industry, "Voluntary Sodium Reduction Goals: Target Mean and Upper Bound Concentrations for Sodium in Commercially Processed, Packaged, and Prepared Foods" (86 FR 57156). The

draft guidance builds on the voluntary Phase I (2.5-year) sodium reduction goals issued in October 2021. When finalized, the draft guidance will describe our views on the next voluntary goals (Phase II (3-year)) for sodium reduction in a variety of identified categories of foods that are commercially processed, packaged, or prepared. The 3-year goals are intended to balance the need for broad and gradual reductions in sodium and what is publicly known about technical and market constraints on sodium reduction and reformulation. The distribution of sodium concentrations in currently available products in each category was a significant factor in developing these quantitative sodium concentration goals. We developed the goals with a particular emphasis on maintaining concentrations needed for food safety, given the function of salt as a food preservative. The Phase II goals are within the range of concentrations found in currently marketed foods and are feasible using existing technical strategies.

We note that we do not intend to finalize the draft long-term (10-year) sodium reduction goals that were included in the 2016 draft of the first edition of the guidance that we announced in the **Federal Register** of June 2, 2016 (81 FR 35363). We plan to announce any future sodium reduction goals via draft guidance.

## II. Paperwork Reduction Act of 1995

While the guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 101 have been approved under OMB control number 0910–0381. The collections of information in 21 CFR 101.11 have been approved under OMB control number 0910–0782.

## III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/FoodGuidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>. Use the FDA website listed in the previous sentence to find the most current version of the guidance.

## IV. References

The following references are on display at the Dockets Management Staff

(see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at <https://www.regulations.gov>. Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. Harnack L.J., M.E. Cogswell, J.M. Shikany, et al. "Sources of Sodium in U.S. Adults From 3 Geographic Regions." *Circulation*, 135 (May 9, 2017): pp. 1775–1783. Available at: <https://www.ahajournals.org/doi/10.1161/CIRCULATIONAHA.116.024446> (accessed December 26, 2023).
2. U.S. Department of Agriculture and U.S. Department of Health and Human Services. "Dietary Guidelines for Americans, 2020–2025." 9th Edition. December 2020. Available at: <https://www.dietaryguidelines.gov/> (accessed December 26, 2023).
3. National Academies of Sciences, Engineering, and Medicine. "Dietary Reference Intakes for Sodium and Potassium" (March 2019). Washington, DC: The National Academies Press. Available at: <http://www.nationalacademies.org/hmd/Reports/2019/dietary-reference-intakes-sodium-potassium.aspx> (accessed December 26, 2023).

Dated: August 9, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–18261 Filed 8–15–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Meeting of the National Advisory Committee on Rural Health and Human Services

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice announces that the Secretary's National Advisory Committee on Rural Health and Human Services (NACRHHS) has scheduled its semiannual meeting. Information about NACRHHS and the agenda for this meeting can be found on the NACRHHS website at <https://www.hrsa.gov/advisory-committees/rural-health/index.html>.

**DATES:** Wednesday, September 4, 2024, 9 a.m.–5 p.m. mountain daylight time (MDT); Thursday, September 5, 2024, 9

a.m.–5 p.m. MDT; Friday, September 6, 2024, 9 a.m.–12 p.m. MDT.

**ADDRESSES:** The meeting will be conducted in two separate locations. On September 4, 2024, the meeting will commence at the Hilton Santa Fe Historic Plaza Hotel, 100 Sandoval Street, Santa Fe, New Mexico, 87501. That afternoon, the meeting will resume at the Historic Plaza Hotel, 230 Plaza Street, Las Vegas, New Mexico 87701. Telephone: (505) 425–3591. The Plaza Hotel will be the physical location for both the September 5 and September 6 meetings.

The meeting will also be accessible to the public virtually via Zoom. The meeting details are included below. There is no need to register for this meeting. If joining virtually, please use the following information. This is the link for all days of the meeting:

Join Zoom Meeting <https://us02web.zoom.us/j/81769614451>.

Meeting ID: 817 6961 4451.

One tap mobile

+13052241968,,81769614451# US

+19294362866,,81769614451# US (New York)

Dial by your location

- +1 305 224 1968 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington, DC)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 817 6961 4451.

Find your local number: <https://us02web.zoom.us/j/81769614451>.

### FOR FURTHER INFORMATION CONTACT:

Sahira Rafiullah, Designated Federal Officer of NACRHHS, 5600 Fishers Lane, Rockville, Maryland 20857; 240–316–5874; or [srafiullah@hrsa.gov](mailto:srafiullah@hrsa.gov).

### SUPPLEMENTARY INFORMATION:

NACRHHS provides advice and recommendations to the Secretary of Health and Human Services on policy, program development, and other matters of significance concerning both rural health and rural human services. At this meeting the committee will discuss the opioid crisis and its impact on rural families. The emphasis will be on prevention efforts but will include related discussions of treatment and recovery. At this meeting, NACRHHS will discuss the availability of disability services in rural areas. Members of the public will have the opportunity to provide comments. Public participants wishing to provide oral comments must submit a written version of their comments at least 3 business days in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited

as time permits. Public participants wishing to offer written comments should send them to Sahira Rafiullah, using the contact information above, at least 3 business days prior to the meeting. Individuals who plan to attend either physically or virtually and need special assistance or other reasonable accommodation should notify Sahira Rafiullah through any of the methods listed above, at least 10 business days prior to the meeting.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2024–18370 Filed 8–15–24; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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:* Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel; Medical Rehabilitation Research Resource (P50 Clinical Trial Optional).

*Date:* November 4–5, 2024.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Child Health and Human Development, 6710B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Helen Huang, Ph.D., Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2137D, Bethesda, MD 20892, (301) 496–8558, [helen.huang@nih.gov](mailto:helen.huang@nih.gov).

(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 13, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–18409 Filed 8–15–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 of Allergy and Infectious Diseases Special Emphasis Panel; Interventional Agents Safety and Pharmacokinetic Services (IASPS).

*Date:* September 10–13, 2024.

*Time:* 12:00 p.m. to 7:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892 (Video Assisted Meeting).

*Contact Person:* Soheyla Saadi, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892, (240) 669–5178, [saadisoh@niaid.nih.gov](mailto:saadisoh@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 13, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–18410 Filed 8–15–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of an Exclusive Patent License: Dimethyl Synaptamide for the Treatment of Autoimmune Disorders and Inflammatory Diseases

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the National Center for Advancing Translational Sciences (NCATS), both institutes of the National Institutes of Health (NIH), Department of Health and Human Services (HHS), are contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this notice to Autala Bio Inc., A Civala Company (“Autala”), incorporated in Delaware.

**DATES:** Only written comments and/or applications for a license that are received by the National Heart Lung and Blood Institute (NHLBI) Office of Technology Transfer And Development (OTTAD) on or before September 3, 2024 will be considered.

**ADDRESSES:** Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Jillian Varonin, Ph.D., Technology Transfer Manager, NHLBI Office of Technology Transfer And Development, Telephone: (301) 496–0505; Email: [jillian.varonin@nih.gov](mailto:jillian.varonin@nih.gov).

#### SUPPLEMENTARY INFORMATION:

##### Intellectual Property

1. United States Provisional Patent Application No. 61/624,741, filed April 16, 2012, entitled “Derivatives Of Docosahexaenoylamide and Uses Thereof” [HHS Reference No. E–070–2012–0–US–01];

2. PCT Patent Application No. PCT/US2013/032333, filed March 15, 2013, entitled “Derivatives Of Docosahexaenoylamide and Uses Thereof” [HHS Reference No. E–070–2012–0–PCT–02];

3. European Patent No. 2847178, filed March 15, 2013, entitled “Derivatives Of Docosahexaenoylamide and Uses Thereof” [HHS Reference No. E–070–2012–0–EP–03];

4. United States Patent No. 9,422,308, filed September 23, 2014, entitled “Derivatives Of Docosahexaenoylamide

and Uses Thereof” [HHS Reference No. E-070-2012-0-US-04];

5. Germany Patent No. 602013016154.2, filed October 30, 2014, entitled “Derivatives Of Docosahexaenoylamide and Uses Thereof” [HHS Reference No. E-070-2012-0-DE-05];

6. France Patent No. 2847178, filed October 30, 2014, entitled “Derivatives Of Docosahexaenoylamide and Uses Thereof” [HHS Reference No. E-070-2012-0-FR-06];

7. Great Britain Patent No. 2847178, filed October 30, 2014, entitled “Derivatives Of Docosahexaenoylamide and Uses Thereof” [HHS Reference No. E-070-2012-0-GB-07].

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the following:

“Use of a G-protein-coupled receptor 110 (“GPR110”) agonist named dimethyl synaptamide (“DMS”) (also known as Compound NCGC00248435; (4Z,7Z,10Z,13Z,16Z,19Z)-N-(2-hydroxy-2-methylpropyl) docosa-4,7,10,13,16,19-hexaenamide; or “A8”) to treat multiple sclerosis (“MS”), chronic inflammatory demyelinating polyradiculoneuropathy (“CIDP”), psoriasis, inflammatory bowel disease (“IBD”), Crohn’s disease, ulcerative colitis (“UC”), sclerosing cholangitis, ankylosing spondylitis, rheumatoid arthritis (“RA”), psoriatic arthritis, systemic lupus erythematosus (“SLE”), lupus nephritis, sarcoidosis, and Behcet’s disease.”

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the NHLBI Office of Technology Transfer And Development receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as

required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

**Bruce D. Goldstein,**

*Director, Office of Technology Transfer and Development, National Heart, Lung, and Blood Institute.*

[FR Doc. 2024-18381 Filed 8-15-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed 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:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Respiratory Sciences.

*Date:* September 9, 2024.

*Time:* 11:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301-451-0132, [bloomm2@mail.nih.gov](mailto:bloomm2@mail.nih.gov).

*Name of Committee:* Risk, Prevention and Health Behavior Integrated Review Group; Biobehavioral Medicine and Health Outcomes Study Section.

*Date:* September 19–20, 2024.

*Time:* 9:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Mark A. Vosvick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, Bethesda, MD 20892, (301) 402-4128, [mark.vosvick@nih.gov](mailto:mark.vosvick@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333,

93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 13, 2024

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-18412 Filed 8-15-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental & Craniofacial Research; Notice of Partially Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be held as a virtual meeting and is partially open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance to view the meeting, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website (<http://videocast.nih.gov/>). Registration is not required to access the videocast.

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 Dental and Craniofacial Research Council.

*Date:* September 11, 2024.

*Open:* 10:00 a.m. to 3:15 p.m.

*Agenda:* Report of the Director, NIDCR and concept clearances.

*Place:* National Institute of Dental & Craniofacial Research, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

*Closed:* 3:30 p.m. to 4:15 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Dental & Craniofacial Research, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Lynn M King, Ph.D., Executive Secretary, Division of Extramural Activities, National Institute of Dental & Craniofacial Research, National Institutes of Health, 6701 Democracy Blvd., Bethesda, MD 20892–4878, (301) 594–5006, [Lynn.King@nih.gov](mailto:Lynn.King@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.nidcr.nih.gov/about-us/advisory-committees/advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: August 13, 2024.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–18422 Filed 8–15–24; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0020]

#### Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition for Amerasian, Widow(er), or Special Immigrant

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and

resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until October 15, 2024.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615–0020 in the body of the letter, the agency name and Docket ID USCIS–2007–0024. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2007–0024.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

#### SUPPLEMENTARY INFORMATION:

##### Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS–2007–0024 in the search box. Comments must be submitted in English, or an English translation must be provided. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Amerasian, Widow(er), or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–360; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* **Primary:** Individuals or households. Form I–360 may be used by an Amerasian; a widow or widower; a battered or abused spouse or child of a U.S. citizen or lawful permanent resident; a battered or abused parent of a U.S. citizen son or daughter; or a special immigrant (religious worker, Panama Canal company employee, Canal Zone government employee, U.S. government employee in the Canal Zone; physician, international organization employee or family member, juvenile court dependent; armed forces member); Afghan or Iraqi national who supported the U.S. Armed Forces as a translator; Iraqi national who worked for the or on behalf of the U.S. Government in Iraq; or Afghan national who worked for or on behalf of the U.S. Government or the International Security Assistance Force [ISAF] in Afghanistan who intend to establish their eligibility to immigrate to the United States. The data collected on this form is reviewed by USCIS to determine if the petitioner may be qualified to obtain the benefit. The data collected on this form will also be used to issue an employment authorization document upon approval of the petition for battered or abused spouses, children, and parents, if requested.



(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Petition for Special Immigrant Afghan or Iraqi National Classification Supplement is 5,746 and the estimated hour burden per response is 3 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Broadcaster Classification Supplement is 65 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Retired G-4 or NATO-6 Classification Supplement is 417 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Juvenile Classification Supplement is 29,500 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Religious Worker Classification Supplement is 2,470 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Widow(er) Classification Supplement is 900 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for VAWA Classification Supplement is 21,605 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Other Classifications Supplement is 39 and the estimated hour burden per response is 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 127,320 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$7,820,533.

Dated: August 9, 2024.

**Samantha L. Deshommes,**

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2024-18389 Filed 8-15-24; 8:45 am]

BILLING CODE 9111-97-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0007]

#### Agency Information Collection Activities; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: Change of Address

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed reinstatement, with change, of a previously approved collection for which approval has expired. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until October 15, 2024.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615-0007 in the body of the letter, the agency name and Docket ID USCIS-2008-0018. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2008-0018.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

**SUPPLEMENTARY INFORMATION:**

## Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2008-0018 in the search box. Comments must be submitted in English, or an English translation must be provided. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

## Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement, With Change, of a Previously Approved Collection For Which Approval Has Expired.

(2) *Title of the Form/Collection:* Change of Address.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* AR-11; USCIS.



(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form AR-11, Change of Address, provides a standardized format for compliance with section 265(a) of the INA. Change of Address Online provides a standardized format for providing change of address information electronically.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection AR-11 is 83,470 and the estimated hour burden per response is 0.283 hours; the estimated total number of respondents for the information collection Change of Address Online is 1,631,876 and the estimated hour burden per response is 0.167 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 296,145 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$313,013.

Dated: August 9, 2024.

**Samantha L. Deshommes,**

Chief, Regulatory Coordination Division,  
Office of Policy and Strategy, U.S. Citizenship  
and Immigration Services, Department of  
Homeland Security.

[FR Doc. 2024-18388 Filed 8-15-24; 8:45 am]

**BILLING CODE 9111-97-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2024-0129;  
FXIA16710900000-245-FF09A30000]

### Foreign Endangered Species; Receipt of Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity

otherwise prohibited by the ESA with respect to any endangered species.

**DATES:** We must receive comments by September 16, 2024.

#### ADDRESSES:

*Obtaining Documents:* The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS-HQ-IA-2024-0129.

*Submitting Comments:* When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet:* <https://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2024-0129.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2024-0129; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

#### FOR FURTHER INFORMATION CONTACT:

Timothy MacDonald, by phone at 703-358-2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Comment Procedures

###### *A. How do I comment on submitted applications?*

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of

your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

###### *B. May I review comments submitted by others?*

You may view and comment on others' public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

###### *C. Who will see my comments?*

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

### III. Permit Applications

We invite comments on the following applications.

*Applicant: Oregon State University, Levi Lab, Corvallis, OR; Permit No. PER11719262*

The applicant requests authorization to import biological samples derived from wild and captive-held scarlet macaws (*Ara macao cyanoptera*) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: Institute for Systems Genomics, Storrs, CT; Permit No. PER11158503*

The applicant requests authorization to import biological samples derived from captive-born and wild animals of multiple species listed under the ESA for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: University of Michigan, Ann Arbor, MI; Permit No. PER11662205*

The applicant requests authorization to import biological samples derived from captive-born and wild chimpanzees (*Pan troglodytes*), taken in Uganda, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

#### Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- Applicant: Paul Hansen, Brookings, SD; Permit No. PER11546525
- Applicant: Zachary Boles, Cumming, GA; Permit No. PER11541505
- Applicant: Tony Boles, Cumming, GA; Permit No. PER11541207
- Applicant: William Hamberlin, Memphis, TN; Permit No. PER11642225
- Applicant: Sullivan Atkinson, Stuttgart, AR; Permit No. PER11641654
- Applicant: John Howell, Lone Tree, CO; Permit No. PER11750395

### IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal**

**Register**. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](https://www.regulations.gov) and search for “12345A”.

### V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

**Timothy MacDonald,**

*Government Information Specialist, Branch of Permits, Division of Management Authority.*

[FR Doc. 2024–18387 Filed 8–15–24; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[245A2100DD/AAKC001030/  
AOA501010.999900]

### Tejon Indian Tribe Liquor Control Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Liquor Control Ordinance of the Tejon Indian Tribe. The Tejon Indian Tribe Liquor Control Ordinance regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of California.

**DATES:** This ordinance shall become effective September 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sarrae Forrest-Davis, Tribal Government Specialist, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Room W–2820, Sacramento, California 95825, [sarrae.forrest-davis@bia.gov](mailto:sarrae.forrest-davis@bia.gov), (916) 978–6000, Fax: (916) 978–6099.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I

certify that the Executive Committee of the Tejon Indian Tribe duly enacted the Liquor Control Ordinance on October 21, 2023.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

### TEJON INDIAN TRIBE

### LIQUOR CONTROL ORDINANCE

**ENACTED: October 21, 2023**

### ARTICLE ONE. INTRODUCTION

#### Section 1. Authority

This Ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83–277, 67 Stat. 586, 18 U.S.C. 1161) and by powers vested in the Tribal Executive Committee of the Tejon Indian Tribe (“Tribal Executive Committee”) to develop, adopt and enforce ordinances as authorized under Article VI, Section 3, of the Constitution and Bylaws of the Tejon Indian Tribe, adopted October 15, 2022.

#### Section 2. Purpose

The purpose of this Ordinance is to regulate and control the possession, sale, manufacture and distribution of liquor within Tribal Trust Lands, in order to permit alcohol sales by tribally owned and operated enterprises and private lessees, and at tribally approved special events. Enactment of a liquor control ordinance will help provide a source of revenue for the continued operation of the tribal government, the delivery of governmental services, and the economic viability of tribal enterprises.

#### Section 3. Short Title

This Ordinance shall be known and cited as the “Liquor Control Ordinance.”

#### Section 4. Jurisdiction

This Ordinance shall apply to all lands now or in the future under the governmental authority of the Tribe, including Tribal Trust Lands.

#### Section 5. Application of 18 U.S.C. 1161

By enacting this Ordinance, the Tribe hereby regulates the sale, manufacturing, distribution, and consumption of liquor while ensuring that such activity conforms with all applicable laws of the State of California as required by 18 U.S.C. 1161, other applicable Federal law, and the Compact.

### ARTICLE TWO. DEFINITIONS

#### Section 1. Definitions

As used in this Ordinance, the terms below are defined as follows:

(a) *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, in any form, and regardless of source or the process used for its production.

(b) *Alcoholic beverage* means all alcohol, spirits, liquor, wine, beer and any liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and that is fit for human consumption, either alone or when diluted, mixed, or combined with any other substance(s).

(c) *Compact* means the Tribal-State compact between the State and the Tribe as may be amended from time to time or procedures prescribed by the Secretary of the Interior pursuant to 25 U.S.C. 2710(d)(7), under which the Tribe may conduct Class III gaming on "Indian lands" as such term is defined in the Indian Gaming Regulatory Act, 25 U.S.C. 2701, *et seq.*

(d) *License* means, unless otherwise stated, a license issued by the Tribe in accordance with this Ordinance.

(e) *Liquor* means any alcoholic beverage, as defined in this Section 1.

(f) *Person* means any individual or entity, whether Indian or non-Indian, receiver, assignee, trustee in bankruptcy, trust, estate, firm, corporation, partnership, joint corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, and any other Indian tribe, band or group. The term shall also include the businesses of the Tribe.

(g) *Sale* and *sell* mean the transfer for consideration of any kind, including by exchange or barter.

(h) *State* means the State of California.

(i) *Tribal Trust Lands* means all lands held by the United States in trust for the Tribe now or in the future.

## **ARTICLE THREE. LIQUOR SALES, POSSESSION, & MANUFACTURE**

### **Section 1. Possession of Alcohol**

The introduction and possession of alcoholic beverages shall be lawful on Tribal Trust Lands; provided that such introduction or possession is in conformity with the laws of the State.

### **Section 2. Retail Sales of Alcohol**

The sale of alcoholic beverages shall be lawful on Tribal Trust Lands; provided that such sales are in conformity with the laws of the State and are made pursuant to a license issued by the Tribe.

### **Section 3. Manufacture of Alcohol**

The manufacture of liquor shall be lawful on Tribal Trust Lands, provided

that such manufacture is in conformity with the laws of the State and pursuant to a license issued by the Tribe.

### **Section 4. Age Limits**

The legal age for possession or consumption of alcohol on Tribal Trust Lands shall be the same as that of the State, which is currently 21 years. No person under the age of 21 years shall purchase, possess or consume any alcoholic beverage or be present in any area of the Tribe's gaming operation in which alcoholic beverages may be consumed, except to the extent permitted by State law. If there is any conflict between State law and the terms of the Compact regarding the age limits for alcohol possession or consumption, the age limits in the Compact shall govern for purposes of this Ordinance.

## **ARTICLE FOUR. LICENSING**

### **Section 1. Licensing**

The Tribal Executive Committee shall have the authority to require and issue liquor licenses (including, without limitation, retail, wholesale, manufacturer, special events licenses and any other type of liquor license recognized by State law) and shall have the power to establish and enforce procedures and standards for such licensing of liquor sales on Tribal Trust Lands, including the setting of a license fee schedule; provided that no tribal license shall be issued except upon showing of satisfactory proof that the applicant is duly licensed by the State. The fact that an applicant for a tribal license possesses a license issued by the State of the United States shall not provide the applicant with an entitlement to a tribal license. The Tribal Executive Committee may, in its discretion, set standards that are more, but in no case less, stringent than those of the State.

## **ARTICLE FIVE. ENFORCEMENT**

### **Section 1. Enforcement**

The Tribal Executive Committee shall have the power to develop, enact, promulgate, and enforce regulations as necessary for the enforcement of this Ordinance and to protect the public health, welfare, and safety of the Tribe, provided that all such regulations shall conform to, and not be in conflict with, any applicable tribal, Federal, or State law. Regulations enacted pursuant to this Ordinance may include provisions for suspension or revocation of tribal liquor licenses, reasonable search and seizure provisions, and civil and criminal penalties for violations of this Ordinance to the full extent permitted

by Federal law and consistent with due process.

Tribal law enforcement personnel and security personnel duly authorized by the Tribal Executive Committee shall have the authority to enforce this Ordinance by confiscating any liquor sold, possessed, distributed, manufactured, or introduced within Tribal Trust Lands in violation of this Ordinance or of any regulations duly adopted pursuant to this Ordinance to the full extent permitted by tribal, Federal, and State law and consistent with due process.

The Tribal Executive Committee shall have the exclusive jurisdiction to hold hearings on violations of this Ordinance and any procedures or regulations adopted pursuant to this Ordinance; to promulgate appropriate procedures governing such hearings; to determine and enforce penalties or damages for violations of this Ordinance; and to delegate to a subordinate hearing officer or panel the authority to take any or all of the foregoing actions on its behalf.

## **ARTICLE SIX. TAXES**

### **Section 1. Taxation**

Nothing contained in this Ordinance is intended to, nor does it in any way, limit or restrict the Tribe's ability to impose any tax upon the sale or consumption of liquor. The Tribe retains the right to impose such taxes by appropriate Ordinance to the fullest extent permitted by Federal law.

## **ARTICLE SEVEN. MISCELLANEOUS PROVISIONS**

### **Section 1. Sovereign Immunity Preserved**

Nothing contained in this Ordinance is intended to, nor shall it be construed in any way to waive, limit, alter, or restrict the sovereign immunity of the Tribe or any of its agencies, agents or officials from unconsented suit or action of any kind.

### **Section 2. Conformity With Applicable Laws**

All acts and transactions under this Ordinance shall be in conformity with the Compact and laws of the State to the extent required by 18 U.S.C. 1161 and with all Federal laws regarding alcohol in Indian Country.

### **Section 3. Effective Date**

This Ordinance shall be effective as of the date on which the Secretary of the Interior certifies this Ordinance and publishes the same in the **Federal Register**.

#### Section 4. Repeal of Prior Acts

All prior Tribal laws, resolutions, policies, regulations, or ordinances pertaining to the subject matter set forth in this Ordinance and to the extent they are inconsistent with this Ordinance, are hereby repealed.

#### Section 5. Amendments

This Ordinance may only be amended pursuant to an amendment duly enacted by the Tribal Executive Committee and, to the extent required by Federal law, certification by the Secretary of the Interior and publication in the **Federal Register**.

#### Section 6. Severability and Savings Clause

If any section, part or provision of this Ordinance is held invalid, void, or unenforceable by a court of competent jurisdiction, such adjudication shall not be held to render the remaining sections, parts and provisions of this Ordinance invalid, void or unenforceable and the remainder of this Ordinance shall not be affected and shall continue in full force and effect.

[FR Doc. 2024–18380 Filed 8–15–24; 8:45 am]

BILLING CODE 4337–15–P

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

[245A2100DD/AAKC001030/  
A0A501010.999900]

#### HEARTH Act Approval of Forest County Potawatomi Community, Wisconsin Leasing Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) approved the Forest County Potawatomi Community, Wisconsin Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into agriculture, business, residential, wind and solar, wind energy evaluation, public, religious, cultural, educational, and recreational leases without further BIA approval.

**DATES:** BIA issued the approval on August 6, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, [carla.clark@bia.gov](mailto:carla.clark@bia.gov), (702) 484–3233.

#### SUPPLEMENTARY INFORMATION:

##### I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Forest County Potawatomi Community, Wisconsin.

##### II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal Government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal Government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent

improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” *See Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable [Tribes] to approve leases quickly and efficiently.” H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign

functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA’s surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal Government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Forest County Potawatomi Community, Wisconsin.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2024–18379 Filed 8–15–24; 8:45 am]

**BILLING CODE 4337–15–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–695–698 and 731–TA–1643–1644 and 1646–1657 (Final)]**

### Aluminum Extrusions From China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam; Revised Schedule for the Subject Investigations

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**DATES:** August 12, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Jordan Harriman (202–205–2610), 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 7, 2024, the Commission established a schedule for the conduct of the final phase of the subject investigations (89 FR 45677, May 23, 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 September 17, 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 September 24, 2024; if a brief contains business proprietary information, a nonbusiness proprietary version is due the following business day. Requests to appear at the hearing must be filed with the Secretary to the Commission not

later than 5:15 p.m. on September 25, 2024; the prehearing conference will be held at the U.S. International Trade Commission Building on September 27, 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 September 30, 2024. The hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on October 1, 2024. The deadline for filing posthearing briefs is 5:15 p.m. on October 8, 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, on or before October 8, 2024. On October 23, 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 October 25, 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 12, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024–18355 Filed 8–15–24; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–687 and 731–TA–1614 (Final)]**

### Brass Rod From Israel; Scheduling of the Final Phase of the Antidumping and Countervailing Duty Investigations

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**DATES:** August 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Julie Duffy (202) 708–2579, 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:** Effective September 29, 2023, the Commission established a general schedule for the conduct of the final phase of its investigations on brass rod from Brazil, India, Israel, Mexico, South Africa, and South Korea.<sup>1</sup> Following preliminary determinations by the U.S. Department of Commerce ("Commerce") that imports of brass rod from India, Israel, and South Korea were being subsidized by the governments of India, Israel, and South Korea.<sup>2</sup> Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 5, 2023 (88 FR 69229). All persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission subsequently issued its final determination that an industry in the United States is materially injured by reason of imports of brass rod from India that have been found by Commerce to be subsidized by the government of India.<sup>3</sup> On April 22, 2024, Commerce issued its final affirmative determinations that imports of brass rod from Brazil, India, Mexico, South Africa, and South Korea were being sold at less than fair value in the United States, and that imports of brass rod from South Korea were being subsidized by the government of South Korea.<sup>4</sup> The Commission subsequently issued its final determinations that an industry in the United States is materially injured by reason of imports of brass rod from Brazil, India, Mexico,

South Africa, and South Korea that have been found by Commerce to be sold in the United States at less than fair value and imports of the subject merchandise from South Korea that have been found by Commerce to be subsidized by the government of South Korea.<sup>5</sup>

On August 5, 2024, Commerce issued its final affirmative determinations that imports of brass rod from Israel were being sold at less than fair value in the United States, and that imports of brass rod from Israel were being subsidized by the government of Israel.<sup>6</sup> Accordingly, the Commission currently is issuing a supplemental schedule for its antidumping duty and countervailing duty investigations on imports of brass rod from Israel.

*This supplemental schedule is as follows:* the deadline for filing supplemental party comments on Commerce's final antidumping and countervailing duty determinations is 5:15 p.m. on August 14, 2024. Supplemental party comments may address only Commerce's final antidumping duty and countervailing duty determinations regarding imports of brass rod from Israel. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of these investigations regarding subject imports from Israel will be placed in the nonpublic record on August 29, 2024; and a public version will be issued thereafter.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific

request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: August 13, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024-18404 Filed 8-15-24; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1110-0045]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of Currently Approved Collection

**AGENCY:** Federal Bureau of Investigation Laboratory, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Federal Bureau of Investigation, Laboratory Division (LD), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 30 days until September 16, 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: Marsha Karas, 2501 Investigation Parkway, [mlkaras@fbi.gov](mailto:mlkaras@fbi.gov), 703-632-7023.

**SUPPLEMENTARY INFORMATION:** The proposed information collection was previously published in the **Federal Register** on July 7, 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

<sup>1</sup> 88 FR 69229, October 5, 2023.

<sup>2</sup> 88 FR 67239, 88 FR 67240, and 88 FR 867233, September 29, 2023.

<sup>3</sup> 89 FR 8440, February 7, 2024.

<sup>4</sup> 89 FR 29303, 89 FR 29300, 89 FR 29305, 89 FR 29292, 89 FR 29298, and 89 FR 29290, April 22, 2024.

<sup>5</sup> 89 FR 49193, June 11, 2024.

<sup>6</sup> 89 FR 63402 and 89 FR 63410, August 5, 2024.

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](http://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 1110–0045. This information collection request may be viewed at [www.reginfo.gov](http://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:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Customer Satisfaction Assessment.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* FD–1000 (FBI).

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: Federal, state, local and tribal law enforcement.

This collection is a brief questionnaire regarding customers' satisfaction with the services provided by the Federal Bureau of Investigation Laboratory. This collection is needed to evaluate the quality of services provided by the Federal Bureau of Investigation Laboratory. The Federal Bureau of Investigation Laboratory is accredited by the ANSI National Accreditation Board (ANAB). A requirement for maintaining accreditation is to evaluate the level of service provided by the Federal Bureau of Investigation Laboratory to our customers. To meet this requirement the Federal Bureau of Investigation Laboratory is requesting its customers to complete and return the Customer Satisfaction Assessment.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 300/year.

7. *Estimated Time per Respondent:* 5 minutes.

8. *Frequency:* Occasional.

9. *Total Estimated Annual Time Burden:* 25 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 12, 2024.

**Darwin Arceo,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2024–18328 Filed 8–15–24; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Agency Information Collection Activities; Comment Request; Short-Time Compensation (STC) Grants

**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, "Short-Time Compensation (STC) Grants." 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 Brian Eiermann by telephone at (202) 693–2846 (this is not a toll-free number), or by email at [OUI-PRA@dol.gov](mailto:OUI-PRA@dol.gov). For persons 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–4520, 200 Constitution Avenue NW, Washington, DC 20210 by email: [OUI-PRA@dol.gov](mailto:OUI-PRA@dol.gov); or by fax (202) 693–3975.

**FOR FURTHER INFORMATION CONTACT:**

Brian Eiermann by telephone at (202) 693–2846 (this is not a toll-free number) or by email at [OUI-PRA@dol.gov](mailto: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 general 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.

The enactment of Public Law 112–96 (The Middle Class Tax Relief and Job Creation Act of 2012, referred to hereafter as "the MCTRJC Act") contains subtitle D, Short-Time Compensation Program, also known as the "Layoff Prevention Act of 2012". The sections of the law under this subtitle concern states that participate in a layoff aversion program known as STC or work sharing. Section 2164 of the MCTRJC Act covers grants the Federal Government provided to states for the purpose of implementation or improved administration of an STC program or for promotional and enrollment in the program.

In addition to the MCJCTR Act, the enactment Public Law 116–136 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, referred



to hereafter as “the CARES Act” contains section 2110, Short-Time Compensation Program. Section 2110 of the CARES Act covers grants the Federal Government provided to states for the purpose of implementation or improved administration of an STC program or for promotional and enrollment in the program.

ETA has principal oversight responsibility for monitoring the STC grants awarded to state workforce agencies (SWA). As part of the monitoring process, SWAs submit a quarterly progress report (QPR). The QPR serves as a monitoring instrument to track the SWAs’ progress toward completing STC grant activities. ETA requires this reporting to allow for proper oversight of state STC program grants. Section 2164 of the MCTJRC Act and section 2110 of the CARES Act authorize 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 1205–0499.

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:* Short-Time Compensation (STC) Grants.

*Form:* Short-Time Compensation Quarterly Progress Report.

*OMB Control Number:* 1205–0499.

*Affected Public:* State Workforce Agencies.

*Estimated Number of Respondents:* 19.

*Frequency:* Quarterly.

*Total Estimated Annual Responses:* 140.

*Estimated Average Time per Response:* 1 hour.

*Estimated Total Annual Burden*

*Hours:* 140 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. 2024–18347 Filed 8–15–24; 8:45 am]

**BILLING CODE 4510–FW–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Agency Information Collection Activities; Comment Request; Standard Job Corps Contractor Information Gathering

**ACTION:** Notice.

**SUMMARY:** The Department of Labor’s (DOL or Department) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, “Standard Job Corps Contractor Information Gathering.” 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 for free by contacting Hilda Alexander by telephone at 202–693–3843 (this is not a toll-free number) or by email at [alexander.hilda@dol.gov](mailto:alexander.hilda@dol.gov). For persons 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—Job Corps, 200 Constitution Ave NW, N–4459, Washington DC 20210; by email: [alexander.hilda@dol.gov](mailto:alexander.hilda@dol.gov); or by fax: 240–531–6732.

**FOR FURTHER INFORMATION CONTACT:** Hilda Alexander by telephone at 202–693–3843 (this is not a toll-free number) or by email at [alexander.hilda@dol.gov](mailto:alexander.hilda@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 general 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.

WIOA authorizes the collection of information from Job Corps applicants to determine eligibility for the Job Corps program. 29 U.S.C. 3194–3195. Applicant and student data is maintained in accordance with the Department’s Privacy Act System of Records Notice DOL/GOVT–2 Job Corps Student Records authorizes this information collection. As OJC continues to provide services to our student population throughout 121 centers, this collection of information supports OJC’s mission. In this revision, OJC has migrated one instrument from paper-based to electronic-based of ETA 9219, Annual Career Technical Skills Training (CTST) form and retired two instruments, Annual Staff Training and ETA 9192 Annual Center Academic Programs Review.



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 1205–0219.

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:* Revision.

*Title of Collection:* Standard Job Corps Contractor Information Gathering.

*Forms:* ETA–9190 Grants Data Collection Forms (A, B, C). ETA 9222 Health and Wellness Center Annual Program Description. ETA 2110 Center Financial Report. ETA 2181 Center Operations Budget. ETA 2110 S Center

Vacancy Separation Report. ETA 9213 Immunization Record. ETA 9212 Alcohol Testing Report. ETA 328 Property Inventory. ETA 6–36 Environmental Health Inspection. ETA 6–37 Inspection of Residential and Educational Facilities. ETA 6–38 Inspection of Water and Supply Facilities. ETA 9221 CRA Construction and Rehab Report. ETA 6–39 Inspection of Wastewater Treatment Facilities. ETA 9220 Center Preventive Maintenance Plan (PMP). ETA 6–131A and ETA 6–131B Disciplinary Discharge. ETA 6–131C Right to Appeal. ETA 640 Student Profile. ETA 661 Student Separation. ETA 9128 CDSS (Center Operations Plan). ETA 9219 CTST Annual. ETA 9214 Social Intake Form. ETA 9215 Physical Examination Form. ETA 9216 Health History Form. ETA 9217 Laboratory Testing Information Sheet.

*OMB Control Number:* 1205–0219.

*Affected Public:* Private Sector.

*Estimated Number of Respondents:* 426,663.

*Frequency:* Once.

*Total Estimated Annual Responses:* 426,663.

*Estimated Average Time per*

*Response:* Varies.

*Estimated Total Annual Burden*

*Hours:* 134,919 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. 2024–18346 Filed 8–15–24; 8:45 am]

**BILLING CODE 4510–FT–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pension Benefit Statement

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://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:

Michael Howell by telephone at 202–693–6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

#### SUPPLEMENTARY INFORMATION:

Section 105(a) of the Employee Retirement Income Security Act (ERISA) requires administrators of defined contribution plans and defined benefit plans to provide periodic pension benefit statements to participants and certain beneficiaries. If a defined contribution plan permits participants and beneficiaries to direct their own investments, benefit statements must be provided at least once each quarter. If the defined contribution plan does not permit participants and beneficiaries to direct their own investments, benefit statements must be provided at least once each year. In the case of defined benefit plans, benefit statements generally must be provided at least once every three years. Section 105(a)(2)(A)(i)(I) requires a benefit statement to indicate the participant's or beneficiary's “total benefits accrued.”

On December 20, 2019, ERISA section 105 was amended by section 203 of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act). As amended, ERISA section 105 requires, in relevant part, that “a lifetime income disclosure . . . be included in only one pension benefit statement provided to participants of defined contribution plans during any one 12-month period.” A lifetime income disclosure “shall set forth the lifetime income stream equivalent of the total benefits accrued with respect to the participant or beneficiary.” A lifetime income stream equivalent means the amount of monthly payments the participant or beneficiary would receive if the total accrued benefits of such participant or beneficiary were used to provide a single life annuity and a qualified joint and survivor annuity. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 5, 2024 (89 FR 7732).

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and

cost of the collection of information, including the validity of the methodology and assumptions used; (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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–EBSA.

*Title of Collection:* Pension Benefit Statement.

*OMB Control Number:* 1210–0166.

*Affected Public:* Private sector, Business or other for profits.

*Total Estimated Number of Respondents:* 765,124.

*Total Estimated Number of Responses:* 447,584,067.

*Total Estimated Annual Time Burden:* 163 hours.

*Total Estimated Annual Other Costs Burden:* \$471,237,675.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2024–18322 Filed 8–15–24; 8:45 am]

**BILLING CODE 4510–29–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Tax Performance System

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection

request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://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:** Michael Howell by telephone at 202–693–6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Since 1987, states have been required by regulation at 20 CFR part 602 to operate a program to assess their Unemployment Insurance (UI) tax and benefit programs. The Tax Performance System (TPS) is designed to assess the major internal UI tax functions by utilizing several methodologies: Computed Measures, which are indicators of timeliness and completeness based on data automatically generated via the existing ETA 581, Contribution Operations Report (Control Number 1205–0178 and Program Reviews, which assess accuracy through a two-fold examination. This examination involves: (a) “Systems Reviews” which examine tax systems for the existence of internal controls; and (b) extraction of small samples of those systems’ transactions which are then examined to verify the effectiveness of controls. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 1, 2024 (89 FR 15220).

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–ETA.

*Title of Collection:* Tax Performance System.

*OMB Control Number:* 1205–0332.

*Affected Public:* State, local, and Tribal governments.

*Total Estimated Number of Respondents:* 52.

*Total Estimated Number of Responses:* 52.

*Total Estimated Annual Time Burden:* 89,232 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2024–18321 Filed 8–15–24; 8:45 am]

**BILLING CODE 4510–FN–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2024–049]

### Records Management; General Records Schedule (GRS); GRS Transmittal 36

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of new General Records Schedule (GRS) Transmittal 36.

**SUMMARY:** NARA is issuing revisions to the General Records Schedule (GRS). The GRS provides mandatory disposition instructions for records common to several or all Federal agencies. Transmittal 36 includes only changes we have made to the GRS since we published Transmittal 35 in June 2024. All other GRS remain in effect.

**DATES:** This transmittal is effective August 16, 2024.

**ADDRESSES:** You can find all GRS schedules and FAQs at <http://www.archives.gov/records-mgmt/grs.html> (in Word, PDF, and CSV formats). You can download the complete current GRS, in PDF format, from the same location.

**FOR FURTHER INFORMATION CONTACT:** For more information about this notice or to obtain paper copies of the GRS, contact Eddie Germino, Regulatory and External Policy Program Manager, by email at [regulation\\_comments@nara.gov](mailto:regulation_comments@nara.gov) or by telephone at 301.837.3758.

Writing and maintaining the GRS is the GRS Team's responsibility. This team is part of Records Management Operations in the Office of the Chief Records Officer, at NARA. You may contact NARA's GRS Team with general questions about the GRS at [GRS\\_Team@nara.gov](mailto:GRS_Team@nara.gov).

Your agency's records officer may contact the NARA appraiser with whom your agency normally works for support in carrying out this transmittal and the revised portions of the GRS. You may access a list of appraisal and scheduling contacts on our website at <https://www.archives.gov/records-mgmt/appraisal/work-group-all.html>.

**SUPPLEMENTARY INFORMATION:** GRS Transmittal 36 announces changes to the General Records Schedules (GRS) made since NARA published GRS Transmittal 35 in June 2024. The GRS provide mandatory disposition instructions for records common to several or all Federal agencies.

As with the past few transmittals, this transmittal publishes only those schedules that are new or have changed since they were last published in a transmittal. Other schedules *not* published in this transmittal remain current and authoritative. You can find all schedules (in Word and PDF formats), general GRS FAQs, and schedule specific FAQs at <http://www.archives.gov/records-mgmt/grs.html>.

#### 1. What changes does this transmittal make to the GRS?

GRS Transmittal 36 adds one new schedule: GRS 6.7: Special Collections Required by Statute. This schedule provides disposition authority necessary to allow agencies to transfer records to NARA in the Electronic Records Archive (ERA) as required by specific statutes. Examples of these statutes include the Civil Rights Cold Case Records Collection Act of 2018 (Pub. L. 115–426) and the 2024 National Defense Authorization Act: Unidentified

Anomalous Phenomena Collection (Pub. L. 118–31, sections 1841–1843). The schedule only covers these special collections of records and not the original records that the agency continues to maintain.

#### 2. How do agencies cite GRS items when communicating with NARA?

Cite the “DAA” number in the “Disposition Authority” column of the GRS table when transferring records to Federal Records Centers or to NARA for accessioning, or when requesting GRS deviations on record schedules. For example, use “DAA–GRS–2017–0007–0008” rather than “GRS 2.2, item 070.” A GRS Disposition Authority Look-Up Table is available on our website at <https://www.archives.gov/records-mgmt/grs.html>.

#### 3. Do agencies have to take any action to implement these GRS changes?

This new schedule is not something that agencies will use on a regular basis and it is unlikely that an agency would need to incorporate it into agency file plans or records management systems. This schedule is for use by agency records management programs to fulfill statutory requirements when they exist.

#### 4. How can an agency get copies of the new GRS?

You can download the complete current GRS, in PDF format, from NARA's website at <http://www.archives.gov/records-mgmt/grs.html>.

#### 5. Whom should an agency contact for further information?

Please contact [GRS\\_Team@nara.gov](mailto:GRS_Team@nara.gov) with any questions related to this transmittal.

**Colleen J. Shogan,**

*Archivist of the United States.*

[FR Doc. 2024–18393 Filed 8–15–24; 8:45 am]

**BILLING CODE 7515–01–P**

### NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

#### Sunshine Act Meetings

**TIME AND DATE:** Weeks of August 19, 26, and September 2, 9, 16, 23, 2024. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

**PLACE:** The NRC provides reasonable accommodation to individuals with

disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*, braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at [Anne.Silk@nrc.gov](mailto:Anne.Silk@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

**STATUS:** Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at [Betty.Thweatt@nrc.gov](mailto:Betty.Thweatt@nrc.gov) or [Samantha.Miklaszewski@nrc.gov](mailto:Samantha.Miklaszewski@nrc.gov).

#### MATTERS TO BE CONSIDERED:

##### Week of August 19, 2024

There are no meetings scheduled for the week of August 19, 2024.

##### Week of August 26, 2024—Tentative

There are no meetings scheduled for the week of August 26, 2024.

##### Week of September 2, 2024—Tentative

*Wednesday, September 4, 2024*

1:45 p.m. Affirmation Session (Public Meeting) (Tentative) Final Rule: Non-Power Production or Utilization Facility License Renewal (Contact: Sarah Turner: 301–287–9058)

*Thursday, September 5, 2024*

10:00a.m. All Employees Meeting (Public Meeting) (Contact: Sarah Turner 301–287–9058)

*Additional Information:* The meeting will be held in the Two White Flint North auditorium, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting live by webcast at the Web address—<https://video.nrc.gov/>

##### Week of September 9, 2024—Tentative

There are no meetings scheduled for the week of September 9, 2024.

##### Week of September 16, 2024—Tentative

There are no meetings scheduled for the week of September 16, 2024.

##### Week of September 23, 2024—Tentative

There are no meetings scheduled for the week of September 23, 2024

**CONTACT PERSON FOR MORE INFORMATION:** For more information or to verify the status of meetings, contact Sarah Turner

at 301–287–9058 or via email at [Sarah.Turner@nrc.gov](mailto:Sarah.Turner@nrc.gov).

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 14, 2024.

For the Nuclear Regulatory Commission.

**Sarah A. Turner,**

*Information Management Specialist, Office of the Secretary.*

[FR Doc. 2024–18537 Filed 8–14–24; 4:15 pm]

BILLING CODE 7590–01–P

## POSTAL REGULATORY COMMISSION

[Docket Nos. CP2023–191; MC2024–493 and CP2024–500; MC2024–494 and CP2024–501; MC2024–495 and CP2024–502; MC2024–496 and CP2024–503; MC2024–497 and CP2024–504; MC2024–498 and CP2024–505; MC2024–499 and CP2024–506; MC2024–500 and CP2024–507]

### 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 19, 2024.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

### II. Docketed Proceeding(s)

1. *Docket No(s):* CP2023–191; *Filing Title:* Notice of the United States Postal Service of Filing Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 22; *Filing Acceptance Date:* August 9, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* August 19, 2024.

2. *Docket No(s):* MC2024–493 and CP2024–500; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, & USPS Ground Advantage Contract 209 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

<sup>1</sup> 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).

3. *Docket No(s):* MC2024–494 and CP2024–501; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, & USPS Ground Advantage Contract 210 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

4. *Docket No(s):* MC2024–495 and CP2024–502; *Filing Title:* USPS Request to Add Priority Mail Contract 791 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

5. *Docket No(s):* MC2024–496 and CP2024–503; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 298 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

6. *Docket No(s):* MC2024–497 and CP2024–504; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 299 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

7. *Docket No(s):* MC2024–498 and CP2024–505; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, & USPS Ground Advantage Contract 211 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

8. *Docket No(s):* MC2024–499 and CP2024–506; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, & USPS Ground Advantage Contract 212 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

9. *Docket No(s).*: MC2024–500 and CP2024–507; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, & USPS Ground Advantage Contract 213 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 9, 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 19, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,  
*Secretary.*

[FR Doc. 2024–18331 Filed 8–15–24; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100693; File No. SR–FICC–2024–009]

### Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Modify the GSD Rules Relating to the Adoption of a Trade Submission Requirement

August 12, 2024.

On June 12, 2024, Fixed Income Clearing Corporation (“FICC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change SR–FICC–2024–009 (“Proposed Rule Change”) pursuant to Section 19(b) of the Securities Exchange Act of 1934 (“Exchange Act”) <sup>1</sup> and Rule 19b–4 <sup>2</sup> thereunder to modify FICC’s Government Securities Division (“GSD”) Rulebook (“GSD Rules”) as it relates to the adoption of a requirement for its direct participants to submit for clearance and settlement all eligible secondary market transactions in U.S. Treasury securities to which such direct participant is a counterparty.<sup>3</sup> The Proposed Rule Change was published for public comment in the **Federal Register** on July 1, 2024.<sup>4</sup> The Commission has received comments regarding the substance of

the changes proposed in the Proposed Rule Change.<sup>5</sup>

Section 19(b)(2)(i) of the Exchange Act <sup>6</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved unless the Commission extends the period within which it must act as provided in Section 19(b)(2)(ii) of the Exchange Act.<sup>7</sup> Section 19(b)(2)(ii) of the Exchange Act allows the Commission to designate a longer period for review (up to 90 days from the publication of notice of the filing of a proposed rule change) if the Commission finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents.<sup>8</sup>

The 45th day after publication of the Notice of Filing is August 15, 2024. In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change and therefore is extending this 45-day time period.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,<sup>9</sup> designates September 29, 2024, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR–FICC–2024–009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

Sherry R. Haywood,  
*Assistant Secretary.*

[FR Doc. 2024–18340 Filed 8–15–24; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an

<sup>5</sup> Comments on the Proposed Rule Change are available at <https://www.sec.gov/comments/sr-ficc-2024-009/srficc2024009.htm>.

<sup>6</sup> 15 U.S.C. 78s(b)(2)(i).

<sup>7</sup> 15 U.S.C. 78 s(b)(2)(ii).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> 17 CFR 200.30–3(a)(12).

Open Meeting on Tuesday, August 20, 2024, at 10 a.m. (ET).

**PLACE:** The meeting will be webcast on the Commission’s website at [www.sec.gov](http://www.sec.gov).

**STATUS:** This meeting will begin at 10 a.m. (ET) and will be open to the public via webcast on the Commission’s website at [www.sec.gov](http://www.sec.gov).

### MATTERS TO BE CONSIDERED:

1. The Commission will consider whether to approve the Amendments to PCAOB Rule 3502 Governing Contributory Liability, as adopted by the Public Company Accounting Oversight Board.

2. The Commission will consider whether to approve the new auditing standard, AS 1000, General Responsibilities of the Auditor in Conducting an Audit and related amendments, as adopted by the Public Company Accounting Oversight Board.

3. The Commission will consider whether to approve the Amendments Related to Aspects of Designing and Performing Audit Procedures that Involve Technology-Assisted Analysis of Information in Electronic Form, as adopted by the Public Company Accounting Oversight Board.

### CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

(Authority: 5 U.S.C. 552b)

Dated: August 13, 2024.

Vanessa A. Countryman,  
*Secretary.*

[FR Doc. 2024–18463 Filed 8–14–24; 11:15 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100695; File No. SR–CboeBZX–2024–073]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Concerning the Sales Value Fee

August 12, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on July 30, 2024, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Notice of Filing *infra* note 4, at 89 FR 54602.

<sup>4</sup> Securities Exchange Act Release No. 100417 (June 25, 2024), 89 FR 54602 (July 1, 2024) (File No. SR–FICC–2024–009) (“Notice of Filing”).

change as described in Items 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 BZX Exchange, Inc. (the "Exchange" or "BZX") 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 ([https://www.cboe.com/us/options/regulation/rule\\_filings/bzx/](https://www.cboe.com/us/options/regulation/rule_filings/bzx/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

##### **1. Purpose**

The Exchange proposes to amend its Fees Schedule to add language concerning the application and collection of the Sales Value Fee, as described below. The proposed changes to the Fees Schedule do not change how the Exchange calculates or collects the Sales Value Fee from its Members, *i.e.*, there are no changes to the application and assessment of the Sales Value Fee as a result of the proposed changes.

By way of background, Section 31 of the Securities Exchange Act of 1934 (the "Act")<sup>3</sup> requires each self-regulatory organization ("SRO") to pay the Securities and Exchange Commission ("SEC" or "Commission") twice annually a fee based on the aggregate dollar amount of certain sales of securities (*i.e.*, "covered sales"). A covered sale is a "sale of a security, other than an exempt sale or a sale of

a security future, occurring on a national securities exchange or by or through any member of a national securities association otherwise than on a national securities exchange."<sup>4</sup>

Assessing a sales fee to defray the cost of these fees is common practice among the national securities exchanges and associations,<sup>5</sup> and in fact the Exchange currently assesses a fee on its Members for covered sales on the Exchange to recoup these amounts. The Exchange now proposes to amend its Fees Schedule to include information regarding this fee, including an explanation and description of the fee and how it is collected.

Specifically, the Exchange proposes to add a section to the Fees Schedule labeled "Sales Value Fee". The proposed new section defines the Sales Value Fee ("Fee") as the fee assessed by the Exchange to each Member for sales in securities when a sale in option securities occurs with respect to which the Exchange is obligated to pay a fee to the SEC under Section 31 of the Exchange Act or when a sell order in option securities is routed for execution at a market other than the Exchange, resulting in a covered sale on that market and an obligation of the routing broker providing Routing Services for the Exchange, as described in Exchange Rule 21.9, to pay the related sales fee of that market. The proposed section provides that to the extent the Exchange may collect more from Members under the section than is due from the Exchange to the Commission under Section 31 of the Act, for example due to rounding differences, the excess monies collected may be used by the Exchange to fund its general operating expenses. The Exchange may reimburse its routing broker for all Section 31-related fees incurred by the routing broker in connection with the Routing Services it provides.

The proposed section explains that the transactions to which the Fee applies are sales of options (other than options on a security index). The Fee is collected indirectly from Members through their clearing firms by the Options Clearing Corporation ("OCC") on behalf of the Exchange with respect to options sales and options exercises.

The proposed section also sets forth the formula for calculating the Fee. Specifically, the Fee with respect to options sales and options exercises is equal to (i) the Section 31 fee rate multiplied by (ii) the Member's

aggregate dollar amount of covered sales resulting from options transactions occurring on the Exchange during any computational period. The Exchange notes that if the SEC's Section 31 fee rate changes in the middle of a month, the Exchange will perform a separate calculation with respect to covered sales under the new fee rate for the remaining portion of the month.

##### **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.<sup>6</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>7</sup> 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)<sup>8</sup> 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)<sup>9</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes that the proposed rule change is consistent with these requirements because the proposed amended Fees Schedule text provides Members with detail regarding the circumstances under which the Exchange assesses a Sales Value Fee, and the current process by which the Fee is collected. As such, the proposed changes will increase transparency, help avoid Member confusion and foster better understanding of the application of the Fee. Accordingly, the Exchange believes the proposed rule change will promote just and equitable principles of

<sup>3</sup> 17 CFR 240.31(a)(6).

<sup>5</sup> See, e.g., ISE Options 7, Section 12; NASDAQ Options 7, Section 8; NYSE Rule 393; and Cboe Options Fees Schedule, Sales Value Fee.

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> *Id.*

<sup>9</sup> 15 U.S.C. 78f(b)(4).

<sup>3</sup> 17 CFR 240.31.

trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. Further, the Exchange believes the proposed change is reasonable, given that assessing a sales fee to defray the cost of fees assessed under Section 31 of the Act is common practice among the national securities exchanges and associations.<sup>10</sup>

As noted above, the proposed changes to the Fees Schedule do not change how the Exchange calculates or collects the Sales Value Fee from its Members, *i.e.*, there are no changes to the application and assessment of the Sales Value Fee as a result of the proposed changes. Rather, the proposed changes will provide a more complete and accurate description of the Sales Value Fee (including an explanation of the Fee and how it is collected) to all Members. The Exchange believes the proposed change represents an equitable allocation of fees and is not unfairly discriminatory because it applies uniformly to all Members.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed changes will impose any burden on intramarket competition. Particularly, the proposed change applies uniformly to all Members, in that the Sales Value Fee will continue to be applied uniformly to all Members' applicable orders.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, assessing a sales fee to defray the cost of fees assessed under Section 31 of the Act is common practice among the national securities exchanges and associations.<sup>11</sup>

#### *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.

<sup>10</sup> See, e.g., ISE Options 7, Section 12; NASDAQ Options 7, Section 8; NYSE Rule 393; and Cboe Options Fees Schedule, Sales Value Fee.

<sup>11</sup> See, e.g., ISE Options 7, Section 12; NASDAQ Options 7, Section 8; NYSE Rule 393; and Cboe Options Fees Schedule, Sales Value Fee.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing of Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>12</sup> and paragraph (f) of Rule 19b-4<sup>13</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeBZX-2024-073 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-CboeBZX-2024-073. 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

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>13</sup> 17 CFR 240.19b-4(f).

Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2024-073 and should be submitted on or before September 6, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-18342 Filed 8-15-24; 8:45 am]

BILLING CODE 8011-01-P

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-100694; File No. SR-CboeEDGX-2024-049]

### **Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Concerning the Sales Value Fee**

August 12, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 30, 2024, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **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

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



website ([https://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](https://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange proposes to amend its Fees Schedule to add language concerning the application and collection of the Sales Value Fee, as described below. The proposed changes to the Fees Schedule do not change how the Exchange calculates or collects the Sales Value Fee from its Members, *i.e.*, there are no changes to the application and assessment of the Sales Value Fee as a result of the proposed changes.

By way of background, Section 31 of the Securities Exchange Act of 1934 (the "Act")<sup>3</sup> requires each self-regulatory organization ("SRO") to pay the Securities and Exchange Commission ("SEC" or "Commission") twice annually a fee based on the aggregate dollar amount of certain sales of securities (*i.e.*, "covered sales"). A covered sale is a "sale of a security, other than an exempt sale or a sale of a security future, occurring on a national securities exchange or by or through any member of a national securities association otherwise than on a national securities exchange."<sup>4</sup> Assessing a sales fee to defray the cost of these fees is common practice among the national securities exchanges and associations,<sup>5</sup> and in fact the Exchange currently assesses a fee on its Members for covered sales on the Exchange to recoup these amounts. The Exchange now proposes to amend its Fees

Schedule to include information regarding this fee, including an explanation and description of the fee and how it is collected.

Specifically, the Exchange proposes to add a section to the Fees Schedule labeled "Sales Value Fee". The proposed new section defines the Sales Value Fee ("Fee") as the fee assessed by the Exchange to each Member for sales in securities when a sale in option securities occurs with respect to which the Exchange is obligated to pay a fee to the SEC under Section 31 of the Exchange Act or when a sell order in option securities is routed for execution at a market other than the Exchange, resulting in a covered sale on that market and an obligation of the routing broker providing Routing Services for the Exchange, as described in Exchange Rule 21.9, to pay the related sales fee of that market. The proposed section provides that to the extent the Exchange may collect more from Members under the section than is due from the Exchange to the Commission under Section 31 of the Act, for example due to rounding differences, the excess monies collected may be used by the Exchange to fund its general operating expenses. The Exchange may reimburse its routing broker for all Section 31-related fees incurred by the routing broker in connection with the Routing Services it provides.

The proposed section explains that the transactions to which the Fee applies are sales of options (other than options on a security index). The Fee is collected indirectly from Members through their clearing firms by the Options Clearing Corporation ("OCC") on behalf of the Exchange with respect to options sales and options exercises.

The proposed section also sets forth the formula for calculating the Fee. Specifically, the Fee with respect to options sales and options exercises is equal to (i) the Section 31 fee rate multiplied by (ii) the Member's aggregate dollar amount of covered sales resulting from options transactions occurring on the Exchange during any computational period. The Exchange notes that if the SEC's Section 31 fee rate changes in the middle of a month, the Exchange will perform a separate calculation with respect to covered sales under the new fee rate for the remaining portion of the month.

#### 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.<sup>6</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>7</sup> 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)<sup>8</sup> 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,<sup>9</sup> 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 that the proposed rule change is consistent with these requirements because the proposed amended Fees Schedule text provides Members with detail regarding the circumstances under which the Exchange assesses a Sales Value Fee, and the current process by which the Fee is collected. As such, the proposed changes will increase transparency, help avoid Member confusion and foster better understanding of the application of the Fee. Accordingly, the Exchange believes the proposed rule change will promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. Further, the Exchange believes the proposed change is reasonable, given that assessing a sales fee to defray the cost of fees assessed under Section 31 of the Act is common practice among the national securities exchanges and associations.<sup>10</sup>

As noted above, the proposed changes to the Fees Schedule do not change how the Exchange calculates or collects the Sales Value Fee from its Members, *i.e.*, there are no changes to the application

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> *Id.*

<sup>9</sup> 15 U.S.C. 78f(b)(4).

<sup>10</sup> See, e.g., ISE Options 7, Section 12; NASDAQ Options 7, Section 8; NYSE Rule 393; and Cboe Options Fees Schedule, Sales Value Fee.

<sup>3</sup> 17 CFR 240.31.

<sup>4</sup> 17 CFR 240.31(a)(6).

<sup>5</sup> See, e.g., ISE Options 7, Section 12; NASDAQ Options 7, Section 8; NYSE Rule 393; and Cboe Options Fees Schedule, Sales Value Fee.



and assessment of the Sales Value Fee as a result of the proposed changes. Rather, the proposed changes will provide a more complete and accurate description of the Sales Value Fee (including an explanation of the Fee and how it is collected) to all Members. The Exchange believes the proposed change represents an equitable allocation of fees and is not unfairly discriminatory because it applies uniformly to all Members.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed changes will impose any burden on intramarket competition. Particularly, the proposed change applies uniformly to all Members, in that the Sales Value Fee will continue to be applied uniformly to all Members' applicable orders.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, assessing a sales fee to defray the cost of fees assessed under Section 31 of the Act is common practice among the national securities exchanges and associations.<sup>11</sup>

#### *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<sup>12</sup> and paragraph (f) of Rule 19b-4<sup>13</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2024-049 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-2024-049. 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-2024-049 and should be submitted on or before September 6, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-18341 Filed 8-15-24; 8:45 am]

**BILLING CODE 8011-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **Information on SBA Secondary Market Program**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Update to secondary market program.

**SUMMARY:** The purpose of this Notice is to inform the public that the Small Business Administration (SBA) is making a change to its Secondary Market Loan Pooling Program. SBA is decreasing the minimum maturity ratio for both SBA Standard Pools and Weighted-Average Coupon (WAC) Pools by 300 basis points, to 89.0%. The minimum maturity ratio covers the estimated cost of the timely payment guaranty for newly formed SBA 7(a) loan pools. This update will be incorporated, as needed, into the SBA Secondary Market Program Guide and all other appropriate SBA Secondary Market documents.

**DATES:** The update will apply to SBA 7(a) loan pools with an issue date on or after October 1, 2024.

**ADDRESSES:** Address comments concerning this Notice to David Parrish, Chief Secondary Market Division, Office of Financial Assistance, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; or [david.parrish@sba.gov](mailto:david.parrish@sba.gov).

**FOR FURTHER INFORMATION CONTACT:** David Parrish, Chief Secondary Market Division, Office of Financial Assistance at (202) 205-6346; or [david.parrish@sba.gov](mailto:david.parrish@sba.gov). If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** The Secondary Market Improvements Act of 1984, 15 U.S.C. 634(f) through (h), authorized SBA to guarantee the timely payment of principal and interest on Pool Certificates. A Pool Certificate represents a fractional undivided interest in a "Pool," which is an aggregation of SBA guaranteed portions of loans made by SBA Lenders under section 7(a) of the Small Business Act, 15 U.S.C. 636(a). In order to support the

<sup>11</sup> See, e.g., ISE Options 7, Section 12; NASDAQ Options 7, Section 8; NYSE Rule 393; and Cboe Options Fees Schedule, Sales Value Fee.

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>13</sup> 17 CFR 240.19b-4(f).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

timely payment guaranty requirement, SBA established the Master Reserve Fund (MRF), which serves as a mechanism to cover the cost of SBA's timely payment guaranty. Borrower payments on the guaranteed portions of pooled loans, as well as SBA guaranty payments on defaulted pooled loans, are deposited into the MRF. Funds are held in the MRF until distributions are made to investors (Registered Holders) of Pool Certificates. The interest earned on the borrower payments and the SBA guaranty payments deposited into the MRF supports the timely payments made to Registered Holders.

From time to time, SBA provides guidance to SBA Pool Assemblers on the required loan and pool characteristics necessary to form a Pool. These characteristics include, among other things, the minimum number of guaranteed portions of loans required to form a Pool, the allowable difference between the highest and lowest gross and net note rates of the guaranteed portions of loans in a Pool, and the minimum maturity ratio of the guaranteed portions of loans in a Pool. The minimum maturity ratio is equal to the ratio of the shortest and the longest remaining term to maturity of the guaranteed portions of loans in a Pool.

Based on SBA's expectations as to the performance of future Pools, SBA Pool Assemblers may increase the difference between the shortest and the longest remaining term of the guaranteed portions of loans in a Pool by 3 percentage points (*i.e.*, decreasing the minimum maturity ratio by 300 basis points). SBA does not expect a 3-percentage point decrease in the minimum maturity ratio to have an adverse impact on either the program or

the participants in the program. Therefore, effective October 1, 2024, all guaranteed portions of loans in Standard Pools and WAC Pools presented for settlement with SBA's Fiscal Transfer Agent will be required to have a minimum maturity ratio of at least 89.0%.

SBA will continue to monitor loan and pool characteristics and will provide notification of additional changes as necessary. It is important to note that there is no change to SBA's obligation to honor its guaranty of the amounts owed to Registered Holders of Pool Certificates and that such guaranty continues to be backed by the full faith and credit of the United States.

This program change will be incorporated as necessary into SBA's Secondary Market Guide and all other appropriate SBA Secondary Market documents. As indicated above, this change will be effective for Standard Pools and WAC Pools with an issue date on or after October 1, 2024.

**David Parrish,**

*Chief, Secondary Market Division.*

[FR Doc. 2024-18377 Filed 8-15-24; 8:45 am]

**BILLING CODE P**

## SMALL BUSINESS ADMINISTRATION

### Small Business Investment Company Licensing and Examination Fees Inflation Adjustment

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of inflation adjustment of SBIC licensing and examination fees.

**SUMMARY:** The U.S. Small Business Administration (SBA) is providing

notice of the annual Inflation Adjustment to the Licensing and Examination Fees charged in the Small Business Investment Company (SBIC) program, required under the SBIC program regulations.

**DATES:** The SBIC program Licensing and Examination Fees identified in this notice will become effective on October 1, 2024, and will not require further Inflation Adjustment prior to the release of the June 2025 Consumer Price Index for All Urban Consumers (CPI-U), as calculated by the U.S. Bureau of Labor Statistics (BLS).

#### FOR FURTHER INFORMATION CONTACT:

Gretchen L. Kittel, Office of Investment and Innovation, at 202-578-5502 or [oi.frontoffice@sba.gov](mailto:oi.frontoffice@sba.gov). If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** The SBIC program regulations at 13 CFR 107.300(c)(4), 107.692(b)(2), and 107.692(e) require SBA to annually adjust the SBIC program Licensing and Examination Fees using the Inflation Adjustment defined in 13 CFR 107.50. The current Licensing Fees payable by SBIC Applicants became effective on August 17, 2023, as part of the SBIC Investment Diversification and Growth Final Rule, and the current Examination Fees payable by SBICs became effective on October 1, 2023. This document provides notice of the annual Inflation Adjustment based on the release of the June 2024 BLS CPI-U.

The table below identifies the Licensing Fees payable by SBIC License Applicants and Examination Fees payable by SBICs, effective as of October 1, 2024.

SBIC fee type	Fund sequence	Fees amounts (effective October 1, 2024)
Licensing Fees (effective under § 107.300):		
Initial Licensing Fee § 107.300(a) .....	Fund I .....	\$5,100
	Fund II .....	10,300
	Fund III .....	15,400
	Fund IV+ .....	20,600
Final Licensing Fee § 107.300(b) .....	Fund I .....	10,300
	Fund II .....	15,400
	Fund III .....	25,700
	Fund IV+ .....	30,900
Licensing Resubmission Penalty Fee § 107.300(c)(3) <sup>1</sup> .....	.....	10,300
Examination Fees (effective under § 107.692):		
Minimum Base Fee (§ 107.692(b)(2)) .....	All Funds .....	11,000
Maximum Base Fee for non-Leveraged SBICs (§ 107.692(b)(2)) .....	All Funds .....	36,000
Maximum Base Fee for Leveraged SBICs (§ 107.692(b)(2)) .....	All Funds .....	53,600
Delay Fee (§ 107.692(e)) .....	All Funds .....	800

<sup>1</sup> *Resubmission Penalty Fee.* The Resubmission Penalty Fee means a \$10,000 penalty fee assessed to an applicant that has previously withdrawn or is otherwise not approved for a license that must be paid in addition to the Initial and Final Licensing Fees at the time the applicant re-submits its application.

Authority: 15 U.S.C. 681(e) and 687b(b); 13 CFR 107.300 and 107.692.

**Bailey DeVries,**  
*Associate Administrator, U.S. Small Business Administration, Office of Investment and Innovation.*

[FR Doc. 2024–17862 Filed 8–15–24; 8:45 am]

**BILLING CODE 8026–09–P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #20533 and #20534; FLORIDA Disaster Number FL–20009]**

**Presidential Declaration of a Major Disaster for the State of Florida**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–4806–DR), dated 08/10/2024.

*Incident:* Hurricane Debby.

*Incident Period:* 08/01/2024 and continuing.

**DATES:** Issued on 08/10/2024.

*Physical Loan Application Deadline Date:* 10/09/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/12/2025.

**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 President’s major disaster declaration on 08/10/2024, 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](mailto: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 (Physical Damage and Economic Injury Loans):* Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Manatee, Sarasota, Suwannee, Taylor.

*Contiguous Counties (Economic Injury Loans Only):*  
Florida: Alachua, Baker, Charlotte, Citrus, Desoto, Hardee,

Hillsborough, Jefferson, Madison, Marion, Polk, Union.  
Georgia: Clinch, Echols, Lowndes.  
The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	5.625
Homeowners without Credit Available Elsewhere .....	2.813
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
<i>For Economic Injury:</i>	
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 205338 and for economic injury is 205340.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**  
*Acting Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024–18338 Filed 8–15–24; 8:45 am]

**BILLING CODE 8026–09–P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #20496 and #20497; IOWA Disaster Number IA–20009]**

**Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Iowa**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4796–DR), dated 07/24/2024.

*Incident:* Severe Storms, Flooding, Straight-line Winds, and Tornadoes.

*Incident Period:* 06/16/2024 through 07/23/2024.

**DATES:** Issued on 08/09/2024.

*Physical Loan Application Deadline Date:* 09/23/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 04/24/2025.

**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:** The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of Iowa, dated 07/24/2024, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:* Des Moines, Emmet, Floyd, Howard, Kossuth, Mitchell, Pottawattamie.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**  
*Acting Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024–18441 Filed 8–15–24; 8:45 am]

**BILLING CODE 8026–09–P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #20358 and #20359; TEXAS Disaster Number TX–20013]**

**Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Texas**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 8.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4781–DR), dated 05/23/2024.

*Incident:* Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

*Incident Period:* 04/26/2024 through 06/05/2024.

**DATES:** Issued on 08/09/2024.

*Physical Loan Application Deadline Date:* 09/09/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/24/2025.

**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:** The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of Texas, dated 05/23/2024, is hereby amended to

extend the deadline for filing applications for physical damages as a result of this disaster to 09/09/2024. This notice is further amended to include the following areas as adversely affected by the disaster.

**Primary Counties:** Bowie, Nacogdoches, Navarro, Red River, Smith.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**

*Acting Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024–18339 Filed 8–15–24; 8:45 am]

**BILLING CODE 8026–09–P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20453 and #20454; ARKANSAS Disaster Number AR–20010]

### Administrative Disaster Declaration of a Rural Area for the State of Arkansas

**AGENCY:** Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative disaster declaration of a rural area for the State of Arkansas dated 08/12/2024.

**Incident:** Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

**Incident Period:** 05/24/2024 through 05/27/2024.

**DATES:** Issued on 08/12/2024.

**Physical Loan Application Deadline Date:** 10/11/2024.

**Economic Injury (EIDL) Loan Application Deadline Date:** 05/12/2025.

**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](mailto: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:** Sharp.

The Interest Rates are:

	Percent
<b>For Physical Damage:</b>	
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
<b>For Economic Injury:</b>	
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 20453C and for economic injury is 204540.

The State which received an EIDL Declaration is Arkansas.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**

*Administrator.*

[FR Doc. 2024–18371 Filed 8–15–24; 8:45 am]

**BILLING CODE 8026–09–P**

## DEPARTMENT OF STATE

[Public Notice 12494]

### 30-Day Notice of Proposed Information Collection: Recording, Reporting, and Data Collection Requirements—Student and Exchange Visitor Information System (SEVIS)

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments up to September 16, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://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.

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Private Sector Exchange Directorate (ECA/EC), U.S. Department of State, SA–5, 2200 C Street NW, Washington, DC 20522–0505, ATTN: **Federal Register** Notice Response, which may be reached at phone: (202) 826–4364, or via email: [jexchanges@state.gov](mailto:jexchanges@state.gov).

#### SUPPLEMENTARY INFORMATION:

- **Title of Information Collection:** Recording, Reporting, and Data Collection Requirements—Student and Exchange Visitor Information System (SEVIS)

- **OMB Control Number:** 1405–0147.
- **Type of Request:** Reinstatement of a previously approved collection.

- **Originating Office:** Bureau of Educational and Cultural Affairs (ECA/EC).

- **Form Number:** DS–3036, DS–3037, DS–7000.

- **Respondents:** U.S. Government and public and private organizations wishing to become Department of State designated sponsors authorized to conduct exchange visitor programs, and Department of State designated sponsors, exchange visitors, and hosts.

- **Estimated Number of Respondents:** 186,910 (DS–3036–60); (DS–3037–1,450); (DS–7000–185,400).

- **Estimated Number of Responses:** 2,001,524 (DS–3036–60; DS–3037–2,900; DS–7000–1,998,564 (1,977,588 for Non-SEVIS and 20,976 for SEVIS)).

- **Average Time Per Response:** DS–3036–8 hours; DS–3037–20 minutes; DS–7000–45 minutes.

- **Total Estimated Burden Time:** 1,988,286 hours (DS–3036–480 hours; DS–3037 943 hours; DS–7000–1,986,863).

- **Frequency:** On occasion.

- **Obligation to Respond:** Required to Obtain or Retain a Benefit.

- We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

#### Abstract of Proposed Collection

The collection contains information collected by the Bureau of Educational and Cultural Affairs in administering the Exchange Visitor Program (J-Visa) under the provisions of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451, *et seq.*

#### Methodology

Information will be collected through mail or electronic submission. Access to Forms DS-3036 and DS-3037 is found in the Student and Exchange Visitor Information System (SEVIS). Form DS-7000 is an internal spreadsheet that summarizes the burden resulting from requirements of the Exchange Visitor Program rules in 22 CFR part 62.

Rebecca Pasini,

Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs.

[FR Doc. 2024-18352 Filed 8-15-24; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

[Public Notice: 12486]

### Industry Advisory Group: Notice of New Open Meeting Date

The date for the U.S. Department of State Bureau of Overseas Buildings Operations' 2024 Industry Advisory Group Annual Meeting has been changed. The new date is now Tuesday, September 17, 2024, from 8:30 a.m. to 5:30 p.m. ET. The meeting will be hybrid and open to the public from 1:30 p.m.–5:30 p.m., including a networking session starting at 4:30 p.m., at the U.S. Department of State, located at 2201 C Street NW, Washington, DC.

For those who have already registered to attend in person, please email OBO External Affairs if you are unable to attend. Virtual attendees do not need to take any action and may use their existing meeting invitations.

The meeting will primarily be devoted to discussions between the

Department's senior management and IAG members regarding industry and academia's latest concepts, methods, best practices, innovations, and ideas supporting OBO's mission to provide the most effective facilities for United States diplomacy abroad. Additionally, time will be provided for public members to ask questions and provide comments.

The public may attend this meeting in-person as seating capacity allows. Admittance to the State Department building will be through a pre-arranged clearance list. OBO External Affairs will post an open registration announcement on OBO's website ([www.state.gov/obo](http://www.state.gov/obo)) and social media and email the announcement to OBO's distribution list to inform the public of the event. We encourage those interested in attending the IAG Annual Meeting to sign up for OBO's Distribution List.

Please forward any requests for reasonable accommodation to [OBOExternalAffairs@state.gov](mailto:OBOExternalAffairs@state.gov) by August 29, 2024. Request for reasonable accommodation made after that date will be considered but may not be fulfilled.

For further information, please contact External Affairs at [OBOExternalAffairs@state.gov](mailto:OBOExternalAffairs@state.gov).

Rollin L. Miller,

Chief of Staff, Bureau of Overseas Buildings Operations, Department of State.

[FR Doc. 2024-18402 Filed 8-15-24; 8:45 am]

BILLING CODE 4710-51-P

## SURFACE TRANSPORTATION BOARD

[Docket No. EP 774 (Sub-No. 2)]

### Notice of Passenger Rail Advisory Committee Meeting

AGENCY: Surface Transportation Board.

ACTION: Notice of Passenger Rail Advisory Committee meeting.

SUMMARY: Notice is hereby given of a meeting of the Passenger Rail Advisory Committee Meeting (PRAC), pursuant to the Federal Advisory Committee Act (FACA).

DATES: The meeting will be held on October 16, 2024, at 10:00 a.m. E.T.

ADDRESSES: The meeting will be held at the Surface Transportation Board headquarters at 395 E Street SW, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Brian O'Boyle at (202) 245-0364 or [Brian.Ob Boyle@stb.gov](mailto:Brian.Ob Boyle@stb.gov). If you require an accommodation under the Americans with Disabilities Act for this meeting, please call (202) 245-0245 by October 2, 2024.

**SUPPLEMENTARY INFORMATION:** The PRAC was formed in 2023 to provide advice and guidance to the Board on passenger rail issues on a continuing basis to help the Board better fulfill its statutory responsibilities in overseeing certain aspects of passenger rail service. *Establishment of the Passenger Rail Advisory Comm.*, EP 774 (STB served Nov. 13, 2023). The purpose of this meeting is to facilitate discussions regarding ideas on how to improve efficiency on passenger rail routes, reduce disputes between passenger rail carriers and freight rail hosts, and improve regulatory processes related to intercity passenger rail. Potential agenda items for this meeting include introduction of PRAC members, election of PRAC officers, discussion of topics for PRAC to explore and goals for PRAC, a presentation by the Board's Office of Passenger Rail, briefing for PRAC members on FACA and ethical requirements, and the operation of PRAC at future meetings.

The meeting, which is open to the public, will be conducted in accordance with FACA, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR part 102-3; PRAC's charter; and Board procedures. Further communications about this meeting may be announced through the Board's website at [www.stb.gov](http://www.stb.gov).

**Written Comments:** Members of the public may submit written comments to PRAC at any time. Comments should be addressed to PRAC, c/o Brian O'Boyle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001 or [Brian.Ob Boyle@stb.gov](mailto:Brian.Ob Boyle@stb.gov). Please submit any comments for review at the meeting by October 2, 2024, if possible.

**Authority:** 49 U.S.C. 1321, 11101, and 11121.

Decided: August 13, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,  
Clearance Clerk.

[FR Doc. 2024-18433 Filed 8-15-24; 8:45 am]

BILLING CODE 4915-01-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2024-0013]

### 2024 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) requests comments that identify online and physical markets to be considered for inclusion in the 2024 Review of Notorious Markets for Counterfeiting and Piracy (Notorious Markets List). The Notorious Markets List identifies examples of online and physical markets that reportedly engage in or facilitate substantial copyright piracy or trademark counterfeiting. The issue focus for the 2024 Notorious Markets List will examine online pharmacies and counterfeit medicine.

**DATES:**

October 2, 2024, at 11:59 p.m. ET:  
Deadline for submission of written comments.

October 16, 2024, at 11:59 p.m. ET:  
Deadline for submission of rebuttal comments and other information USTR should consider during the review.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: <http://www.regulations.gov> (*Regulations.gov*). Follow the instructions for submitting comments in section III below. For alternatives to online submissions, please contact Claire Avery-Page at [notoriousmarkets@ustr.eop.gov](mailto:notoriousmarkets@ustr.eop.gov) or 202.395.6862 before transmitting a comment and in advance of the relevant deadline.

**FOR FURTHER INFORMATION CONTACT:**

Claire Avery-Page, Director for Innovation and Intellectual Property, at [notoriousmarkets@ustr.eop.gov](mailto:notoriousmarkets@ustr.eop.gov) or 202.395.6862. You can find information about the Special 301 Review, including the Notorious Markets List, at [www.ustr.gov](http://www.ustr.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The United States is concerned with trademark counterfeiting and copyright piracy on a commercial scale because these illicit activities cause significant financial losses for right holders, legitimate businesses, and governments. In addition, they undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and can pose significant risks to consumer health and safety and privacy and security. Conducted under the auspices of the Special 301 program and the authority of the U.S. Trade Representative to address practices that have significant adverse impact on the value of U.S. innovation, the Notorious Markets List identifies examples of online and physical markets that reportedly engage in or facilitate substantial copyright piracy or

trademark counterfeiting that infringe on U.S. intellectual property (IP).

Beginning in 2006, USTR identified notorious markets in the annual Special 301 Report. In 2010, USTR announced that it would publish the Notorious Markets List as an Out-of-Cycle Review, separate from the annual Special 301 Report. USTR published the first Notorious Markets List in February 2011. USTR develops the annual Notorious Markets List based upon public comments solicited through the **Federal Register** and in consultation with Federal agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee.

The United States encourages owners and operators of markets reportedly involved in piracy or counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with right holders and enforcement officials to address infringement. USTR also encourages foreign government authorities to intensify their efforts to investigate reports of piracy and counterfeiting in such markets, and to pursue appropriate enforcement actions. The Notorious Markets List does not purport to reflect findings of legal violations, nor does it reflect the U.S. Government's analysis of the general IP protection and enforcement climate in the country or countries concerned. For an analysis of the IP climate in particular countries, please refer to the annual Special 301 Report, published each spring no later than 30 days after USTR submits the National Trade Estimate to Congress.

**II. Public Comments**

USTR invites written comments concerning examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting that infringe on U.S. intellectual property. USTR also invites written comments for the Notorious Markets List 'issue focus' that highlights an issue related to the facilitation of substantial trademark counterfeiting or copyright piracy. The issue focus for the 2024 Notorious Markets List will examine online pharmacies and counterfeit medicine.

To facilitate the review, written comments should be as detailed as possible. Comments must clearly identify the market and the reasons why the commenter believes that the market should be included in the Notorious Markets List. Commenters should include the following information, as applicable:

*For online markets that engage in or facilitate substantial counterfeiting:*

- The domain name(s) of the market, the name(s) of the owner(s) or operator(s), the geographic area(s) where the market operates, and whether the market is owned, operated, or otherwise affiliated with a government entity.

- Estimate of the number of goods sold or otherwise made available on the market and any other indicia of the market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods.

- Estimate of the number and types of goods sold or otherwise made available on the market that are counterfeit, either in aggregate or in relation to the total number and types of goods sold or otherwise made available on the market, a description of the methodology used to create the estimate and the timeframe the estimate was conducted, and information supporting the claims of counterfeiting.

- Estimate of economic harm to right holders resulting from the counterfeit goods and a description of the methodology used to calculate the harm.

- Whether the number and types of counterfeit goods or the economic harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.

- Whether the counterfeit goods sold or otherwise made available on the market pose a risk to public health or safety.

- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.

- Any actions taken by right holders, such as discussing concerns with the market, submitting takedown notices or requests to remove counterfeit goods, sending cease and desist letters, or requesting that the market enforce its terms of service or terms of use, and the outcome of these actions.

- Any actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit goods, including policies to prevent or remove access to such goods, or to disable seller or user accounts, the effectiveness of market policies and guidelines in addressing counterfeiting, and the level of cooperation with right holders and law enforcement.

- Any other additional information relevant to the review.

*For online markets that engage in or facilitate substantial piracy:*

- The domain name(s) of the market, the name(s) and location(s) of the hosting provider(s), the name(s) and location(s) of the owner(s) or operator(s), the geographic area(s) where the market operates, and whether the

market is owned, operated, or otherwise affiliated with a government entity.

- Revenue sources such as sales, subscriptions, donations, upload incentives, or advertising, the methods by which that revenue is collected, and the entities that help facilitate the market's revenue.

- Description and estimate of economic harm to right holders resulting from piracy and a description of the methodology used to calculate the harm.

- Whether the number of pirated goods or files, or the economic harm, has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.

- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.

- Any actions taken by right holders, such as discussing concerns with the market, submitting takedown notices or requests to remove URLs or pirated content, sending cease and desist letters, or requesting that the market enforce its terms of service or terms of use, and the outcome of these actions.

- Any actions taken by the market owners or operators to remove, limit, or discourage the availability of pirated goods or services, including policies to prevent or remove access to such goods or services, or to disable seller or user accounts, the effectiveness of market policies and guidelines in addressing piracy, and the level of cooperation with right holders and law enforcement.

- Any other additional information relevant to the review.

*For physical markets that engage in or facilitate substantial counterfeiting or piracy:*

- The market's name(s), street address, neighborhood or shopping district, city, and the identity of the principal owner(s) or operator(s).

- Whether the market is owned, operated, or otherwise affiliated with a government entity.

- Types of counterfeit or pirated products or services sold, traded, distributed, or otherwise made available at the market.

- Volume of counterfeit or pirated goods or services or other indicia of the market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods or services.

- Description and estimate of economic harm to right holders resulting from the piracy or counterfeiting and a description of the methodology used to calculate the harm.

- Whether the volume of counterfeit or pirated goods or estimates of harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.

- Whether the infringing goods or services sold, traded, distributed, or made available pose a risk to public health or safety.

- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.

- Additional actions taken by right holders, such as discussing concerns with the market, sending cease and desist letters, sending warning letters to landlords or requests to enforce the terms of their leases, and the outcome of these actions.

- Additional actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit or pirated goods or services, the effectiveness of market policies and guidelines in addressing counterfeiting and piracy, and the level of cooperation with right holders and law enforcement.

- Any other additional information relevant to the review.

### III. Submission Instructions

All submissions must be in English and sent electronically via *Regulations.gov*. To submit comments, locate the docket (folder) by entering the docket number USTR-2024-0013 in the search bar on the *Regulations.gov* homepage and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting 'notice' under 'document type' on the left side of the search-results page, and click on the link entitled 'Comment'. You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name or Organization 2024 Notorious Markets. Please include the following information in the 'Start typing comment here' field: 2024 Review of Notorious Markets for Counterfeiting and Piracy. USTR prefers submissions in Microsoft Word (.docx) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the 'Start typing comment here' field. For further information on using *Regulations.gov*, please contact the *Regulations.gov* Help Desk via the 'Support' button in the upper right corner of any page.

Please do not attach separate cover letters to electronic submissions.

Instead, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

Please include the name, email address, and phone number of an individual who USTR can contact if there are issues or questions with the submission. The contact information can be included in the submission or sent to Claire Avery-Page, Director for Innovation and Intellectual Property, at [notoriousmarkets@ustr.eop.gov](mailto:notoriousmarkets@ustr.eop.gov) or 202.395.6862.

For any comment submitted electronically that contains business confidential information (BCI), the file name of the business confidential version should begin with the characters 'BCI'. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and that they would not customarily release it to the public. Additionally, the submitter should type 'Business Confidential 2024 Review of Notorious Markets for Counterfeiting and Piracy' in the 'comment' field. Filers of comments containing BCI also must submit a public version. Begin the file name of the public version with the character 'P'. USTR will place the non-business confidential version in the docket at *Regulations.gov* and it will be available for public inspection.

As noted, USTR strongly urges submitters to file comments through *Regulations.gov*. You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting Claire Avery-Page at [notoriousmarkets@ustr.eop.gov](mailto:notoriousmarkets@ustr.eop.gov) or 202.395.6862.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments on *Regulations.gov* by entering docket number USTR-2024-0013 in the search field on the home page.

**Daniel Lee,**

*Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the United States Trade Representative.*

[FR Doc. 2024-18337 Filed 8-15-24; 8:45 am]

**BILLING CODE 3390-F4-P**



**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD-2019-0093]****Deepwater Port License Application:  
Texas GulfLink LLC—Final  
Environmental Impact Statement****AGENCY:** Maritime Administration,  
Department of Transportation.**ACTION:** Notice of availability; Notice of  
virtual final public hearing; Notice of  
extension; Request for comments.

**SUMMARY:** The Maritime Administration (MARAD) and U.S. Coast Guard (USCG) announce the extension of the comment period for the Final Environmental Impact Statement (FEIS) for the Texas GulfLink LLC (GulfLink) deepwater port license application for the export of oil from the United States to nations abroad. The GulfLink deepwater port license application describes a project that would be located approximately 26.2 nautical miles off the coast of Brazoria County, Texas. Publication of this notice extends the current comment period for the GulfLink FEIS to end on Friday, August 30, 2024, requests public participation in the final environmental impact review process, provides information on how to participate in the final environmental impact review process and announces a virtual final public hearing.

**DATES:** MARAD and USCG will hold one virtual final public hearing (final hearing) in connection with the GulfLink deepwater port license application. The final hearing will be held virtually on September 13, 2024, from 6:00 p.m. to 8:00 p.m. Central Time, due to the impacts of Hurricane Beryl. The virtual final hearing may end later than the stated time, depending on the number of persons who wish to comment on the record. Anyone interested in attending the virtual final hearing or speaking during the virtual final hearing must register. Registration information is provided in the Public Participation section of this Notice.

Due to the impacts of Hurricane Beryl, we are providing an extension of the comment period for the public to submit comments, which began with the publication of the **Federal Register** Notice on July 5, 2024, and will now end on Friday, August 30, 2024.

**ADDRESSES:** Comments on the FEIS must be submitted to the U.S. Department of Transportation's Docket Management Facility or online to [www.regulations.gov](http://www.regulations.gov) under docket number MARAD-2019-0093. The address of the Docket Management

Facility is as follows: U.S. Department of Transportation, MARAD-2019-0093, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590. These are the only methods to submit comments on the GulfLink FEIS. Improperly submitted comments may not be considered.

**FOR FURTHER INFORMATION CONTACT:** Mr. Patrick W. Clark, Project Manager, USCG, telephone: 202-372-1358, email: [DeepwaterPorts@USCG.mil](mailto:DeepwaterPorts@USCG.mil); or Dr. Linden Houston, Transportation Specialist, Office of Deepwater Ports and Port Conveyance, MARAD, telephone: 202-366-4839, email: [Linden.Houston@dot.gov](mailto:Linden.Houston@dot.gov).

Please include "MARAD-2019-0093, GulfLink Comment" in the subject line of the message. For written comments and other material submissions, please follow the directions under the "How do I submit comments?" question in the Public Participation section of this notice.

**SUPPLEMENTARY INFORMATION:****Prior Federal Actions**

On May 30, 2019, MARAD and USCG received a license application from GulfLink for all Federal authorizations required for a license to construct, own, and operate a deepwater port for the export of oil. The proposed deepwater port would be located in Federal waters approximately 26.6 nautical miles off the coast of Brazoria County, Texas. Texas was designated as the ACS for the GulfLink license application.

A Notice of Application that summarized the GulfLink Deepwater Port License Application was published in the **Federal Register** on June 26, 2019 (84 FR 30298). A Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Notice of Public Scoping Meeting was published in the **Federal Register** on July 3, 2019 (84 FR 32008). The Federal agencies involved held a public scoping meeting in connection with the evaluation of the GulfLink license application. The public scoping meeting was held in Lake Jackson, Texas on July 17, 2019. The transcript of the scoping meeting is included on the public docket located at [www.regulations.gov/document/MARAD-2019-0093-0047](http://www.regulations.gov/document/MARAD-2019-0093-0047). A **Federal Register** Notice was published on August 14, 2019 (84 FR 40476) to extend the public scoping comment period to August 30, 2019.

MARAD and USCG held three virtual public comment meetings to receive comments on the Draft Environmental Impact Statement (DEIS). A Notice of Availability for the DEIS and Notice of Public Meeting was published in the

**Federal Register** on November 27, 2020 (85 FR 76157). The first two virtual public comment meetings were held on December 16, 2020, and December 17, 2020. The public comment period for these meetings began on November 27, 2020, and a **Federal Register** Notice was published on December 21, 2020 (85 FR 83142) to extend the comment period to January 22, 2021. Transcripts of these DEIS virtual public comment meetings are provided on the public docket at [www.regulations.gov/document/MARAD-2019-0093-0318](http://www.regulations.gov/document/MARAD-2019-0093-0318), [www.regulations.gov/document/MARAD-2019-0093-0319](http://www.regulations.gov/document/MARAD-2019-0093-0319), and [www.regulations.gov/document/MARAD-2019-0093-2839](http://www.regulations.gov/document/MARAD-2019-0093-2839). A Notice of Availability and Notice of Virtual Public Meeting was published in the **Federal Register** on September 24, 2021 (86 FR 53144). The Federal agencies held a third virtual DEIS public comment meeting to receive comments on the DEIS. The DEIS public meeting was held virtually on October 14, 2021. The purpose of the October 14, 2021, virtual public meeting was to reopen the public comment period for the DEIS and to provide affected communities, including Limited English Proficient persons, further opportunities to review and comment on the document. The transcripts from the third DEIS public comment meeting are included on the public docket at [www.regulations.gov/document/MARAD-2019-0093-2853](http://www.regulations.gov/document/MARAD-2019-0093-2853).

After the publication of the DEIS, GulfLink revised its deepwater license application in response to ongoing consultation with regulatory agencies and subsequently refined the design of the proposed deepwater port by adding a vapor control system into the design and operation of the proposed GulfLink deepwater port. A Notice of Availability; Notice of Virtual Public Meeting; Request for Comments for the Supplemental Draft Environmental Impact Statement (SDEIS) was published in the **Federal Register** on September 30, 2022 (87 FR 59487) in response to proposed changes to the GulfLink deepwater port. The public meeting was held virtually on October 18, 2022. The transcripts of the SDEIS public comment meetings are also included on the public docket at [www.regulations.gov/document/MARAD-2019-0093-3097](http://www.regulations.gov/document/MARAD-2019-0093-3097) and [www.regulations.gov/document/MARAD-2019-0093-3098](http://www.regulations.gov/document/MARAD-2019-0093-3098). The GulfLink FEIS was published in the **Federal Register** Notice on July 5, 2024 (89 FR 55679).

This Notice of Availability incorporates the aforementioned **Federal Register** notices by reference.

### Summary of the License Application

GulfLink is proposing to construct, own, and operate a deepwater port terminal in the Gulf of Mexico to export domestically produced crude oil. Use of the deepwater port would include the loading of various grades of crude oil at flow rates of up to 85,000 barrels per hour (bph). The GulfLink deepwater port would allow for up to two (2) Very Large Crude Carriers (VLCCs) or other crude oil carriers to moor at single point mooring (SPM) buoys and connect with the deepwater port via floating connecting crude oil hoses and a floating vapor recovery hose. The maximum frequency of loading VLCCs or other crude oil carriers would be one million barrels per day, 365 days per year.

The overall project would consist of offshore and marine components as well as onshore components as described below.

The GulfLink deepwater port offshore and marine components would consist of the following:

*An Offshore Platform:* One fixed offshore platform with piles in Outer Continental Shelf Galveston Area Lease Block GA-423, 26.6 nautical miles off the coast of Brazoria County, Texas, in a water depth of approximately 104 feet. The fixed offshore platform would have four decks comprised of personal living space, pipeline metering, a surge system, a pig receiving station, generators, lease automatic custody transfer unit, oil displacement prover loop, sample system, radar tower, electrical and instrumentation building, portal cranes, a hydraulic crane, an Operations/Traffic Room, and helicopter deck.

One 42-inch outside diameter, 28.1-nautical-mile long crude oil pipeline would be constructed from the shoreline crossing in Brazoria County, Texas, to the GulfLink deepwater port for crude oil delivery. This pipeline would connect the proposed onshore Jones Creek Terminal described below to the offshore platform.

The fixed offshore platform is connected to VLCC tankers for loading by two separate 42-inch diameter departing pipelines. Each pipeline will depart the fixed offshore platform, carrying the crude oil to a Pipeline End Manifold (PEM) in approximately 104 feet water depth located 1.25 nautical miles from the fixed offshore platform. Each PEM is then connected to a Single Point Mooring (SPM) Buoy through two 24-inch cargo hoses. Two 24-inch floating cargo hoses will connect each SPM Buoy to the VLCC (or other crude oil carrier type). SPM Buoy

1 is positioned in Outer Continental Shelf Galveston Area Lease Block GA-423 and SPM Buoy 2 is positioned in Outer Continental Shelf Galveston Area Lease Block GA-A36.

Use of a dynamically positioned third-party Offshore Support Vessel, equipped with a vapor processing system to control the release of vapor emissions during the cargo loading operations of the proposed GulfLink deepwater port.

Onshore storage and supply components for the GulfLink deepwater port would consist of the following:

*An Onshore Storage Terminal:* The proposed Jones Creek Terminal would be located in Brazoria County, Texas, on approximately 319 acres of land, consisting of eight above ground storage tanks, each with a working storage capacity of 708,168 barrels, for a total onshore storage capacity of approximately 5,655,344 barrels. The facility can accommodate four additional tanks, bringing the total to twelve tanks or 8,498,016 barrels of storage capacity.

The Jones Creek Terminal also would include: Six electric-driven mainline crude oil pumps; three electric driven booster crude oil pumps; one crude oil pipeline pig launcher; one crude oil pipeline pig receiver; two measurement skids for measuring incoming crude oil—one skid located on the Department of Energy's Bryan Mound facility, and one skid installed for the outgoing crude oil barrels leaving the tank storage to be loaded on the VLCC; and ancillary facilities to include an operations control center, electrical substation, offices, and warehouse building.

Two onshore crude oil pipelines would be constructed to support the GulfLink deepwater port and include the following:

One proposed incoming 9.1-statute mile long, 36-inch outside diameter pipeline connected to a leased 40-inch ExxonMobil pipeline originating at the Department of Energy's Bryan Mound facility with connectivity to the Houston market.

One proposed outgoing 12.1-statute mile long, 42-inch outside diameter pipeline connecting the Jones Creek Terminal to the shore crossing, where the offshore portion of this pipeline begins and supplies the proposed offshore GulfLink deepwater port.

As previously stated, the purpose of this notice is to announce that the FEIS is currently available for public review and a comment period that will now end by the close of business on August 30, 2024. Comments can be submitted through the Federal docket website:

[www.regulations.gov](http://www.regulations.gov) under docket number MARAD-2019-0093.

### Purpose of the Final Environmental Impact Statement

The purpose of the FEIS is to analyze the direct, indirect, and cumulative environmental impacts of the proposed action, and to identify and analyze environmental impacts of a reasonable range of alternatives. The FEIS is currently available for public review and comment at the Federal docket website: [www.regulations.gov](http://www.regulations.gov) under docket number MARAD-2019-0093.

### Request for Comments

You are encouraged to provide comments on the proposed action and the environmental impact analysis contained in the FEIS for the proposed GulfLink deepwater port. These comments will inform MARAD's Record of Decision for the GulfLink deepwater license application. We encourage you to review the information on the project's docket located online at [www.regulations.gov](http://www.regulations.gov) under docket number MARAD-2019-0093.

Please see the information in the Public Participation section below on how to properly submit comments. All comments submitted to the docket via [www.regulations.gov](http://www.regulations.gov) or delivered to the Federal Docket Management Facility will be posted, without change, to the Federal Docket Management Facility website ([www.regulations.gov](http://www.regulations.gov)) and will include any personal information you provide. Therefore, submitting such information makes it public. You may wish to read the Privacy and Use Notice available on the [www.regulations.gov](http://www.regulations.gov) website and the Department of Transportation (DOT) Privacy Act Notice that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477), see Privacy Act section of this Notice. You may view docket submissions at the DOT Docket Management Facility or electronically at the [www.regulations.gov](http://www.regulations.gov) website.

### Final Hearing Information

You are invited to attend the Final Hearing and encouraged to provide comments on the GulfLink deepwater port application. These comments will inform MARAD's Record of Decision for the GulfLink deepwater license application. Speakers are requested to register for the Final Hearing. Registration instructions are listed under the "*How do I register to speak at the public hearing?*" section under the Public Participation section of this notice. Speakers will be recognized in the following order during the Final Hearing: elected officials, public agency

representatives, and then individuals or groups in the order in which they registered. In order to accommodate all speakers, speakers' time may be limited, meeting hours may be extended, or both. Speakers' transcribed remarks will be included in the public docket. You may also submit written material for inclusion in the public docket. Written material must include the author's name. We ask attendees to respect the meeting procedures to ensure a constructive information-gathering session. The presiding officer will use their discretion to conduct the meeting in an orderly manner.

The Final Hearing will be conducted in English and Spanish. Final Hearing attendees who require special assistance, such as translation services or other reasonable accommodation, please notify MARAD or the USCG (see **FOR FURTHER INFORMATION CONTACT**) at least five business days in advance. Please include contact information as well as information about specific needs.

### Public Participation

#### *How do I prepare comments?*

To ensure that your comments are correctly filed in the Docket, please include the docket number (MARAD-2019-0093) shown at the beginning of this document in your comments. If you are submitting comments electronically as a .pdf (Adobe Acrobat) File, MARAD and USCG ask that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing the agencies to search and copy certain portions of your submissions.

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the Office of Management and Budget (OMB) and Department of Transportation (DOT) Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at [www.whitehouse.gov/omb/fedreg/reproducible.html](http://www.whitehouse.gov/omb/fedreg/reproducible.html). DOT's guidelines may be accessed at [www.bts.gov/programs/statistical\\_policy\\_and\\_research/data\\_quality\\_guidelines](http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines).

#### *How do I submit comments?*

You may submit comments for the GulfLink deepwater license application FEIS (identified by DOT Docket Number MARAD-2019-0093) by any one of the following methods:

**Mail or Hand Delivery:** The Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2019-0093, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590. Due to flexible work schedules in response to COVID-19, call 202-493-0402 to determine facility hours prior to hand delivery.

**Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov). Search "MARAD-2019-0093" and follow the instructions for submitting comments.

**Fax:** Comments may be faxed to the Docket Management Facility at 202-493-2251. Your comment must include the docket number (MARAD-2019-0093) to be placed to the proper docket.

**Note:** If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, and/or a telephone number on a cover page so that we can contact you if we have questions regarding your submission. All submissions received must include the agency name and specific docket number to ensure your comment is filed in the appropriate docket. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. MARAD may only consider comments and material received during the comment period. The instructions listed in this section are the only methods in which comments will be accepted for submission to the docket. It is the commenter's responsibility to comply with the instructions above to ensure that their comments are properly submitted for consideration and review. Comments that are submitted in any other manner and to any other location may not be considered.

#### *What will happen if I submit comments in any other manner?*

Comments that are not submitted directly to the Docket Management Facility using the methods specified and outlined within this **Federal Register** notice may not be considered. It is the commenter's responsibility to comply with the instructions above to ensure that their comments are properly submitted for review.

#### *How long do I have to submit comments?*

We are providing an extension of the comment period for the public to submit comments, which began with the publication of the **Federal Register** Notice on July 5, 2024, and will now end on Friday, August 30, 2024.

*I provided MARAD and USCG comments on the GulfLink scoping meeting, DEIS, or SDEIS, orally or in writing, in another forum. May I provide comments in response to this notice as well?*

Yes, MARAD and USCG encourage any member of the public to submit relevant comments for the docket, including input that has previously been communicated to the agencies.

#### *How can I be sure that my comments were received?*

If you wish for Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

#### *Will the Agency consider late comments?*

MARAD and the USCG will review all substantive comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES** section. Comments submitted outside the comment period may not be considered.

#### *How can I read the comments submitted by other people?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES** section of this Notice. The hours of the Docket Management Unit are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for accessing the dockets.

#### *How do I register to speak at the virtual public hearing?*

You may register for the proceedings using the following link: [https://us06web.zoom.us/webinar/register/WN\\_YRFeRRrNTbSJzKMPfRP6A](https://us06web.zoom.us/webinar/register/WN_YRFeRRrNTbSJzKMPfRP6A). If you need assistance with registration, you may call 1-(800) 949-0771, and leave a message and someone will call you back and assist with getting you registered. Please note this phone line is not staffed 24/7.

**Privacy Act**

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, visit [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

(Authority: 33 U.S.C. 1501, *et seq.*; 49 CFR 1.93(h))

By Order of the Maritime Administrator.  
**T. Mitchell Hudson, Jr.**,  
*Secretary, Maritime Administration.*

[FR Doc. 2024-18349 Filed 8-15-24; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF THE TREASURY****Bureau of the Fiscal Service****Proposed Collection of Information: Subscription for Purchase and Issue of U.S. Treasury Securities—State and Local Government Series**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, 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. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Subscription for Purchase and Issue of U.S. Treasury Securities—State and Local Government Series.

**DATES:** Written comments should be received on or before October 15, 2024 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006-A, P.O. Box 1328, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

**Title:** Subscription for Purchase and Issue of U.S. Treasury Securities—State and Local Government Series.

**OMB Number:** 1530-0065.

**Methods of Collection:** Most activity occurs within SLGSafe, the secure internet application available for subscribers to manage a portfolio of State and Local Government Series securities. The SLGSafe system collects

identical information collected by the forms listed below and is included in the overall burden.

**Form Number:**

FS Form 4144—Subscription for Purchase and Issue of U.S. Securities State and Local Government Series Time Deposits

FS Form 4144-1—Account Information for U.S. Treasury Securities State and Local Government Series Time Deposits

FS Form 4144-2—Schedule of U.S. Treasury Securities State and Local Government Series Time Deposits

FS Form 4144-5—SLGSafe Application for internet Access—U.S. Treasury Securities State and Local Government Series

FS Form 4144-6—SLGSafe User Acknowledgement, SLGSafe Application for Internet Access

FS Form 4144-7—SLGSafe Template Worksheet

**Abstract:** The information is requested to establish and maintain accounts for the owners of securities of the State and Local Government Series.

**Current Actions:** Extension of a currently approved collection.

**Type of Review:** Regular.

**Affected Public:** State and Local Government.

**Estimated Number of Respondents:** 7,105.

**Estimated Time per Respondent:** 15 minutes.

**Estimated Total Annual Burden Hours:** 2,706.

**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: 1. 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; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. 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 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 12, 2024.

**Bruce A. Sharp,**

*Bureau PRA Clearance Officer.*

[FR Doc. 2024-18336 Filed 8-15-24; 8:45 am]

**BILLING CODE 4810-AS-P**

**DEPARTMENT OF THE TREASURY****United States Mint****Request for Citizens Coinage Advisory Committee Membership Applications**

**ACTION:** Notice.

**SUMMARY:** The United States Mint is accepting applications for appointment to the Citizens Coinage Advisory Committee (CCAC) as one of the three members appointed to represent the interests of the general public in the coinage of the United States.

**DATES:** *Application Deadline:* 5 p.m. (ET), October 18, 2024.

**ADDRESSES:** Receipt of Applications: Any member of the public wishing to be considered for appointment to the CCAC should submit a resume and cover letter describing their qualifications and reasons for seeking appointment, by email to [info@ccac.gov](mailto:info@ccac.gov), Attn: Jennifer Warren. The deadline to email submissions is no later than 5:00 p.m. (ET) on October 18, 2024.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Warren, United States Mint Liaison to the CCAC; [jennifer.warren@usmint.treas.gov](mailto:jennifer.warren@usmint.treas.gov) or call 202-354-7200.

**SUPPLEMENTARY INFORMATION:** The CCAC was established to:

☐ Advise the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals produced by the United States Mint.

☐ Advise the Secretary of the Treasury with regard to the events, persons, or places that the CCAC recommends to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.

☐ Make recommendations with respect to the mintage level for any commemorative coin recommended.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

☐ One person specially qualified by virtue of their education, training, or experience as nationally or internationally recognized curator in the United States of a numismatic collection;

☐ One person specially qualified by virtue of their experience in the medallic arts or sculpture;

☐ One person specially qualified by virtue of their education, training, or experience in American history;

□ One person specially qualified by virtue of their education, training, or experience in numismatics;

□ Three persons who can represent the interests of the general public in the coinage of the United States; and

□ Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the U.S. House and Senate leadership.

Members are appointed for a term of four years. No individual may be appointed to the CCAC while serving as an officer or employee of the Federal Government, and applicants must be a United States citizen.

The CCAC is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public and are held approximately four to six times per year. The United States Mint is responsible for providing the necessary support, technical services, and advice to the CCAC. CCAC members are not paid for their time or services; however, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend meetings. Members are Special Government Employees and are subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2653).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment consideration. Candidates should include specific skills, abilities, talents, and credentials to support their applications, particularly demonstrating their education, training, and experience in numismatics. The United States Mint is also interested in candidates who have demonstrated interest in and a commitment to actively participating in meetings and activities, and a demonstrated understanding of the role of the CCAC and the obligations of a

Special Government Employee; possess a demonstrated desire for public service and have a history of honorable professional and personal conduct, as well as successful standing in their communities; and who are free of professional, political, or financial interests that could negatively affect their ability to provide impartial advice.

(Authority: 31 U.S.C. 5135(b))

**Eric Anderson,**

*Executive Secretary, United States Mint.*

[FR Doc. 2024–18332 Filed 8–15–24; 8:45 am]

**BILLING CODE 4810–37–P**

## DEPARTMENT OF THE TREASURY

### United States Mint

#### Notification of Citizens Coinage Advisory Committee Public Meeting—September 24, 2024

**ACTION:** Notice of meeting.

Pursuant to United States Code, title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for September 24, 2024.

*Date:* September 24, 2024.

*Time:* 1 p.m. to 4 p.m. (ET).

*Location:* Remote via Videoconference.

*Subject:* Review and discussion of the candidate designs for the 2025 Comic Art Super Heroes coins and medals; review and discussion of the candidate designs for the Emmett Till and Mamie Till-Mobley Congressional Gold Medal; and review and discussion of the candidate designs for the Lower Brule Sioux Tribe Code Talkers Congressional Medals.

Interested members of the public may watch the meeting via live stream on the United States Mint's YouTube Channel at <https://www.youtube.com/user/usmint>. To watch the meeting live,

members of the public may click on the "September 24, 2024" icons under the Live Tab on the specific day.

*The public should call the CCAC HOTLINE at (202) 354–7502 for the latest updates on meeting time and access information.*

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

For members of the public interested in watching on-line, this is a reminder that the remote access is for observation purposes only. Members of the public may submit matters for the CCAC's consideration by email to [info@ccac.gov](mailto:info@ccac.gov).

*For Accommodation Request:* If you require an accommodation to watch the CCAC meeting, please contact the Office of Equal Employment Opportunity by September 13, 2024. You may submit an email request to [Reasonable.Accommodations@usmint.treas.gov](mailto:Reasonable.Accommodations@usmint.treas.gov) or call 202–354–7260 or 1–888–646–8369 (TTY).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Warren, United States Mint Liaison to the CCAC; 801 9th Street NW, Washington, DC 20220; or call 202–354–7208.

(Authority: 31 U.S.C. 5135(b)(8)(C))

**Eric Anderson,**

*Executive Secretary, United States Mint.*

[FR Doc. 2024–18330 Filed 8–15–24; 8:45 am]

**BILLING CODE 4810–37–P**



# FEDERAL REGISTER

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## Part II

### Regulatory Information Service Center

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Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2024

## REGULATORY INFORMATION SERVICE CENTER

### Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2024

**AGENCY:** Regulatory Information Service Center.

**ACTION:** Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

**SUMMARY:** Publication of the Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” (58 FR 51735, as amended) and reaffirmed in E.O. 13563, “Improving Regulation and Regulatory Review,” (76 FR 3821) and E.O. 14094, “Modernizing Regulatory Review,” (88 FR 21879). The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete publication of the Spring 2024 Unified Agenda containing the regulatory agendas for 69 Federal agencies is available to the public at [www.reginfo.gov](http://www.reginfo.gov).

The Spring 2024 Unified Agenda publication appearing in the **Federal Register** includes agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

**ADDRESSES:** Regulatory Information Service Center (MV), General Services Administration, 1800 F Street NW, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** For further information about specific regulatory actions, please refer to the agency contact listed for each entry. To provide comment on or to obtain further information about this publication,

contact: Boris Arratia, Director, Regulatory Information Service Center (MV), General Services Administration, 1800 F Street NW, Washington, DC 20405, 703–795–0816. You may also send comments to us by email at: [RISC@gsa.gov](mailto:RISC@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

#### Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

- I. What is the Unified Agenda?
- II. Why is Unified Agenda published?
- III. How is the Unified Agenda organized?
- IV. What information appears for each entry?
- V. Abbreviations
- VI. How can users get copies of the Agenda?

#### Regulatory Flexibility Agendas

##### *Cabinet Departments*

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Energy  
Department of Health and Human Services  
Department of Homeland Security  
Department of the Interior  
Department of Justice  
Department of Labor  
Department of Transportation  
Department of the Treasury

##### *Other Executive Agencies*

Environmental Protection Agency  
General Services Administration  
National Aeronautics and Space Administration  
Small Business Administration

##### *Joint Authority*

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

##### *Independent Regulatory Agencies*

Consumer Financial Protection Bureau  
Consumer Product Safety Commission  
Federal Communications Commission  
Federal Reserve System  
Federal Trade Commission  
National Labor Relations Board  
Nuclear Regulatory Commission  
Securities and Exchange Commission  
Surface Transportation Board

#### Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

##### I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the

Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at [www.reginfo.gov](http://www.reginfo.gov).

The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database dating back to 1995. The complete online edition of the Unified Agenda includes regulatory agendas from 69 Federal agencies. Agencies of the United States Congress are not included.

The Spring 2024 Unified Agenda publication appearing in the **Federal Register** consists of the regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency Regulatory Flexibility Agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete Unified Agenda information for those entries appears online in a uniform format at [www.reginfo.gov](http://www.reginfo.gov).

The regulatory agendas for agencies not publishing Regulatory Flexibility Agendas are listed below and are available to the public at [www.reginfo.gov](http://www.reginfo.gov).

##### *Cabinet Departments*

Department of Education  
Department of Housing and Urban Development  
Department of State  
Department of Veterans Affairs

##### *Other Executive Agencies*

Agency for International Development  
Architectural and Transportation Barriers Compliance Board  
Committee for Purchase From People Who Are Blind or Severely Disabled  
Corporation for National and Community Service  
Council on Environmental Quality  
Court Services and Offender Supervision Agency for the District of Columbia  
Equal Employment Opportunity Commission  
Federal Mediation Conciliation Service  
Inter-American Foundation  
National Archives and Records Administration  
National Endowment for the Arts  
National Endowment for the Humanities  
National Mediation Board  
National Science Foundation  
Office of Government Ethics



Office of Management and Budget  
Office of Personnel Management  
Office of the National Cyber Director  
Peace Corps  
Pension Benefit Guaranty Corporation  
Railroad Retirement Board  
Selective Service System  
Social Security Administration  
Tennessee Valley Authority  
U.S. Agency for Global Media

#### *Independent Agencies*

Commodity Futures Trading  
Commission  
Defense Nuclear Facilities Safety Board  
Farm Credit Administration  
Farm Credit System Insurance  
Corporation  
Federal Deposit Insurance Corporation  
Federal Energy Regulatory Commission  
Federal Housing Finance Agency  
Federal Maritime Commission  
Federal Mine Safety and Health Review  
Commission  
Federal Permitting Improvement  
Steering Council  
National Credit Union Administration  
National Indian Gaming Commission  
National Labor Relations Board  
National Transportation Safety Board  
Postal Regulatory Commission  
U.S. Chemical Safety and Hazard  
Investigation Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866, as amended (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866, as amended, does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months

as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

## **II. Why is the Unified Agenda published?**

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

### *Executive Order 12866*

Executive Order 12866, "Regulatory Planning and Review," September 30, 1993 (58 FR 51735), as amended, requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their "most important significant regulatory actions," which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

### *Executive Order 14094*

Executive Order (E.O.) 14094, "Modernizing Regulatory Review," April 6, 2023 (88 FR 21879) sets forth specific actions for Federal agencies and OIRA designed to modernize the regulatory process in order to advance policies that promote the public interest and address national priorities. E.O. 14094, among other things, amends

Section 3(f)(1) of E.O. 12866 (Regulatory Planning and Review) to increase the monetary threshold for significance under that provision, amends Section 3(f)(4) to clarify what is significant under that provision, and encourages greater public participation during all stages of the regulatory process.

### *Executive Order 13563*

Executive Order 13563, "Improving Regulation and Regulatory Review," January 18, 2011 (76 FR 3821) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

### *Executive Order 13132*

Executive Order 13132, "Federalism," August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have "federalism implications" as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

### *Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, title II) requires

agencies to prepare written assessments of the costs and benefits of significant regulatory actions “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 in any 1 year.” The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

#### *Executive Order 13211*

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for “those matters identified as significant energy actions.” As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

#### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a “major” rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is “major” if it has resulted, or is likely to result, in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

### **III. How is the Unified Agenda organized?**

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or

rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into sub-agencies. Each agency’s part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency’s printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies’ agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency’s entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

*Long-Term Actions* are rulemakings reported during the publication cycle that are outside of the required 12-

month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on [www.reginfo.gov](http://www.reginfo.gov) to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda’s subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

### **IV. What information appears for each entry?**

All entries in the online Unified Agenda contain uniform data elements

including, at a minimum, the following information:

*Title of the Regulation*—a brief description of the subject of the regulation. In the printed edition, the notation “Section 610 Review” following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

*Priority*—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

*(1) Economically Significant and Section 3(f)(1) Significant*

On April 6, 2023, the President issued E.O. 14904 entitled “Modernizing Regulatory Review.” E.O. 14904 amends Section 3(f)(1) of E.O. 12866 to increase the monetary threshold for significance under this provision from \$100 million to \$200 million in annual effects and directs that it be adjusted for GDP growth every three years. Given that the Spring Agenda was in development prior to the issuance of E.O. 14904, the Agenda largely uses the previous nomenclature of “economically significant” to indicate rulemaking actions expected to have an annual effect on the economy of \$100 million or more, the threshold in E.O. 12866 prior to April 6, 2023. For rulemaking actions which were submitted for OIRA review after the issuance of the E.O. 14904 on April 6, 2023 and are expected to have an annual effect on the economy of \$200 million or more, the term “Section 3(f)(1) Significant” is used and will continue to be used in future unified agendas. The amended definition of “Section 3(f)(1) Significant” under Executive Order 12866 is a rulemaking action that will “have an annual effect on the economy of \$200 million or more (adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product); or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.”

*(2) Other Significant*

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed

under Executive Order 12866, as amended, or rules that are a priority of the agency head. These rules may or may not be included in the agency’s regulatory plan.

*(3) Substantive, Nonsignificant*

A rulemaking that has substantive impacts, but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

*(4) Routine and Frequent*

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

*(5) Informational/Administrative/Other*

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency’s regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

*Major*—whether the rule is “major” under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

*Unfunded Mandates*—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

*Legal Authority*—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

*CFR Citation*—the section(s) of the Code of Federal Regulations that will be affected by the action.

*Legal Deadline*—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

*Abstract*—a brief description of the problem the regulation will address; the

need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

*Timetable*—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/19 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is “To Be Determined.” “Next Action Undetermined” indicates the agency does not know what action it will take next.

*Regulatory Flexibility Analysis Required*—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

*Small Entities Affected*—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

*Government Levels Affected*—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

*International Impacts*—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation’s international trading partners.

*Federalism*—whether the action has “federalism implications” as defined in Executive Order 13132. This term refers to actions “that 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.” Independent regulatory agencies are not required to supply this information.

*Included in the Regulatory Plan*—whether the rulemaking was included in the agency’s current regulatory plan published in the fall 2022.

*Agency Contact*—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number,

email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

**RIN Information URL**—the internet address of a site that provides more information about the entry.

**Public Comment URL**—the internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, [www.regulations.gov](http://www.regulations.gov).

**Additional Information**—any information an agency wishes to include that does not have a specific corresponding data element.

**Compliance Cost to the Public**—the estimated gross compliance cost of the action.

**Affected Sectors**—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

**Energy Effects**—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” signed May 18, 2001 (66 FR 28355).

**Related RINs**—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

**Statement of Need**—a description of the need for the regulatory action.

**Summary of the Legal Basis**—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

**Alternatives**—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

**Anticipated Costs and Benefits**—a description of preliminary estimates of the anticipated costs and benefits of the action.

**Risks**—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency’s jurisdiction.

## V. Abbreviations

The following abbreviations appear throughout this publication:

**ANPRM**—An Advance Notice of Proposed Rulemaking is a preliminary

notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

**CFR**—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

**E.O.**—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

**FR**—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

**FY**—The Federal fiscal year runs from October 1 to September 30.

**NPRM**—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum: A statement of the time, place, and nature of the public rulemaking proceeding;

**Legal Authority**—A reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

**Pub. L.**—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Public Law 112–4 is the fourth public law of the 112th Congress.

**RFA**—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities,

including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

**RIN**—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

**Seq. No.**—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

**U.S.C.**—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

## VI. How can users get copies of the Unified Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Publishing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free). Copies of individual agency materials may be available directly from the agency or may be found on the agency’s website. Please contact the particular agency for further information. All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at [www.reginfo.gov](http://www.reginfo.gov), along with flexible search tools. The Government Publishing Office’s GPO GovInfo website contains copies of the

Agendas and Regulatory Plans that have been printed in the **Federal Register**.

These documents are available at [www.govinfo.gov](http://www.govinfo.gov).

**Boris Arratia,**  
*Director.*

[FR Doc. 2024–16445 Filed 8–15–24; 8:45 am]

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Part III

Department of Agriculture

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Semiannual Regulatory Agenda



**DEPARTMENT OF AGRICULTURE****Office of the Secretary****2 CFR Subtitle B, Ch. IV****5 CFR Ch. LXXIII****7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII****9 CFR Chs. I–III****36 CFR Ch. II****48 CFR Ch. 4****Semiannual Regulatory Agenda, Spring 2024****AGENCY:** Office of the Secretary, USDA.**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders

12866, “Regulatory Planning and Review,” 13563, “Improving Regulation and Regulatory Review,” and 14094, “Modernizing Regulatory Review.” The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA’s complete regulatory agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA’s printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Mr. Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: May 15, 2024.

**Michael Poe,**  
*Legislative and Regulatory Staff.*

**AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
1 .....	Inert Ingredients in Pesticides for Organic Production (AMS–NOP–21–0008) .....	0581–AE02

**AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
2 .....	Natural Grass Sod Promotion, Research, and Information Order (AMS–LP–21–0028) .....	0581–AE07
3 .....	Organic Market Development for Mushrooms and Pet Food (AMS–NOP–22–0063) .....	0581–AE13

**AGRICULTURAL MARKETING SERVICE—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
4 .....	Organic Aquaculture Standards .....	0581–AD34
5 .....	Organic Apiculture Production Standards .....	0581–AE12

**AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
6 .....	Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (AMS–FTPP–21–0045)	0581–AE05

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
7 .....	Revise Conditions for Payment of Indemnity and Compensation for HPAI .....	0579–AE79

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
8 .....	National List of Reportable Animal Diseases .....	0579–AE39

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
9 .....	Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs.	0579–AE58
10 .....	Animal Disease Traceability; Electronic Identification .....	0579–AE64
11 .....	Revision to Horse Protection Act Regulations .....	0579–AE70
12 .....	AQI User Fees .....	0579–AE71

## FOOD AND NUTRITION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
13 .....	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program.	0584–AE85

## FOOD AND NUTRITION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
14 .....	National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE11
15 .....	Technical Changes for Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems	0584–AE37
16 .....	Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP) ....	0584–AE61
17 .....	Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP).	0584–AE71

**DEPARTMENT OF AGRICULTURE (USDA)***Agricultural Marketing Service (AMS)*

## Proposed Rule Stage

**1. Inert Ingredients in Pesticides for Organic Production (AMS–NOP–21–0008) [0581–AE02]***Legal Authority:* 7 U.S.C. 6501 to 6524

*Abstract:* Based on comments received from the September 2022 Advance Notice of Proposed Rulemaking and recommendations from the National Organic Standards Board (NOSB) expected in Fall 2024, this action would propose to replace outdated references in USDA's organic regulations to U.S. Environmental Protection Agency (EPA) policy on inert ingredients in pesticides. Inerts, also identified as “other ingredients” on pesticide labels, are any substances other than the active ingredient that are intentionally added to pesticide products. References to outdated EPA policy appear in the USDA organic regulations in the National List of Allowed and Prohibited Substances (National List) and identify the inert

ingredients allowed in pesticides for organic production.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	09/02/22	87 FR 54173
ANPRM Comment Period Extended.	10/11/22	87 FR 61268
ANPRM Comment Period End.	11/01/22	
ANPRM Comment Period Extended End.	12/31/22	
NPRM .....	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.

*RIN:* 0581–AE02

**DEPARTMENT OF AGRICULTURE (USDA)***Agricultural Marketing Service (AMS)*

## Final Rule Stage

**2. Natural Grass Sod Promotion, Research, and Information Order (AMS–LP–21–0028) [0581–AE07]***Legal Authority:* 7 U.S.C. 7411 to 7425

*Abstract:* This action would establish an industry-funded promotion, research, and information program for natural grass sod products. The proposed Natural Grass Sod Promotion, Research, and Information Order was submitted to the U.S. Department of Agriculture by Turfgrass Producers International, a group of natural grass sod producers. The program would conduct research, marketing, and promotion activities that will benefit the entire industry. Primary goals of the program would include educating consumers and stakeholders of the benefits of natural grass and providing producers with marketing tools they can use to grow their business. The goals identified in the proposed rule would only be attainable through a national research and

promotion program for natural grass sod.

Timetable:

Action	Date	FR Cite
Proposed Rule: Referendum Procedures.	10/16/23	88 FR 71302
Proposed Rule: Establish Order.	10/16/23	88 FR 71306
Comment Period End: Ref-erendum Proce-dures.	12/15/23	
Comment Period End: Establish Order.	12/15/23	
Final Rule: Ref-erendum Proce-dures.	07/00/24	
Proposed Rule 2: Establish Order.	09/00/24	
Final Rule .....	03/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeana Harbison, Deputy Director of Livestock and Poultry Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, Phone: 202 690–3192, Email: jeana.m.harbison@usda.gov. RIN: 0581–AE07

3. Organic Market Development for Mushrooms and Pet Food (AMS–NOP–22–0063) [0581–AE13]

Legal Authority: 7 U.S.C. 6501  
Abstract: This action would amend the USDA organic regulations to clarify production and handling requirements for a) organic pet food standards and b) organic mushrooms. Specific standards for these products do not currently exist. Instead, these products are currently certified organic to the standards for similar products like those for human consumption (pet food) or for crops (mushrooms). This action proposes to add specific standards for these products to respond to recommendations from the National Organic Standards Board and stakeholder comments received during the National Organic Program’s March 2022 public listening session. AMS expects the changes would increase regulatory certainty for these markets that would, in turn, support these and related (ingredient/input) markets. Past National Organic Standards Board recommendations, public comments from the National Organic Program’s March 2022 public listening session, and input from mushroom and pet food stakeholders have indicated a need for this rule.

Timetable:

Action	Date	FR Cite
NPRM .....	03/11/24	89 FR 17322
NPRM Comment Period End.	05/10/24	
Final Rule .....	11/00/24	

Regulatory Flexibility Analysis Required: Yes  
Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, Phone: 202 260–8077, Email: jennifer.tucker@usda.gov. RIN: 0581–AE13

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)  
Long-Term Actions

4. Organic Aquaculture Standards [0581–AD34]

Legal Authority: 7 U.S.C. 6501 to 6524  
Abstract: This action would establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope of certification and accreditation under the National Organic Program (NOP).  
Timetable:

Action	Date	FR Cite
NPRM .....	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Jennifer Tucker, Phone: 202 260–8077, Email: jennifer.tucker@usda.gov. RIN: 0581–AD34

5. Organic Apiculture Production Standards [0581–AE12]

Legal Authority: 7 U.S.C. 6501  
Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (or beekeeping) products.  
Timetable:

Action	Date	FR Cite
NPRM .....	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, Phone: 202 260–8077, Email: jennifer.tucker@usda.gov. RIN: 0581–AE12

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)  
Completed Actions

6. Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (AMS–FTPP–21–0045) [0581–AE05]

Legal Authority: 7 U.S.C. 181 to 229c  
Abstract: This final rule would supplement a recent revision to regulations issued under the Packers and Stockyards Act (Act) (7 U.S.C. 181 229c) that provided criteria for the Secretary to consider when determining whether certain conduct or action by packers, swine contractors, or live poultry dealers is unduly or unreasonably or advantageous. Supplemental amendments would clarify the conduct the Department considers unfair, preferential, unjustly discriminatory, or deceptive and a violation of sections 202(a) and (b) of the Act. The rule would also clarify the criteria and types of conduct that would be considered unduly or unreasonably preferential, advantageous, prejudicial, or disadvantageous and violations of the Act, including retaliatory practices that interfere with lawful communications, assertion of rights, and associational participation.  
Completed:

Reason	Date	FR Cite
Final Rule .....	03/06/24	89 FR 16092
Final Rule Effective.	05/06/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Michael V. Durando, Phone: 202 720–0219. RIN: 0581–AE05

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

7. • Revise Conditions for Payment of Indemnity and Compensation for HPAI [0579–AE79]

Legal Authority: 7 U.S.C. 8301, et seq.

**Abstract:** The current HPAI indemnity regulations require producers above *de minimis* thresholds to have a biosecurity plan as a condition for indemnification. The Animal and Plant Health Inspection Service (APHIS) intends this interim rule to require a successful biosecurity audit for HPAI-infected premises intending to restock and for buffer zone (uninfected) premises that wish to request that poultry be moved onto the premises. Other changes are also being considered.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/24	

**Regulatory Flexibility Analysis Required: Yes.**

**Agency Contact:** Leonardo Sevilla, DVM, Veterinary Medical Officer, Poultry Health Team, Strategy & Policy, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 920 Main Campus Drive, Raleigh, NC 27606, Phone: 984 766-1528, Email: leonardo.sevilla@usda.gov.

RIN: 0579-AE79

**DEPARTMENT OF AGRICULTURE (USDA)**

**Animal and Plant Health Inspection Service (APHIS)**

**Long-Term Actions**

**8. National List of Reportable Animal Diseases [0579-AE39]**

**Legal Authority:** 7 U.S.C. 8301 to 8317

**Abstract:** This rulemaking amends our disease regulations to provide for a National List of Reportable Animal Diseases, along with reporting responsibilities for animal health professionals that encounter or suspect cases of communicable animal diseases and disease agents. The changes are necessary to streamline Federal cooperative animal disease detection, response, and control efforts. This action will consolidate and enhance current disease reporting mechanisms, and it will complement and supplement existing animal disease tracking and reporting at the State level.

**Timetable:**

Action	Date	FR Cite
NPRM .....	04/02/20	85 FR 18471
NPRM Comment Period End.	06/01/20	
NPRM Comment Period Re-opened.	08/18/20	85 FR 50796

Action	Date	FR Cite
NPRM Comment Period Re-opened End.	08/21/20	
Revising Proposed Rule and Reopening Comment Period.	08/28/23	88 FR 58524
NPRM Comment Period End.	09/27/23	
Final Rule .....	06/00/25	

**Regulatory Flexibility Analysis Required: Yes.**

**Agency Contact:** Oriana Beemer, Phone: 970 494-7426, Email: oriana.m.beemer@usda.gov. RIN: 0579-AE39

**DEPARTMENT OF AGRICULTURE (USDA)**

**Animal and Plant Health Inspection Service (APHIS)**

**Completed Actions**

**9. Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs [0579-AE58]**

**Legal Authority:** 7 U.S.C. 2131 to 2159

**Abstract:** We are proposing to amend the regulations regarding the importation of live dogs by requiring all live dogs imported into the United States for resale purposes to be microchipped for permanent identification, and to require importers to procure a microchip reader and make it available to port-of-entry officials as requested. This action would also add microchipping as one of three identification options for dogs and cats used by dealers, exhibitors and research facilities. In addition, APHIS is proposing to require a verifiable signature on the health certificate and rabies certificate accompanying imported live dogs, an endorsement of the health certificate by a government official in the country of origin, and the mandatory use of forms provided by APHIS. Additionally, we are proposing to update cage standards for dogs held domestically by dealers or exhibitors who are licensed under the Animal Welfare Act or used in research at registered facilities. Other changes are also being contemplated.

**Completed:**

Reason	Date	FR Cite
Withdrawn .....	03/08/24	

**Regulatory Flexibility Analysis Required: Yes.**

**Agency Contact:** Lance Bassage, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov. RIN: 0579-AE58

**10. Animal Disease Traceability; Electronic Identification [0579-AE64]**

**Legal Authority:** 7 U.S.C. 8301 *et seq.*

**Abstract:** This action amends APHIS' animal disease traceability regulations, currently codified at 9 CFR part 86. The primary change requires that APHIS will only recognize identification devices (e.g., ear tags) as official identification for cattle and bison covered by the regulations if the devices have both visual and electronic readability (EID). Other changes clarify language and requirements in several sections of part 86. These changes will enhance the U.S. traceability system to better achieve goals of rapidly tracing diseased and exposed animals and containing outbreaks. APHIS' Animal Disease Traceability program has a long-standing relationship with Tribal nations to ensure the program incorporates Tribal feedback. APHIS provided webinars to Tribal nations in 2021 and 2022 to notify Tribes of this rulemaking and solicit requests for consultation. APHIS subsequently was in contact with an alliance of Western Tribes to apprise them of the status of the proposed rule.

**Completed:**

Reason	Date	FR Cite
Final Rule .....	05/09/24	89 FR 39540
Final Action Effective.	11/05/24	

**Regulatory Flexibility Analysis Required: Yes.**

**Agency Contact:** Alexander K. Turner, Phone: 970 494-7353. RIN: 0579-AE64

**11. Revision to Horse Protection Act Regulations [0579-AE70]**

**Legal Authority:** 15 U.S.C. 1823

**Abstract:** Current Horse Protection Act (HPA) regulations require Designated Qualified Persons (DQPs) to be licensed directly through Horse Industry Organizations (HIOs). DQPs conduct inspections of horses at HIO-affiliated shows, sales, auctions, and exhibitions to determine compliance with the HPA. We are amending the Horse Protection regulations by eliminating the role of HIOs and assigning inspection authority solely to Animal and Plant Health Inspection Service (APHIS) Veterinary Medical Officers and other third parties

authorized and trained by APHIS. This final rule also makes other changes to the regulations in accordance with the provisions of the HPA.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	05/08/24	89 FR 39194
Final Rule; Cor- rection.	06/05/24	89 FR 48131
Final Action Effec- tive.	02/01/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Aaron Rhyner,  
*Phone:* 970 494-7484, *Email:* [horseprotection@usda.gov](mailto:horseprotection@usda.gov).  
*RIN:* 0579-AE70

12. AQI User Fees [0579-AE71]

*Legal Authority:* 21 U.S.C. 136a  
*Abstract:* We are making multiple revisions to our AQI user fee regulations in order to facilitate full cost recovery as required by 21 U.S.C. 136a.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	05/07/24	89 FR 38596
Final Action Effec- tive.	10/01/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* George Balady,  
*Phone:* 301 851-2338.  
*RIN:* 0579-AE71

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE (USDA)

*Food and Nutrition Service (FNS)*

Final Rule Stage

13. Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions and Food Delivery Revisions To Meet the Needs of a Modern, Data-Driven Program [0584-AE85]

*Legal Authority:* Pub. L. 111-296  
*Abstract:* This final rulemaking addresses key regulatory barriers to online ordering in the WIC Program by making changes to the provisions that prevent online transactions and types of online capable stores from participating in the Program. This rule will also allow FNS to modernize WIC vendor regulations that do not reflect current technology and facilitate the Program’s transition to Electronic Benefit Transfer (EBT). To inform the development of the

proposed rule, FNS reviewed materials developed by a variety of WIC stakeholders, including WIC providers, vendors, manufacturers, EBT processors, advocacy organizations, and WIC participants, as well as a report issued by a task force convened by USDA and comprised of 18 organizations from multiple sectors to ensure a diverse range of input. FNS will consider public comments received during the proposed rulemaking stage in development of this final rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/23/23	88 FR 11516
NPRM Comment Period End.	05/24/23	
Final Action .....	02/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael DePiro, Specialist, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 305-2876, *Email:* [michael.depairo@usda.gov](mailto:michael.depairo@usda.gov).  
Maureen Lydon, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 457-7713, *Email:* [maureen.lydon@usda.gov](mailto:maureen.lydon@usda.gov).  
*RIN:* 0584-AE85

DEPARTMENT OF AGRICULTURE (USDA)

*Food and Nutrition Service (FNS)*

Long-Term Actions

14. National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 [0584-AE11]

*Legal Authority:* sec. 12(p)(3)(B) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p)(B)(3); Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296  
*Abstract:* This rule amends National School Lunch Program (NSLP) regulations to conform to amendments made to section 12(p)(3)(B) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p)(3)(B) in the Healthy, Hunger-Free Kids Act of 2010, regarding equity in school lunch pricing and revenue from non-program foods sold in schools. This rule requires school food authorities participating in the NSLP to provide the same level of financial support for lunches served to students who are not eligible for free or reduced-price lunches as is provided for

lunches served to students eligible for free lunches. This rule also requires that all food sold in a school and purchased with funds from the nonprofit school food service account other than meals and snacks reimbursed by the Department of Agriculture must generate revenue at least proportionate to the cost of such foods. This rulemaking will impact schools that participate in NSLP and households with students who participate in NSLP at the paid rate. USDA received stakeholder input on this rulemaking through the public comment process on the interim final rule.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	06/17/11	76 FR 35301
Interim Final Rule Effective.	07/01/11	
Interim Final Rule Comment Pe- riod End.	09/15/11	
Final Action .....	06/00/26	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael DePiro,  
*Phone:* 703 305-2876, *Email:* [michael.depairo@usda.gov](mailto:michael.depairo@usda.gov).  
Maureen Lydon, *Phone:* 703 457-7713, *Email:* [maureen.lydon@usda.gov](mailto:maureen.lydon@usda.gov).  
*RIN:* 0584-AE11

15. Technical Changes for Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems [0584-AE37]

*Legal Authority:* Pub. L. 113-79  
*Abstract:* The Food and Nutrition Service (FNS) will propose changes that collectively modernize SNAP benefit issuance and increase program integrity while streamlining program administration, offering greater flexibility to State agencies, and improving customer service. The rule will propose to codify provisions of the 2014 Farm Bill, the 2018 Farm Bill, and respond to 2018 OIG audit findings. The rule will propose to codify 2014 Farm Bill provisions requiring most SNAP-authorized retailers to pay the costs associated with Electronic Benefit Transfer (EBT) equipment, supplies and related services and requirements pertaining to the online SNAP payment option. This rule would also propose to codify waivers that have been granted to State agencies to implement practices that have proven beneficial as the EBT system has developed and matured and update EBT system technical and functional requirements. FNS has not held any stakeholder engagement initiatives related to this rule but will evaluate the need for future initiatives

as rule-making progresses. FNS does not anticipate any significant impacts on communities by this rule, as the proposed changes seek to codify existing program requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/25	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Michael DePiro,  
Phone: 703 305–2876, Email:  
michael.depiro@usda.gov.

Maureen Lydon, Phone: 703 457–  
7713, Email: maureen.lydon@usda.gov.  
RIN: 0584–AE37

**16. Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP) [0584–AE61]**

*Legal Authority:* Pub. L. 113–79; 7 U.S.C. 2011 to 2036

*Abstract:* The Agricultural Act of 2014 amended the Food and Nutrition Act of 2008 to increase the requirement that certain Supplemental Nutrition Assistance Program (SNAP) authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The Food and Nutrition Service (FNS) codified these mandatory requirements via RIN 0584–AE61. This change will propose to provide some retailers participating in SNAP as authorized food stores with more flexibility in meeting the enhanced

SNAP eligibility requirements. The stakeholder community includes SNAP applicant and authorized retailers required to meet eligibility requirements, public health and access focused advocacy organizations, and SNAP participants. Stakeholder engagement may include listening sessions with these stakeholders, though significant feedback is also available in comments submitted to the previously published proposed rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/05/19	84 FR 13555
NPRM Comment Period End.	06/04/19	
NPRM Comment Period Re-opened.	06/14/19	84 FR 27743
NPRM Comment Period Reopen End.	06/20/19	
Final Action .....	11/00/25	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Michael DePiro,  
Phone: 703 305–2876, Email:  
michael.depiro@usda.gov.

Maureen Lydon, Phone: 703 457–  
7713, Email: maureen.lydon@usda.gov.  
RIN: 0584–AE61

**17. Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP) [0584–AE71]**

*Legal Authority:* Pub. L. 113–79; Pub. L. 115–334

*Abstract:* This proposed rule would implement statutory provisions of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), and other language intended to deter retailer fraud, abuse, and non-compliance in the Supplemental Nutrition Assistance Program (SNAP). Stakeholders are SNAP retailers and communities in which SNAP retailers provide SNAP participants access to food, other Programs that require SNAP authorization or where reciprocal actions impact participation, and SNAP participants. Stakeholder engagement may include listening sessions; however, significant feedback from stakeholders is also available in the public comments submitted on previously proposed rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/25	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Michael DePiro,  
Phone: 703 305–2876, Email:  
michael.depiro@usda.gov.

Maureen Lydon, Phone: 703 457–  
7713, Email: maureen.lydon@usda.gov,  
RIN: 0584–AE71

[FR Doc. 2024–16448 Filed 8–15–24; 8:45 am]

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Part IV

Department of Commerce

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Semiannual Regulatory Agenda



**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**13 CFR Ch. III**

**15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI**

**19 CFR Ch. III**

**37 CFR Chs. I, IV, and V**

**48 CFR Ch. 13**

**50 CFR Chs. II, III, IV, and VI**

**Spring 2024 Semiannual Agenda of Regulations**

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** In compliance with Executive Order 12866, entitled “Regulatory Planning and Review,” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to pre-rulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the publication of the Fall 2023 Unified Agenda.

The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or recently issued by Commerce. It is expected that this information will enable the public to participate more effectively in Commerce’s regulatory process.

Commerce’s Spring 2024 Unified Agenda includes regulatory activities that are expected to be conducted during the period July 1, 2024, through June 31, 2024.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

*General:* Comments or inquiries of a general nature about the agenda should be directed to Candida Harty, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3410.

**SUPPLEMENTARY INFORMATION:** Commerce hereby publishes its Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration. By memorandum of February 20, 2024, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the Spring 2024 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

A list of Commerce’s most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included only in the fall editions of the Unified Agendas and, thus, do not appear in the Spring 2024 Unified Agenda. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act,

Commerce’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations.

Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce’s regulations. In addition to regulations promulgated by NOAA, BIS, and PTO, this issue also includes regulations to be promulgated by, or that have been published and completed since the Fall 2023 Unified Agenda by, the International Trade Administration (ITA), the U.S. Census Bureau (CENSUS), the National Institute of Standards and Technology (NIST), the National Telecommunications and Information Administration (NTIA), the U.S. Economic Development Administration (EDA), and the Office of the Secretary (OS).

Commerce’s Spring 2024 Unified Agenda follows.

**Leslie Kiernan,**  
*General Counsel.*

GENERAL ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
18 .....	Securing the Information and Communications Technology and Services Supply Chain .....	0605-AA51

GENERAL ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
19 .....	Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures.	0605-AA60

## INTERNATIONAL TRADE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
20 .....	Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414.	0625–AB21

## BUREAU OF INDUSTRY AND SECURITY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
21 .....	Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities.	0694–AJ35

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
22 .....	Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648–BG11
23 .....	Amendment 125 to the Bering Sea and Aleutian Islands Fishery Management Plan; Pacific Cod Small Boat Access.	0648–BM64
24 .....	Authorizing Hook-and-line Catcher/Processors to use Longline Pot Gear in the Bering Sea Greenland Turbot Fishery.	0648–BM77
25 .....	Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery Vessel Tracking for the Federal American Lobster Fishery.	0648–BM38
26 .....	Atlantic Highly Migratory Species; Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan.	0648–BM08
27 .....	Atlantic Highly Migratory Species; Electronic Reporting Requirements .....	0648–BM23
28 .....	Atlantic Highly Migratory Species; Revisions to Commercial Atlantic Blacknose and Recreational Atlantic Shark Fisheries.	0648–BM88
29 .....	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648–BG04
30 .....	Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2024 Harvest Specifications for Pacific Whiting, and 2024 Pacific Whiting Tribal Allocation.	0648–BM85
31 .....	2025–2026 Harvest Specifications and Management Measures for the Pacific Coast Groundfish Fishery ..	0648–BN08
32 .....	Notice of Proposed Rulemaking for the Designation Pacific Remote Islands National Marine Sanctuary ....	0648–BM52

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
33 .....	Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule .....	0648–BI88
34 .....	Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals .....	0648–BJ52
35 .....	Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act.	0648–BK04
36 .....	Designation of Marine Critical Habitat for Six Distinct Population Segments of Green Sea Turtles Under the Endangered Species Act.	0648–BL82
37 .....	Designation of Critical Habitat for Rice's Whale Under the Endangered Species Act .....	0648–BL86
38 .....	Framework Adjustment 66 to the Northeast Multispecies Fishery Management Plan .....	0648–BM71
39 .....	Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management.	0648–BI10
40 .....	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries.	0648–BL25

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
41 .....	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648–BH87
42 .....	Seafood Import Permitting and Reporting Procedures .....	0648–BK85

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
43 .....	Designation of Critical Habitat for the Threatened Caribbean Corals .....	0648–BG26
44 .....	Designation of Critical Habitat for Nassau Grouper Under the Endangered Species Act .....	0648–BL53
45 .....	Atlantic Large Whale Take Reduction Plan Modifications to Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast.	0648–BM31
46 .....	Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit.	0648–BL42
47 .....	Rulemaking to Modify the 2023–2027 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D.	0648–BM18
48 .....	Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska; Cook Inlet.	0648–BM42
49 .....	Framework Adjustment 65 to the Northeast Multispecies Fishery Management Plan .....	0648–BL95
50 .....	Framework Adjustment 38 to the Atlantic Sea Scallop Fishery Management Plan .....	0648–BM78
51 .....	Atlantic Highly Migratory Species; Prohibiting Retention of Oceanic Whitetip Sharks in U.S. Atlantic Waters and Hammerhead Sharks in the Caribbean Sea.	0648–BK54
52 .....	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna General Category Restricted-Fishing Days; Atlantic Bluefin Tuna Regulatory Clarifications.	0648–BM66
53 .....	Amendment 51 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 51).	0648–BM03
54 .....	Amendment 56 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico: Modifications to Catch Limits, Sector Allocation, and Recreational Fishing Seasons for Gulf of Mexico Gag.	0648–BM46

PATENT AND TRADEMARK OFFICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
55 .....	Setting and Adjusting Patent Fees During Fiscal Year 2025 .....	0651–AD64
56 .....	Setting and Adjusting Trademark Fees During Fiscal Year 2025 .....	0651–AD65

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Final Rule Stage

18. Securing the Information and Communications Technology and Services Supply Chain [0605–AA51]

Legal Authority: 50 U.S.C. 1701; 3 U.S.C. 301; 50 U.S.C. 1601; E.O. 13873; E.O. 14034

Abstract: Pursuant to Executive Order 13873 of May 15, 2019, “Securing the Information and Communications Technology and Services Supply Chain” and Executive Order 14034 of June 9, 2021, “Protecting Americans’ Sensitive Data From Foreign Adversaries,” the Department of Commerce is finalizing the rule that sets forth the process and procedures that the Secretary of Commerce will use to identify, assess, and address transactions that pose an undue risk to the security, integrity, and reliability of information and communications technology and services provided and used in the United States.

Timetable:

Action	Date	FR Cite
NPRM .....	11/27/19	84 FR 65316

Action	Date	FR Cite
NPRM Comment Period End.	12/27/19	86 FR 4909
Interim Final Rule	01/19/21	
Interim Final Rule Comment Period End.	03/22/21	
Interim Final Rule Effective Date.	03/22/21	
Final Action .....	08/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Katelyn Christ, Department of Commerce, 1401 Constitution Avenue, Washington, DC 20230, Phone: 202 482–3064, Email: katelyn.christ@bis.doc.gov. RIN: 0605–AA51

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Long-Term Actions

19. Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures [0605–AA60]

Legal Authority: 50 U.S.C. 1701; 3 U.S.C. 301; 50 U.S.C. 1601; E.O. 13873; E.O. 14034

Abstract: The Department is seeking public input regarding establishing a licensing process for entities to seek pre-approval before engaging in or continuing to engage in potentially regulated information and communications technology and services (ICTS) Transactions under 15 CFR part 7.

Timetable:

Action	Date	FR Cite
ANPRM .....	03/29/21	86 FR 16312
ANPRM Comment Period End.	04/28/21	
NPRM .....	11/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Katelyn Christ, Phone: 202 482–3064, Email: katelyn.christ@bis.doc.gov. RIN: 0605–AA60

**DEPARTMENT OF COMMERCE (DOC)**

*International Trade Administration (ITA)*

Final Rule Stage

**20. Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414 [0625–AB21]**

*Legal Authority:* Proc 10414, 87 FR 35067; 19 U.S.C. 1318

*Abstract:* In accordance with Presidential Proclamation 10414 and pursuant to its authority under Section 318(a) of the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is issuing this final rule to implement Proclamation 10414. Specifically, Commerce is issuing a new rule that, in the event of an affirmative preliminary or final determination in the antidumping and countervailing duty (AD/CVD) circumvention inquiries described below, under Title VII of the Act, extends the time for, and waives, the suspension of liquidation, the application of certain AD/CVD duties, and the collection of cash deposits on applicable entries of certain crystalline silicon photovoltaic cells, whether or not assembled into modules, that are completed in the Kingdom of Cambodia (Cambodia), Malaysia, the Kingdom of Thailand (Thailand), and the Socialist Republic of Vietnam (Vietnam) using parts and components manufactured in the People's Republic of China (China), and that are not already subject to an antidumping or countervailing duty order.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/01/22	87 FR 39426
NPRM Comment Period End.	08/01/22	
Final Action .....	09/16/22	87 FR 56868
Final Action Effective.	11/15/22	
Next Action Undetermined.	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Nikki Kalbing, Department of Commerce, International Trade Administration, Washington, DC 20230, Phone: 202 717–3147, Email: [nikki.kalbing@trade.gov](mailto:nikki.kalbing@trade.gov).

RIN: 0625–AB21

**DEPARTMENT OF COMMERCE (DOC)**

*Bureau of Industry and Security (BIS)*

Final Rule Stage

**21. Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities [0694–AJ35]**

*Legal Authority:* 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 1601 *et seq.*; E.O. 13873; E.O. 13984; E.O. 14110

*Abstract:* Executive Order 13984 of January 19, 2021, Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities, (E.O. 13984) directs the Secretary of Commerce (Secretary) to propose regulations requiring certain providers and resellers of certain Infrastructure as a Service (IaaS) products to verify the identity of their foreign customers permitting the Secretary, in consultation with Secretary of Defense, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, to grant exemptions to the verification requirement; and authorizing the Secretary to impose special measures on providers with regard to certain foreign jurisdictions or foreign persons. Additionally, Executive Order 14110 of October 30, 2023, Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence” (E.O. 14110) directs the Secretary to impose record keeping requirements on IaaS providers when foreign persons use U.S. IaaS products to train certain large artificial intelligence (AI) models and to require U.S. IaaS providers identify the foreign customers of their foreign resellers. The Department of Commerce is assessing public comments from its January 29, 2024, notice of proposed rulemaking (NPRM) to EOs 13984 and 14110 and will issue a final rule once that review is complete.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/29/24	89 FR 5698
NPRM Comment Period End.	04/29/24	
Final Action .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kellen Moriarty, Department of Commerce, 1401 Constitution Avenue, Washington, DC 20230, Phone: 202 482–1329.

RIN: 0694–AJ35

**DEPARTMENT OF COMMERCE (DOC)**

*National Oceanic and Atmospheric Administration (NOAA)*

Proposed Rule Stage

**National Marine Fisheries Service**

**22. Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act [0648–BG11]**

*Legal Authority:* Pub. L. 114–81

*Abstract:* This proposed rule would make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114–81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule would also implement the Port State Measures Agreement. To that end, this proposed rule would require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule would establish procedures for notification of: the denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/08/22	87 FR 40763
NPRM Comment Period End.	09/06/22	

Action	Date	FR Cite
Second NPRM ....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexa Cole, Director, Office of International Affairs, Trade, and Commerce, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.

*RIN:* 0648-BG11

**23. • Amendment 125 to the Bering Sea and Aleutian Islands Fishery Management Plan; Pacific Cod Small Boat Access [0648-BM64]**

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

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council, this action would allow smaller hook-and-line or pot catcher vessels operating in the Federal Bering Sea and Aleutian Island (BSAI) Pacific cod (*Gadus macrocephalus*) less than 60' hook-and-line or pot catcher vessel sector to harvest Pacific cod from the BSAI Pacific cod jig sector's allocation. Under the current regulations, the BSAI Pacific cod jig sector only includes jig catcher vessels and catcher processors. The proposed amendment would redefine the current Federal BSAI Pacific cod jig sector to add hook-and-line and pot catcher vessels that are less than or equal to 55' length overall to the current definition. This proposed action is needed because of reduced Pacific cod total allowable catch (TAC), shortened seasons for the less than 60' hook-and-line and pot catcher vessel Pacific cod sector, and the inability of these smaller vessels to compete with larger vessels during poor weather. As such, the proposed action would likely provide a small benefit to a small number of fishery participants (those with smaller vessels). This action could provide stability and additional opportunities for current fishery participants and potential new entrants with smaller hook-and-line or pot catcher vessels without negatively impacting vessels that operate in the jig sector. However, larger hook-and-line or pot vessels could be negatively impacted by the proposed action, which would likely impact the historically common reallocations of projected unused Pacific cod allocation from the jig sector to the less than 60' hook-and-line or pot catcher vessel sector. The authority for this action is Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

*RIN:* 0648-BM64

**24. • Authorizing Hook-and-Line Catcher/Processors To Use Longline Pot Gear in the Bering Sea Greenland Turbot Fishery [0648-BM77]**

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

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council, this action would allow hook-and-line catcher/processor vessels to use longline pot gear in the Greenland turbot (*Reinhardtius hippoglossoides*) fishery in the Bering Sea (BS). Current regulations only allow for the use of hook-and-line or trawl gear when directed fishing for Greenland turbot in the BS. This action is needed due to an increase in killer whale (*Orcinus orca*) depredation in the BS hook-and-line gear Greenland turbot fishery. The level of depredation has increased to a level where it precludes directed fishing for Greenland turbot using hook-and-line gear. This action would reduce the impacts of whale depredation and allow the fishery to resume. This action would benefit the hook-and-line catcher/processors who choose to participate in the directed fishery for Greenland turbot using longline pot gear. The authority for this action is Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

*RIN:* 0648-BM77

**25. Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery Vessel Tracking for the Federal American Lobster Fishery [0648-BM38]**

*Legal Authority:* 16 U.S.C. 71

*Abstract:* The Atlantic States Marine Fisheries Commission, the body responsible for the interstate management of the American lobster fishery, recently approved Addendum XXIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster, which requires electronic tracking of vessels participating in the fishery, with state implementation beginning in 2023. The Commission is made up of representatives from each of the eastern coastal states, including members of the lobster industry, and voted unanimously in support of vessel tracking, which is similar to global positioning system (GPS) capabilities on a cellular/mobile telephone. These data are critical to improving stock assessments, informing discussions and management decisions related to protected species and marine spatial planning, and enhancing offshore enforcement. NOAA Fisheries is proposing complementary Federal regulations under the Atlantic Coastal Fisheries Cooperative Management Act, this would consider revising to regulations under 50 CFR 697.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

*RIN:* 0648-BM38

**26. Atlantic Highly Migratory Species; Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan [0648-BM08]**

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

*Abstract:* NMFS is developing a proposed rule for Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) pursuant to Magnuson-Stevens Fishery Conservation and Management Act (MSA) sections 304(c) and (g). The draft Amendment will include a draft

environmental impact statement and other required analyses. Based on the mechanism used in establishing shark quotas and related management measures from Amendment 14 to the 2006 Consolidated HMS FMP, Amendment 16 would modify the acceptable biological catch (ABC) and annual catch limits (ACLs) for Atlantic sharks and the process used to account for carryover of underharvests of quotas. In this action, NMFS would also look at all commercial and recreational management measures related to the Atlantic shark fishery and make appropriate revisions. Amendment 16 would affect the bottom longline, gillnet, and pelagic longline fisheries, which fish for sharks throughout the entire range of the fishery (Atlantic Ocean, Gulf of Mexico, and Caribbean Sea). The Agency's proposed actions for this rule will be based in part on feedback and public comments received on the issues and options paper. The comment period ended in August 2023. The comments received to date provide helpful feedback on the potential issues and ways forward.

*Timetable:*

Action	Date	FR Cite
Notice of Intent ....	05/08/23	88 FR 29617
Notice of Intent Comment Pe- riod End.	08/18/23	
NPRM .....	03/00/25	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* [kelly.denit@noaa.gov](mailto:kelly.denit@noaa.gov).

*RIN:* 0648-BM08

**27. Atlantic Highly Migratory Species; Electronic Reporting Requirements [0648-BM23]**

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

*Abstract:* Atlantic highly migratory species (HMS) are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act (ATCA), *id.* 971 *et seq.*, the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas. The ANPRM considered options to: (1) streamline logbook reporting by converting existing commercial paper logbooks to electronic logbooks; (2)

expand logbook reporting to recreational and commercial permit holders via electronic logbooks, to be consistent with Agency efforts in other fisheries and to augment data collected for fishery management; (3) collect additional information through existing electronic reporting mechanisms for dealers and recreational permit holders to augment data collected for fishery management; and (4) facilitate HMS reporting including considering ways to incentivize reporting compliance (or penalize noncompliance) and offering an electronic reporting platform for HMS Exempted Fishing Permit Program permit holders. This action is being taken pursuant to the rulemaking authority under section 304(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1854(c). The ANPRM comment period ended in August 2023. The comments received provide helpful feedback on the potential issues and ways forward, which are under consideration by the Agency. The Agency's proposed actions for this rulemaking will be based in part on feedback and public comments received on the ANPRM.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	05/12/23	88 FR 30699
ANPRM Comment Period End.	08/18/23	
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* [kelly.denit@noaa.gov](mailto:kelly.denit@noaa.gov).

*RIN:* 0648-BM23

**28. • Atlantic Highly Migratory Species; Revisions to Commercial Atlantic Blacknose and Recreational Atlantic Shark Fisheries [0648-BM88]**

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

*Abstract:* The National Marine Fisheries Service, on behalf of the Secretary of Commerce, is responsible for managing Atlantic highly migratory species (HMS) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and consistent with the Atlantic Tunas Convention Act (ATCA), *id.* 971 *et seq.* This proposed rule would consider options to: (1) remove the Atlantic blacknose shark

management boundary in the Atlantic region, (2) modify the commercial retention limit for blacknose sharks in the Atlantic region, (3) revise the recreational minimum size limits for authorized Atlantic shark species, and (4) revise the recreational bag limits for some authorized Atlantic shark species. This proposed rule would also remove commercial management group quota linkages, consistent with management measures established in Amendment 14 to the 2006 Consolidated HMS Fishery Management Plan (88 FR 4157, January 24, 2023). This action would affect the commercial and recreational Atlantic shark fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. In 2021, ex-vessel revenues for the entire Atlantic shark fishery totaled approximately \$2.6 million. This action is being taken pursuant to the rulemaking authority under section 304(g) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1854(c).

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* [kelly.denit@noaa.gov](mailto:kelly.denit@noaa.gov).

*RIN:* 0648-BM88

**29. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty [0648-BG04]**

*Legal Authority:* 16 U.S.C. 973 *et seq.*

*Abstract:* Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the

Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM .....	10/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Sarah Malloy, Acting Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, Phone: 808 725-5000, Email: sarah.malloy@noaa.gov.  
RIN: 0648-BG04

30. • Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2024 Harvest Specifications for Pacific Whiting, and 2024 Pacific Whiting Tribal Allocation [0648-BM85]

Legal Authority: 16 U.S.C. 1801 et seq.  
Abstract: This rule would establish the 2024 harvest specifications and allocations for Pacific Whiting. Through this rulemaking, NMFS would announce the U.S. Total Allowable Catch (TAC) level determined under the terms of the Agreement with Canada on Pacific Hake/Whiting (Agreement) and the Pacific Whiting Act of 2006 (Whiting Act) and set the interim allocation for the tribal fishery; the fishery harvest guideline (HG), called the non-tribal allocation, for three commercial whiting sectors; and set-asides for research and bycatch. As in prior years, the interim tribal allocation is not intended to set a precedent for future years. This action would be implemented pursuant to the rulemaking authority under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) 304(b) (Regulations Deemed Necessary by Council) and MSA section 305(d) (Secretarial authority), and the Pacific Whiting Act of 2006. Pursuant to MSA section 305(d), this action is necessary to ensure that the Pacific Coast Groundfish Fishery Management Plan is implemented in a manner consistent with treaty rights of four treaty tribes to fish in their usual and accustomed grounds and stations in common with non-tribal citizens. United States v. Washington, 384 F. Supp. 313 (W.D. Wash. 1974). The harvest specifications that would be implemented by this action would be in effect for the Pacific Whiting fishery that opens May 01, 2024 through December 31, 2024.

Timetable:

Action	Date	FR Cite
NPRM .....	07/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Jennifer Quan, Regional Administrator—West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, DC 20230, Phone: 562 980-4001, Email: jennifer.quan@noaa.gov.  
RIN: 0648-BM85

31. • 2025-2026 Harvest Specifications and Management Measures for the Pacific Coast Groundfish Fishery [0648-BN08]

Legal Authority: 16 U.S.C. 1801 et seq.  
Abstract: Every other year, the Pacific Fishery Management Council makes recommendations to set biennial allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial, recreational, and tribal fisheries that are designed to achieve those harvest levels consistent with the Pacific Coast Groundfish Fishery Management Plan. For the 2025-26 biennium, the Pacific Fishery Management Council has recommended: (1) Harvest specifications, including overfishing limits, acceptable biological catches, and annual catch limits; and (2) Management measures to achieve those specifications. The specifications and management measures that would be established by this action would be in effect from January 1, 2025, through December 31, 2026. The National Marine Fisheries Service (NMFS) would implement this rulemaking under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.

Timetable:

Action	Date	FR Cite
NPRM .....	09/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Jennifer Quan, Regional Administrator—West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, DC 20230, Phone: 562 980-4001, Email: jennifer.quan@noaa.gov.  
RIN: 0648-BN08

NOS/ONMS  
32. Notice of Proposed Rulemaking for the Designation Pacific Remote Islands National Marine Sanctuary [0648-BM52]

Legal Authority: 16 U.S.C. 1431 et seq.  
Abstract: NOAA's Office of National Marine Sanctuaries is developing a proposed rule designating a national marine sanctuary in the waters surrounding the Pacific Remote Islands. This proposed rule for designation under the National Marine Sanctuaries Act would supplement the existing National Marine Monument and further protect and conserve the natural environment and cultural heritage of the Pacific Remote Islands for future generations.  
Timetable:

Action	Date	FR Cite
Notice .....	04/18/23	88 FR 23624
Comment Period End.	06/02/23	
NPRM .....	09/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Jessica Kondel, Policy and Planning Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East West Highway, Building SSMC4, Silver Spring, MD 20910, Phone: 240 676-4646.  
RIN: 0648-BM52

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)  
Final Rule Stage  
National Marine Fisheries Service

33. Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [0648-BI88]

Legal Authority: 16 U.S.C. 1361 et seq.; 16 U.S.C. 1531 et seq.  
Abstract: NMFS published a proposed rule to amend the North Atlantic Right Whale Vessel Strike Reduction Rule (per 50 CFR 224.105; 87 FR 46921, August 1, 2022). NMFS proposed this action to further reduce the likelihood of mortalities and serious injuries to endangered right whales from vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing Unusual Mortality Event. The final rule will (1) modify the spatial and temporal boundaries of current speed restriction areas, currently referred to as Seasonal Management

Areas (SMAs), (2) include most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length in the vessel size class subject to speed restriction, (3) create a Dynamic Speed Zone framework to implement mandatory speed restrictions when whales are known to be present outside active SMAs, and (4) update the speed rule's safety deviation provision. The final amendments to current speed regulations reduce vessel strike risk based on a coast wide collision mortality risk assessment and updated information on right whale distribution, vessel traffic patterns, and vessel strike mortality and serious injury events. NMFS solicited public comment on the proposed action and received over 90,000 public comments. The agency plans to take final action on the final rule in 2024.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/01/22	87 FR 46921
NPRM Comment Period End.	09/30/22	
NPRM Comment Period Extension.	09/16/22	87 FR 56925
NPRM Comment Period Extension End.	10/31/22	
Final Action .....	11/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BJ88

**34. Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals [0648-BJ52]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* On November 27, 2020, we, NMFS, published in the **Federal Register** a proposal to designate 17 island units of critical habitat in the Pacific Islands Region for 7 Indo-Pacific coral species listed under the Endangered Species Act (ESA). Based on public comments and new information regarding the interpretation of the records of the listed corals and application to critical habitat, a substantial revision of the proposed rule is warranted. Accordingly, we withdrew the 2020 proposed rule and published a new proposed rule. We proposed to designate critical habitat for five of the seven coral species that were addressed

in the 2020 proposed rule: *Acropora globiceps*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, and *Isopora crateriformis*. Proposed critical habitat includes 16 island units encompassing approximately 251 square kilometers (km<sup>2</sup>; 97 square miles, mi<sup>2</sup>) of marine habitat. In the development of the proposed rule, NMFS considered economic, national security, and other relevant impacts of the proposed designations, but we are not excluding any areas from the critical habitat designations due to anticipated impacts.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/20	85 FR 76262
NPRM Comment Period End.	01/26/21	
NPRM Comment Period Extended.	12/23/20	85 FR 83899
NPRM Comment Period Extended End.	02/25/21	
Second NPRM Comment Period Extended.	02/09/21	86 FR 8749
Second Extended Comment Period End.	03/27/21	
Third NPRM Comment Period Extended.	03/29/21	86 FR 16325
Third NPRM Comment Period Extended End.	05/26/21	
Second NPRM ....	11/30/23	88 FR 83644
Second NPRM Comment Period End.	02/28/24	
Public Hearing .....	12/22/23	88 FR 88587
Final Action .....	12/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BJ52

**35. Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under The Marine Mammal Protection Act [0648-BK04]**

*Legal Authority:* 16 U.S.C. 1382 *et seq.*

*Abstract:* This action under the Marine Mammal Protection Act (MMPA) will establish mandatory time-area closures of Hawaiian spinner dolphins' essential daytime habitats at five selected sites in the Main Hawaiian Islands (MHI). In considering public comments in response to a separate

proposed rule related to spinner dolphin interactions (81 FR 57854), NMFS intends these regulatory measures to prevent take of Hawaiian spinner dolphins from occurring in inshore marine areas at essential daytime habitats, and where high levels of disturbance from human activities are most prevalent.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/28/21	86 FR 53844
NPRM Comment Period End.	12/27/21	
Final Action .....	09/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BK04

**36. Designation of Marine Critical Habitat for Six Distinct Population Segments of Green Sea Turtles Under the Endangered Species Act [0648-BL82]**

*Legal Authority:* 16 U.S.C. 1533

*Abstract:* In 2012, NMFS and U.S. Fish and Wildlife Service (USFWS; collectively, the Services) were petitioned to identify and list distinct population segments (DPSs) of green sea turtles under section 4 of the Endangered Species Act (ESA; 16 U.S.C. 1533). In 2016, the Services listed six DPSs of green sea turtles occurring in U.S. waters, which triggered the requirement, under ESA section 4, to designate critical habitat to the maximum extent prudent and determinable for those DPSs. The Services did not do so within the statutory deadline, and subsequently entered into a settlement agreement to submit to the Office of the Federal Register for publication a proposed determination concerning the designation of critical habitat for the six DPSs by June 30, 2023. The rule will designate critical habitat containing reproductive, migratory, foraging and resting features in waters from 0 to 20 m depth. The economic impact will affect Federal agencies, who are required under section 7 of the ESA to consult with the Services on their actions that may affect listed species and designated critical habitat. NMFS is working with the Department of Defense and Department of Homeland Security



to review potential national security impacts. Regarding Broadening Public Participation and Community Engagement in the Regulatory Process, we provided six (3 virtual, 3 in-person) public hearings. We had Spanish at 2 virtual public hearings. Samoan, Chamorro, or Carolinian cultural liaisons are providing facilitation and translation at the 3 in-person public hearings. This is part of a pilot project meant to address requests made during the public comment period for NMFS' Equity and Environmental Justice Strategy.

Timetable:

Action	Date	FR Cite
NPRM .....	07/19/23	88 FR 46572
NPRM Comment Period End.	10/17/23	
Final Action .....	07/00/24	

**Regulatory Flexibility Analysis Required:** Yes.  
**Agency Contact:** Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427–8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648–BL82

**37. Designation of Critical Habitat for Rice’s Whale Under the Endangered Species Act [0648–BL86]**

**Legal Authority:** 16 U.S.C. 1533; 16 U.S.C. 1532  
**Abstract:** Gulf of Mexico Bryde’s whales (*Balaenoptera edeni*) were listed as endangered under the Endangered Species Act (ESA) by the National Marine Fisheries Service (NMFS) effective April 15, 2019 (84 FR 15446). On October 22, 2021, NMFS published a final rule that revised the listing of Gulf of Mexico Bryde’s whales to reflect the scientifically accepted taxonomy and nomenclature of the species (86 FR 47022). The revised common name for this species is Rice’s whale and the scientific name is *Balaenoptera ricei*. The ESA requires that critical habitat be designated to the maximum extent prudent and determinable at the time a species is listed (16 U.S.C. 1533(a)(3)(i)). NMFS concluded that critical habitat was not yet determinable for the Rice’s whale at the time of listing. However, NMFS indicated that they anticipated critical habitat would be determinable in the future given on-going research. NMFS, therefore, announced in the final listing rule that they would propose critical habitat in a separate rulemaking. This rule finalizes designation of critical

habitat for the endangered Rice’s whale as one specific area within the Gulf of Mexico that extends from the Texas-Mexico border in the west to the Florida Keys in the east and lies between the 100m and 400m isobaths. NMFS will consult with the Department of Defense to assess any potential national security impacts as a result of the critical habitat designation.  
**Timetable:**

Action	Date	FR Cite
NPRM .....	07/24/23	88 FR 47453
NPRM Comment Period End.	09/22/23	
NPRM Comment Period Extension.	10/06/23	88 FR 62522
Final Action .....	09/00/24	

**Regulatory Flexibility Analysis Required:** Yes.  
**Agency Contact:** Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427–8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648–BL86

**38. • Framework Adjustment 66 to the Northeast Multispecies Fishery Management Plan [0648–BM71]**

**Legal Authority:** 16 U.S.C. 1801 *et seq.*  
**Abstract:** The final action implements management measures included in Framework Adjustment 66 to the Northeast Multispecies Fishery Management Plan (Framework 66) that were developed by the New England Fishery Management Council in response to new scientific information, pursuant to the rulemaking authorities under section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act. This action sets annual specifications for fishing years (FY) 2024–2026 for three Northeast multispecies stocks, FY 2024–2025 for three other multispecies stocks; specifies FY 2024–2025 total allowable catches (TAC) for the three U.S./Canada stocks; and modify the trigger for Atlantic halibut accountability measures.

Timetable:

Action	Date	FR Cite
NPRM .....	03/22/24	89 FR 20412
NPRM Comment Period End.	04/08/24	
Final Action .....	07/00/24	

**Regulatory Flexibility Analysis Required:** Yes.

**Agency Contact:** Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, Phone: 978 281–9283, Email: michael.pentony@noaa.gov.  
RIN: 0648–BM71

**39. Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management [0648–B110]**

**Legal Authority:** 16 U.S.C. 1801 *et seq.*  
**Abstract:** This rule addresses conducting research in areas currently closed to fishing for Atlantic highly migratory species (HMS)—during various times or by certain gear—to collect fishery-dependent data. A number of time/area closures or gear-restricted areas have been implemented over the years through various rulemakings, limiting fishing for Atlantic highly migratory species in those areas for a variety of reasons including reducing bycatch. These time/area closures have been implemented in consultation with the HMS Advisory Panel to protect species consistent with the Magnuson-Stevens Fisheries Conservation and Management Act (e.g., to reduce bycatch in the pelagic longline fishery off the east coast of Florida), the Endangered Species Act (e.g., to protect sea turtles in the North Atlantic), and the Atlantic Tunas Convention Act (e.g., to protect spawning bluefin tuna in the Gulf of Mexico). Fishery-dependent data supports effective fisheries management, and areas that restrict fishing effort often have a commensurate decrease in fishery-dependent data collection. Programs to facilitate research and data collection, such as those that would be covered by this rule, could assess the efficacy of closed areas, improve sustainable management of highly migratory species, and may provide benefits to commercial and recreational fishermen. The Agency’s final actions for this rule are based in part on feedback and public comments on the proposed rule and draft environmental impact statement, regulatory impact review (RIR), and initial regulatory flexibility analysis (IRFA). The comment period ended in October 2023. The comments received to date provide helpful feedback on the potential issues and ways forward.

Timetable:

Action	Date	FR Cite
NPRM .....	05/05/23	88 FR 29050

Action	Date	FR Cite
NPRM Comment Period Extension.	09/08/23	88 FR 62044
NPRM Comment Period End.	09/15/23	
NPRM Comment Period Extension End.	10/02/23	
Final Action .....	07/00/24	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.  
*RIN:* 0648-B110

#### 40. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries [0648-BL25]

*Legal Authority:* 16 U.S.C. 6901 *et seq.*

*Abstract:* Under authority of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), NMFS is implementing fishing effort limits for the U.S. purse seine fishery operating in the western and central Pacific Ocean (WCPO). Regulations at 50 CFR 300.223(a) currently limit U.S. WCPO purse seine fishing effort in a combined area of the high seas and U.S. exclusive economic zone (EEZ). Based on recent decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, this rule implements separate U.S. WCPO purse seine fishing effort limits for the high seas and U.S. EEZ. This rule could have some economic effects on U.S. purse seine vessels, as the separate effort limits would reduce the operational flexibility provided by the combined effort limits. This rule could also have some economic effects on American Samoa, as the separate limits could lead to a fishery closure earlier in the year than under the combined limits, which could reduce fish supply to the cannery based in American Samoa. Other elements of this rule include modifications to the process for closing the fishery once an effort limit is reached, and modifications to the procedures for obtaining daily purse seine fishing effort reports.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/12/22	87 FR 55768

Action	Date	FR Cite
NPRM Comment Period End.	10/03/22	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Sarah Malloy, Acting Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* sarah.malloy@noaa.gov.  
*RIN:* 0648-BL25

#### DEPARTMENT OF COMMERCE (DOC)

*National Oceanic and Atmospheric Administration (NOAA)*

Long-Term Actions

#### National Marine Fisheries Service

#### 41. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood [0648-BH87]

*Legal Authority:* 16 U.S.C. 1801 *et seq.*; Pub. L. 115-141

*Abstract:* On December 9, 2016, NMFS issued a final rule that established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking will establish permitting, reporting and recordkeeping requirements for domestic producers of

shrimp and abalone from the point of production to entry into commerce.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/11/18	83 FR 51426
NPRM Comment Period End.	11/26/18	
Final Action .....	To Be Determined	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Alexa Cole, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.  
*RIN:* 0648-BH87

#### 42. Seafood Import Permitting and Reporting Procedures [0648-BK85]

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

*Abstract:* NMFS amends the regulations that require seafood import documentation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). The statute prohibits the importation of seafood that was harvested in violation of foreign laws, any treaty, or binding conservation measures of regional fisheries organizations to which the United States is a party. The import permitting, reporting and recordkeeping regulations facilitate enforcement of the statutory prohibition. To ensure compliance with the import monitoring program, NMFS clarifies what qualifies as the U.S. resident business address of the International Fisheries Trade Permit holder and the permit holder's obligation to ensure timely access to and production of the required supply chain records in the event of an audit NMFS also intends to include additional species under the program, such as expanding currently listed single-species to species groups and adding new species. U.S. seafood importers are likely to be affected by this rulemaking through increased reporting and recordkeeping requirements, but NOAA estimates the economic impact will be small because documentation is already completed, transmitted through the supply chain, and available to importers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/28/22	87 FR 79836
NPRM Comment Period End.	03/28/23	
NPRM Comment Period Extension.	03/31/23	88 FR 19236
NPRM Comment Period Extension End.	04/27/23	

Action	Date	FR Cite
NPRM; Withdrawn Next Action Under- terminated.	11/16/23	88 FR 78714

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact:* Alexa Cole, *Phone:*  
301 427-8286, *Email:* alexa.cole@  
noaa.gov.

*RIN:* 0648-BK85

## DEPARTMENT OF COMMERCE (DOC)

*National Oceanic and Atmospheric  
Administration (NOAA)*

Completed Actions

### 43. Designation of Critical Habitat for the Threatened Caribbean Corals [0648-BG26]

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* NMFS listed 5 Caribbean corals as threatened under the Endangered Species Act on October 10, 2014. Critical habitat shall be designated to the maximum extent prudent and determinable at the time a species is proposed for listing (50 CFR 424.12). We concluded that critical habitat was not determinable for the 5 corals at the time of listing. However, we anticipated that critical habitat would be determinable in the future given on-going research. We, therefore, announced in the final listing rules that we would propose critical habitat in separate rulemakings. This rule proposes to designate critical habitat for the 5 Caribbean coral species listed in 2014. A separate proposed critical habitat rule is being prepared for the 15 Indo-Pacific corals listed as threatened in 2014. The proposed designation for the Caribbean corals may include marine waters in Florida, Puerto Rico, US Virgin Islands, Navassa Island, and Flower Garden Banks containing essential features that support all stages of life history of the corals. The proposed rule is not likely to have an annual effect on the economy of \$100 million or more or adversely affect the economy. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we concluded that there will be an impact on national security in only 1 area offshore Dania Beach, FL, and will propose to exclude it from the designations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/20	85 FR 76302
NPRM Comment Period End.	01/26/21	
Final Rule .....	08/09/23	88 FR 54026
Final Action Effec- tive.	09/08/23	
Final Action .....	03/19/24	89 FR 19511
Final Action Effec- tive.	03/19/24	

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact:* Kim Damon-Randall,  
Director, Office of Protected Resources,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, 1315 East-West  
Highway, Silver Spring, MD 20910,  
*Phone:* 301 427-8400, *Email:*  
kimberly.damon-randall@noaa.gov.  
*RIN:* 0648-BG26

### 44. Designation of Critical Habitat for Nassau Grouper Under the Endangered Species Act [0648-BL53]

*Legal Authority:* 16 U.S.C. 1533

*Abstract:* This rulemaking will designate critical habitat for the threatened Nassau grouper pursuant to section 4 of the Endangered Species Act (ESA). Specific occupied areas under consideration as critical habitat for this species include approximately 2,352.27 sq. kilometers (908.22 sq. miles) of marine habitat located in waters off southeastern coast of Florida, Puerto Rico, Navassa, and the United States Virgin Islands (USVI). For this critical habitat designation, the incremental costs of the rule are anticipated to be limited to the additional administrative effort required for section 7 consultations to consider impacts to the critical habitat. We have contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information they provided, national security impacts are not expected to arise as a result of this rule. NMFS also contacted the Department of Defense (DoD) to determine if any areas controlled by the DoD coincide with any of the areas under consideration for critical habitat, and none were found that would result in not designating critical habitat pursuant to section 4(a)(3)(B)(i) of the ESA. This rule is consistent with existing critical habitat regulations in the application of the ESA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/17/22	87 FR 62930

Action	Date	FR Cite
NPRM Comment Period End.	12/16/22	
Final Action .....	01/02/24	89 FR 126
Final Action Effec- tive.	02/01/24	

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact:* Kim Damon-Randall,  
Director, Office of Protected Resources,  
Department of Commerce, National  
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*Phone:* 301 427-8400, *Email:*  
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*RIN:* 0648-BL53

### 45. Atlantic Large Whale Take Reduction Plan Modifications To Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast [0648-BM31]

*Legal Authority:* 16 U.S.C. 1387

*Abstract:* The National Marine Fisheries Service (NMFS) is proposing a rule under the Atlantic Large Whale Take Reduction Plan (ALWTRP or Plan) to reduce the risk of North Atlantic right whale entanglement in commercial trap/pot fisheries along the U.S. East Coast. The proposed rule would modify the boundaries of the Massachusetts Restricted Area (MRA) to include a 200 square miles area known as the MRA Wedge to fill a gap in protections that occurs during the implementation of the current closure in Federal waters from February through April every year. This small gap area was inadvertently created by a 2021 modification to an existing MRA seasonal closure to buoy lines which mirrored a state water closure enacted by Massachusetts in early 2021. The resultant gap within the MRA created an opportunity for federally permitted vessels to fish or store buoyed trap gear in the MRA Wedge at great risk of incidental mortality and serious injury of North Atlantic right whales that are seasonally abundant in surrounding waters. Empirical gear and whale sightings collected during aerial surveys of the MRA Wedge during February–April demonstrate the high entanglement risk to right whales in this area. No novel management measures or policies are proposed; this Wedge area was closed through emergency rulemaking in 2021 and 2022, and this rule proposes to permanently implement a small expansion of an existing three-month seasonal restriction to fishing with buoy lines.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/18/23	88 FR 63917
NPRM Comment Period End.	10/18/23	
Final Action .....	02/07/24	89 FR 8333
Final Action Effective.	03/08/24	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email:* kimberly.damon-randall@noaa.gov.  
*RIN:* 0648–BM31

**46. Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit [0648–BL42]**

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

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 123 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, this action would determine the BSAI Amendment 80 commercial groundfish trawl fleet's (A80) halibut prohibited species catch (PSC) limit annually based on the most recent values from surveys conducted by the Alaska Fisheries Science Center and the International Pacific Halibut Commission (IPHC). The Council's intent in recommending Amendment 123 is to link annual halibut PSC limits in the A80 fleet with estimated halibut abundance. The reason for the change being considered is that the current PSC limit, currently set as a fixed annual amount of 1,745 mt, becomes an increasingly larger proportion of total halibut removals in the BSAI when halibut abundance declines. Over the last 6 years, the Council and its advisory bodies, stakeholders, and the public have considered several approaches for a halibut abundance-based management (ABM) program consistent with Council fishery management objectives and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Public testimony on this action over the years has focused on two primary concerns. The first is the importance of providing flexibility to

the A80 fleet to prosecute their quotas. The second is concern about the decline in the directed halibut fishery catch as a result of a decline in halibut abundance, compounded by fixed PSC limits that further reduce the proportion of halibut available to the directed halibut fisheries.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/09/22	87 FR 75570
NPRM Comment Period End.	01/23/23	
Final Action .....	11/24/23	88 FR 82740
Final Action Effective.	01/01/24	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7638, *Email:* jon.kurland@noaa.gov.  
*RIN:* 0648–BL42

**47. Rulemaking To Modify the 2023–2027 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D [0648–BM18]**

*Legal Authority:* 16 U.S.C. 773

*Abstract:* Commercial halibut fishing off the coast of Alaska is managed under an Individual Fishing Quota (IFQ) program implemented by Federal regulations under the authority of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773 *et seq.* On February 10, 2023, the North Pacific Fishery Management Council (Council) recommended to temporarily remove IFQ halibut vessel caps for the 2023–2027 fishing years in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This action is needed to provide continued flexibility and consistency in the Pacific halibut fishery. This action would implement the temporary management measure that has been recommended by the Council and implemented by NMFS annually since 2020 for a 5-year period. This action would revise 50 CFR 679.42(h)(1) to remove vessels caps in those four areas for the 2023–2027 fishing year. This temporary action would provide consistency for fishery participants over the next five years, while the Council develops a long-term solution to modify vessel use caps in Area 4. Halibut IFQ holders with quota share in those four areas would be affected by this action, as well as Community Quota Entities in

area 4B. This action would not modify any other aspects of the IFQ Program. Section 773c(c) of the Northern Pacific Halibut Act is the rulemaking authority.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	05/11/23	88 FR 30272
NPRM Comment Period End.	06/12/23	
Final Action .....	07/26/23	88 FR 48137
Final Action Effective.	07/26/23	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7638, *Email:* jon.kurland@noaa.gov.  
*RIN:* 0648–BM18

**48. Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska; Cook Inlet [0648–BM42]**

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

*Abstract:* This action (Amendment 16) incorporates the Cook Inlet EEZ into the Alaska Salmon FMP, thereby bringing the Cook Inlet EEZ and the salmon fisheries that occur within it under Federal management by the North Pacific Fishery Management Council (Council) and NMFS. Previously, the Cook Inlet EEZ was not included in a Federal fishery management plan (FMP), deferring management to the State of Alaska (State). Commercial fishermen challenged this as inconsistent with the Magnuson-Stevens Act (MSA). Ultimately, the Ninth Circuit held that the Cook Inlet EEZ must be included in an FMP. The Council previously took action to address this issue in 2020 and NMFS implemented their recommendation as Amendment 14, which closed the Federal area to commercial salmon fishing. Amendment 14 was challenged by commercial fishermen and vacated. A new amendment addressing the area must be promulgated by May 1, 2024. Four management alternatives were considered: (1) no action, (2) delegating management authority to the State consistent with the MSA, (3) Federal management, and (4) Federal management that closes the area to commercial salmon fishing. Alternatives 1 and 4 were not viable given the court rulings, and the State would not accept delegated management. This left Alternative 3 as the only viable alternative. However, the Council did not take action and, NMFS must now

take action through a Secretarial FMP amendment pursuant to MSA section 304(c) to meet the court’s deadline. NMFS implements Alternative 3 to federally manage all salmon fishing in the Cook Inlet EEZ. Federal management may reduce commercial salmon harvest in the EEZ area as a result of increased scientific and management uncertainty. Additional litigation is expected from commercial fishermen. NMFS developed the elements of this rule with input from the public during two North Pacific Fishery Management Council meetings, a virtual public hearing, and multiple meetings and consultations with Tribal entities.

Timetable:

Action	Date	FR Cite
NPRM .....	10/19/23	88 FR 72314
NPRM Comment Period End.	12/18/23	
Final Action .....	04/30/24	89 FR 34718
Final Action Effective.	05/30/24	
Correction .....	05/29/24	89 FR 46333
Correction Effective.	05/30/24	

**Regulatory Flexibility Analysis**  
*Required:* Yes.  
*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7638, *Email:* jon.kurland@noaa.gov.  
*RIN:* 0648–BM42

**49. Framework Adjustment 65 to the Northeast Multispecies Fishery Management Plan [0648–BL95]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* The action would implement management measures included in Framework Adjustment 65 to the Northeast Multispecies Fishery Management Plan (Framework 65) that were developed by the New England Fishery Management Council in response to new scientific information, pursuant to the rulemaking authorities under section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act. The action will revise the rebuilding plan for Gulf of Maine (GOM) cod, set annual specifications for fishing years (FY) 2023–2025 for 13 Northeast multispecies stocks, FY2023–2024 for Georges Bank (GB) cod, GB yellowtail flounder, FY2023 for white hake, and specify FY 2023–2024 total allowable catches (TAC) for the three U.S./Canada stocks eastern GB cod, eastern GB haddock, and GB yellowtail flounder. It would also make a

temporarily modification to the accountability measures for GB cod. This rule also takes emergency action using our authority under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act to increase the fishing year 2023 specifications for Gulf of Maine (GOM) haddock. The purpose of this emergency action is to mitigate economic harm to industry by increasing the 2023 GOM haddock specifications.

Timetable:

Action	Date	FR Cite
NPRM .....	05/31/23	88 FR 34810
NPRM Comment Period End.	06/15/23	
Final Action .....	08/18/23	88 FR 56527
Comment Period End.	09/18/23	
Final Action Effective.	09/18/23	
Temporary Rule Extension.	01/09/24	89 FR 1036
Temporary Rule Extension End.	04/30/24	

**Regulatory Flexibility Analysis**  
*Required:* Yes.  
*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Email:* michael.pentony@noaa.gov.  
*RIN:* 0648–BL95

**50. • Framework Adjustment 38 to the Atlantic Sea Scallop Fishery Management Plan [0648–BM78]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* At its December 2023 meeting, the New England Fishery Management Council voted to submit Framework 38 to NOAA’s National Marine Fisheries Service (NMFS). Pursuant to section 304(a) of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS is drafting a proposed rule to approve and implement Framework 38. Framework 38 is a time-sensitive action that would set annual specifications for the Atlantic sea scallop fleet for the 2024 fishing year, including the annual catch limits for the limited access and limited access general category fleets, as well as days-at-sea allocations and sea scallop access area trip allocations. Framework 38 would implement specifications that would result in projected landings of 27.4 million lb, a 2.4 million-lb increase from the fishing year 2023 projected landings. However, during the development of Framework 38 current price information was added

to the price projection model resulting in a decrease in the projected price for scallops in the 2024 fishing year. As a result, despite the increase in projected landings, it is predicted that there will be a decrease in total economic benefits in fishing year 2024. This is due primarily to a decrease in the projected price for scallops, specifically of U–10 scallops (larger scallops that had previously commanded a higher price) and not a result of additional regulations or requirements that would be implemented by Framework 38. Because of this, the economic impacts of the Framework 38 fishery specifications are expected to be negative for scallop vessels and small business entities compared to fishing year 2023. The increase in projected landings and the reduction in projected price is projected to result in a decrease in total economic benefits of \$19.62 million using 2023. This is a time-sensitive regulatory action that sets annual catch limits for the Atlantic Sea Scallop Fishery Management Plan. This action is routine and needed to fully open the scallop fishery for the 2024 fishing year, beginning April 1, 2024. Framework 38 was developed by the Council with input from the scallop industry throughout its development. The increase in projected landings that Framework 38 would implement is expected by and supported by the industry. The specifications in this rule would only be in place for one year. If this action is delayed, opening the Scallop fishery by April 1, 2024, would require NMFS to implement default measures which are less preferable to industry and resource managers. The default measures would create confusion among the fleet because NMFS would be required to implement two different sets of measures that would change mid-season. The default measures could also have detrimental impacts to the conservation of important, but sensitive, scallop resources and could exacerbate the impact of the reduction in economic benefits to the scallop industry. They could also lead to reductions in future scallop harvests.

Timetable:

Action	Date	FR Cite
NPRM .....	02/12/24	89 FR 9819
NPRM Comment Period End.	02/27/24	
Final Action .....	03/22/24	89 FR 20341
Final Action Effective.	04/22/24	

**Regulatory Flexibility Analysis**  
*Required:* Yes.

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Email:* michael.pentony@noaa.gov.

*RIN:* 0648–BM78

**51. Atlantic Highly Migratory Species; Prohibiting Retention of Oceanic Whitetip Sharks in U.S. Atlantic Waters and Hammerhead Sharks in the Caribbean Sea [0648–BK54]**

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

*Abstract:* Atlantic highly migratory species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). On May 15, 2020, NOAA Fisheries issued two Biological Opinions (BiOps) under Section 7(a)(2) of the Endangered Species Act (ESA). These BiOps covered the pelagic longline fishery for Atlantic HMS and the non-pelagic longline HMS fisheries, as managed under the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments. The BiOps concluded that the fisheries are not likely to jeopardize the continued existence of listed species nor adversely affect their designated critical habitat. The BiOps included conservation recommendations under Section 7(a)(1) of the ESA. These conservation recommendations encouraged the prohibition of the commercial and recreational retention of both scalloped hammerhead sharks (specifically in the Southwest and Caribbean distinct population segments) and oceanic whitetip sharks, both of which are listed as threatened under the ESA. As a result, this action considers implementing this conservation recommendation. Under existing regulations, retention and possession of oceanic whitetip and all hammerhead sharks are prohibited for commercial fishermen using pelagic longline gear; this action would extend the prohibition to commercial shark permit holders using other gears and to recreational permit holders who target or catch sharks. This action is being taken pursuant to the rulemaking authority under the Magnuson-Stevens Act, sec. 304(g), and ATCA. The Agency's final actions for this rule will be based in part on public comments on the proposed rule and draft environmental assessment, RIR, and IRFA. The comments received were generally supportive of the proposed action; some

commenters requested additional protections for scalloped hammerhead sharks.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/22/23	88 FR 17171
NPRM Comment Period End.	05/22/23	
Final Action .....	01/03/24	89 FR 278
Final Action Effective.	02/02/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427–8500, *Email:* kelly.denit@noaa.gov.

*RIN:* 0648–BK54

**52. • Atlantic Highly Migratory Species; Atlantic Bluefin Tuna General Category Restricted-Fishing Days; Atlantic Bluefin Tuna Regulatory Clarifications [0648–BM66]**

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

*Abstract:* Atlantic tunas are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act (ATCA), *id.* 971 *et seq.* Consistent with the existing regulations at 50 CFR 635.23(a), NOAA Fisheries uses restricted-fishing days (RFDs, see definition at 635.2) to extend fishing opportunities for bluefin tuna General category participants through a greater portion of the category's subquota time-periods while also ensuring the bluefin tuna quota is harvested. This action codifies a schedule of restricted-fishing days (RFDs) for the 2024 fishing year and future fishing years; and clarifies the existing regulations, including on the General category default retention limit for bluefin tuna, the process of scheduling RFDs, and bluefin tuna dealer tag application on RFDs. In 2021, bluefin tuna landed under the General category quota brought in \$10.2 million in ex-vessel revenues. This action does not change the amount of bluefin tuna that can be landed under an RFD schedule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/23/24	89 FR 13667
NPRM Comment Period End.	03/25/24	
Final Action .....	05/31/24	89 FR 47095

Action	Date	FR Cite
Final Action Effective.	07/01/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427–8500, *Email:* kelly.denit@noaa.gov.

*RIN:* 0648–BM66

**53. Amendment 51 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 51) [0648–BM03]**

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

*Abstract:* NMFS is developing a final rule to implement Amendment 51. Amendment 51 and the rule will modify management of South Atlantic snowy grouper. Actions will revise annual catch limits, sector allocations, and the fishing season and accountability measures for the recreational sector. Amendment 51 and the rule will end overfishing of South Atlantic snowy grouper, continue to rebuild the stock, and achieve optimum yield while minimizing, to the extent practicable, adverse social and economic effects.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/30/23	88 FR 34460
NPRM Comment Period End.	06/29/23	
Final Action .....	12/01/23	88 FR 83860
Final Action Effective.	01/02/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Andrew J. Strelcheck, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Email:* andy.strelcheck@noaa.gov.

*RIN:* 0648–BM03

**54. Amendment 56 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico: Modifications to Catch Limits, Sector Allocation, and Recreational Fishing Seasons for Gulf of Mexico Gag [0648–BM46]**

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

*Abstract:* Reef Fish Amendment 56 and the rule would modify the status determination criteria, optimum yield,

sector catch limits and catch targets and establish a rebuilding timeline for Gulf gag based on the most recent stock assessment (Southeast Data Assessment and Review (SEDAR) 72) and recommendations from the Gulf of Mexico Fishery Management Council's Scientific and Statistical Committee. The amendment and rule also modify the recreational accountability measures and fishing season. The stock assessment indicated that Gulf gag is overfished and was undergoing overfishing as of 2019, and that a substantial reduction in the total allowable harvest is necessary to rebuild the stock. The amendment and final rule also modify the allocation between the commercial and recreational sectors using adjusted recreational landings estimates. The need for this action is to use the best scientific information available to end overfishing of Gulf gag and rebuild the stock to a level commensurate with maximum sustainable yield, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
NPRM .....	10/18/23	88 FR 71812
NPRM Comment Period End.	12/18/23	
Final Action .....	05/10/24	89 FR 40419
Final Action Effective.	06/01/24	
Correction .....	05/29/24	89 FR 46333
Correction Effective.	06/01/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew J. Strelcheck, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824-5305, Email: andy.strelcheck@noaa.gov.  
RIN: 0648-BM46

DEPARTMENT OF COMMERCE (DOC)  
Patent and Trademark Office (PTO)

Final Rule Stage

55. Setting and Adjusting Patent Fees During Fiscal Year 2025 [0651-AD64]

Legal Authority: Pub. L. 112-29  
Abstract: The United States Patent and Trademark Office (USPTO or Office) takes this action to set and adjust Patent fee amounts to provide the Office with a sufficient aggregate revenue to recover its aggregate cost of operations thereby maintaining a sustainable funding model. The new fee amounts will provide the Office with additional resources to decrease patent pendency and ensure robust and reliable patents are allowed while continuing to promote access to the patent system for underresourced individuals. This proposal reflects feedback we have received from members of the Patent Public Advisory Committee and the public, including organizations, practitioners, and independent inventors, during a public hearing held on May 18, 2023. As we develop this regulation, we will be seeking additional public comment through the rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM .....	04/03/24	89 FR 23226
NPRM Comment Period End.	06/03/24	
Final Action .....	11/00/24	
Final Action Effective.	03/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Phone: 571 272-8966, Fax: 571 273-8966, Email: brendan.hourigan@uspto.gov.  
RIN: 0651-AD64

56. Setting and Adjusting Trademark Fees During Fiscal Year 2025 [0651-AD65]

Legal Authority: Pub. L. 112-29

Abstract: The United States Patent and Trademark Office (USPTO or Office) takes this action to set and adjust Trademark fee amounts to provide the Office with a sufficient aggregate revenue to recover its aggregate cost of operations thereby maintaining a sustainable funding model. The new fee amounts will provide the Office with additional resources to ensure the integrity of the Trademark register and promote efficiency of processes while continuing to offer affordable options to stakeholders. This proposal reflects feedback we have received from members of the Trademark Public Advisory Committee and the public, including organizations, practitioners, and small business owners, during a public hearing held on June 5, 2023. As we develop this regulation, we will be seeking additional public comment through the rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM .....	03/26/24	89 FR 20897
NPRM Comment Period End.	05/28/24	
Final Action .....	09/00/24	
Final Action Effective.	01/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Phone: 571 272-8966, Fax: 571 273-8966, Email: brendan.hourigan@uspto.gov.

RIN: 0651-AD65

[FR Doc. 2024-16446 Filed 8-15-24; 8:45 am]

BILLING CODE 3410-12-P



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Part V

Department of Defense

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Semiannual Regulatory Agenda



**DEPARTMENT OF DEFENSE****32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****48 CFR Ch. II****Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** This agenda announces the regulatory actions the Department of Defense (DoD) plans to take in the next 12 months and those regulatory actions completed since the publication of the Fall 2023 Unified Agenda. It was developed under the guidelines of Executive Order 12866, "Regulatory Planning and Review," as amended by Executive Order 14094, "Modernizing Regulatory Review" and Executive Order 13563, "Improving Regulation and Regulatory Review." This agenda includes regulatory actions that support the Administration's regulatory priorities, the Secretary of Defense's top priorities to defend the Nation, take care of our people, and succeed through teamwork, as well as those priorities of the National Defense Strategy. These actions include efforts to promote the country's economic resilience; address healthcare issues; support underserved communities and improve small business opportunities; promote competition in the American economy; address issues impacting the Federal workforce; support national security efforts, especially safeguarding Federal Government information and information technology systems; support the climate change emergency; and address issues impacting military families. Members of the public may submit comments on individual proposed and interim final rulemakings at [www.regulations.gov](http://www.regulations.gov) during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on February 9, 2024, and includes regulations expected to be issued and under review over the next 12 months. The next agenda will publish in the fall of 2024.

The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov).

In accordance with the Regulatory Flexibility Act (5 U.S.C. 602), which requires agencies to publish its regulatory flexibility agendas in the **Federal Register**, the Department of

Defense's printed agenda entries in the **Federal Register** include only:

(1) rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Although printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements, additional information on these entries is in the Unified Agenda available online.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the overall DoD regulatory program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: [patricia.l.toppings.civ@mail.mil](mailto:patricia.l.toppings.civ@mail.mil).

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, telephone 703-695-1853, or email: [gerald.j.dziecichowicz.civ@mail.mil](mailto:gerald.j.dziecichowicz.civ@mail.mil).

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: [patricia.l.toppings.civ@mail.mil](mailto:patricia.l.toppings.civ@mail.mil).

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Johnson, telephone 571-372-6100, or write to Office of the Under Secretary of Defense for Acquisition and Sustainment, Defense Pricing and Contracting, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060, or email: [jennifer.d.johnson1.civ@mail.mil](mailto:jennifer.d.johnson1.civ@mail.mil).

For general information on Department of the Army regulations, contact Mr. James "Jay" Satterwhite, telephone 571-515-0304, or write to the U.S. Army Records Management and

Declassification Agency, ATTN: AAHS-RDO, Building 1458, 9301 Chapek Road, Ft. Belvoir, VA 22060-5605, or email: [james.w.satterwhite.civ@mail.mil](mailto:james.w.satterwhite.civ@mail.mil).

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Elliott Carman, telephone 703-300-2899, or write to Office of the Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Room 3E441, Washington, DC 20310-0108, or email: [elliott.n.carman.civ/army.mil](mailto:elliott.n.carman.civ/army.mil).

For general information on Department of the Navy regulations, contact LCDR Jessica Koningisor, telephone 703-614-7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374-5066, or email: [jessica.e.koningisor.mil@us.navy.mil](mailto:jessica.e.koningisor.mil@us.navy.mil).

For general information on Department of the Air Force regulations, contact Mr. Robert Bivins, telephone 703-693-7302, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330-1800, or email: [usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil](mailto:usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil).

For specific agenda items, contact the appropriate individual indicated for each regulatory action.

**SUPPLEMENTARY INFORMATION:** This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions reports on actions planned by the Office of the Secretary of Defense, the Military Departments, the Office of the Under Secretary of Defense for Acquisition and Sustainment for procurement-related actions, and the U.S. Army Corps of Engineers.

This agenda also identifies rules impacted by the:

- a. Regulatory Flexibility Act.
- b. Paperwork Reduction Act of 1995.
- c. Unfunded Mandates Reform Act of 1995.

Generally, rules discussed in this agenda will contain five sections: (1) pre-rule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553

of title 5 U.S.C. and section 3 of Executive Order 12866.

**Joo Y. Chung,**

*Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense.*

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
57 .....	Cybersecurity Maturity Model Certification (CMMC) Program .....	0790–AL49

DEFENSE ACQUISITION REGULATIONS COUNCIL—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
58 .....	Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019–D041) .....	0750–AK81

**DEPARTMENT OF DEFENSE (DOD)**

*Office of the Secretary (OS)*

Final Rule Stage

**57. Cybersecurity Maturity Model Certification (CMMC) Program [0790–AL49]**

*Legal Authority:* 5 U.S.C. 301; Pub. L. 116–92, sec. 1648

*Abstract:* The Department of Defense (DoD) is finalizing requirements to ensure defense contractors and subcontractors have, as part of the Cybersecurity Maturity Model Certification (CMMC) Program, implemented required security measures for Federal Contract Information (FCI) and add new Controlled Unclassified Information (CUI) security requirements for certain priority programs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/26/23	88 FR 89058
NPRM Comment Period End.	02/26/24	
Final Action .....	11/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Diane L. Knight, Senior Management and Program Analyst, Department of Defense, Office of the Secretary, 4800 Mark Center Drive, Suite 12E08, Alexandria, VA 22350, *Phone:* 202 770–9100, *Email:* [diane.l.knight10.civ@mail.mil](mailto:diane.l.knight10.civ@mail.mil).  
*RIN:* 0790–AL49

**DEPARTMENT OF DEFENSE (DOD)**

*Defense Acquisition Regulations Council (DARC)*

Proposed Rule Stage

**58. Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019–D041) [0750–AK81]**

*Legal Authority:* 41 U.S.C. 1303; Pub. L. 116–92, sec. 1648

*Abstract:* DoD is amending an interim rule to implement the CMMC framework 2.0 in order to protect against the theft of intellectual property and sensitive information from the Defense Industrial Base (DIB) sector. The CMMC framework, as defined in Title 32 of the Code of Federal Regulations (CFR), assesses compliance with applicable information security requirements. This rule provides the

Department with assurances that a DIB contractor can adequately protect sensitive unclassified information at a level commensurate with the risk, accounting for information flow down to its subcontractors in a multi-tier supply chain.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	09/29/20	85 FR 48513
Interim Final Rule Effective.	11/30/20	
NPRM .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jennifer D. Johnson, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, Defense Acquisition Regulations Council, Defense Pricing and Contracting, Defense Acquisition Regulations System, Room 3B938, 3060 Pentagon, Washington, DC 20301–3060, *Phone:* 703 717–8226, *Email:* [jennifer.d.johnson1.civ@mail.mil](mailto:jennifer.d.johnson1.civ@mail.mil).  
*RIN:* 0750–AK81

[FR Doc. 2024–16449 Filed 8–15–24; 8:45 am]

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Part VI

Department of Energy

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Semiannual Regulatory Agenda

**DEPARTMENT OF ENERGY**  
**10 CFR Chs. II, III, and X**  
**48 CFR Ch. 9**  
**Unified Agenda of Federal Regulatory and Deregulatory Actions**  
**AGENCY:** Department of Energy.  
**ACTION:** Semiannual Regulatory Agenda.  
**SUMMARY:** The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda)

pursuant to Executive Order 12866, "Regulatory Planning and Review," and the Regulatory Flexibility Act.  
**SUPPLEMENTARY INFORMATION:** The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Policy and Conservation Act, as

amended, and programmatic needs of DOE offices.  
The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's Spring 2024 Agenda can be accessed online by going to [www.reginfo.gov](http://www.reginfo.gov).  
DOE's regulatory flexibility agenda is made up of rulemakings setting energy efficiency standards and requirements applicable to DOE sites.  
**Samuel Walsh,**  
*General Counsel.*

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
59 .....	Energy Conservation Standards for Circulator Pumps .....	1904-AD61
60 .....	Energy Conservation Standards for Consumer Water Heaters .....	1904-AD91
61 .....	Test Procedures for Air-Cooled, Evaporatively-Cooled, and Water-Cooled Commercial Package Air Conditioners and Heat Pumps.	1904-AD93
62 .....	Energy Conservation Standards for Distribution Transformers .....	1904-AE12
63 .....	Energy Conservation Standards for Consumer Boilers .....	1904-AE82
64 .....	Test Procedures for Evaporatively-Cooled Commercial Unitary Air Conditioners (ECUACs) and Water-Cooled Commercial Unitary Air Conditioners (WCUACs).	1904-AF45

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
65 .....	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904-AD20
66 .....	Energy Conservation Standards for Consumer Clothes Washers .....	1904-AD98
67 .....	Energy Conservation Standards for Miscellaneous Residential Refrigeration .....	1904-AF00
68 .....	Energy Conservation Program: Energy Conservation Standards for General Service Lamps .....	1904-AF43

**DEPARTMENT OF ENERGY (DOE)**  
*Energy Efficiency and Renewable Energy (EE)*

Final Rule Stage

**59. Energy Conservation Standards for Circulator Pumps [1904-AD61]**

*Legal Authority:* 42 U.S.C. 6311(1)(A); 42 U.S.C. 6316(a); 42 U.S.C. 6295(o)  
*Abstract:* The Energy Policy and Conservation Act, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including circulator pumps. EPCA also requires the U.S. Department of Energy (DOE) to periodically determine whether more-stringent, standards would be technologically feasible and economically justified, and would result in significant energy savings. In the final rule, DOE adopted new energy conservation standards for circulator pumps. It has determined that the energy conservation standards for this

equipment would result in significant conservation of energy, and are technologically feasible and economically justified.  
*Timetable:*

Action	Date	FR Cite
Notice of Intent to Start a Negotiated Rule-making Working Group and Notice of Public Meeting.	02/03/16	81 FR 5658
Notice of Working Group Public Meetings.	03/16/16	81 FR 14024
Request for Information (RFI).	05/07/21	86 FR 24516
RFI Comment Period Extended.	05/26/21	86 FR 28298
RFI Comment Period Extended End.	07/30/21	
NPRM .....	12/06/22	87 FR 74850
NPRM Comment Period End.	02/06/23	
Final Action .....	05/20/24	89 FR 44464

Action	Date	FR Cite
Final Action Effective.	08/05/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Jeremy Dommu, Building Technologies Office, EE-2J, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 586-9870, *Email:* [jeremy.dommu@ee.doe.gov](mailto:jeremy.dommu@ee.doe.gov).  
*RIN:* 1904-AD61

**60. Energy Conservation Standards for Consumer Water Heaters [1904-AD91]**

*Legal Authority:* 42 U.S.C. 6295(m)(1)  
*Abstract:* The Energy Policy and Conservation Act, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including consumer water heaters. EPCA also requires the U.S. Department of Energy (DOE) to periodically determine

whether more stringent standards would be technologically feasible and economically justified, and would result in significant energy savings. In the final rule, DOE has adopted amended energy conservation standards for consumer water heaters, except for gas-fired instantaneous water heaters (GIWHs). DOE has determined that the new and amended energy conservation standards for these products would result in significant conservation of energy, and are technologically feasible and economically justified. DOE is still considering amended energy conservation standards for GIWHs and will continue to consider comments submitted previously to inform any decision on amended standards.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	05/21/20	85 FR 30853
RFI Comment Period End.	07/06/20	
Notice of Webinar and Availability of Preliminary Technical Support Document.	03/01/22	87 FR 11327
Public Meeting ....	04/12/22	
Preliminary Technical Support Document Comment Period End.	05/02/22	
RFI Comment Period Reopened.	05/04/22	87 FR 26303
RFI Comment Period Reopened End.	05/16/22	
NPRM .....	07/28/23	88 FR 49058
Public Meeting ....	09/13/23	
NPRM Comment Period End.	09/26/23	
Supplemental NPRM.	12/27/23	88 FR 89330
Supplemental NPRM Comment Period End.	01/10/24	
Final Action .....	05/06/24	89 FR 37778
Final Action Effective.	07/05/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, Phone: 240 597–6737, Email: [julia.hegarty@ee.doe.gov](mailto:julia.hegarty@ee.doe.gov).

RIN: 1904–AD91

**61. Test Procedures for Air-Cooled, Evaporatively-Cooled, and Water-Cooled Commercial Package Air Conditioners and Heat Pumps [1904–AD93]**

*Legal Authority:* 42 U.S.C. 6314(a)(4)(B); 42 U.S.C. 6314(a)(1)(A)

*Abstract:* The U.S. Department of Energy (DOE) has amended the Federal test procedures for air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h, evaporatively-cooled commercial package air conditioners, and water-cooled commercial package air conditioners to incorporate by reference the latest versions of the applicable industry test standards. In the final rule, DOE has amended the current test procedure for this equipment for measuring the current cooling and heating metrics—integrated energy efficiency ratio (IEER) and coefficient of performance (COP), respectively; and established a new test procedure for this equipment that adopts two new metrics—integrated ventilation, economizer, and cooling (IVEC) and integrated ventilation and heating efficiency (IVHE). Testing to the IVEC and IVHE metrics will not be required until such time as compliance is required with any amended energy conservation standard based on the new metrics. Additionally, DOE amended certain provisions of DOE's regulations related to representations and enforcement for the subject equipment.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	07/25/17	82 FR 34427
RFI Comment Period End.	08/24/17	
Request for Information (RFI).	05/25/22	87 FR 31743
RFI Comment Period End.	06/24/22	
Working Group Notice of Open Meetings.	09/01/22	87 FR 53699
NPRM .....	08/17/23	88 FR 56392
NPRM Comment Period End.	10/16/23	
Final Action .....	05/20/24	89 FR 43986
Final Action Effective.	08/05/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Lucas Adin, Project Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Mail Stop EE–5B, Washington, DC 20585, Phone: 202 287–5904, Email: [lucas.adin@ee.doe.gov](mailto:lucas.adin@ee.doe.gov).

RIN: 1904–AD93

**62. Energy Conservation Standards for Distribution Transformers [1904–AE12]**

*Legal Authority:* 42 U.S.C. 6295 (m)(1); 42 U.S.C. 6295(y); 42 U.S.C. 6316(a); 42 U.S.C. 6317(a)

*Abstract:* The Energy Policy and Conservation Act, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including distribution transformers. EPCA also requires the U.S. Department of Energy (DOE) to periodically review its existing standards to determine whether more stringent standards would be technologically feasible and economically justified, and would result in significant energy savings. In the final rule, DOE is adopting amended energy conservation standards for distribution transformers. DOE has determined that the amended energy conservation standards for distribution transformers represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	06/18/19	84 FR 28239
RFI Comment Period End.	08/02/19	
Notice of Availability of Preliminary Technical Support Document.	08/27/21	86 FR 48058
Preliminary Analysis Reopened.	11/16/21	86 FR 63318
Preliminary Technical Support Document Comment End.	12/10/21	
NPRM .....	01/11/23	88 FR 1722
NPRM Comment Period Extended.	02/22/23	88 FR 10856
NPRM Comment Period Extended End.	03/27/23	
Final Action .....	04/22/24	89 FR 29834
Final Action Effective.	07/08/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jeremy Dommu, Building Technologies Office, EE–2J, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, Phone: 202 586–9870, Email: [jeremy.dommu@ee.doe.gov](mailto:jeremy.dommu@ee.doe.gov).

RIN: 1904–AE12

**63. Energy Conservation Standards for Consumer Boilers [1904–AE82]**

*Legal Authority:* 42 U.S.C. 6295(m)(1)

*Abstract:* Consistent with the requirements under the Energy Policy and Conservation Act (EPCA), as amended, the U.S. Department of Energy (DOE) is examining whether to amend the current energy conservation standards in place for consumer boilers found at 10 CFR 430.32(e). As a result of this effort, DOE may propose and adopt more-stringent standards or issue a determination that no amendments to the current standards are required. To this end, DOE must determine whether national standards more stringent than those currently in place would result in a significant amount of energy savings and whether such amended national standards would be technologically feasible and economically justified. Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose and adopt amended standards for this product or determine that the existing standards do not need to be amended.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI); Early Assessment Review.	03/25/21	86 FR 15804
RFI Comment Period End.	04/26/21	
RFI; Early Assessment Comment Period Extended.	04/09/21	86 FR 18478
RFI; Early Assessment Comment Period Extended End.	05/26/21	
Notice of Webinar and Availability of Preliminary Technical Support Document.	05/04/22	87 FR 26304
Preliminary Technical Support Document Comment Period End.	07/05/22	
NPRM .....	08/14/23	88 FR 55128
Notice of Public Meeting and Webinar.	08/31/23	88 FR 60152
NPRM Comment Period End.	10/13/23	
Final Rule .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 240 597–6737, *Email:* julia.hegarty@ee.doe.gov.

*RIN:* 1904–AE82

**64. Test Procedures for Evaporatively-Cooled Commercial Unitary Air Conditioners (ECUACS) and Water-Cooled Commercial Unitary Air Conditioners (WCUACS) [1904–AF45]**

*Legal Authority:* 42 U.S.C.

6314(a)(4)(B); 42 U.S.C. 6314(a)(1)(A)

*Abstract:* The U.S. Department of Energy (DOE) has amended the Federal test procedures for air-cooled commercial package air conditioners and heat pumps with a rated cooling capacity greater than or equal to 65,000 Btu/h, evaporatively-cooled commercial package air conditioners, and water-cooled commercial package air conditioners to incorporate by reference the latest versions of the applicable industry test standards. In the final rule, DOE has amended the current test procedure for this equipment for measuring the current cooling and heating—metrics integrated energy efficiency ratio (IEER) and coefficient of performance (COP), respectively; and established a new test procedure for this equipment that adopts two new metrics—integrated ventilation, economizer, and cooling (IVEC) and integrated ventilation and heating efficiency (IVHE). Testing to the IVEC and IVHE metrics will not be required until such time as compliance is required with any amended energy conservation standard based on the new metrics. Additionally, DOE amended certain provisions of DOE's regulations related to representations and enforcement for the subject equipment.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	07/25/17	82 FR 34427
RFI Comment Period End.	08/24/17	
Second RFI .....	05/25/22	87 FR 31743
Second RFI Comment Period End.	06/24/22	
NPRM .....	08/17/23	88 FR 56392
NPRM Comment Period End.	10/16/23	
Final Action .....	05/20/24	89 FR 43986
Final Rule Effective.	08/05/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Lucas Adin, Project Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Mail Stop EE–5B, Washington, DC 20585, *Phone:* 202 287–5904, *Email:* lucas.adin@ee.doe.gov.

*RIN:* 1904–AF45

**DEPARTMENT OF ENERGY (DOE)**

*Energy Efficiency and Renewable Energy (EE)*

Completed Actions

**65. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces [1904–AD20]**

*Legal Authority:* 42 U.S.C.

6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42

U.S.C. 6295(gg)(3)

*Abstract:* The Energy Policy and Conservation Act, as amended, (EPCA) prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including the residential furnaces which are the subject of this rulemaking. (42 U.S.C. 6292(a)(5)) EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy (42 U.S.C. 6295(o)(2)(A) and (3)(B)). EPCA specifically provides that DOE must conduct two rounds of energy conservation standards rulemakings for the residential furnaces at issue (42 U.S.C. 6295(f)(4)(B) and (C)), and the statute also requires that not later than six years after issuance of any final rule establishing or amending a standard, DOE must publish either a notice of determination that standards for the product does not need to be amended, or a notice of proposed rulemaking (NOPR) including new proposed energy conservation standards (42 U.S.C. 6295(m)(1)). This rulemaking is being undertaken pursuant to the statutorily-required second round of rulemaking for non-weatherized gas furnaces (NWGFs) and mobile home gas furnaces (MHGFs), and once completed, it will also satisfy the statutorily-required six-year-lookback review.

In the July 7, 2022 NOPR, DOE proposed amended and new energy conservation standards for NWGFs and MHGFs pursuant to a court-ordered remand of DOE's 2011 rulemaking for these products and other statutory requirements. 87 FR 40590. Specifically, the NOPR proposed amended active mode annual fuel utilization efficiency (AFUE) standards at 95 percent for both NWGFs and MHGFs. It also proposed amended standby mode and off mode standards (in watts) at 8.5 watts for both NWGFs and MHGFs. If finalized, the proposed standards would apply to all NWGFs and MHGFs manufactured in, or imported into, the United States starting on the date five years after the

publication of the final rule for this rulemaking.

In the final rule, DOE adopts the amended energy conservation standards for both NWGFs and MHGFs. DOE has determined that the amended energy conservation standards for the subject products would result in significant conservation of energy, and are technologically feasible and economically justified.

In the final rule, DOE adopted the amended energy conservation standards for consumer furnaces, specifically nonweatherized gas furnaces and mobile home gas furnaces. The Department has determined that the amended energy conservation standards for the subject products would result in significant conservation of energy, and are technologically feasible and economically justified.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	12/18/23	88 FR 87502
Final Rule Effective.	02/16/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Julia Hegarty, *Phone:* 240 597–6737, *Email:* julia.hegarty@ee.doe.gov.

*RIN:* 1904–AD20

## 66. Energy Conservation Standards for Consumer Clothes Washers [1904–AD98]

*Legal Authority:* 42 U.S.C. 6295(g); 42 U.S.C. 6295(m)

*Abstract:* Consistent with the requirements under the Energy Policy and Conservation Act (EPCA), as amended, the U.S. Department of Energy (DOE) is examining whether to amend the current energy conservation standards for consumer clothes washers found at 10 CFR 430.32(g). To this end, DOE must determine whether standards more stringent than those currently in place would result in a significant amount of energy savings and whether such amended standards would be technologically feasible and economically justified. DOE has tentatively proposed standards that represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy. Specifically, with regards to technological feasibility, products achieving these standard levels are already commercially available for all product classes covered by this proposal. As for economic justification, DOE's analysis shows that the benefits

of the proposed standard exceed the burdens. Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose amended standards for this product or determine that the standards do not need to be amended.

Additionally, EPCA directs DOE to provide interested persons an opportunity to present oral and written comments on matters related to any energy conservation standard proposed rule. To satisfy this requirement, DOE held an initial public meeting in November 2021 to discuss preliminary materials and a second meeting in March 2023 to specifically discuss the proposed rule. DOE intends address any feedback provided during the March 2023 public meeting in subsequent materials.

On September 25, 2023, the Association of Home Appliance Manufacturers and efficiency and consumer organizations and utilities, submitted a joint letter to DOE recommending new and amended efficiency standards for various home appliances for consideration including residential clothes washers. Under the authority provided in 42 U.S.C. 6295(p)(4), DOE is now pursuing this effort through a direct final rule, see 1904–AF58.

*Completed:*

Action	Date	FR Cite
Withdrawn .....	01/16/24	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Bryan D. Berringer, *Phone:* 202 586–0371, *Email:* bryan.berringer@ee.doe.gov.

*RIN:* 1904–AD98

## 67. Energy Conservation Standards for Miscellaneous Residential Refrigeration [1904–AF00]

*Legal Authority:* 42 U.S.C. 6292(a)(20); 42 U.S.C. 6295(l); 42 U.S.C. 6295(m)

*Abstract:* The U.S. Department of Energy (DOE) has initiated an effort to consider amending the energy conservation standards for miscellaneous residential refrigeration (e.g., wine coolers and certain other combination consumer refrigeration products). Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose amended energy conservation standards for these products or determine that the existing standards do not need to be amended. To this end, DOE must determine whether national standards more stringent than those currently in place would result in a significant amount of

energy savings and whether such amended national standards would be technologically feasible and economically justified.

In the notice of proposed rulemaking, DOE proposed standards that represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy. Specifically, with regards to technological feasibility products achieving these standard levels are already commercially available for all product classes covered by this proposal. As for economic justification, DOE's analysis shows that the benefits of the proposed standard exceed, to a great extent, the burdens of the proposed standards.

On September 25, 2023, the Association of Home Appliance Manufacturers and efficiency and consumer organizations and utilities, submitted a joint letter to DOE recommending new and amended efficiency standards for various home appliances for consideration, including miscellaneous refrigeration products. Under the authority provided in 42 U.S.C. 6295(p)(4), DOE is now pursuing this effort through a direct final rule, see 1904–AF62.

*Completed:*

Reason	Date	FR Cite
Withdrawn .....	02/06/24	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Lucas Adin., *Phone:* 202 287–5904, *Email:* lucas.adin@ee.doe.gov.

*RIN:* 1904–AF00

## 68. Energy Conservation Program: Energy Conservation Standards for General Service Lamps [1904–AF43]

*Legal Authority:* 42 U.S.C. 6295(i)(6)(B); 42 U.S.C. 6295(m); 42 U.S.C. 6295(o); 42 U.S.C. 6295(p)

*Abstract:* The Energy Policy and Conservation Act, as amended (EPCA), directs the U.S. Department of Energy (DOE) to initiate two rulemaking cycles for general service lamps (GSLs) that, among other requirements, determine whether standards in effect for GSLs should be amended. EPCA also requires DOE to periodically determine whether more-stringent standards would be technologically feasible and economically justified, and would result in significant energy savings. In this final rule, DOE is adopting amended energy conservation standards for GSLs. DOE has determined that the amended energy conservation standards for these



products would result in significant conservation of energy and are technologically feasible and economically justified.

Completed:

Reason	Date	FR Cite
Final Action ..... Final Action Effective.	04/19/24 07/03/24	89 FR 28856

*Regulatory Flexibility Analysis*  
*Required: Yes.*

*Agency Contact:* Bryan D. Berringer,  
*Phone:* 202 586–0371, *Email:*  
*bryan.berringer@ee.doe.gov.*

*RIN:* 1904–AF43

[FR Doc. 2024–16450 Filed 8–15–24; 8:45 am]

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Part VII

Department of Health and Human Services

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Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Gramling, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government’s lead agency for protecting the health of all Americans and providing essential human services. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. The purpose of the Agenda is to encourage more effective public participation in the regulatory process. The regulatory actions forecasted in this Agenda reflect

the priorities of HHS Secretary Xavier Becerra and the Biden-Harris Administration. Accordingly, this Agenda contains rulemakings aimed at ensuring that the nation is well-prepared to manage the long-term effects of COVID–19 going forward, building and expanding access to affordable, quality health care, addressing health disparities and promoting equity, lowering prescription drug costs, and boosting the mental health and wellbeing of children and families, among other policy priorities.

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department’s complete Regulatory Agenda is accessible online at <http://www.RegInfo.gov>.

Elizabeth J. Gramling,  
HHS Executive Secretary.

OFFICE FOR CIVIL RIGHTS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
69 .....	Rulemaking on Discrimination on the Basis of Disability in Health and Human Services Programs or Activities.	0945–AA15

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
70 .....	Medications for the Treatment of Opioid Use Disorder .....	0930–AA39

CENTERS FOR DISEASE CONTROL AND PREVENTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
71 .....	Control of Communicable Diseases; Foreign Quarantine .....	0920–AA75

CENTERS FOR DISEASE CONTROL AND PREVENTION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
72 .....	Control of Communicable Diseases; Foreign Quarantine Importation of Dogs and Cats .....	0920–AA82

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
73 .....	Administrative Detention of Tobacco Products .....	0910–AI05
74 .....	Conduct of Analytical and Clinical Pharmacology, Bioavailability, and Bioequivalence Studies .....	0910–AI57
75 .....	Amendments to the Final Rule Regarding the List of Bulk Substances That Can Be Used to Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act ( <b>Section 610 Review</b> ).	0910–AI70
76 .....	Distribution of Compounded Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act ( <b>Section 610 Review</b> ).	0910–AI71
77 .....	Front-of-Package Nutrition Labeling .....	0910–AI80

## FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
78 .....	Registration of Commercial Importers of Drugs; Good Importing Practice .....	0910-AI87
79 .....	Amendments to the Current Good Manufacturing Practice Regulations for Drug Products .....	0910-AI88
80 .....	Pediatric Study Plan Requirements for New Drug and Biologics License Applications .....	0910-AI89

## FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
81 .....	Sunlamp Products; Amendment to the Performance Standard .....	0910-AG30
82 .....	General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products .....	0910-AH14
83 .....	Amendments to the List of Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act.	0910-AH81
84 .....	Requirements for Tobacco Product Manufacturing Practice .....	0910-AH91
85 .....	Nutrient Content Claims, Definition of Term: Healthy .....	0910-AI13

## FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
86 .....	National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers ..	0910-AH11
87 .....	Nicotine Toxicity Warnings .....	0910-AH24
88 .....	Certain Requirements Regarding Prescription Drug Marketing (203 Amendment) .....	0910-AH56
89 .....	Medication Guide; Patient Medication Information .....	0910-AH68
90 .....	Tobacco Product Standard for Characterizing Flavors in Cigars .....	0910-AI28
91 .....	Tobacco Product Standard for Menthol in Cigarettes .....	0910-AI60
92 .....	Postmarketing Safety Reporting Requirements, Pharmacovigilance Plans, and Pharmacovigilance Quality Systems for Human Drug and Biological Products.	0910-AI61
93 .....	Tobacco Product Standard for Nicotine Level of Certain Tobacco Products .....	0910-AI76

## FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
94 .....	Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format.	0910-AG27
95 .....	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water.	0910-AI49
96 .....	Medical Devices; Laboratory Developed Tests .....	0910-AI85

## CENTERS FOR MEDICARE &amp; MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
97 .....	CY 2025 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1807) ( <b>Section 610 Review</b> ).	0938-AV33
98 .....	CY 2025 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1809) ( <b>Section 610 Review</b> ).	0938-AV35

## CENTERS FOR MEDICARE &amp; MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
99 .....	Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021 (CMS-9902).	0938-AU93
100 .....	Independent Dispute Resolution Operations (CMS-9897) .....	0938-AV15
101 .....	FY 2025 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS-1810) ( <b>Section 610 Review</b> ).	0938-AV29
102 .....	FY 2025 Skilled Nursing Facility (SNFs) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS-1802) ( <b>Section 610 Review</b> ).	0938-AV30
103 .....	FY 2025 Inpatient Psychiatric Facilities Prospective Payment System Rate and Quality Reporting Updates (CMS-1806) ( <b>Section 610 Review</b> ).	0938-AV32

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
104 .....	Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2025 Rates (CMS–1808) <b>(Section 610 Review)</b> .	0938–AV34

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
105 .....	CY 2024 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1784) <b>(Completion of a Section 610 Review)</b> .	0938–AV07
106 .....	CY 2024 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1786) <b>(Completion of a Section 610 Review)</b> .	0938–AV09

ADMINISTRATION FOR CHILDREN AND FAMILIES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
107 .....	Native American Programs Financial and Administrative Requirements <b>(Section 610 Review)</b> .....	0970–AD05
108 .....	Name Change From Office of Child Support Enforcement to Office of Child Support Services <b>(Section 610 Review)</b> .	0970–AD06
109 .....	Temporary Assistance for Needy Families Work Participation Rate Calculation Changes <b>(Section 610 Review)</b> .	0970–AD07
110 .....	Unaccompanied Children Program Prevention of Sexual Abuse NPRM <b>(Section 610 Review)</b> .....	0970–AD08

ADMINISTRATION FOR CHILDREN AND FAMILIES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
111 .....	Supporting the Head Start Workforce and Other Quality Improvements .....	0970–AD01
112 .....	Temporary Assistance for Needy Families Work Outcomes Measures <b>(Section 610 Review)</b> .....	0970–AD04
113 .....	Head Start Program CLASS Effective Date Delay Direct Final Rule <b>(Section 610 Review)</b> .....	0970–AD09
114 .....	ORR UC Program Child Abuse and Neglect <b>(Section 610 Review)</b> .....	0970–AD10

ADMINISTRATION FOR CHILDREN AND FAMILIES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
115 .....	Safe and Appropriate, Affirming Foster Care Placement Requirements for Titles IV–E and IV–B <b>(Completion of a Section 610 Review)</b> .	0970–AD03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Completed Actions

69. Rulemaking on Discrimination on the Basis of Disability in Health and Human Services Programs or Activities [0945–AA15]

*Legal Authority:* sec. 504 of the Rehabilitation Act of 1973; 29 U.S.C. 794

*Abstract:* This proposed rule would revise regulations under section 504 of the Rehabilitation Act of 1973 to address discrimination on the basis of disability in HHS-funded programs and activities. Covered topics include nondiscrimination in medical treatment;

child welfare programs and activities; value assessment methods; accessible medical equipment; accessible web content, mobile apps, and kiosks; and other relevant health and human services activities.

*Completed:*

Reason	Date	FR Cite
Final Action .....	05/09/24	89 FR 40066
Final Action Effective.	07/08/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Molly Burgdorf, Phone: 800 368–1019, TDD Phone: 800 537–7697, Email: 504@hhs.gov. RIN: 0945–AA15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Completed Actions

70. Medications for the Treatment of Opioid Use Disorder [0930–AA39]

*Legal Authority:* 21 U.S.C. 823(g)(1)  
*Abstract:* The Substance Abuse and Mental Health Services Administration (SAMHSA) will revise 42 CFR part 8 to make permanent some regulatory flexibilities for Opioid Treatment Programs (OTPs) granted under the COVID–19 Public Health Emergency (PHE), and to expand access to care for people with Opioid Use Disorder (OUD). Specifically, SAMHSA will

update criteria pertaining to unsupervised doses of methadone and also initiation of buprenorphine via telemedicine. To expand access to care, SAMHSA will also update admission criteria, particularly those rules that may limit timely access to treatment in an OTP. To achieve this, sections of 42 CFR part 8 will require updating. SAMHSA's changes will impact roughly 1900 opioid treatment programs and state opioid treatment authorities.

In response to the Consolidated Appropriations Act of 2023, which removed the requirement to obtain a waiver in order to prescribe certain schedule III–V medications for the treatment of OUD, SAMHSA issued a supplemental notice of proposed rulemaking on Feb. 13, 2023, (88 FR 9221) calling for additional public comment on SAMHSA's plans to remove reference to the Drug Addiction Treatment Act of 2000 (DATA 2000-Waiver) from 42 CFR part 8.

*Completed:*

Reason	Date	FR Cite
Final Action .....	02/02/24	89 FR 7528
Final Action Effective.	04/02/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Neeraj Gandotra, Phone: 202 823–1816, Email: [neeraj.gandotra@samhsa.hhs.gov](mailto:neeraj.gandotra@samhsa.hhs.gov), RIN: 0930–AA39

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Centers for Disease Control and Prevention (CDC)*

Final Rule Stage

### 71. Control of Communicable Diseases; Foreign Quarantine [0920–AA75]

*Legal Authority:* 42 U.S.C. 264; 42 U.S.C. 265

*Abstract:* This rulemaking amends current regulation to enable CDC to require airlines to collect and provide to CDC certain data elements regarding passengers and crew arriving from foreign countries under certain circumstances.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule Effective.	02/07/20	85 FR 7874
Interim Final Rule	02/12/20	
Interim Final Rule Comment Period End.	03/13/20	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ashley C. Altenburger JD, Regulatory Analyst, Department of Health and Human Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS: H 16–4, Atlanta, GA 30307, Phone: 800 232–4636, Email: [dgmppolicyoffice@cdc.gov](mailto:dgmppolicyoffice@cdc.gov), RIN: 0920–AA75

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Centers for Disease Control and Prevention (CDC)*

Completed Actions

### 72. Control of Communicable Diseases; Foreign Quarantine Importation of Dogs and Cats [0920–AA82]

*Legal Authority:* 42 U.S.C. 264

*Abstract:* HHS is amending its regulations concerning the importation of dogs from high-risk rabies countries into the United States (U.S.). The final rule will establish requirements regarding an importation system that will reduce fraud and improve the U.S. government's ability to verify U.S. entry requirements and mitigate the introduction of dogs infected with rabies and other communicable diseases of public health concern. Importation requirements for cats will not change.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	05/13/24	89 FR 41726
Final Rule Effective.	08/01/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ashley C. Altenburger, Phone: 800 232–4636, Email: [dgmppolicyoffice@cdc.gov](mailto:dgmppolicyoffice@cdc.gov), RIN: 0920–AA82

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Food and Drug Administration (FDA)*

Proposed Rule Stage

### 73. Administrative Detention of Tobacco Products [0910–AI05]

*Legal Authority:* 21 U.S.C. 334; 21 U.S.C. 371

*Abstract:* FDA is proposing a regulation to establish requirements for the administrative detention of tobacco products. This proposed rule, when finalized, would allow FDA to

administratively detain tobacco products encountered during inspections of manufacturers or other establishments that manufacture, process, pack, or hold tobacco products that an authorized FDA representative conducting the inspection has reason to believe are adulterated or misbranded. The intent of administrative detention is to protect public health by preventing the distribution or use of tobacco products encountered during inspections that are believed to be adulterated or misbranded until FDA has had time to consider the appropriate action to take and, where appropriate, to initiate legal action.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Quynh Nguyen, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, Phone: 877 287–1373, Email: [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).

Laura Chilaka, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, Phone: 877 287–1373, Email: [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov), RIN: 0910–AI05

### 74. Conduct of Analytical and Clinical Pharmacology, Bioavailability, and Bioequivalence Studies [0910–AI57]

*Legal Authority:* 21 U.S.C. 355; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262

*Abstract:* FDA is proposing to amend 21 CFR 320, in certain parts, and establish a new 21 CFR 321 to clarify FDA's study conduct expectations for clinical pharmacology, and clinical and analytical bioavailability (BA) and bioequivalence (BE) studies that support marketing applications for human drug and biological products. The proposed rule would specify needed basic study conduct requirements to enable FDA to ensure those studies are conducted appropriately and to verify the reliability of study data from those studies. This regulation would align with FDA's other good practice regulations, would also be consistent with current industry best practices, and

would harmonize the regulations more closely with related international regulatory expectations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brian Joseph Folian, Supervisory Biologist, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 22, Room 1440, Silver Spring, MD 20993-0002, Phone: 240 402-4089, Email: brian.folian@fda.hhs.gov.

RIN: 0910-AI57

**75. Amendments to the Final Rule Regarding the List of Bulk Substances That Can be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review) [0910-AI70]**

*Legal Authority:* 21 U.S.C. 353a; 21 U.S.C. 351; 21 U.S.C. 371(a); 21 U.S.C. 352; 21 U.S.C. 355

*Abstract:* FDA has issued a regulation creating a list of bulk drug substances (active pharmaceutical ingredients) that can be used to compound drug products in accordance with section 503A of the Federal Food, Drug, and Cosmetic Act, although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drug products (the 503A Bulks List). The proposed rule will identify certain bulk drug substances that FDA has considered and is proposing to place on the 503A Bulks List and certain bulk drug substances that FDA has considered and is proposing not to include on the 503A Bulks List.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Rosilend Lawson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5197, Silver Spring, MD 20993, Phone: 240 402-6223, Email: rosilend.lawson@fda.hhs.gov.

RIN: 0910-AI70

**76. Distribution of Compounded Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review) [0910-AI71]**

*Legal Authority:* 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353a; 21 U.S.C. 353a-1; 21 U.S.C. 355; 21 U.S.C. 371

*Abstract:* The Food and Drug Administration is proposing rulemaking regarding statutory requirements under section 503A of the Federal Food, Drug, and Cosmetic Act for certain distributions of compounded human drug products. The proposed rule, if finalized, will include provisions regarding a standard memorandum of understanding (MOU) that describes the responsibilities of a State Board of Pharmacy or other appropriate State agency that chooses to sign the standard MOU in investigating complaints related to drug products compounded in such State and distributed outside such State and in addressing the interstate distribution of inordinate amounts of compounded human drug products. It will also, if finalized, include provisions regarding the statutory 5 percent limit on distribution of compounded human drug products out of the State in which they are compounded in States that do not sign the standard MOU. The rule, will also, if finalized, address communication with State boards of pharmacy.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dominic Markwordt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 5104, Silver Spring, MD 20993, Phone: 301 796-9349, Email: dominic.markwordt@fda.hhs.gov.

RIN: 0910-AI71

**77. Front-of-Package Nutrition Labeling [0910-AI80]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 343 note; 21 U.S.C. 371

*Abstract:* This proposed rule, if finalized, would require the front of food labels to display certain nutrition information to help consumers, including those who are busy and those with lower nutrition knowledge, make more informed dietary choices. Front-of-package nutrition labeling is intended to complement the Nutrition Facts label on packaged foods by giving consumers

additional context to help them quickly and easily identify foods that can help them build a healthy eating pattern. This proposed rule is being developed as part of a broader, whole-of-government approach to help reduce the burden of chronic disease and advance health equity by helping to improve dietary patterns in the United States. Development of the proposed rule has been informed by, among other things, research findings and extensive public outreach and engagement, including a public meeting conducted by the Reagan-Udall Foundation for the FDA and listening sessions with a range of interested parties.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mark Kantor, Nutritionist, Department of Health and Human Services, Food and Drug Administration, CPK1 RM 3D034, HFS-830, 5001 Campus Drive, College Park, MD 20740, Phone: 240 402-2082, Email: mark.kantor@fda.hhs.gov.

RIN: 0910-AI80

**78. Registration of Commercial Importers of Drugs; Good Importing Practice [0910-AI87]**

*Legal Authority:* sec. 714 of the Food and Drug Administration Safety and Innovation Act (FDASIA) of July 2012

*Abstract:* This proposed rulemaking meets the mandate of section 714 of the Food and Drug Administration Safety and Innovation Act and will establish registration and good importing practice requirements for commercial importers of drugs. Although manufacturers are subject to regulatory requirements to ensure such quality standards are met, there are few clear responsibilities for commercial importers of drugs to do the same.

Cost estimates of the rule include reading and understanding the rule, registering as a commercial importer through the Food and Drug Administration's (FDA) electronic importer registration system, annual updating of registration, establishing a quality management system, conducting risk evaluations of drugs and suppliers, shipment verifications, investigations, corrective actions, and records maintenance.

The unquantified benefits of the proposed rule include improvement in the safety of finished drugs allowed to enter the United States from the commercial drug importer's requirement

to register with FDA and for increased due diligence required by the importer regarding the safety of the drugs. There would also be cost savings to both FDA and industry from facilitating the review of documentation that ensures compliance with our regulations prior to being allowed to enter the United States. This proposed rulemaking will also enhance FDA's ability to collect and analyze data to enable risk-informed decision-making while focusing on protecting the integrity of the global drug supply chain and ensuring safety, effectiveness, and quality of imported drugs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* James Hanratty, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, WO 75, Rm. 1607A, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 240 402-4718, *Email:* james.hanratty@fda.hhs.gov.

*RIN:* 0910-AI87

**79. • Amendments to the Current Good Manufacturing Practice Regulations for Drug Products [0910-AI88]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 360bbb-7; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262; 42 U.S.C. 264

*Abstract:* FDA is proposing to amend the Current Good Manufacturing Practice Regulations for Drug Products. The proposed amendment will clarify and modernize the regulations by adding requirements for quality management systems and controls over components and drug product containers and closures.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/25	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ashley Boam, Health Science Administrator, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4192, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796-6341, *Email:* ashley.boam@fda.hhs.gov.

*RIN:* 0910-AI88

**80. • Pediatric Study Plan Requirements for New Drug and Biologics License Applications [0910-AI89]**

*Legal Authority:* 21 U.S.C. 355c(e)(7); 21 U.S.C. 355c(k)(1); 21 U.S.C. 371(a)

*Abstract:* FDA is proposing to amend its existing regulations and add new regulations pertaining to submission of required initial pediatric study plans (iPSPs) under the Federal Food, Drug, and Cosmetic Act (FD&C Act). This proposed rule, if finalized, would implement the pediatric study plans provisions of the FD&C Act, and exercise the authority granted to the Secretary in the provisions of the FD&C Act governing exemptions from pediatric study requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kristiana Brugger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 5252, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796-3600, *Email:* kristiana.brugger@fda.hhs.gov.

*RIN:* 0910-AI89

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Food and Drug Administration (FDA)*

Final Rule Stage

**81. Sunlamp Products; Amendment to the Performance Standard [0910-AG30]**

*Legal Authority:* 21 U.S.C. 360ii; 21 U.S.C. 360kk; 21 U.S.C. 393; 21 U.S.C. 371

*Abstract:* FDA is updating the performance standard for sunlamp products and ultraviolet lamps intended for use in these products to improve safety, reflect new scientific information, and work towards harmonization with international standards. By harmonizing with the International Electrotechnical Commission, this rule will decrease the regulatory burden on industry and allow the Agency to take advantage of the expertise of the international committees, thereby also saving resources.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/22/15	80 FR 79505
NPRM Comment Period End.	03/21/16	
Final Rule .....	12/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796-5678, *Email:* ian.ostermiller@fda.hhs.gov.

*RIN:* 0910-AG30

**82. General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products [0910-AH14]**

*Legal Authority:* 21 U.S.C. 360j(e)

*Abstract:* This rule will apply device restrictions to sunlamp products. Sunlamp products include ultraviolet (UV) lamps and UV tanning beds and booths. A large number of skin cancer cases, including cases of melanoma, are attributable to the use of sunlamp products. Beginning use of sunlamp products at young ages, as well as frequently using sunlamp products, both increases the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule .....	11/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Daniel Schieffer, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 66, Silver Spring, MD 20993, *Phone:* 301 796-3350, *Email:* daniel.schieffer@fda.hhs.gov.

*RIN:* 0910-AH14



83. Amendments to the List of Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act [0910-AH81]

*Legal Authority:* 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353a; 21 U.S.C. 355; 21 U.S.C. 371

*Abstract:* FDA has issued a regulation creating a list of bulk drug substances (active pharmaceutical ingredients) that can be used to compound drug products in accordance with section 503A of the Federal Food, Drug, and Cosmetic Act (FD&C Act), although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drugs (the 503A Bulks List). FDA has proposed to amend the 503A Bulks List by placing additional bulk drug substances on the list. FDA has also identified bulk drug substances that FDA has considered and proposed not to include on the 503A Bulks List. Additional substances nominated by the public for inclusion on this list are currently under consideration and will be the subject of future rulemaking.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/05/19	84 FR 46688
NPRM Comment Period End.	12/04/19	
Final Rule .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Oluwaseun “Kemi” Asante, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796-7425, *Email:* kemi.asante@fda.hhs.gov.

*RIN:* 0910-AH81

84. Requirements for Tobacco Product Manufacturing Practice [0910-AH91]

*Legal Authority:* 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381(a); 21 U.S.C. 387b; 21 U.S.C. 387c; 21 U.S.C. 387f; 21 U.S.C. 387i; . . .

*Abstract:* The rule would establish tobacco product manufacturing practice (TPMP) requirements for manufacturers of finished and bulk tobacco products. This rule, if finalized, would set forth requirements for the manufacture, pre-production design validation, packing, and storage of a tobacco product. This rule would help prevent the manufacture and distribution of contaminated and otherwise

nonconforming tobacco products. This rule provides manufacturers with flexibility in the manner in which they comply with the requirements while giving FDA the ability to enforce regulatory requirements, thus helping to assure the protection of public health. In April 2023, FDA held an all tribes’ call to provide an overview of the proposed rule, answer questions, and receive tribal feedback. Additionally, in May 2023, FDA held an open session meeting of the Tobacco Products Scientific Advisory Committee to enable the committee to discuss and provide recommendations on the proposed rule. FDA made background material available to members of the public and interested persons were able to present data, information, and views on issues pending before the committee.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/10/23	88 FR 15174
NPRM Comment Period End.	09/06/23	
NPRM Comment Period Extension to Oct. 06, 2023.	08/29/23	88 FR 59481
Final Rule .....	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Matthew Brenner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

*RIN:* 0910-AH91

85. Nutrient Content Claims, Definition of Term: Healthy [0910-AI13]

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 343; 21 U.S.C. 371

*Abstract:* The rule would update the definition for the implied nutrient content claim “healthy” to be consistent with current nutrition science and federal dietary guidelines. The rule would revise the requirements for when the claim “healthy” can be voluntarily used in the labeling of human food products to indicate that a food, because of its nutrient content, may be useful in achieving a total diet that conforms to current dietary recommendations and helps consumers maintain healthy dietary practices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/29/22	87 FR 59168
NPRM Comment Period End.	12/28/22	
NPRM Comment Period Extended.	11/29/22	87 FR 73267
NPRM Comment Period Extended End.	02/16/23	
Final Rule .....	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Vincent De Jesus, Nutritionist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS-830), Room 3D-031, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402-1774, *Fax:* 301 436-1191, *Email:* vincent.dejesus@fda.hhs.gov.

*RIN:* 0910-AI13

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Food and Drug Administration (FDA)*

Long-Term Actions

86. National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers [0910-AH11]

*Legal Authority:* secs. 583 and 584 of the FD&C Act, as added by the DSCSA under Pub. L. 113-54, together with related FD&C Act authority added by the DSCSA

*Abstract:* The final rule establishes national standards for State licensing of prescription drug wholesale distributors and third-party logistics providers. The rulemaking also establishes a Federal system for wholesale drug distributor and third-party logistics provider licensing for use in the absence of a State licensure program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/04/22	87 FR 6708
NPRM Comment Period End.	06/06/22	
NPRM Comment Period Extended.	05/24/22	87 FR 31439
NPRM Comment Period Extended End.	09/06/22	
Final Rule .....	05/00/26	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Aaron Weisbuch, Regulatory Counsel, Department of

Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4261, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796-9362, Email: [aaron.weisbuch@fda.hhs.gov](mailto:aaron.weisbuch@fda.hhs.gov), RIN: 0910-AH11

### 87. Nicotine Toxicity Warnings [0910-AH24]

*Legal Authority:* 21 U.S.C. 301 *et seq.*; 21 U.S.C. 331; 21 U.S.C. 371; 21 U.S.C. 387f; . . .

*Abstract:* This rule would establish acute nicotine toxicity warning requirements for liquid nicotine and nicotine-containing e-liquid(s) intended for human consumption, and potentially for other tobacco products including, but not limited to, novel tobacco products such as dissolvables, lotions, gels, and drinks. This action is intended to increase consumer awareness and knowledge of the risks of acute toxicity due to accidental nicotine exposure from nicotine-containing e-liquids in tobacco products.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Laura Chilaka, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G355, Silver Spring, MD 20993, Phone: 877 287-1373, Email: [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).

RIN: 0910-AH24

### 88. Certain Requirements Regarding Prescription Drug Marketing (203 Amendment) [0910-AH56]

*Legal Authority:* Section 503 and related provisions of the FD&C Act, as amended by Pub. L. 113-54

*Abstract:* The final rule amends Food and Drug Administration (FDA) regulations at 21 CFR 203 to remove provisions no longer in effect and incorporate conforming changes following enactment of the Drug Supply Chain Security Act (DSCSA). The final rule amends the regulations to clarify provisions and avoid causing confusion with the new standards for wholesale distribution established by DSCSA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/04/22	87 FR 6443

Action	Date	FR Cite
NPRM Comment Period End.	04/05/22	
Final Rule .....	05/00/26	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Aaron Weisbuch, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4261, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796-9362, Email: [aaron.weisbuch@fda.hhs.gov](mailto:aaron.weisbuch@fda.hhs.gov).

RIN: 0910-AH56

### 89. Medication Guide; Patient Medication Information [0910-AH68]

*Legal Authority:* 21 U.S.C. 321 *et seq.*; 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

*Abstract:* The rule will amend FDA medication guide regulations to require a new form of patient labeling, namely Patient Medication Information, for submission to and review by FDA for human prescription drug products and certain blood products used, dispensed, or administered on an outpatient basis. The rule will include requirements for the development and distribution of Patient Medication Information. The rule will require clear and concisely written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/31/23	88 FR 35694
NPRM Comment Period End.	11/27/23	
Final Rule .....	05/00/26	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, Phone: 301 796-0151, Email: [cderomp@fda.hhs.gov](mailto:cderomp@fda.hhs.gov).

RIN: 0910-AH68

### 90. Tobacco Product Standard for Characterizing Flavors in Cigars [0910-AI28]

*Legal Authority:* 21 U.S.C. 331; 21 U.S.C. 333; 21 U.S.C. 371(a); 21 U.S.C. 387b and 387c; 21 U.S.C. 387f(d) and 387g; . . .

*Abstract:* This rule is a tobacco product standard that would prohibit characterizing flavors (other than tobacco) in all cigars. We are taking this action with the intention of reducing the tobacco-related death and disease associated with cigar use. Evidence shows that flavored tobacco products appeal to youth and also shows that youth may be more likely to initiate tobacco use with such products. Characterizing flavors in cigars, such as strawberry, grape, orange, and cocoa, enhance taste and make these products easier to use. Over a half million youth in the United States use flavored cigars, placing these youth at risk for cigar-related death and disease.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/21/18	83 FR 12294
ANPRM Comment Period End.	07/19/18	
NPRM .....	05/04/22	87 FR 26396
NPRM Comment Period Extended.	06/21/22	87 FR 36786
NPRM Comment Period End.	07/05/22	
NPRM Comment Period Extended End.	08/02/22	
Final Action .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Nathan Mease, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Center for Tobacco Products, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, Phone: 877 287-1373, Email: [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).

RIN: 0910-AI28

### 91. Tobacco Product Standard for Menthol in Cigarettes [0910-AI60]

*Legal Authority:* 21 U.S.C. 387g; 21 U.S.C. 371; 21 U.S.C. 387f

*Abstract:* This rule is a tobacco product standard to prohibit the use of menthol as a characterizing flavor in cigarettes.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	07/24/13	78 FR 44484
ANPRM Comment Period End.	09/23/13	
NPRM .....	05/04/22	87 FR 26454
NPRM Comment Period Extended.	06/21/22	87 FR 36786
NPRM Comment Period End.	07/05/22	

Action	Date	FR Cite
NPRM Comment Period Extended End.	08/02/22	
Final Action .....	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Beth Buckler, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).  
*RIN:* 0910-AI60

**92. Postmarketing Safety Reporting Requirements, Pharmacovigilance Plans, and Pharmacovigilance Quality Systems for Human Drug and Biological Products [0910-AI61]**

*Legal Authority:* 42 U.S.C. 262; 42 U.S.C. 264; 42 U.S.C. 300aa-25; 21 U.S.C. 321; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; . . .  
*Abstract:* The proposed rule would modernize FDA's regulations on postmarketing safety reporting and pharmacovigilance for human drug and biological products, including blood and blood components, by capturing important new safety-related information, improving the quality and utility of submitted reports, and supporting enhanced alignment with internationally harmonized reporting guidelines. Among other things, the proposed rule would require the submission of certain nonclinical and clinical data to FDA in a periodic safety report, rather than the annual report. The proposed rule also would require application holders for drug products and certain biological products to establish and maintain a pharmacovigilance quality system that reflects the application holder's unique needs and that may support a more streamlined, flexible approach to satisfying certain postmarketing safety reporting requirements.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/25	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Janice L. Weiner, Principal Regulatory Counsel, Department of Health and Human Services, Food and Drug

Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6270, Silver Spring, MD 20993-0002, *Phone:* 301 796-3475, *Fax:* 301 847-8440, *Email:* [janice.weiner@fda.hhs.gov](mailto:janice.weiner@fda.hhs.gov).  
*RIN:* 0910-AI61

**93. Tobacco Product Standard for Nicotine Level of Certain Tobacco Products [0910-AI76]**

*Legal Authority:* 21 U.S.C. 387g  
*Abstract:* The proposed rule is a tobacco product standard that would establish a maximum nicotine level in cigarettes and certain other finished tobacco products.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Nathan Mease, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Center for Tobacco Products, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).  
Dhanya John, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Fax:* 877 287-1426, *Email:* [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).  
*RIN:* 0910-AI76

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Food and Drug Administration (FDA)*

Completed Actions

**94. Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format [0910-AI27]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 371; . . .  
*Abstract:* The Food and Drug Administration (FDA) is amending its regulations concerning direct-to-consumer (DTC) advertisements of prescription drugs. Prescription drug advertisements presented through media such as TV and radio must

disclose the product's major side effects and contraindications in what is sometimes called the major statement. The rule would revise the regulation to reflect the statutory requirement that in DTC advertisements for human prescription drugs presented in television or radio format and stating the name of the drug and its conditions of use, the major statement relating to side effects and contraindications of the advertised drug must be presented in a clear, conspicuous, and neutral manner. This rule also establishes standards for determining whether the major statement in these advertisements is presented in the manner required.  
*Completed:*

Reason	Date	FR Cite
Final Rule .....	11/21/23	88 FR 80958
Final Rule Effective.	05/20/24	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Suzanna Boyle, *Phone:* 240 402-4723, *Email:* [suzanna.boyle@fda.hhs.gov](mailto:suzanna.boyle@fda.hhs.gov).  
*RIN:* 0910-AG27

**95. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water [0910-AI49]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350h; 21 U.S.C. 371; 42 U.S.C. 243; 42 U.S.C. 264; 42 U.S.C. 271; . . .  
*Abstract:* This rulemaking will revise certain requirements for agricultural water for covered produce other than sprouts in the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (produce safety) regulation for covered produce other than sprouts.  
*Completed:*

Reason	Date	FR Cite
Final Rule .....	05/06/24	89 FR 37448
Final Rule Effective.	07/05/24	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Samir Assar, *Phone:* 240 402-1636, *Email:* [samir.assar@fda.hhs.gov](mailto:samir.assar@fda.hhs.gov).  
*RIN:* 0910-AI49

**96. Medical Devices; Laboratory Developed Tests [0910-AI85]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360c; . . .

*Abstract:* This rule would amend the Food and Drug Administration's regulations to make explicit that laboratory developed tests (LDTs) are devices under the Federal Food, Drug, and Cosmetic Act (FD&C Act.)

*Completed:*

Reason	Date	FR Cite
NPRM .....	10/03/23	88 FR 68006
Final Rule .....	05/06/24	89 FR 37286
Final Rule Effective.	07/05/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Eitan Bernstein, Phone: 240 402-9812, Email: eitan.bernstein@fda.hhs.gov.

RIN: 0910-AI85

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Centers for Medicare & Medicaid Services (CMS)*

Proposed Rule Stage

### 97. CY 2025 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1807) (Section 610 Review) [0938-AV33]

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395hh; Pub. L. 117-169

*Abstract:* This annual proposed rule would revise payment policies under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2025. Additionally, this rule proposes updates to the Quality Payment Program. This proposed rule would also codify the inflation rebate program for Medicare Part B and Part D drugs established in the Inflation Reduction Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Gift Tee, Director, Division of Physician Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, 7500 Security Boulevard, MS: C1-09-07, Baltimore, MD 21244, Phone: 410 786-9316, Email: gift.tee@cms.hhs.gov.

RIN: 0938-AV33

### 98. CY 2025 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1809) (Section 610 Review) [0938-AV35]

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395hh

*Abstract:* This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates. This proposed rule would also update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Elise Barringer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-03-06, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-9222, Email: elise.barringer@cms.hhs.gov.

RIN: 0938-AV35

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Centers for Medicare & Medicaid Services (CMS)*

Final Rule Stage

### 99. Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021 (CMS-9902) [0938-AU93]

*Legal Authority:* Pub. L. 116-260, Division BB, title II; Pub. L. 110-343, secs. 511 and 512

*Abstract:* This rule would finalize proposed amendments to the final rules implementing the Mental Health Parity and Addiction Equity Act (MHPAEA). The amendments clarify plans' and issuers' obligations under the law, promote compliance with MHPAEA, and update requirements taking into account experience with MHPAEA in the years since the rules were finalized.

The rule would also finalize new regulations implementing amendments to MHPAEA recently enacted as part of the Consolidated Appropriations Act, 2021 (CAA, 2021).

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/03/23	88 FR 51552
NPRM Comment Period Extended.	09/28/23	88 FR 66728
NPRM Comment Period End.	10/02/23	
NPRM Comment Period Extended End.	10/17/23	
Final Action .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Lindsey Murtagh, Director, Market-Wide Regulation Division, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 301 492-4106, Email: lindsey.murtagh@cms.hhs.gov.

RIN: 0938-AU93

### 100. Independent Dispute Resolution Operations (CMS-9897) [0938-AV15]

*Legal Authority:* Pub. L. 116-260, Division BB, title I & title II

*Abstract:* This final rule amends the Requirements Related to Surprise Billing; Part I (July 2021 interim final rules), Requirements Related to Surprise Billing Interim Final Rules; Part II (October 2021 interim final rules), and Requirements Related to Surprise Billing Final Rules (August 2022 final rules), which set forth requirements related to Title I (No Surprises Act (NSA)) and Title II (Transparency) of Division BB of the Consolidated Appropriations Act, 2021.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/03/23	88 FR 75744
NPRM Comment Period End.	01/02/24	
NPRM Comment Period Re-opened.	01/22/24	89 FR 3896
NPRM Comment Period Re-opened End.	02/05/24	
Final Action .....	11/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Deborah Bryant, Senior Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center

for Consumer Information and Insurance Oversight, MS: W08–134, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 301 492–4293, Email: [deborah.bryant@cms.hhs.gov](mailto:deborah.bryant@cms.hhs.gov).  
RIN: 0938–AV15

**101. FY 2025 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS–1810) (Section 610 Review) [0938–AV29]**

*Legal Authority:* 42 U.S.C. 1302  
*Abstract:* This annual proposed rule would update the hospice payment rates and the wage index for fiscal year 2025. The rule also proposes changes to the Hospice Quality Reporting program.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	04/04/24	89 FR 23778
NPRM Comment Period End.	05/28/24	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Brian Slater, Director, Division of Home Health and Hospice, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–07–07, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–5229, Email: [brian.slater@cms.hhs.gov](mailto:brian.slater@cms.hhs.gov).  
RIN: 0938–AV29

**102. FY 2025 Skilled Nursing Facility (SNFS) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS–1802) (Section 610 Review) [0938–AV30]**

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395d(d); 42 U.S.C. 1395f(b); 42 U.S.C. 1395g; 42 U.S.C. 1395l(a); 42 U.S.C. 1395l(i); 42 U.S.C. 1395l(n); 42 U.S.C. 1395m; 42 U.S.C. 1395x(v); 42 U.S.C. 1395x(kkk); 42 U.S.C. 1395hh; 42 U.S.C. 1395rr; 42 U.S.C. 1395tt; 42 U.S.C. 1395ww

*Abstract:* This annual rule updates the payment rates used under the prospective payment system for SNFs for fiscal year 2025. The rule also includes updates to the SNF Quality Reporting Program (QRP) and the Skilled Nursing Facility Value-Based Purchasing (VBP) Program that will affect Medicare payment to SNFs.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	04/03/24	89 FR 23424
NPRM Comment Period End.	05/28/24	

Action	Date	FR Cite
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Tammy Luo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–06–17, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–4325, Email: [tammy.luo@cms.hhs.gov](mailto:tammy.luo@cms.hhs.gov).  
RIN: 0938–AV30

**103. FY 2025 Inpatient Psychiatric Facilities Prospective Payment System Rate and Quality Reporting Updates (CMS–1806) (Section 610 Review) [0938–AV32]**

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395f; 42 U.S.C. 1395g; 42 U.S.C. 1395hh; 42 U.S.C. 1395ww(s)

*Abstract:* This annual rule updates the prospective payment system for inpatient psychiatric facilities (IPF) with discharges beginning on October 1, 2024. The rule also includes updates to the IPF Quality Reporting Program.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	04/03/24	89 FR 23146
NPRM Comment Period End.	05/28/24	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Marissa Kellam, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–04–23, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–3012, Email: [marissa.kellam@cms.hhs.gov](mailto:marissa.kellam@cms.hhs.gov).  
RIN: 0938–AV32

**104. Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2025 Rates (CMS–1808) (Section 610 Review) [0938–AV34]**

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395hh

*Abstract:* This annual final rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems. In addition, the rule establishes new requirements or revises existing requirements for quality reporting by specific Medicare providers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/02/24	89 FR 35934
NPRM Comment Period End.	06/10/24	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Donald Thompson, Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–6504, Email: [donald.thompson@cms.hhs.gov](mailto:donald.thompson@cms.hhs.gov).  
RIN: 0938–AV34

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Centers for Medicare & Medicaid Services (CMS)*

**Completed Actions**

**105. CY 2024 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1784) (Completion of a Section 610 Review) [0938–AV07]**

*Legal Authority:* 42 U.S.C. 1395hh; 42 U.S.C. 1302

*Abstract:* This annual final rule revises payment policies under the Medicare physician fee schedule, and makes other policy changes to payment under Medicare Part B including, but not limited to, establishing payment policies for dental services prior to the initiation of immunotherapy services. These changes apply to services furnished beginning January 1, 2024. Additionally, this rule updates the Quality Payment Program.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	08/07/23	88 FR 52262
NPRM Comment Period End.	09/11/23	
Final Action .....	11/16/23	88 FR 78818
Final Action Effective.	01/01/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Gift Tee, Director, Division of Physician Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, 7500 Security Boulevard, MS: C1–09–

07, Baltimore, MD 21244, *Phone:* 410 786–9316, *Email:* [gift.tee@cms.hhs.gov](mailto:gift.tee@cms.hhs.gov).  
*RIN:* 0938–AV07

**106. CY 2024 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1786) (Completion of a Section 610 Review) [0938–AV09]**

*Legal Authority:* 42 U.S.C. 1395hh; 42 U.S.C. 1302

*Abstract:* This annual final rule revises the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule makes changes to the ambulatory surgical center payment system list of services and rates. This rule also updates and refines the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/31/23	88 FR 49552
NPRM Comment Period End.	09/11/23	
Final Action .....	11/22/23	88 FR 81540
Final Action Effective.	01/01/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Elise Barringer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9222, *Email:* [elise.barringer@cms.hhs.gov](mailto:elise.barringer@cms.hhs.gov).

*RIN:* 0938–AV09

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Administration for Children and Families (ACF)*

Proposed Rule Stage

**107. • Native American Programs Financial and Administrative Requirements (Section 610 Review) [0970–AD05]**

*Legal Authority:* 42 U.S.C. 2991b (b)

*Abstract:* This rule would remove the 20 percent non-federal contribution requirement for all grant awards under the Native American Programs Act (NAPA). This is in response to

Executive Order 14112 *Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination* which in part recognizes that federal programs were administered in unduly burdensome ways that left Tribal Nations unduly burdened and frustrated with bureaucracy. Elimination of the 20 percent non-federal match for all ANA projects would have profound impact on tribal communities with respect to improving equity and access to federal programs intended for their benefit. Tribal leaders across Indian Country have testified that nonfederal share requirement is a significant barrier for applying and administering grant funds especially for the smaller tribes that lack the resources to meet the non-federal share.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Amy Zukowski, Acting Director Policy, Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 330 C Street SW, Mail Stop 4126, Washington, DC 20201, *Phone:* 202 205–5606, *Email:* [amy.zukowski@acf.hhs.gov](mailto:amy.zukowski@acf.hhs.gov).

*RIN:* 0970–AD05

**108. • Name Change From Office of Child Support Enforcement to Office of Child Support Services (Section 610 Review) [0970–AD06]**

*Legal Authority:* Not Yet Determined

*Abstract:* This Notice of Proposed Rulemaking would update 45 CFR Chapter III to reflect that on June 5, 2023, the Office of Child Support Enforcement became the Office of Child Support Services. This name change reflects the program's commitment to serve the whole family and provide services that promote family self-sufficiency so children receive reliable support from both parents.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Tavaughn McKenny, Program Specialist, Department of Health and Human Services, Administration for Children and Families, Office of Child Support

Services, 330 C Street SW, Washington, DC 20201, *Phone:* 202 565–0129, *Email:* [tavaughn.mckenny@acf.hhs.gov](mailto:tavaughn.mckenny@acf.hhs.gov).

*RIN:* 0970–AD06

**109. • Temporary Assistance for Needy Families Work Participation Rate Calculation Changes (Section 610 Review) [0970–AD07]**

*Legal Authority:* secs. 301 and 303 of the Fiscal Responsibility Act of 2023 (FRA, Public Law 118–5)

*Abstract:* To comply with requirements from the Fiscal Responsibility Act of 2023 (FRA), this NPRM will propose changes to the how Temporary Assistance for Needy Families (TANF) regulations describe the federal work participation rate (WPR) calculation. As required by Section 301 of the FRA, this NPRM will propose a recalibration of the base year for the caseload reduction credit component of the WPR calculation. The base year will change from 2005 to 2015. As required by Section 303 of the FRA, this NPRM will propose that ACF only count a case in a state's work participation rate calculation if the assistance level for that case is at least \$35 a month. Both changes will be effective October 1, 2025.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* La Sherra Ayala, Deputy Director, Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, 330 C Street SW, Washington, DC 20201, *Phone:* 202 478–0714, *Email:* [lasherra.ayala@acf.hhs.gov](mailto:lasherra.ayala@acf.hhs.gov).

*RIN:* 0970–AD07

**110. • Unaccompanied Children Program Prevention of Sexual Abuse NPRM (Section 610 Review) [0970–AD08]**

*Legal Authority:* sec. 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113–4 (VAWA 2013); Amendment to the Prison Rape Elimination Act (PREA) Pub. L. 108–79

*Abstract:* This Notice of Proposed Rulemaking would update the Standards To Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children Interim Final Rule published on December 24, 2014, to incorporate public feedback and ensure that the practices established in the IFR are

effectively tailored to the operational realities of the Office of Refugee Resettlement's (ORR) Unaccompanied Children (UC) Program. The Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 1134, contained a provision applying PREA to custodial facilities operated by HHS. VAWA 2013 requires HHS to publish a final rule adopting national standards to prevent, detect, and respond to rape and sexual assault. These national standards are to apply to all care provider facilities that maintain custody of UCs as defined in the Homeland Security Act of 2002 (6 U.S.C. 279(g)) and give due consideration to the recommended national standards provided by the NPREC report. Additionally, HHS is required to regularly assess compliance with the standards adopted and include the results of the assessments in performance evaluations of care provider facilities. As a result, HHS published the IFR to establish standards for the prevention, detection, and response to sexual abuse and sexual harassment of unaccompanied children in all ORR care provider facilities, except secure care providers and traditional foster care homes as described in the rule.

Timetable:

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Toby Robert McFarren Biswas, Director of Policy, Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Unaccompanied Children Bureau, 330 C Street SW, Washington, DC 20201, *Phone:* 202 555-4440, *Email:* [ucpolicy-regulatoryaffairs@acf.hhs.gov](mailto:ucpolicy-regulatoryaffairs@acf.hhs.gov). *RIN:* 0970-AD08

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Administration for Children and Families (ACF)

Final Rule Stage

111. Supporting the Head Start Workforce and Other Quality Improvements [0970-AD01]

*Legal Authority:* 42 U.S.C. 9801; 42 U.S.C. 9836a; 42 U.S.C. 9839

*Abstract:* This NPRM will propose changes to the Head Start Program Performance Standards to better support the Head Start workforce and to maintain the quality of comprehensive

Head Start services. During the public comment period, ACF engaged with the Head Start community through listening sessions in multiple locations around the country and virtually on the proposed rule to generate interest in submitting public comments.

Timetable:

Action	Date	FR Cite
NPRM .....	11/20/23	88 FR 80818
NPRM Comment Period End.	01/19/24	
Final Action .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jessica Bialecki, Policy and Planning Director, Department of Health and Human Services, Administration for Children and Families, Office of Head Start, 330 C Street SW, Washington, DC 20201, *Phone:* 202 283-1004, *Email:* [jessica.bialecki@acf.hhs.gov](mailto:jessica.bialecki@acf.hhs.gov). *RIN:* 0970-AD01

112. • Temporary Assistance for Needy Families Work Outcomes Measures (Section 610 Review) [0970-AD04]

*Legal Authority:* Section 304 of the Fiscal Responsibility Act of 2023 (FRA, Pub. L. 118-5)

*Abstract:* This interim final rule modifies 45 CFR part 265 in order to implement the statutory changes enacted by section 304 of the Fiscal Responsibility Act of 2023 (FRA, Public Law 118-5) related to the reporting of work outcomes under the Temporary Assistance for Needy Families (TANF) program. ACF is promulgating this rule as an interim final rule to ensure states and territories have sufficient time to comply with data collection for fiscal year 2025.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* La Sherra Ayala, Deputy Director, Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, 330 C Street SW, Washington, DC 20201, *Phone:* 202 478-0714, *Email:* [lasherra.ayala@acf.hhs.gov](mailto:lasherra.ayala@acf.hhs.gov). *RIN:* 0970-AD04

113. • Head Start Program Class Effective Date Delay Direct Final Rule (Section 610 Review) [0970-AD09]

*Legal Authority:* sec. 641 of the Act (42 U.S.C. 9836) as amended by the

Improving Head Start for School Readiness Act of 2007 (Pub. L. 110-134)

*Abstract:* This Direct Final Rule describes how the Office of Head Start officially delays the compliance date for programs to meet the new competitive threshold for the Instructional Support domain of the Classroom Assessment Scoring System (CLASS®) used to determine whether a Head Start agency will be subject to an open competition under the Designation Renewal System. The effective date in the Head Start Program Performance Standards that raises the CLASS Instructional Support competitive threshold from 2.3 to 2.5 was August 1, 2025. ACF is pursuing this as a Direct Final Rule due to the time constraints of when the threshold increase was scheduled to go into effect. This Direct Final Rule officially delays this effective date to August 1, 2027.

Timetable:

Action	Date	FR Cite
Final Action .....	09/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Jessica Bialecki, Policy and Planning Director, Department of Health and Human Services, Administration for Children and Families, Office of Head Start, 330 C Street SW, Washington, DC 20201, *Phone:* 202 283-1004, *Email:* [jessica.bialecki@acf.hhs.gov](mailto:jessica.bialecki@acf.hhs.gov). *RIN:* 0970-AD09

114. • ORR UC Program Child Abuse and Neglect (Section 610 Review) [0970-AD10]

*Legal Authority:* 6 U.S.C. 279; 8 U.S.C. 1232(b)-(c)

*Abstract:* This Interim Final Rule on ORR child abuse and neglect investigations describes how ORR shall investigate and substantiate allegations of child abuse or neglect occurring in certain ORR care facilities and maintain a registry of perpetrators relating to those facilities where a State agency that would otherwise be responsible for such investigations will not investigate allegations arising at facilities housing unaccompanied children (e.g., because the State does not license facilities on the basis that they serve unaccompanied children). This interim final rule describes the obligations of care provider facilities in the course of an investigation of allegations of child abuse or neglect.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/24	

*Regulatory Flexibility Analysis*  
*Required:* No.

*Agency Contact:* Toby Robert McFarren Biswas, Director of Policy, Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Unaccompanied Children Bureau, 330 C Street SW, Washington, DC 20201, *Phone:* 202 555-4440, *Email:* [ucpolicy-regulatoryaffairs@acf.hhs.gov](mailto:ucpolicy-regulatoryaffairs@acf.hhs.gov).

*RIN:* 0970-AD10

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

*Administration for Children and Families (ACF)*

### Completed Actions

#### **115. Safe and Appropriate, Affirming Foster Care Placement Requirements for Titles IV-E and IV-B (Completion of a Section 610 Review) [0970-AD03]**

*Legal Authority:* 42 U.S.C. 671(a)(16); 42 U.S.C. 622(b)(8)(A)(ii); 42 U.S.C. 675(1)(B); 42 U.S.C. 675(5))

*Abstract:* This rule clarifies that title IV-E/IV-B agencies are required to offer safe and appropriate foster care placements, including processes to ensure children can request such placements and agencies must respond to concerns about those placements, for children in foster care who identify as lesbian, gay, bisexual, transgender, queer or questioning, intersex (LGBTQI+). The rule will not interfere with faith-based child welfare providers that continue to partner with title IV-E/

IV-B agencies in a way that does not interfere with those providers' sincerely held religious beliefs.

#### *Timetable:*

Action	Date	FR Cite
NPRM .....	09/28/23	88 FR 66752
NPRM Comment Period End.	11/27/23	
Final Action .....	04/30/24	89 FR 34818
Final Action Effective.	07/01/24	

*Regulatory Flexibility Analysis*  
*Required:* No.

*Agency Contact:* Kathleen McHugh, Director, Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Division of Policy, 330 C Street SW, Washington, DC 20201, *Phone:* 202 401-5789, *Fax:* 202 205-8221, *Email:* [kmchugh@acf.hhs.gov](mailto:kmchugh@acf.hhs.gov).

*RIN:* 0970-AD03

[FR Doc. 2024-16451 Filed 8-15-24; 8:45 am]

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Part VIII

Department of Homeland Security

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Semiannual Regulatory Agenda

**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

**6 CFR Chs. I and II**

**[DHS Docket No. OGC–RP–04–001]**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Office of the Secretary, DHS.  
**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS’s regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department’s regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

**FOR FURTHER INFORMATION CONTACT:**

**General**

Please direct general comments and inquiries on the agenda to the

Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue SE, Mail Stop 0485, Washington, DC 20528–0485.

**Specific**

Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

**SUPPLEMENTARY INFORMATION:** DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 “Regulatory Planning and Review” (Sept. 30, 1993) as incorporated in Executive Order 13563 “Improving Regulation and Regulatory Review” (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS’s last semiannual regulatory agenda was published online on December 6, 2023, at <https://www.reginfo.gov/public/do/eAgendaMain>.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS’s printed agenda entries include regulatory actions that are in the Department’s regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

**Christina E. McDonald,**  
*Associate General Counsel for Regulatory Affairs.*

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
116 .....	Modernizing Regulations Governing Nonimmigrant Workers .....	1615–AC88

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
117 .....	Modernizing H–1B Requirements and Oversight, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers.	1615–AC70
118 .....	Modernizing H–2 Program Requirements, Oversight, and Worker Protections .....	1615–AC76

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
119 .....	Petition for Immigrant Worker Reforms .....	1615–AC85

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
120 .....	U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.	1615–AC68

## U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
121 .....	Claims Procedures Under the Oil Pollution Act of 1990 .....	1625-AA03
122 .....	Safety Management Systems for Domestic Passenger Vessels .....	1625-AC65
123 .....	Implementation of Training Requirements for Personnel Serving on U.S.-Flagged Passenger Ships That Carry More than 12 Passengers on International Voyages.	1625-AC68
124 .....	MARPOL Annex VI; Prevention of Air Pollution From Ships .....	1625-AC78

## U.S. COAST GUARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
125 .....	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation .....	1625-AB85
126 .....	Lifejacket Approval Harmonization .....	1625-AC62
127 .....	Cybersecurity in the Marine Transportation System .....	1625-AC77

## U.S. COAST GUARD—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
128 .....	User Fees for Inspected Towing Vessels .....	1625-AC55

## U.S. CUSTOMS AND BORDER PROTECTION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
129 .....	Automated Commercial Environment (ACE) Electronic Export Manifest For Vessel Cargo .....	1651-AB59

## TRANSPORTATION SECURITY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
130 .....	Vetting of Certain Surface Transportation Employees .....	1652-AA69
131 .....	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA).	1652-AA70

## FEDERAL EMERGENCY MANAGEMENT AGENCY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
132 .....	Updates to Floodplain Management and Protection of Wetlands Regulations to Implement the Federal Flood Risk Management Standard.	1660-AB12

## CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
133 .....	Ammonium Nitrate Security Program .....	1670-AA00

**DEPARTMENT OF HOMELAND SECURITY (DHS)**  
*U.S. Citizenship and Immigration Services (USCIS)*  
Proposed Rule Stage

**116. Modernizing Regulations Governing Nonimmigrant Workers [1615–AC88]**

*Legal Authority:* 8 U.S.C. 1101; 8 U.S.C. 1184; 8 U.S.C. 1324a  
*Abstract:* The Department of Homeland Security (DHS) proposes to amend its regulations governing certain nonimmigrant workers. The proposed changes include updating the employment authorization rules regarding dependent spouses of certain nonimmigrants; increasing flexibilities for certain nonimmigrant workers, including those who resign or are terminated from employment, and religious workers who have reached their maximum period of stay or are waiting for immigrant visas to become available; and modernizing policies and procedures for Employment Authorization Documents.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/25	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Mark Phillips, Residence and Naturalization Division Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588–0009, *Phone:* 240 721–3000.  
*RIN:* 1615–AC88

**DEPARTMENT OF HOMELAND SECURITY (DHS)**  
*U.S. Citizenship and Immigration Services (USCIS)*  
Final Rule Stage

**117. Modernizing H–1B Requirements and Oversight, Providing Flexibility in the F–1 Program, and Program Improvements Affecting Other Nonimmigrant Workers [1615–AC70]**

*Legal Authority:* 6 U.S.C. 101, 112 and 202; 8 U.S.C. 1101(a)(15)(F) and (H)(i)(b), 1103(a)(3), 1184(a), (c), (g); and (i) and 1357(b). . . . ; . . . .  
*Abstract:* On October 23, 2023, the Department of Homeland Security (DHS) published a notice of proposed rulemaking (NPRM or proposed rule) 88 FR 72870 that proposed to amend its

regulations governing H–1B specialty occupation workers and F–1 students who are the beneficiaries of timely filed H–1B cap-subject petitions. Specifically, DHS proposed to revise the regulations relating to definition of “specialty occupation” and the “employer-employee relationship”; provide flexibility for start-up entrepreneurs; implement new requirements and guidelines for H–1B site visits; provide flexibility on the employment start date listed on the petition (in limited circumstances); address “cap-gap” issues; bolster the H–1B registration process to reduce the possibility of misuse and fraud in the H–1B registration system; modernize cap exemptions; clarify the requirement that an amended or new petition be filed where there are material changes; and codify USCIS’ deference policy and requirement of maintenance of status for all employment-based nonimmigrant classifications that use Form I–129, among other provisions. The October 23, 2023 NPRM was informed by public comments USCIS received in response to a Request for Public Input that published on April 19, 2021.

On February 2, 2024, DHS published a final rule, 89 FR 7456, implementing a beneficiary centric selection process for H–1B registrations, as well as additional integrity measures and flexibilities related to H–1B registration. DHS continues to consider the suggestions made in public comments received as they relate to the other proposed provisions discussed in the October 23, 2023 NPRM, and intends to finalize the remaining provisions in one or more actions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/23/23	88 FR 72870
NPRM Comment Period End.	12/22/23	
Final Action .....	02/02/24	89 FR 7456
Final Action Effective.	03/06/24	
Final Action .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Charles Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588–0009, *Phone:* 240 721–3000.  
*RIN:* 1615–AC70

**118. Modernizing H–2 Program Requirements, Oversight, and Worker Protections [1615–AC76]**

*Legal Authority:* 6 U.S.C. 202, 8 U.S.C. secs. 1101(a)(15)(H)(ii)(a) and (b);1103(a)(3), 1184(a), (c) and (g), 1324a, 1225; 1357  
*Abstract:* On September 20, 2023, DHS published a notice of proposed rulemaking (NPRM) which proposed several changes to modernize and reform the H–2A and H–2B nonimmigrant worker programs. Many of the proposals contained in the NPRM were informed by public feedback USCIS received in response to its April 19, 2021 Request for Public Input. Specifically, the NPRM incorporated new policies that if finalized would produce program efficiencies, address current aspects of the program that may unintentionally result in exploitation or other abuse of persons seeking to come to this country as H–2A and H–2B workers, build upon existing protections against prohibited payments or other assessment of fees and/or salary deductions by H–2A and H–2B employers in connection with recruitment and/or H–2 employment, and otherwise add protections for workers. DHS did not propose any changes that would revise the temporary labor certification process or the regulations contained in 20 CFR part 655 or 29 CFR part 501 and 503. The public comment period closed November 20, 2023, and DHS is continuing to review the comments received during the comment period and in accordance with the instructions contained in the NPRM.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/20/23	88 FR 65040
NPRM Comment Period End.	11/20/23	
Final Action .....	11/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Charles Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588–0009, *Phone:* 240 721–3000.  
*RIN:* 1615–AC76

**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Citizenship and Immigration Services (USCIS)*

## Long-Term Actions

**119. Petition for Immigrant Worker Reforms [1615-AC85]**

*Legal Authority:* 6 U.S.C. 112; 8 U.S.C. 1103(a); 8 U.S.C. 1153(b); 8 U.S.C. 1154(a)(1)(E) and (F); 8 U.S.C. 1182(a)(5)(C) and (r)

*Abstract:* The Department of Homeland Security (DHS) is proposing to amend its regulations governing employment-based immigrant petitions in the first, second, and third preference classifications. Petitions for these classifications are filed by employers, or in certain cases by noncitizens on their own behalf, to bring talent and skills to the United States. The proposed rule would, if finalized, codify current policy guidance and implement administrative decisions regarding successorship-in-interest and ability to pay; update provisions governing extraordinary ability and outstanding professors and researchers; modernize outdated provisions for individuals of extraordinary ability and outstanding professors and researchers; clarify evidentiary requirements for first preference classifications, second preference national interest waiver (NIW) classifications, and physicians of national and international renown; implement reforms to ensure the integrity of the I-140 program; and correct errors and omissions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588-0009, Phone: 240 721-3000.

*RIN:* 1615-AC85

**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Citizenship and Immigration Services (USCIS)*

## Completed Actions

**120. U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements [1615-AC68]**

*Legal Authority:* 8 U.S.C. 1356(m), (n)

*Abstract:* On January 31, 2024, the Department of Homeland Security (DHS) published a final rule, 89 FR 6194, that adjusted the fees charged by U.S. Citizenship and Immigration Services (USCIS) for immigration and naturalization benefit requests. The rule rescinds and replaces the changes made by an August 3, 2020, rule and establishes new USCIS fees to recover USCIS operating costs. This rule also provides additional fee exemptions for certain humanitarian categories and makes changes to certain other immigration benefit request requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/04/23	88 FR 402
NPRM Correction .....	01/09/23	88 FR 1172
NPRM Comment Period End.	03/06/23	
NPRM Comment Period Extended.	02/24/23	88 FR 11825
NPRM Comment Period Extended End.	03/13/23	
Final Rule .....	01/31/24	89 FR 6194
Final Rule; Correction.	03/21/24	89 FR 20101
Final Rule Effective.	04/01/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kika Scott, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588-0009, Phone: 240 721-3000.

*RIN:* 1615-AC68

**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Coast Guard (USCG)*

## Proposed Rule Stage

**121. Claims Procedures Under the Oil Pollution Act of 1990 [1625-AA03]**

*Legal Authority:* 33 U.S.C. 2713 and 2714

*Abstract:* The purpose of this project is to remove superseded regulations at 33 Code of Federal Regulations (CFR) part 135, and to finalize the Oil Pollution Act of 1990 (OPA90) claims procedures at 33 CFR part 136. The OPA90 claims procedures, implementing OPA90 section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement), were established by an interim rule, titled "Claims under the Oil Pollution Act of 1990" (Interim Rule) that has not been substantively amended since it was published in 1992. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction .....	09/09/92	57 FR 41104
Interim Final Rule Comment Period End.	12/10/92	
Notice of Inquiry ..	11/01/11	76 FR 67385
Notice of Inquiry Comment Period End.	01/30/12	
NPRM .....	03/00/25	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Benjamin White, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Pollution Funds Center (NPFC), 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593-7605, Phone: 202 795-6066, Email: benjamin.h.white@uscg.mil.

*RIN:* 1625-AA03

**122. Safety Management Systems For Domestic Passenger Vessels [1625-AC65]**

*Legal Authority:* 46 U.S.C. 3202 and 3203; DHS Delegation No. 0170.1(92)(b)

*Abstract:* The Coast Guard reviewed the public input received in response to its January 2021 ANPRM on a possible new safety management system (SMS) for passenger and small passenger vessels. This proposed rulemaking would outline new SMS regulations for small passenger vessels (SPVs) meeting the statutory definition of a covered small passenger vessel in line with the 2010 and 2020 Coast Guard Authorization Acts. Under this proposed rulemaking, all SPVs on oceans or coastwise routes, or having overnight accommodations for passengers, would be required to implement an SMS conforming to the requirements of a newly developed SPV SMS or an accepted alternative.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	01/15/21	86 FR 3899
ANPRM Correction.	03/01/21	86 FR 11913
ANPRM Comment Period Extended.	04/01/21	86 FR 17090
ANPRM Comment Period End.	04/15/21	
ANPRM Comment Period Extended End.	06/01/21	
NPRM .....	10/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* David Ward, Occupational Safety and Health Program Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (CG-OES-2), 2703 Martin Luther King Jr. Avenue SE, Stop 7509, Washington, DC 20593, *Phone:* 202 372-1386, *Email:* david.ward@uscg.mil.

*RIN:* 1625-AC65

### **123. Implementation of Training Requirements for Personnel Serving on U.S.-Flagged Passenger Ships That Carry More Than 12 Passengers on International Voyages [1625-AC68]**

*Legal Authority:* 14 U.S.C. 102(3); 14 U.S.C. 503; 46 U.S.C. 7101; 46 U.S.C. 7306; 46 U.S.C. 7313

*Abstract:* This proposed rule would implement the 2016 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the STCW Code by revising U.S. Coast Guard regulations at 46 CFR subchapter B, parts 11 and 12 to include additional requirements for the training and qualifications of masters, officers, and ratings on passenger ships, as required by the STCW Convention, to which the United States is a signatory. First, the Coast Guard would implement the 2016 amendments to the STCW Convention and the STCW Code for personnel serving on passenger ships that operate on international voyages. The proposed revisions would add a requirement for all personnel to complete passenger ship emergency familiarization training appropriate to their capacity, duties, and responsibilities during an emergency before being assigned to shipboard duties. The proposal would also expand the applicability of crowd management training to include qualified ratings.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Megan Johns Henry, Marine Transportation Specialist, Department of Homeland Security, U.S. Coast Guard, Office of Merchant Mariner Credentialing (CG-MMC-1), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1255, *Email:* megan.c.johns@uscg.mil.

*RIN:* 1625-AC68

### **124. MARPOL Annex VI; Prevention of Air Pollution From Ships [1625-AC78]**

*Legal Authority:* 33 U.S.C. 1903

*Abstract:* The Coast Guard is proposing regulations to carry out the provisions of Annex VI of the MARPOL Protocol, which is focused on the prevention of air pollution from ships. The Act to Prevent Pollution from Ships has already given direct effect to most provisions of Annex VI, and the Coast Guard and the Environmental Protection Agency have carried out some Annex VI provisions through previous rulemakings. This proposed rule would fill gaps in the existing framework for carrying out the provisions of Annex VI. Chapter 4 of Annex VI contains shipboard energy efficiency measures that include short-term measures reducing carbon emissions linked to climate change and supports Administration goals outlined in Executive Order 14008 titled Tackling the Climate Crisis at Home and Abroad. This proposed rule would apply to U.S.-flagged ships. It would also apply to foreign-flagged ships operating either in U.S. navigable waters or in the U.S. Exclusive Economic Zone.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Frank Strom, Chief, Systems Engineering Division (CG-ENG-3), Department of Homeland Security, U.S. Coast Guard, Office of Design and Engineering Standards, 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1375, *Email:* frank.a.strom@uscg.mil.

*RIN:* 1625-AC78

## **DEPARTMENT OF HOMELAND SECURITY (DHS)**

Final Rule Stage

*U.S. Coast Guard (USCG)*

### **125. Commercial Fishing Vessels-Implementation of 2010 and 2012 Legislation [1625-AB85]**

*Legal Authority:* 46 U.S.C. 4502 and 5103; Pub. L. 111-281; Pub. L. 112-213

*Abstract:* The Coast Guard will implement 2010 and 2012 legislation that pertains to uninspected commercial fishing industry vessels. The requirements took effect upon enactment of the legislation but require amendments to Coast Guard regulations to be implemented. Coast Guard is changing the applicability of the regulations, and adding new requirements to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	09/19/16	
NPRM Comment Period Extended End.	12/18/16	
Final Rule .....	05/00/25	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Commercial Vessel Compliance (CG-CVC-3), 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1249, *Email:* joseph.d.myers@uscg.mil.

*RIN:* 1625-AB85

### **126. Lifejacket Approval Harmonization [1625-AC62]**

*Legal Authority:* 46 U.S.C. 3306(a); 46 U.S.C. 3306(b); 46 U.S.C. 4102(a); 46 U.S.C. 4102(b); 46 U.S.C. 4302(a); 46 U.S.C. 4502(a); 46 U.S.C. 4502(c)(2)(B)

*Abstract:* The Coast Guard is amending the lifejacket approval requirements and follow-up program requirements by incorporating new bi-national standards. At the same time, the Coast Guard is amending lifejacket and personal flotation devices (PFDs) carriage requirements to allow for the use of equipment approved to the new

standards, and to remove obsolete equipment approval requirements. The new standards are intended to replace the legacy standards. The amendments streamline the process for approval of PFDs and allow manufacturers the opportunity to produce more innovative equipment that meets the approval requirements of both Canada and the United States, while reducing the burden for manufacturers in both the approval process and follow-up program. The rule is expected to provide a cost savings by reducing the regulatory burden on PFD manufacturers by harmonizing our PFD approval standards with Canada, requiring less frequent inspections of manufacturing facilities, and providing lower cost PFD user manuals. This rule is consistent with Executive Order 14058, which directs agencies to take actions that improve service delivery and customer experience by decreasing administrative burdens, enhancing transparency, and improving the efficiency and effectiveness of government.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/07/23	88 FR 21016
NPRM Correction	05/01/23	88 FR 26514
NPRM Comment Period End.	06/06/23	
Final Rule .....	09/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jacqueline M. Yurkovich, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Design and Engineering Standards (CG-ENG-4), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593-7509, *Phone:* 571 607-4931, *Email:* [jacqueline.m.yurkovich@uscg.mil](mailto:jacqueline.m.yurkovich@uscg.mil), *RIN:* 1625-AC62

**127. Cybersecurity in the Marine Transportation System [1625-AC77]**

*Legal Authority:* 46 U.S.C. 70101; 46 U.S.C. 70102; 46 U.S.C. 70103; 46 U.S.C. 70104; 46 U.S.C. 70124

*Abstract:* The Coast Guard has published a proposed rule to update its maritime security regulations by adding regulations specifically focused on establishing minimum cybersecurity requirements for U.S.-flagged vessels, Outer Continental Shelf facilities, and U.S. facilities subject to the Maritime Transportation Security Act of 2002 regulations. This proposed rulemaking is part of an ongoing effort to address emerging cybersecurity risks and threats to maritime security by including additional security requirements to

safeguard the marine transportation system.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/22/24	89 FR 13403
NPRM Comment Period Extended.	04/09/24	89 FR 24751
NPRM Comment Period End.	04/22/24	
Extended Comment Period End.	05/22/24	
Final Rule .....	12/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Frank Strom, Chief, Systems Engineering Division (CG-ENG-3), Department of Homeland Security, U.S. Coast Guard, Office of Design and Engineering Standards, 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1375, *Email:* [frank.a.strom@uscg.mil](mailto:frank.a.strom@uscg.mil), *RIN:* 1625-AC77

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Coast Guard (USCG)*

Completed Actions

**128. User Fees For Inspected Towing Vessels [1625-AC55]**

*Legal Authority:* 46 U.S.C. 2103; 46 U.S.C. 2110; Pub. L. 115-282, sec. 815

*Abstract:* This rulemaking revised user fees for towing vessels inspected under 46 CFR subchapter M and updated the existing user fee in 46 CFR 2.10-101 for sea-going towing vessels inspected under 46 CFR subchapter I. These user fees are for services related to the inspection of these vessels and will reflect the differences in cost to the government to provide these services to vessels that use a safety management system involving a third party and vessels that do not.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/11/22	87 FR 1378
NPRM Comment Period End.	04/11/22	
Final Rule .....	12/28/23	88 FR 89595
Final Rule Effective.	03/27/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jennifer Hnatow, Project Manager, Department of Homeland Security, U.S. Coast Guard,

Commercial Vessel Compliance (CG-CVC-1), 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1216, *Email:* [jennifer.l.hnatow@uscg.mil](mailto:jennifer.l.hnatow@uscg.mil), *RIN:* 1625-AC55

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Customs and Border Protection (USCBP)*

Proposed Rule Stage

**129. • Automated Commercial Environment (ACE) Electronic Export Manifest for Vessel Cargo [1651-AB59]**

*Legal Authority:* Not Yet Determined

*Abstract:* U.S. Customs and Border Protection (CBP) proposes to amend its regulations to require the advance submission of electronic export manifest (EEM) information to CBP in the Automated Commercial Environment for cargo transported by vessel departing the United States. The proposed rule would identify the parties eligible to transmit advance vessel EEM information, and their responsibilities, and describe the time frames for transmission of the information prior to cargo loading or conveyance departure. Requiring this data in advance would significantly improve cargo safety and security while minimizing disruption to the flow of commerce in the sea environment.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Thomas Pagano, Chief, Outbound Enforcement Branch, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Ave, NW, Washington, DC 20229, *Phone:* 202 344-3277, *Email:* [cbpexportmanifest@cpb.dhs.gov](mailto:cbpexportmanifest@cpb.dhs.gov), *RIN:* 1651-AB59

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Transportation Security Administration (TSA)*

Long-Term Actions

**130. Vetting of Certain Surface Transportation Employees [1652-AA69]**

*Legal Authority:* 49 U.S.C. 114; Pub. L. 108-90, sec. 520; Pub. L. 110-53, secs. 1411, 1414, 1512, 1520, 1522, and 1531



*Abstract:* The 9/11 Act requires vetting of certain railroad, public transportation, and over-the-road bus employees. Also, 6 U.S.C. 469 requires TSA to collect fees to recover the costs of the vetting services. On May 23, 2023, the Transportation Security Administration (TSA) issued a proposed rule to establish the standards and procedures to conduct the required vetting and recover costs. This regulation is related to 1652-AA55, Security Training for Surface Transportation Employees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/23/23	88 FR 33472
NPRM Comment Period End.	08/21/23	
NPRM Extension of Comment Period.	08/22/23	88 FR 57044
NPRM Extension Comment Period End.	10/01/23	
Final Rule .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Ashlee Marks, Branch Manager, Policy Development Branch, Surface Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 6595 Springfield Center Drive, Springfield, VA 20598-6028, *Phone:* 571 227-3740, *Email:* ashlee.marks@tsa.dhs.gov.

James Ruger, Chief Economist, Economic Analysis Branch-Coordination & Analysis Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 6595 Springfield Center Drive, Springfield, VA 20598-6028, *Phone:* 571 227-5519, *Email:* james.ruger@tsa.dhs.gov.

Christine Beyer, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, 6595 Springfield Center Drive, Springfield, VA 20598-6002, *Phone:* 571 227-3653, *Email:* christine.beyer@tsa.dhs.gov.

*RIN:* 1652-AA69

**131. Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA) [1652-AA70]**

*Legal Authority:* Pub. L. 114-190, sec. 3405

*Abstract:* As required by the FESSA, TSA will propose a rule to revise its regulations, reflecting current knowledge of insider threat and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport. Consistent with the statutory mandate, TSA will consider adding to the list of disqualifying criminal offenses and criteria, develop an appeal and waiver process for the issuance of credentials for unescorted access, and propose an extension of the lookback period for disqualifying crimes. As part of TSA's reevaluation of the eligibility and redress standards for aviation workers required by the Act, TSA is also reevaluating the current vetting process to minimize any security risks that may exist.

*Timetable:*

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zachary Landis, Branch Manager, Airports Security Programs, Department of Homeland Security, Transportation Security Administration, Aviation Division, Policy, Plans, and Engagement, Springfield, VA 20598-6028, *Phone:* 571 230-4863, *Email:* zachary.landis@tsa.dhs.gov.

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6002, *Phone:* 571 227-3653, *Email:* christine.beyer@tsa.dhs.gov.  
*RIN:* 1652-AA70

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Federal Emergency Management Agency (FEMA)*

Final Rule Stage

**132. Updates to Floodplain Management and Protection of Wetlands Regulations To Implement the Federal Flood Risk Management Standard [1660-AB12]**

*Legal Authority:* 6 U.S.C. 101 *et seq.*; 42 U.S.C. 4001 *et seq.*; 42 U.S.C. 4321 *et seq.*; E.O. 11988 of May 24, 1977, 42 FR 26951, 3 CFR, 1977 Comp., p. 117; E.O. 11990 of May 24, 1977, 42 FR 26961, 3 CFR, 1977 Comp., p. 121; E.O. 13690, 80 FR 6425; E.O. 14030, 86 FR 27967

*Abstract:* On October 2, 2023, consistent with President Biden's Executive Order on Climate Related Financial Risk (E.O. 14030), the Federal Emergency Management Agency (FEMA) proposed to amend its regulations at 44 CFR part 9, "Floodplain Management and Protection of Wetlands," to incorporate amendments to Executive Order 11988 and the Federal Flood Risk Management Standard (FFRMS). The FFRMS is a flexible framework allowing agencies to choose among three approaches to define the floodplain and corresponding flood elevation requirements for federally funded projects. 44 CFR part 9 describes FEMA's process under Executive Order 11988 for determining whether the proposed location for an action falls within a floodplain and how to complete the action in the floodplain, in light of the risk of flooding.

The rule would change how FEMA defines a floodplain with respect to certain actions. Additionally, under the rule, FEMA would use natural systems, ecosystem process, and nature-based approaches, where practicable, when developing alternatives to locating the proposed action in the floodplain. FEMA has engaged the public extensively on these matters.

On February 5, 2015, FEMA acting on behalf of the Mitigation Framework Leadership Group, published a **Federal Register** notice seeking comments on a draft of the Revised Guidelines for Implementing Executive Order 11988, Floodplain Management. The 60-day comment period was extended an additional 30 days. During the public comment period for the Revised Guidelines, FEMA sent advisories to representatives from Governors' offices nationwide inviting comments on the draft Revised Guidelines. Over 25 meetings were held across the country with State, local, and Tribal officials and interested stakeholders to discuss the draft Revised Guidelines as well as 9 public listening sessions across the country attended by over 700 participants to facilitate feedback. All relevant comments received in response to these efforts have been posted to the public rulemaking docket on the Federal eRulemaking portal at <https://www.regulations.gov/document/FEMA-2015-0006-0001/comment>. Comments from meetings and listening sessions can be found at <https://www.regulations.gov/docket/FEMA-2015-0006/document>. Additionally, FEMA published a Notice of Proposed Rulemaking (NPRM) in 2016 seeking public comment on FEMA's proposed implementation of the Revised Guidelines. All relevant comments received in response to the 2016 NPRM were posted to the public rulemaking docket on the Federal eRulemaking portal at <https://www.regulations.gov/document/FEMA-2015-0006-0373/comment>.

#### Timetable:

Action	Date	FR Cite
Proposed Policy: Request for Comments.	10/02/23	88 FR 67697
Proposed Policy: Comment Period End.	12/01/23	
NPRM .....	10/02/23	88 FR 67869
NPRM Comment Period End.	12/01/23	
Final Rule .....	07/00/24	

#### Regulatory Flexibility Analysis

Required: Yes.

*Agency Contact:* Portia Ross, Office of Environmental and Historic Preservation, Department of Homeland Security, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, *Phone:* 202 709-0677, *Email:* [fema-regulations@fema.dhs.gov](mailto:fema-regulations@fema.dhs.gov).

*RIN:* 1660-AB12

### DEPARTMENT OF HOMELAND SECURITY (DHS)

*Cybersecurity and Infrastructure Security Agency (CISA)*

Proposed Rule Stage

#### 133. Ammonium Nitrate Security Program [1670-AA00]

*Legal Authority:* 6 U.S.C. 488 *et seq.*

*Abstract:* The Cybersecurity and Infrastructure Security Agency (CISA) is proposing a rulemaking to implement the December 2007 amendment to the Homeland Security Act titled "Secure Handling of Ammonium Nitrate." This amendment requires the Department of Homeland Security to "regulate the sale and transfer of ammonium nitrate by an

ammonium nitrate facility...to prevent the misappropriation or use of ammonium nitrate in an act of terrorism." CISA previously issued a Notice of Proposed Rulemaking (NPRM) on August 3, 2011. CISA is planning to issue a Supplemental Notice of Proposed Rulemaking (SNPRM).

#### Timetable:

Action	Date	FR Cite
ANPRM .....	10/29/08	73 FR 64280
ANPRM Correction.	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM .....	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Notice of Availability.	06/03/19	84 FR 25495
Notice of Availability Comment Period End.	09/03/19	
Supplemental NPRM.	07/00/24	

#### Regulatory Flexibility Analysis

Required: Yes.

*Agency Contact:* Ann Hunziker, Branch Chief for Policy Rulemaking and Engagement, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 1310 N. Courthouse Rd., Arlington, VA 22202, *Phone:* 202 604-5817, *Email:* [ann.hunziker@cisa.dhs.gov](mailto:ann.hunziker@cisa.dhs.gov).

*RIN:* 1670-AA00

[FR Doc. 2024-16453 Filed 8-15-24; 8:45 am]

**BILLING CODE 9110-9B-P**





# FEDERAL REGISTER

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Part IX

Department of the Interior

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Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[167D0102DM; DS6CS00000;  
DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between spring 2024 and spring 2025. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Please direct all comments and inquiries about these rules to the appropriate agency contact. Please direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at (202) 513–0357.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that it has issued or expects to issue within this time period and of currently effective rules that it has scheduled for retrospective review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. The Department has specifically identified in the agenda those rules that will have such effects. The complete

Unified Agenda of Regulatory and Deregulatory Actions (Agenda) will be published at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users enhanced ability to obtain information from the Agenda database. Agenda information is also available at [www.regulations.gov](http://www.regulations.gov), the government-wide website for submission of comments on proposed regulations.

In some cases, the Department has withdrawn rules that were placed on previous Agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this Agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that any rules listed as withdrawn under this Agenda may be appropriate for promulgation.

E. Michael Ablor,  
*Deputy Director, Executive Secretariat and Regulatory Affairs.*

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
134 .....	Outer Continental Shelf Civil Penalties, Surety Bond Requirements When Filing an Appeal .....	1014–AA57

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
135 .....	Revisions to Decommissioning Requirements on the OCS .....	1014–AA53

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
136 .....	Importation, Exportation and Transportation of Wildlife; Updates to the Regulations .....	1018–BF16
137 .....	Migratory Bird Hunting; 2025–26 Migratory Game Bird Hunting Regulations .....	1018–BH65

UNITED STATES FISH AND WILDLIFE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
138 .....	Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations .....	1018–BG63

NATIONAL PARK SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
139 .....	Commercial Visitor Services; Concession Contracts .....	1024–AE57

## BUREAU OF OCEAN ENERGY MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
140 .....	Risk Management and Financial Assurance for OCS Lease and Grant Obligations .....	1010-AE14

**DEPARTMENT OF THE INTERIOR (DOI)**

*Bureau of Safety and Environmental Enforcement (BSEE)*

Final Rule Stage

**134. Outer Continental Shelf Civil Penalties, Surety Bond Requirements When Filing an Appeal [1014-AA57]**

*Legal Authority:* Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 to 1356a

*Abstract:* This proposed rulemaking would clarify BSEE's existing regulatory authority under 30 CFR 250.1409, which establishes criteria that must be met before a party may proceed with an appeal of a civil penalty pursuant to 30 CFR part 290. Before filing an appeal to the Interior Board of Land Appeals (IBLA), an operator must either submit a surety bond to BSEE's sister agency, BOEM, in the amount of the penalty, or notify BOEM that they want their lease bond to be used as the bond for the penalty amount.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/13/23	88 FR 86285
NPRM Comment Period End.	02/12/24	
Final Action .....	07/00/24	
Final Action Effective.	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787-1751, *Fax:* 703 787-1555, *Email:* kirk.malstrom@bsee.gov.  
*RIN:* 1014-AA57

**DEPARTMENT OF THE INTERIOR (DOI)**

*Bureau of Safety and Environmental Enforcement (BSEE)*

Long-Term Actions

**135. Revisions to Decommissioning Requirements on the OCS [1014-AA53]**

*Legal Authority:* Outer Continental Shelf Lands Act, 43 U.S.C. 1331 to 1356a

*Abstract:* This proposed rule would address issues relating to (1) idle iron by adding a definition of this term to clarify that it applies to idle wells and structures on active leases; (2) abandonment in place of subsea infrastructure by adding regulations addressing when BSEE may approve decommissioning-in-place instead of removal of certain subsea equipment; and (3) other operational considerations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/25	
NPRM Comment Period End.	09/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787-1751, *Fax:* 703 787-1555, *Email:* kirk.malstrom@bsee.gov.  
*RIN:* 1014-AA53

**DEPARTMENT OF THE INTERIOR (DOI)**

*United States Fish and Wildlife Service (FWS)*

Proposed Rule Stage

**136. Importation, Exportation and Transportation of Wildlife; Updates to the Regulations [1018-BF16]**

*Legal Authority:* 16 U.S.C. 33 8(d)-(f); 16 U.S.C. 668; 16 U.S.C. 704; 16 U.S.C. 712; 16 U.S.C. 1382; 16 U.S.C. 1538(d)-(f); 16 U.S.C. 1540(f); 16 U.S.C. 3371 to 3378; 16 U.S.C. 4223 to 4244; 16 U.S.C. 4901 to 4916; 18 U.S.C. 42; 31 U.S.C. 42; 31 U.S.C. 9701; . . .

*Abstract:* This proposed rule would revise FWS's regulations governing the importation and exportation of wildlife. In this rulemaking, FWS would review all sections of 50 CFR part 14 and provide necessary revisions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Edward Grace, Assistant Director, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: LEO, Falls Church, VA 22041-3803, *Phone:* 703 358-1949, *Fax:* 703 358-1947, *Email:* edward\_grace@fws.gov.  
*RIN:* 1018-BF16

**137. Migratory Bird Hunting; 2025-26 Migratory Game Bird Hunting Regulations [1018-BH65]**

*Legal Authority:* 16 U.S.C. 703 *et seq.*; 16 U.S.C. 742a-j

*Abstract:* This rulemaking action would establish annual hunting regulations for certain migratory game birds. FWS annually prescribes the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. After these frameworks are established, States and Tribes may select season dates, bag limits, and other regulatory options for their hunting seasons. Migratory bird management is a cooperative effort of Federal, State, and Tribal governments.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dr. Eric L. Kershner, Chief, Division of Conservation, Permits, and Regulations, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041, *Phone:* 703 358-2376, *Fax:* 703 358-2217, *Email:* eric\_kershner@fws.gov.  
*RIN:* 1018-BH65

**DEPARTMENT OF THE INTERIOR (DOI)**

*United States Fish and Wildlife Service (FWS)*

Final Rule Stage

**138. Migratory Bird Hunting; 2024-25 Migratory Game Bird Hunting Regulations [1018-BG63]**

*Legal Authority:* 16 U.S.C. 703 *et seq.*; 16 U.S.C. 742a-j

*Abstract:* This rulemaking action would establish annual hunting regulations for certain migratory game

birds. FWS annually prescribes the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. After these frameworks are established, States and Tribes may select season dates, bag limits, and other regulatory options for their hunting seasons. Migratory bird management is a cooperative effort of Federal, State, and Tribal governments.

Timetable:

Action	Date	FR Cite
NPRM .....	02/08/24	89 FR 8631
NPRM Comment Period End.	03/11/24	
Proposed Frameworks.	05/13/24	89 FR 41522
Proposed Frameworks; Comment Period End.	06/12/24	
Final Frameworks	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Dr. Eric L. Kershner, Chief, Division of Conservation, Permits, and Regulations, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041, *Phone:* 703 358–2376, *Fax:* 703 358–2217, *Email:* eric\_kershner@fws.gov.  
*RIN:* 1018–BG63

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

139. Commercial Visitor Services; Concession Contracts [1024–AE57]

*Legal Authority:* 54 U.S.C. 101926  
*Abstract:* This final rule revises regulations that govern the solicitation,

award, and administration of concessions contracts to provide commercial visitor services at National Park System units under the authority granted to the Secretary of the Interior by the Concessions Management Improvement Act of 1998 and the National Park Service Centennial Act. The revisions reduce administrative burdens and expand opportunities for sustainable, high quality, and contemporary concessioner-provided visitor services in park areas.

Timetable:

Action	Date	FR Cite
NPRM .....	07/20/20	85 FR 43775
NPRM Comment Period End.	09/18/20	
Final Rule .....	12/29/23	88 FR 90098
Final Rule Effective.	01/29/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Kurt M. Rausch, Chief, Contract Management, Department of the Interior, National Park Service, 1849 C Street NW, Washington, DC 20240, *Phone:* 202 513–7207, *Email:* kurt\_rausch@nps.gov.  
*RIN:* 1024–AE57

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Ocean Energy Management (BOEM)

Completed Actions

140. Risk Management and Financial Assurance for OCS Lease and Grant Obligations [1010–AE14]

*Legal Authority:* OCSLA–43 U.S.C. 1331 *et seq.*  
*Abstract:* This final rule modifies the evaluation criteria for determining

whether oil, gas and sulfur lessees, right-of-use and easement grant holders, and pipeline right-of-way grant holders may be required to provide bonds or other financial assurance, above the regulatorily prescribed amounts for base bonds, to ensure compliance with their Outer Continental Shelf obligations.

BOEM held a Government-to-Government consultation with an Indian Tribal Nation during the development of the NPRM and the final rule. BOEM received a range of comments on the NPRM during the public comment period. This final rule addresses feedback received from public comment period and Tribal consultations.

Timetable:

Action	Date	FR Cite
NPRM .....	06/29/23	88 FR 42136
NPRM Comment Period Extension.	08/25/23	88 FR 58173
NPRM Comment Period End.	08/28/23	
NPRM Comment Period Extension End.	09/07/23	
Final Rule .....	04/24/24	89 FR 31544
Final Rule Technical Correction.	05/31/24	89 FR 47080
Final Rule Effective.	06/29/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Kelley Spence, Program Analyst, Department of the Interior, Bureau of Ocean Energy Management, 1849 C Street NW, Washington, DC 20240, *Phone:* 948 298–7345, *Email:* kelley.spence@boem.gov.  
*RIN:* 1010–AE14

[FR Doc. 2024–16458 Filed 8–15–24; 8:45 am]

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Part X

Department of Justice

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Semiannual Regulatory Agenda



**DEPARTMENT OF JUSTICE**

**8 CFR Ch. V**

**21 CFR Ch. I**

**27 CFR Ch. II**

**28 CFR Ch. I, V**

**48 CFR Ch. XXVIII**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Department of Justice is publishing its spring 2024 regulatory agenda pursuant to Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

**SUPPLEMENTARY INFORMATION:** Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov) in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice’s printed agenda entries include only:

Rules that are in the Agency’s regulatory flexibility agenda, in

accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Dated: May 15, 2024.

**Susan M. Davies,**  
*Principal Deputy Assistant Attorney General,*  
*Office of Legal Policy.*

CIVIL RIGHTS DIVISION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
141 .....	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities.	1190-AA79

**DEPARTMENT OF JUSTICE (DOJ)**

*Civil Rights Division (CRT)*

Completed Actions

**141. Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities [1190-AA79]**

*Legal Authority:* 42 U.S.C. 12101 *et seq.*

*Abstract:* The Americans with Disabilities Act (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. 12132. However, many public entities’ (*i.e.*, State and local governments’) websites and mobile apps fail to incorporate or activate features that enable users with disabilities to access the public entity’s services, programs, and activities. The

Department published a Notice of Proposed Rulemaking (NPRM) proposing to amend its title II ADA regulation to provide technical standards to assist public entities in complying with their existing obligations to make their websites and mobile apps accessible to individuals with disabilities.

The NPRM was published on August 4, 2023, and the public comment period closed on October 3, 2023. The NPRM included more than 60 questions for public input. The Department also published a fact sheet describing the NPRM’s proposed requirements in plain language to help ensure that members of the public understood the rule and had an opportunity to provide feedback.

The Department received approximately 345 comments from members of the public including individuals with disabilities, public entities, disability advocacy groups, members of the accessible technology industry, web developers, and many others. In addition, the Department

attended three listening sessions with various stakeholders while the public comment period was open, with a cumulative total of more than 500 attendees. Those sessions provided important opportunities to receive the information that members of the public wanted to share about the proposed rule through additional avenues. The Department has issued a final regulation on this topic informed by the feedback received from members of the public.

*Completed:*

Reason	Date	FR Cite
Final Action ..... Final Action Effective.	04/24/24 06/24/24	89 FR 31320

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Rebecca Bond,  
*Phone:* 202 307–0663.  
*RIN:* 1190-AA79

[FR Doc. 2024–16454 Filed 8–15–24; 8:45 am]

**BILLING CODE 4410-BP-P**



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Part XI

Department of Labor

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Semiannual Regulatory Agenda

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**20 CFR Chs. I, IV, V, VI, VII, and IX**

**29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV**

**30 CFR Ch. I**

**41 CFR Ch. 60**

**48 CFR Ch. 29**

**Semiannual Agenda of Regulations**

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The internet has become the means for disseminating the entirety of the Department of Labor’s semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This

**Federal Register** Notice contains the regulatory flexibility agenda.

**FOR FURTHER INFORMATION CONTACT:** Albert T. Herrera, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–2312, Washington, DC 20210; (202) 693–5959.

**Note:** Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department’s semiannual agenda is available online at [www.reginfo.gov](http://www.reginfo.gov). The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory

flexibility agenda. The Department’s Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department’s semiannual regulatory agenda. The Department’s Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and are invited to participate in and comment on the review or development of the regulations listed on the Department’s agenda.

**Julie A. Su,**  
*Acting Secretary of Labor.*

WAGE AND HOUR DIVISION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
142 .....	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.	1235-AA39

WAGE AND HOUR DIVISION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
143 .....	Employee or Independent Contractor Classification Under the Fair Labor Standards Act .....	1235-AA43

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
144 .....	Temporary Employment of H–2B Foreign Workers in the United States .....	1205-AB93
145 .....	Employer-Provided Survey Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program.	1205-AC15

EMPLOYMENT AND TRAINING ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
146 .....	National Apprenticeship System Enhancements .....	1205-AC13

EMPLOYMENT AND TRAINING ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
147 .....	Workforce Innovation and Opportunity Act Effectiveness in Serving Employers Performance Indicator Provisions.	1205-AC01
148 .....	Workforce Innovation and Opportunity Act Title I Non-Core Programs Effectiveness in Serving Employers Performance Indicator.	1205-AC08

## EMPLOYMENT AND TRAINING ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
149 .....	Improving Protections for Workers in Temporary Agricultural Employment in the United States .....	1205–AC12

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
150 .....	Independent Dispute Resolution Operations .....	1210–AC17

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
151 .....	Retirement Security Rule: Definition of an Investment Advice Fiduciary .....	1210–AC02

## MINE SAFETY AND HEALTH ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
152 .....	Respirable Crystalline Silica .....	1219–AB36

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
153 .....	Infectious Diseases .....	1218–AC46
154 .....	Process Safety Management and Prevention of Major Chemical Accidents .....	1218–AC82
155 .....	Communication Tower Safety .....	1218–AC90
156 .....	Emergency Response .....	1218–AC91
157 .....	Tree Care Standard .....	1218–AD04
158 .....	Prevention of Workplace Violence in Health Care and Social Assistance .....	1218–AD08

## DEPARTMENT OF LABOR (DOL)

## Wage and Hour Division (WHD)

## Final Rule Stage

**142. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees [1235–AA39]**

*Legal Authority:* 29 U.S.C. 201 *et seq.*; 29 U.S.C. 213

*Abstract:* The Department of Labor (Department) proposed to update and revise the regulations issued under the Fair Labor Standards Act implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. As part of this rulemaking, the Department held a series of stakeholder listening sessions between March and

June 2022, to gather input on its part 541 regulations. Stakeholders invited to participate in these listening sessions included representatives from labor unions; worker advocate groups; industry associations; small business associations; state and local governments; tribal governments; non-profits; and representatives from specific industries such as K–12 education, higher education, healthcare, retail, restaurant, manufacturing, and wholesale. Stakeholders were invited to share their input on issues including the appropriate EAP salary level, the costs and benefits of increasing the salary level to employers and employees, the methodology for updating the salary level and frequency of updates, and whether changes to the duties test are warranted. A listening session was held specifically for State and local governments on April 1, 2022, and a

session for Tribal governments was held on May 12, 2022.

The Department published a final rule on April 26, 2024, that updates the standard salary level and the total annual compensation required for the exemption of highly compensated employees. Under this final rule, beginning July 1, 2024, the standard salary level for bona fide executive, administrative, and professional employees, who are currently required to be paid a salary level of at least \$684 per week, must be paid a salary level of not less than \$844 per week (equivalent to \$43,888 per year). On July 1, 2024, the highly compensated employee (HCE) threshold will also increase from \$107,432 to \$132,694 annually. Beginning January 1, 2025, the standard salary level will increase from \$844 to \$1,128 per week, which is based on the 35th percentile of full-time salaried

worker earnings in the lowest-wage Census Region (the South), and the HCE threshold will increase from \$132,964 to \$151,164 annually, which is based on the annualized earnings of the 85th percentile of full-time salaried worker earnings nationwide. The Department also adds to the regulations an updating mechanism to allow for the timely and efficient updating of all the earnings thresholds. On July 1, 2027, and every 3 years thereafter, the standard salary level and HCE total annual compensation requirement will be updated using the methodology in effect at the time of the update. The Department proposed in sections IV.B.1 and B.2 of the NPRM to apply the updated standard salary level to the four U.S. territories that are subject to the federal minimum wage (Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands) and to update the special salary levels for American Samoa and the motion picture industry in relation to the new standard salary level. The Department will address these aspects of its proposal in a future final rule.

Timetable:

Action	Date	FR Cite
NPRM .....	09/08/23	88 FR 62152
NPRM Comment Period End.	11/07/23	
Final Rule .....	04/26/24	89 FR 32842
Final Rule Effective.	07/01/24	
Analyze Comments.	05/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Navarrete, Acting Director of the Division of Regulations, Legislation, and Interpretation, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, FP Building, Room S-3502, Washington, DC 20210, Phone: 202 693-0406.

RIN: 1235-AA39

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Completed Actions

143. Employee or Independent Contractor Classification Under the Fair Labor Standards Act [1235-AA43]

Legal Authority: 52 Stat. 1060, as amended; 29 U.S.C. 201-219

Abstract: The Department proposed to rescind the Independent Contractor Status under the Fair Labor Standards Act rule published on January 7, 2021,

86 FR 1168 (2021 IC Rule) and provide guidance for determining employee or independent contractor status under the FLSA that is more consistent with existing judicial precedent and the Department’s longstanding guidance prior to the 2021 IC Rule. The Department conducted extensive stakeholder engagement prior to publishing the NPRM on October 13, 2022. The Department’s Wage and Hour Division (WHD) held a number of stakeholder forums in the summer of 2022, which solicited participation from many workers, unions, businesses, freelancers, independent contractors, and affiliated advocacy groups. Those stakeholder forums informed the Department’s drafting of the 2022 proposed rule. The Department subsequently benefited from thousands of comments submitted during the comment period. In the final rule, the Department returns to a totality of the circumstances analysis of the economic reality test in which factors do not have a predetermined weight and are considered in view of the economic reality of the whole activity. The final rule rescinds the 2021 IC Rule. The Department published the final rule on January 10, 2024 (89 FR 1638).

Timetable:

Action	Date	FR Cite
NPRM .....	10/13/22	87 FR 62218
NPRM Comment Period Extended.	10/26/22	87 FR 64749
NPRM Comment Period Extended End.	12/13/22	
Final Rule .....	01/10/24	89 FR 1638
Final Rule Effective.	03/11/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Navarrete, Acting Director of the Division of Regulations, Legislation, and Interpretation, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, FP Building, Room S-3502, Washington, DC 20210, Phone: 202 693-0406.

RIN: 1235-AA43

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

144. Temporary Employment of H-2B Foreign Workers in the United States [1205-AB93]

Legal Authority: 8 U.S.C. 1184; 8 U.S.C. 1103; sec. 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii); 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101-238; 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102-232, 105 Stat. 733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103-206, 107 Stat. 2428; sec. 412(e); Pub. L. 105-277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106-95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107-296, 116 Stat. 2135, as amended; Pub. L. 109-423, 120 Stat. 2900; . . .

Abstract: The United States Department of Labor’s (DOL) Employment and Training Administration and Wage and Hour Division, and the United States Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, are jointly proposing to update the H-2B visa program regulations at 20 CFR part 655, subpart A, the related prevailing wage regulations at 20 CFR 656, and 8 CFR 214 governing the certification of the employment of H-2B nonimmigrant workers in temporary or seasonal non-agricultural employment and the enforcement of the obligations applicable to employers of such nonimmigrant workers and U.S. workers in corresponding employment. Specifically, the Notice of Proposed Rulemaking (NPRM) would update the process by which employers seeking to employ H-2B workers would obtain temporary certification from DOL for use in petitioning DHS to employ a nonimmigrant worker in H-2B status. The updates would also establish standards and procedures for employers seeking to hire foreign temporary non-agricultural workers for certain itinerant job opportunities, including entertainers, tree planting, and utility vegetation management.

Timetable:

Action	Date	FR Cite
NPRM .....	04/00/25	

*Regulatory Flexibility Analysis*  
Required: Yes.

*Agency Contact:* Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, *Phone:* 202 693-8200, *Email:* [pasternak.brian@dol.gov](mailto:pasternak.brian@dol.gov).  
*RIN:* 1205-AB93

**145. Employer-Provided Survey Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program [1205-AC15]**

*Legal Authority:* 8 U.S.C. 1101(a)(15)(H)(ii)(b); 8 U.S.C. 1103(a)(6); 8 U.S.C. 1184(c)(1); Pub. L. 117-328, 12/29/22, 136 Stat. 4459, Div. H, title I, sec. 110; Pub. L. 118-15, 9/30/23, 137 Stat. 71, Division A, sec. 101(8)

*Abstract:* The Immigration and Nationality Act, as amended, requires the Department of Homeland Security (DHS), prior to the approval of H-2B visa petitions, consult with the Department of Labor (Department). DHS' regulation at 8 CFR 214.2(h)(6) requires that employers must first apply for a temporary labor certification from the Department. Specifically, the Department must certify that there are not sufficient U.S. workers able, available, willing, and qualified to perform the temporary services or labor, and that the employment of the H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. To ensure that there is no adverse effect, DOL requires employers to pay the prevailing wage to H-2B workers and U.S. workers similarly employed. Employer-provided surveys are one of the prevailing wage sources under the H-2B regulations and has been the subject of recent litigation. On December 23, 2022, the U.S. District Court for the District of Columbia held the employer-provided survey provision under the Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program (2015 Wage Rule) in, 20 CFR part 655 subpart A did not satisfy the notice and comment requirements under the Administrative Procedure Act (APA). *Mary Jane Williams, et al. v. Martin J. Walsh, et al. (Williams)*, Civil No. 1:21-cv-01150 (RC), 2022 WL 17904227 (D.D.C. December 23, 2022). The Court remanded the rule without vacatur and ordered act[ion] with haste for further consideration consistent with the Court's opinion. The Department is proposing to issue a notice of proposed rulemaking on the employer-provided

survey provision of the 2015 Wage Rule to cure the procedural defect of the 2015 Wage Rule, pursuant to the decision in *Williams*.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis*  
Required: Yes.

*Agency Contact:* Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, *Phone:* 202 693-8200, *Email:* [pasternak.brian@dol.gov](mailto:pasternak.brian@dol.gov).  
*RIN:* 1205-AC15

**DEPARTMENT OF LABOR (DOL)**

*Employment and Training Administration (ETA)*

Final Rule Stage

**146. National Apprenticeship System Enhancements [1205-AC13]**

*Legal Authority:* The National Apprenticeship Act, as amended (50 Stat. 664) 29 U.S.C. 50

*Abstract:* The regulations at 29 CFR part 29 addressing labor standards of apprenticeship and the governance of the National Apprenticeship System were last updated in October 2008 to increase administrative flexibility, ensure program quality, and promote registered apprenticeship opportunities. The Department plans to revise these regulations to strengthen, expand, modernize, and diversify the National Apprenticeship System by enhancing worker protections and equity, improving the quality of registered apprenticeships, revising the state governance provisions, and more clearly establishing critical pipelines to registered apprenticeships such as pre-apprenticeships so that the National Apprenticeship System is more responsive to current worker and employer needs. These efforts have been informed by the deliberations of the Department's reconstituted Advisory Committee on Apprenticeship (ACA). The Department will also make technical and conforming adjustments to the current text of 29 CFR part 30 (governing equal employment opportunity in apprenticeships) as appropriate. For additional information, please see the Department's regulatory plan narrative statement. The Department conducted the following

public outreach: In 2022 interim recommendations of the ACA and its 2023 Biennial Report, which incorporates the ACA's 2022 Interim Report recommendations and includes additional guideposts for the Office of Apprenticeship (OA) to consider related to registered apprenticeship; virtual listening sessions in 2021 coordinated by OA in partnership with various partners and stakeholders to hear perspectives on the current state of the National Apprenticeship System and to gather ideas and suggestions on ways to modernize registered apprenticeship programs; National Online Dialogue in 2022, led by OA and launched by ePolicyWorks (entitled Advancing the National Apprenticeship System"), which asked participants, including various partners and stakeholders, to describe what they believed to be the optimal implementation of the registered apprenticeship model; Virtual Listening Sessions in 2023, coordinated by OA, wherein partners and stakeholders were given the opportunity to share perspectives on the current state of the National Apprenticeship System and to share policy recommendations for ways to strengthen and modernize the system. Questions for these sessions were developed, in part, by reviewing the ACA's 2022 Interim Report; The 2023 Quality Apprenticeships Recommendation (ILO Recommendation No. 208), adopted by the 111th International Labour Conference on June 16, 2023, which describes the fundamental attributes of quality apprenticeships; and Regular stakeholder engagements related to the expansion of the registered apprenticeship model, including with industry groups, labor unions, worker advocates, State and local workforce partners, education systems, and intermediaries.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/17/24	89 FR 3118
NPRM Comment Period End.	03/18/24	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis*  
Required: Yes.

*Agency Contact:* John V. Ladd, Administrator, Office of Apprenticeship, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, FP Building, Room C-5311, Washington, DC 20210, *Phone:* 202 693-2796, *Fax:* 202 693-3799, *Email:* [ladd.john@dol.gov](mailto:ladd.john@dol.gov).  
*RIN:* 1205-AC13

DEPARTMENT OF LABOR (DOL)

Employment and Training  
Administration (ETA)

Completed Actions

147. Workforce Innovation and Opportunity Act Effectiveness in Serving Employers Performance Indicator Provisions [1205–AC01]

*Legal Authority:* 29 U.S.C. 3249(a)  
*Abstract:* Under WIOA, there are six primary indicators of performance. Five of the six indicators were defined in the regulation; however, in the 2016 final rule implementing WIOA the Departments of Labor and Education (the Departments) determined that it was prudent to pilot various alternatives for the sixth indicator of performance, which measures the system’s effectiveness in serving employers. The pilot process was completed and the Departments published a final rule updating the WIOA implementing regulations to incorporate Retention with the Same Employer as the standard definition of the effectiveness in serving employers indicator and to require one WIOA core program report on the indicator on behalf of all six WIOA core programs within each state. The Department of Labor issued a separate final rule incorporating Retention with the Same Employer as the definition of the effectiveness in serving employers into the regulations for the Job Corps program, Indian and Native American Programs, and YouthBuild.

Timetable:

Action	Date	FR Cite
NPRM .....	09/14/22	87 FR 56318
NPRM Comment Period End.	11/14/22	
Final Rule .....	02/23/24	89 FR 13814
Final Rule Effective.	03/25/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Michelle Paczynski, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, N–5641, Washington, DC 20210, *Phone:* 202 693–3700, *Email:* paczynski.michelle.l@dol.gov.  
*RIN:* 1205–AC01

148. Workforce Innovation and Opportunity Act Title I Non-Core Programs Effectiveness in Serving Employers Performance Indicator [1205–AC08]

*Legal Authority:* 29 U.S.C. 3141; 29 U.S.C. 3209; 29 U.S.C. 3221; 29 U.S.C. 3226; 29 U.S.C. 3249

*Abstract:* Under WIOA, there are six primary indicators of performance. Five of the six indicators were defined in a regulation the Departments of Labor and Education (the Departments) jointly issued. The Departments pilot tested various alternatives for the sixth indicator of performance, which measures the workforce system’s effectiveness in serving employers. That process was completed and the Departments published a final rule under RIN number 1205–AC01 to incorporate Retention with the Same Employer as the standard definition of the effectiveness in serving employers indicator into the regulations implementing WIOA at 20 CFR part 677, 34 CFR part 361, and 34 CFR part 463.  
The Department of Labor (DOL) has completed this rulemaking to incorporate the Retention with the Same Employer standard definition of the effectiveness in serving employers indicator into the regulations for three (3) programs DOL administers under WIOA 20 CFR part 684 (Indian and Native American Programs), 20 CFR part 686 (Job Corps), 20 CFR part 688 (YouthBuild).  
One additional WIOA authorized program, the National Farmworker Jobs Program (NFJP) at 20 CFR part 685, was impacted by the addition of the definition of the effectiveness in serving employers indicator. WIOA section 167 (29 U.S.C. 3222) authorizes the NFJP. Section 167 of WIOA requires DOL to use the six WIOA primary indicators of performance, including the effectiveness in serving employers indicator, to assess the performance of the NFJP. Therefore, the new definition of the effectiveness in serving employers indicator in 20 CFR part 677 will also apply to the NFJP. However, no changes to the regulation text at 20 CFR part 685 (NFJP’s implementation regulations) were necessary to implement this change.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	09/14/22	87 FR 56340
NPRM Comment Period End.	11/14/22	
Final Rule .....	02/23/24	89 FR 13595
Final Rule Effective.	03/25/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Michelle Paczynski, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, N–5641, Washington, DC 20210, *Phone:* 202 693–3700, *Email:* paczynski.michelle.l@dol.gov.

RIN: 1205–AC08

149. Improving Protections for Workers in Temporary Agricultural Employment in the United States [1205–AC12]

*Legal Authority:* 8 U.S.C. 1188; 29 U.S.C. 49 *et seq.*  
*Abstract:* The Department identified a need to strengthen and clarify protections for all temporary agricultural workers, including U.S. workers and workers employed through the H–2A temporary agricultural program. The H–2A temporary agricultural program allows agricultural employers to perform agricultural labor or services of a temporary or seasonal nature so long as there are not sufficient able, willing, and qualified U.S. workers to perform the work and the employment of H–2A workers does not adversely affect the wages and working conditions of similarly employed workers in the United States. The use of the H–2A program has grown substantially in recent years and the Department is committed to protecting agricultural workers in light of their significant vulnerabilities.  
The Department of Labor’s (DOL) Employment and Training Administration and Wage and Hour Division amended regulations to improve working conditions and protections for workers engaged in temporary agricultural employment in the United States; and strengthen protections in the recruitment, job order clearance, and oversight processes. The final rule made regulatory changes involving the Employment Service and the H–2A nonimmigrant visa program at 29 CFR part 501 and 20 CFR parts 651, 653, 654, 655, and 658.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	09/15/23	88 FR 63750
NPRM Comment Period End.	11/14/23	
Final Rule .....	04/29/24	89 FR 33898
Final Rule Effective.	06/28/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N–5311, FP Building, Washington, DC 20210, *Phone:* 202 693–8200, *Email:* pasternak.brian@dol.gov.  
*RIN:* 1205–AC12

**DEPARTMENT OF LABOR (DOL)***Employee Benefits Security Administration (EBSA)*

## Final Rule Stage

**150. Independent Dispute Resolution Operations [1210-AC17]**

*Legal Authority:* Pub. L. 116-260, Div. BB, Title I and Title II

*Abstract:* This final rule amends the Requirements Related to Surprise Billing; Part I (July 2021 interim final rules), Requirements Related to Surprise Billing Interim Final Rules; Part II (October 2021 interim final rules), and Requirements Related to Surprise Billing; Final Rules (August 2022 final rules) which set forth requirements related to Title I (No Surprises Act (NSA)) and Title II (Transparency) of Division BB of the Consolidated Appropriations Act, 2021.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/03/23	88 FR 75744
NPRM Comment Period End.	01/02/24	
NPRM Comment Period Re-opened.	01/22/24	89 FR 3896
NPRM Comment Period Re-opened End.	02/05/24	
Final Action .....	11/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Amber Rivers, Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, Washington, DC 20210, *Phone:* 202 693-8335, *Email:* rivers.amber@dol.gov.

*RIN:* 1210-AC17

**DEPARTMENT OF LABOR (DOL)***Employee Benefits Security Administration (EBSA)*

## Completed Actions

**151. Retirement Security Rule: Definition of an Investment Advice Fiduciary [1210-AC02]**

*Legal Authority:* 29 U.S.C. 1002; 29 U.S.C. 1135; Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 252 (2020)

*Abstract:* This rulemaking amended the regulatory definition of the term fiduciary set forth at 29 CFR 2510.3-21(c) to more appropriately define when persons who render investment advice for a fee to employee benefit plans and IRAs are fiduciaries within the meaning

of section 3(21) of ERISA and section 4975(e)(3) of the Internal Revenue Code. The amendment took into account practices of investment advisers, and the expectations of plan officials and participants, and IRA owners who receive investment advice, as well as developments in the investment marketplace, including in the ways advisers are compensated that can subject advisers to harmful conflicts of interest. In conjunction with this rulemaking, EBSA also amended existing prohibited transaction exemptions to ensure consistent protection of employee benefit plan and IRA investors. During the consideration of the proposed rule, in order to broaden public participation and community engagement in the regulatory process, the Department developed a web page dedicated to this rulemaking that included plain language information on the rulemaking and provided information about where to submit comments. The Department also held a public hearing during the comment period for this rulemaking at which more than 40 witnesses testified.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/03/23	88 FR 75890
NPRM Comment Period End.	01/02/24	
Final Rule .....	04/25/24	89 FR 32122
Final Rule Effective.	09/23/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Karen E. Lloyd, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N-5655, Washington, DC 20210, *Phone:* 202 693-8510.

*RIN:* 1210-AC02

**DEPARTMENT OF LABOR (DOL)***Mine Safety and Health Administration (MSHA)*

## Completed Actions

**152. Respirable Crystalline Silica [1219-AB36]**

*Legal Authority:* 30 U.S.C. 811; 30 U.S.C. 813(h); 30 U.S.C. 957

*Abstract:* Many miners are exposed to respirable crystalline silica (RCS) in respirable dust. These miners can develop lung diseases such as chronic obstructive pulmonary disease, and various forms of pneumoconiosis, such

as silicosis, progressive massive fibrosis, and rapidly progressive pneumoconiosis. These diseases are irreversible and may ultimately be fatal. The Mine Safety and Health Administration's (MSHA) existing standards limit miners' exposures to RCS. MSHA published a final rule to address the existing permissible exposure limit of RCS for all miners and to update the existing respiratory protection standards under 30 CFR 56, 57, and 72. Throughout the rulemaking process, MSHA widely solicited stakeholder participation by holding virtual and in-person public hearings throughout the country and participating in a Small Business Labor Safety Roundtable discussion organized by the Small Business Administration's Office of Advocacy.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	08/29/19	84 FR 45452
RFI Comment Period End.	10/28/19	
NPRM .....	07/13/23	88 FR 44852
NPRM Comment Period Extended.	08/14/23	88 FR 54961
NPRM Comment Period Extended End.	09/11/23	
NPRM Notice of Public Hearings.	07/26/23	88 FR 48146
NPRM Public Hearing in Arlington, Virginia.	08/03/23	
NPRM Public Hearing in Beckley, West Virginia.	08/10/23	
NPRM Public Hearing in Denver, Colorado.	08/21/23	
Final Rule .....	04/18/24	89 FR 28218
Final Rule Effective.	06/17/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 201 12th Street S, Suite 401, Arlington, VA 22202, *Phone:* 202 693-9440, *Fax:* 202 693-9441.

*RIN:* 1219-AB36



**DEPARTMENT OF LABOR (DOL)***Occupational Safety and Health Administration (OSHA)*

## Proposed Rule Stage

**153. Infectious Diseases [1218–AC46]**

*Legal Authority:* 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

*Abstract:* Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), Methicillin-Resistant Staphylococcus Aureus (MRSA), and measles, as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS), the 2019 Novel Coronavirus (COVID-19), and pandemic influenza. OSHA is examining regulatory alternatives for control measures to protect employees from exposure to pathogens that can cause significant infectious disease. Workplaces where such control measures might be necessary include: health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to individuals who are potentially infectious. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM .....	11/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218–AC46

**154. Process Safety Management and Prevention of Major Chemical Accidents [1218–AC82]**

*Legal Authority:* 29 U.S.C. 655; 29 U.S.C. 657

*Abstract:* The Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents. OSHA completed SBREFA in August 2016. OSHA held a stakeholder meeting on October 12, 2022, and kept the docket open for comments until November 14, 2022.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	
Stakeholder Meeting.	10/12/22	
Analyze Comments.	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218–AC82

**155. Communication Tower Safety [1218–AC90]**

*Legal Authority:* 29 U.S.C. 655(b); 5 U.S.C. 609

*Abstract:* While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent Federal Communications Commission (FCC) spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects

needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April 2015 Request for Information (RFI), Occupational Safety and Health Administration (OSHA) concluded that current OSHA requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. The Panel carefully considered the issue of the expansion of the rule beyond just communication towers. OSHA will continue to consider also covering structures that have telecommunications equipment on or attached to them (e.g., buildings, rooftops, water towers, billboards).

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	10/11/18	
NPRM .....	02/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Scott Ketcham, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, Room N–3468, FP Building, Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email:* ketcham.scott@dol.gov.

*RIN:* 1218–AC90

**156. Emergency Response [1218–AC91]**

*Legal Authority:* 29 U.S.C. 655(b); 29 U.S.C. 657; 5 U.S.C. 609

*Abstract:* The Occupational Safety and Health Administration (OSHA) currently regulates aspects of emergency response and preparedness; some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, and other workers providing skilled support, nor do they reflect major changes in performance

specifications for protective clothing and equipment. The agency acknowledges that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards.

The regulatory effort began in 2007 with a Request for Information (RFI). In July 2014, OSHA hosted two stakeholder meetings with participants representing a broad range of emergency responders as well as allied stakeholders such as State Plan representatives, skilled support workers, and law enforcement. Given the broad support and interest seen during the stakeholder meetings, OSHA decided to move forward with a comprehensive proposed standard for emergency response. In September 2015, OSHA requested, and NACOSH designated, a subcommittee made up of major stakeholders and charged with developing proposed regulatory text. The subcommittee held six meetings over the course of a year.

In December 2016, the full NACOSH committee reviewed and approved the recommendations for a proposed rule developed by the subcommittee. The committee recommended to the Secretary that OSHA proceed with rulemaking, using the subcommittee's regulatory text as a basis for the rule. In October 2021, a Small Business Advocacy Review (SBAR) panel was assembled, as required by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA); SBREFA was concluded in December, 2021.

*Timetable:*

Action	Date	FR Cite
Stakeholder Meetings.	07/30/14	
Convene NACOSH Workgroup.	09/09/15	
NACOSH Review of Workgroup Report.	12/14/16	
Initiate SBREFA ..	08/02/21	
Finalize SBREFA	12/02/21	
NPRM .....	02/05/24	89 FR 7774
Comment Period Extended.	03/28/24	89 FR 21468
NPRM Comment Period End.	05/06/24	
NPRM Comment Period Extension End.	06/21/24	

Action	Date	FR Cite
NPRM Comment Period Extended.	06/11/24	89 FR 49119
NPRM Comment Period Extended End.	07/22/24	
NPRM Analyze Comments.	09/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218–AC91

**157. Tree Care Standard [1218–AD04]**

*Legal Authority:* Not Yet Determined  
*Abstract:* There is no Occupational Safety and Health Administration (OSHA) standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an NPRM (September 2008). OSHA completed a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020, collecting information from affected small entities on a potential standard, including the scope of the standard, effective work practices, and arboricultural specific uses of equipment to guide OSHA in developing a rule that would best address industry safety and health concerns. Tree care continues to be a high-hazard industry.

*Timetable:*

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	01/10/20	
Complete SBREFA.	05/22/20	
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:*

202 693–1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218–AD04

**158. Prevention of Workplace Violence in Health Care and Social Assistance [1218–AD08]**

*Legal Authority:* 29 U.S.C. 655(b); 5 U.S.C. 609

*Abstract:* The Request for Information (RFI) (published on December 7, 2016, (81 FR 88147)) provides the Occupational Safety and Health Administration's (OSHA) history with the issue of workplace violence in health care and social assistance, including a discussion of the Guidelines that were initially published in 1996, a 2014 update to the Guidelines, and the agency's use of 5(a)(1) in enforcement cases in health care. The RFI solicited information primarily from health care employers, workers and other subject matter experts on impacts of violence, prevention strategies, and other information that will be useful to the agency. OSHA was petitioned for a standard preventing workplace violence in health care by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions. In accordance with the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA) OSHA convened a Small Business Advocacy Review (SBAR) panel in March 2023. OSHA issued the SBREFA Panel report on May 1, 2023.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA ..	12/29/22	
Complete SBREFA.	05/01/23	
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218–AD08

[FR Doc. 2024–16455 Filed 8–15–24; 8:45 am]

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Part XII

Department of Transportation

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Semiannual Regulatory Agenda

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****14 CFR Chs. I–III****23 CFR Chs. I–III****33 CFR Chs. I and IV****46 CFR Chs. I–III****48 CFR Ch. 12****49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII****[DOT–OST–1999–5129]****Department Regulatory and  
Deregulatory Agenda; Semiannual  
Summary****AGENCY:** Office of the Secretary,  
Department of Transportation (DOT).**ACTION:** Unified Agenda of Federal  
Regulatory and Deregulatory Actions  
(Regulatory Agenda).

**SUMMARY:** The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Transportation. The Agenda provides the public information about the Department of Transportation's planned regulatory activity for the next 12 months. This information enables the public to participate in DOT's regulatory process. The public is encouraged to submit comments on any aspect of this Agenda.

**FOR FURTHER INFORMATION CONTACT:**

Please direct all general comments and inquiries on the Agenda to Daniel Cohen, Assistant General Counsel for Regulation and Legislation, Office of the General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–4702.

Please direct all comments and inquiries relative to specific items in the Agenda to the individual listed in the summary of each regulation.

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation. We note that most such documents, including the Semiannual Regulatory Agenda, are available through the internet at <http://www.regulations.gov>.

**SUPPLEMENTARY INFORMATION:****Purpose**

DOT is publishing this regulatory Agenda in the **Federal Register** to share

with interested members of the public DOT's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of DOT's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on DOT or any of the offices within DOT about any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

**Public Outreach**

When developing regulations and establishing our regulatory priorities, the Department fosters active participation and engagement from members of the public and affected communities. In this section, we detail engagement efforts that have helped to inform our priorities to date, as well as future engagement tools we plan to use. The Department is ensuring that we hear from members of the public who have not typically participated in the regulatory process.

In rulemakings to enhance the transparency of airline ancillary service fees and to improve the ticket refund process, the Office of the Secretary of Transportation (OST) hosted virtual public hearings to hear from the public. OST also engaged with the Aviation Consumer Protection Advisory Committee, which comprises representatives for airlines, airport operators, consumers, and state and local governments, on these rulemakings.

The Federal Motor Carrier Safety Administration (FMCSA) is planning a series of public listening sessions in summer 2024 in a rulemaking to update its methodology for determining whether a motor carrier is not fit to operate commercial motor vehicles. FMCSA also held listening sessions in a separate rulemaking dealing with automated driving system-equipped commercial motor vehicles. In addition, FMCSA has been engaged in activities to advance the voluntary adoption of automatic emergency braking systems (AEB) for heavy vehicles, primarily through the Tech-Celebrate Now (TCN) program. Initiated in September 2019 and completed in February 2022, the first phase of this program encompassed research into advanced driver assistance (ADAS) technology adoption barriers; a national outreach, educational, and awareness campaign; and data collection and analysis. Outreach accomplishments included development of training materials for fleets, drivers, and maintenance personnel related to AEB technology

and return-on-investment (ROI) guides; educational videos on ADAS braking, steering, warning, and monitoring technologies; a web-based TCN ADAS-specific ROI calculator; four articles on ADAS technologies; and a program website to host the training materials. Planning is underway for the second phase of the TCN program, which includes an expanded national outreach and education campaign, additional research into the barriers to ADAS adoption by motor carriers, and evaluation of the outreach campaign.

The Federal Transit Administration (FTA) held a virtual listening session to solicit stakeholder comments and suggestions on its bus testing program. In a separate rulemaking, FTA released a recorded webinar which provided an overview of the Rail Transit Roadway Worker Protection Notice of Proposed Rulemaking. In addition, FTA hosted three listening sessions on the Transit Worker Hours of Service and Fatigue Risk Management advance notice of proposed rulemaking (ANPRM). FTA has also presented on the ANPRM at various conferences such as the ThinkTransit Conference in Tucson, Arizona.

The Federal Highway Administration (FHWA) published its Notice of Proposed Amendments to the Manual on Uniform Traffic Control Devices on December 14, 2020. The comment period was set to close on March 15, 2021. But halfway through the comment period, FHWA heard concerns from stakeholders that the scope and complexity of the proposal warranted an extension. In response, FHWA not only extended the comment period by an additional two months, but it also conducted a series of four public webinars that were also recorded and posted on FHWA's website to aid the public comment process. These webinars significantly increased the number and quality of comment submissions to the rulemaking docket.

In a separate rulemaking, dealing with the tribal transportation program—bridge program, FHWA held numerous meetings and consultations with Tribal governments about the rulemaking. FHWA also published requests for information in the following three rulemakings: Update to National Electric Vehicle Infrastructure Standards and Requirements, Application of Buy America to Manufactured Products, Incorporating Safety Into Federal-aid Programs and Projects.

**Request for Comments***General*

DOT's Agenda is intended primarily for the use of the public. Since its inception, DOT has made modifications and refinements that provide the public with more helpful information, as well as make the Agenda easier to use. We would like the public to make suggestions or comments on how the Agenda could be further improved.

*Regulatory Flexibility Act*

DOT has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. DOT also has responsibilities under section 610 of the Regulatory Flexibility Act, Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (January 18, 2011) to conduct such

reviews. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. Generally, each DOT operating administration divides its rules into 10 different groups and plans to analyze one group each year. In each Fall Agenda, each operating administration will publish the results of the analyses it has completed during the previous year. The most recent results appeared in DOT's Regulatory and Deregulatory Fall 2023 Agenda Preamble, which was published in the **Federal Register** on February 9, 2024. DOT is interested in obtaining information on requirements that have a "significant economic impact on a substantial number of small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. Suggestions of regulations that should be reviewed should be submitted to DOT, along with an explanation of why they should be reviewed.

*Consultation With State, Local, and Tribal Governments*

Executive Orders 13132 and 13175 require DOT to develop a process to ensure "meaningful and timely input" by State, local, and Tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have "substantial direct effects" on States or Indian Tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian Tribes to provide us with information about how DOT's rulemakings impact them.

**Subash Iyer,**

*Acting General Counsel, Department of Transportation.*

**OFFICE OF THE SECRETARY—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
159 .....	Refunding Airline Tickets and Ancillary Services Fees .....	2105-AF04

**FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE**

Sequence No.	Title	Regulation Identifier No.
160 .....	Aircraft Registration, Airman Certification, and Airman Medical Certificate Fees .....	2120-AK37

**FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
161 .....	Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects ( <b>Section 610 Review</b> ).	2120-AK77

**FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
162 .....	Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States	2120-AK09

**FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
163 .....	Regulation Of Flight Operations Conducted By Alaska Guide Pilots .....	2120-AJ78
164 .....	Applying the Flight, Duty, and Rest Requirements to Ferry Flights that Follow Commuter or On-Demand Operations (FAA Reauthorization).	2120-AK26
165 .....	Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) ....	2120-AK57
166 .....	Registration and Marking Requirements for Small Unmanned Aircraft .....	2120-AK82

## FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
167 .....	Self-Insurance Program Cost Recovery ( <b>Section 610 Review</b> ) .....	2126-AC58

## FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
168 .....	Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126-AA35

## FEDERAL RAILROAD ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
169 .....	Positive Train Control Systems ( <b>Section 610 Review</b> ) .....	2130-AC95

## FEDERAL RAILROAD ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
170 .....	Train Crew Size Safety Requirements ( <b>Completion of a Section 610 Review</b> ) .....	2130-AC88

## PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
171 .....	Pipeline Safety: Pipeline Operational Status .....	2137-AF52
172 .....	Pipeline Safety: Safety of Gas Distribution Pipelines and Other Pipeline Safety Initiatives .....	2137-AF53

## PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
173 .....	Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information .....	2137-AF21
174 .....	Pipeline Safety: Gas Pipeline Leak Detection and Repair .....	2137-AF51

## MARITIME ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
175 .....	Cargo Preference—U.S. Flag Vessels Regulatory Update ( <b>Section 610 Review</b> ) .....	2133-AB97

## MARITIME ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
176 .....	Establishing Safe and Secure Merchant Marine Training, Every Mariner Builds A Respectful Culture (EMBARC) ( <b>Section 610 Review</b> ).	2133-AB99

**DEPARTMENT OF TRANSPORTATION (DOT)***Office of the Secretary (OST)*

Completed Actions

**159. Refunding Airline Tickets and Ancillary Services Fees [2105–AF04]***Legal Authority:* 49 U.S.C. 41712; 49 U.S.C. 40101, 49 U.S.C. 41702

*Abstract:* The Department of Transportation has consistently interpreted 49 U.S.C. 41712, which prohibits U.S. air carriers, foreign air carriers, and ticket agents from engaging in unfair practices in the sale of air transportation, to require carriers and ticket agents to provide requested refunds to passengers when a carrier cancels or significantly changes a flight to, from, or within the United States. This rulemaking would clarify that, under the Department's rule requiring airlines to provide prompt refunds when ticket refunds are due and its rule requiring ticket agents to make refunds promptly when service cannot be performed as contracted, carriers and ticket agents must provide prompt ticket refunds to passengers when a carrier cancels or makes a significant change to a flight. This rulemaking would define cancellation and significant change, including addressing whether new itineraries involving delays of a certain length or additional stops constitute a significant change requiring a refund. This rulemaking would also address protections for consumers who are unable to travel due to government restrictions. In addition, the rulemaking under RIN 2105–AE53 has been merged into this rulemaking. As such, this rulemaking would also require airlines to refund checked baggage fees when they fail to deliver the bags in a timely manner as provided by the FAA Extension, Safety and Security Act of 2016, and require airlines to promptly provide a refund to a passenger if any ancillary fees paid for services that the passenger did not receive as provided by the FAA Reauthorization Act of 2018.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/22/22	87 FR 51550
NPRM Comment Period End.	11/21/22	
Final Rule .....	04/26/24	89 FR 32760
Final Rule Effective.	06/25/24	

*Regulatory Flexibility Analysis*

Required: No.

*Agency Contact:* Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the

Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–9342, *Fax:* 202–366–7153, *Email:* [blane.workie@ost.dot.gov](mailto:blane.workie@ost.dot.gov).

RIN: 2105–AF04

**DEPARTMENT OF TRANSPORTATION (DOT)***Federal Aviation Administration (FAA)*

Prerule Stage

**160. Aircraft Registration, Airman Certification, and Airman Medical Certificate Fees [2120–AK37]**

*Legal Authority:* 31 U.S.C. 9701; 4 U.S.C. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108–297, 118 Stat. 1095

*Abstract:* This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	07/00/24	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8994, *Email:* [isra.raza@faa.gov](mailto:isra.raza@faa.gov).

RIN: 2120–AK37

**DEPARTMENT OF TRANSPORTATION (DOT)***Federal Aviation Administration (FAA)*

Proposed Rule Stage

**161. Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review) [2120–AK77]***Legal Authority:* 49 U.S.C. 40103

*Abstract:* This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114–190).

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis*

Required: No.

*Agency Contact:* Juan Yanguas, Department of Transportation, Federal Aviation Administration, 800 Independence Ave NW, Washington, DC 20591, *Phone:* 202–267–1082, *Email:* [juan.s.yanguas@faa.gov](mailto:juan.s.yanguas@faa.gov).

RIN: 2120–AK77

**DEPARTMENT OF TRANSPORTATION (DOT)***Federal Aviation Administration (FAA)*

Final Rule Stage

**162. Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States [2120–AK09]**

*Legal Authority:* 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

*Abstract:* This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This rulemaking is a statutory mandate under



section 308(d) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95).  
*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
NPRM .....	12/07/23	88 FR 85137
NPRM Comment Period Extended.	01/24/24	89 FR 4584
NPRM Comment Period End.	02/05/24	
End of Extended Comment Period.	04/05/24	
Final Rule .....	01/00/25	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Julia Brady, Program Analyst, Program Policy Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave SW, Washington, DC 20591, *Phone:* 202–267–8083, *Email:* julia.brady@faa.gov.  
*RIN:* 2120–AK09

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)  
Long-Term Actions

163. Regulation of Flight Operations Conducted by Alaska Guide Pilots [2120–AJ78]

*Legal Authority:* 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Statue 1180; P.L. 106–181, Sec. 732  
*Abstract:* The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of

this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (Pub. L. 106–181).  
*Timetable:*

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes*  
*Agency Contact:* Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 365–3617, *Email:* jeffrey.smith@faa.gov.  
*RIN:* 2120–AJ78

164. Applying the Flight, Duty, and Rest Requirements To Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization) [2120–AK26]

*Legal Authority:* 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103  
*Abstract:* This rulemaking would require a flight crew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flight crew member relating to duty periods or flight times under part 135.  
*Timetable:* Next Action Undetermined.  
*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Chester Piolunek, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington,

DC 20591, *Phone:* 202–267–3711, *Email:* chester.piolunek@faa.gov.  
*RIN:* 2120–AK26

165. Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) [2120–AK57]

*Legal Authority:* 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105  
*Abstract:* This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as to develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aide in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).  
*Timetable:*

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Chris Holliday, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–4552, *Email:* chris.holliday@faa.gov.  
*RIN:* 2120–AK57

166. Registration and Marking Requirements for Small Unmanned Aircraft [2120–AK82]

*Legal Authority:* 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101–44106, 44110–44113, and 44701  
*Abstract:* This rulemaking would provide an alternative, streamlined and simple, web-based aircraft registration process for the registration of small unmanned aircraft, including small unmanned aircraft operated exclusively for limited recreational operations, to facilitate compliance with the statutory requirement that all aircraft register

prior to operation. It would also provide a simpler method for marking small unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB Approval of Information Collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule .....	08/00/25	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Bonnie Lefko, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Room 118, Registry Building 26, Oklahoma City, OK 73169, *Phone:* 866 762-9434, *Email:* bonnie.lefko@faa.gov.

*RIN:* 2120-AK82

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Motor Carrier Safety Administration (FMCSA)*

Proposed Rule Stage

**167. Self-Insurance Program Cost Recovery (Section 610 Review) [2126-AC58]**

*Legal Authority:* 31 U.S.C. 9701 and 49 U.S.C. 13906(d); 49 U.S.C. 13908(d)

*Abstract:* FMCSA will propose to amend fees collected for the processing of new self-insurance applications and add new fees for ongoing monitoring of carrier compliance with the self-insurance program requirements. Application fees will be directed to FMCSA's Licensing and Insurance (L&I) Account while monitoring fees must be sent to the Treasury. This rulemaking will amend 49 CFR 360.3T/360.3 to ensure that the limited number of primarily large motor carriers that benefit from the program bear a proportionate cost of participating in the

program. FMCSA may also need to amend 49 CFR 360.5T/360.5 to reflect any specific updates to the user fee methodology that are required by this rulemaking.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/25	

*Regulatory Flexibility Analysis Required: No.*

*Agency Contact:* Kenneth Riddle, Office Director, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, W65-308, Washington, DC 20590, *Phone:* 202 366-9616, *Email:* kenneth.riddle@dot.gov.

*RIN:* 2126-AC58

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Motor Carrier Safety Administration (FMCSA)*

Long-Term Actions

**168. Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States [2126-AA35]**

*Legal Authority:* Pub. L. 107-87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

*Abstract:* This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents.

FMCSA originally planned to publish a final rule by November 28, 2003.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent to Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Crystal Williams, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0596, *Email:* crystal.williams@dot.gov.

*RIN:* 2126-AA35

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Railroad Administration (FRA)*

Proposed Rule Stage

**169. Positive Train Control Systems (Section 610 Review) [2130-AC95]**

*Legal Authority:* 49 U.S.C. 20103; 49 U.S.C. 20157

*Abstract:* This rulemaking will amend FRA's PTC regulations—Title 49 Code of Federal Regulations (CFR) part 236, subpart I—to accomplish two objectives: (1) improve FRA's oversight of the performance of PTC technology by clarifying and expanding certain reporting requirements, and (2) provide a clear framework under which railroads may safely operate without PTC technology, subject to operating restrictions and other requirements, in certain necessary situations. FRA has found that its existing PTC regulations do not provide sufficient flexibility to railroads to continue operating following initialization failures or in cases where a PTC system needs to be temporarily disabled during repair, maintenance, infrastructure upgrades, or capital projects. Previously, FRA's regulations provided railroads with flexibility that expired on December 31, 2022, and this rulemaking will reintroduce a certain flexibility

regarding initialization failures, establish additional parameters and operating restrictions under which railroads may continue to operate safely, and codify an existing process for FRA’s approval of temporary PTC system outages related to repair, maintenance, infrastructure upgrades, and capital projects. In addition, this rulemaking will create a new exception to permit non-revenue passenger trains to operate to yards or maintenance facilities, without being governed by PTC technology, under certain conditions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/24	

*Regulatory Flexibility Analysis Required:* No.  
*Agency Contact:* Amanda Maizel, Attorney Adviser, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 308–3753, *Email:* amanda.maizel@dot.gov.  
*RIN:* 2130–AC95

DEPARTMENT OF TRANSPORTATION (DOT)

*Federal Railroad Administration (FRA)*  
Completed Actions

170. Train Crew Size Safety Requirements (Completion of a Section 610 Review) [2130–AC88]

*Legal Authority:* 49 CFR 1.89(a); 49 U.S.C. 20103  
*Abstract:* This rulemaking would address the potential safety impact of one-person train operations, including appropriate measures to mitigate an accident’s impact and severity, and the patchwork of State laws concerning minimum crew staffing requirements. This rulemaking would address the issue of minimum requirements for the size of train crews, depending on the type of operations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/28/22	87 FR 45564
NPRM Comment Period End.	09/26/22	
Final Rule .....	04/09/24	89 FR 25052
Final Action Effective.	06/10/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Amanda Maizel, Attorney Adviser, Department of Transportation, Federal Railroad

Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 308–3753, *Email:* amanda.maizel@dot.gov.  
*RIN:* 2130–AC88  
**BILLING CODE 4910–06–P**

DEPARTMENT OF TRANSPORTATION (DOT)

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*  
Proposed Rule Stage

171. Pipeline Safety: Pipeline Operational Status [2137–AF52]

*Legal Authority:* 49 U.S.C. 60101 *et seq.*  
*Abstract:* This rulemaking would amend the pipeline safety regulations to define an idled operational status for natural gas and hazardous liquid pipelines that are temporarily removed from service, set operations and maintenance requirements for idled pipelines, and establish inspection requirements for idled pipelines that are returned to service. The proposed rule is necessary to respond to a mandate from the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Anna Setzer, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–4098, *Email:* anna.setzer@dot.gov.  
*RIN:* 2137–AF52

172. Pipeline Safety: Safety of Gas Distribution Pipelines and Other Pipeline Safety Initiatives [2137–AF53]

*Legal Authority:* 49 U.S.C. 60101 *et seq.*  
*Abstract:* This rulemaking would amend the pipeline safety regulations to enhance the safety requirements for gas distribution pipelines. The proposed rule is necessary to respond to several mandates from Title II of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act of 2020).

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/07/23	88 FR 61746
NPRM Comment Period End.	11/06/23	
Analyzing Comments.	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4361, *Email:* robert.jagger@dot.gov.  
*RIN:* 2137–AF53

DEPARTMENT OF TRANSPORTATION (DOT)

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*  
Final Rule Stage

173. Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information [2137–AF21]

*Legal Authority:* 49 U.S.C. 5101 *et seq.*  
*Abstract:* This rulemaking action responds to the Fixing America’s Surface Transportation (FAST) Act of 2015, which directs the Secretary of Transportation to require railroads that transport hazardous materials to generate accurate, real-time, and electronic train consist information. The Infrastructure Investment and Jobs Act of 2021 amended Section 7302 of the FAST Act to remove the provision requiring railroads to provide electronic train consist information to fusion centers and instead require the electronic train consist information be provided to emergency response officials responding to or investigating an incident involving the transportation of hazardous materials by rail.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	01/19/17	82 FR 6451
ANPRM Comment Period End.	04/19/17	
NPRM .....	06/27/23	88 FR 41541
NPRM Comment Period End.	08/28/23	
Final Rule .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Eamonn Patrick, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SW, Washington, DC 20590,

Phone: 202 366–8553, Email: eamonn.patrick@dot.gov.

RIN: 2137–AF21

**174. Pipeline Safety: Gas Pipeline Leak Detection and Repair [2137–AF51]**

*Legal Authority:* 49 U.S.C. 60101 et seq.

*Abstract:* This rulemaking would amend the pipeline safety regulations to enhance requirements for detecting and repairing leaks on new and existing natural gas distribution, gas transmission, and gas gathering pipelines. The proposed rule is necessary to respond to a mandate from Section 113 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/18/23	88 FR 31890
NPRM Comment Period End.	07/17/23	
Final Rule .....	01/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Sayler Palabrica, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, District of Columbia, DC 20590, Phone: 202–366–0559, Email: sayler.palabrica@dot.gov.

RIN: 2137–AF51

BILLING CODE 4910–60–P

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Maritime Administration (MARAD)*

Proposed Rule Stage

**175. Cargo Preference—U.S. Flag Vessels Regulatory Update (Section 610 Review) [2133–AB97]**

*Legal Authority:* FY23 NDAA, Pub. L. 117–263, 46 U.S.C. 55305.

*Abstract:* The purpose of this rulemaking is to respond to a statutory directive in section 3502 of the National Defense Authorization Act for Fiscal Year 2023 (FY23 NDAA) requiring MARAD to issue a final rule to implement and enforce the cargo preference requirements in 46 U.S.C. 55305(d).

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/25	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Mitch Hudson, Senior Attorney, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Phone: 202 366–9373, Email: mitch.hudson@dot.gov.

RIN: 2133–AB97

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Maritime Administration (MARAD)*

Final Rule Stage

**176. Establishing Safe and Secure Merchant Marine Training, Every Mariner Builds a Respectful Culture (EMBARC) (Section 610 Review) [2133–AB99]**

*Legal Authority:* 46 U.S.C. 50101, 46 U.S.C. 51103, 46 U.S.C. 51322, 46 U.S.C. 57100, 49 CFR 1.93

*Abstract:* The purpose of this rule is to provide for a safe and secure work environment for U.S. Merchant Marine Academy and State Maritime Academy cadets assigned to a vessel for training or educational purposes and to provide for the operation of a safe and efficient United States Merchant Marine through the prevention of, and response to prohibited behavior such as assault, rape, sexual assault, relationship violence, stalking, harassment of any kind, including gender-based and sexual harassment, retaliation, and discrimination.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	10/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Mitch Hudson, Senior Attorney, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Phone: 202 366–9373, Email: mitch.hudson@dot.gov.

RIN: 2133–AB99

[FR Doc. 2024–16457 Filed 8–15–24; 8:45 am]

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Part XIII

Department of the Treasury

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Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

**AGENCY:** Department of the Treasury.  
**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (“Regulatory Planning and Review”), as amended, which require the publication by the Department of a semiannual agenda of regulations.

**FOR FURTHER INFORMATION CONTACT:** The Agency contact identified in the item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** The semiannual regulatory agenda includes

regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review.

The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov), in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury’s printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant

economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda available on the internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

**Michael Briskin,**  
*Deputy Assistant General Counsel for General Law and Regulation.*

FINANCIAL CRIMES ENFORCEMENT NETWORK—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
177 .....	Section 6101. Establishment of National Exam and Supervision Priorities .....	1506–AB52
178 .....	Revisions to Customer Due Diligence Requirements for Financial Institutions .....	1506–AB60
179 .....	Investment Adviser Customer Identification Program Requirements for Registered Investment Advisers and Exempt Reporting Advisers.	1506–AB66

FINANCIAL CRIMES ENFORCEMENT NETWORK—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
180 .....	Residential Real Estate Transaction Reports and Records .....	1506–AB54
181 .....	Anti-Money Laundering Program and Suspicious Activity Report Filing Requirements for Investment Advisers.	1506–AB58

FINANCIAL CRIMES ENFORCEMENT NETWORK—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
182 .....	Amendments to the Definition of Broker or Dealer in Securities (Crowd Funding) .....	1506–AB36
183 .....	Clarification of the Requirement to Collect, Retain, and Transmit Information on Transactions Involving Convertible Virtual Currencies and Digital Assets With Legal Tender Status.	1506–AB41
184 .....	Section 6110. Bank Secrecy Act Application to Dealers in Antiquities and Assessment of Bank Secrecy Act Application to Dealers in Arts.	1506–AB50
185 .....	Section 6212. Pilot Program on Sharing of Information Related to Suspicious Activity Reports Within a Financial Group.	1506–AB51
186 .....	Commercial Real Estate Transaction Reports and Records .....	1506–AB61

FINANCIAL CRIMES ENFORCEMENT NETWORK—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
187 .....	Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets .....	1506–AB47
188 .....	Beneficial Ownership Information Access and Safeguards .....	1506–AB59

CUSTOMS REVENUE FUNCTION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
189 .....	Entry of Low-Value Shipments .....	1515–AE84

## CUSTOMS REVENUE FUNCTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
190 .....	Enforcement of Copyrights and the Digital Millennium Copyright Act .....	1515–AE26

## INTERNAL REVENUE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
191 .....	Base erosion and anti-abuse tax ( <b>Section 610 Review</b> ) .....	1545–BR20

## INTERNAL REVENUE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
192 .....	Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021 .....	1545–BQ29

## INTERNAL REVENUE SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
193 .....	Section 30D Clean Vehicle Credit Regulations .....	1545–BQ52
194 .....	Elective Payment of Applicable Credits Under Section 6417 .....	1545–BQ63
195 .....	Transfer of Certain Credits Under Section 6418 .....	1545–BQ64
196 .....	Transfer Provisions of Sections 30D and 25E .....	1545–BQ86
197 .....	Section 30D Foreign Entity of Concern .....	1545–BQ99

**DEPARTMENT OF THE TREASURY (TREAS)***Financial Crimes Enforcement Network (FINCEN)*

## Proposed Rule Stage

**177. Section 6101. Establishment of National Exam and Supervision Priorities [1506–AB52]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a notice of proposed rulemaking as part of the establishment of national exam and supervision priorities. The proposed rule implements section 6101(b) of the Anti-Money Laundering Act of 2020 that requires the Secretary of the Treasury to issue and promulgate rules for financial institutions to carry out the government-wide anti-money laundering and countering the financing of terrorism priorities (AML/CFT Priorities). The proposed rule: (i) incorporates a risk assessment requirement for financial institutions; (ii) requires financial institutions to incorporate AML/CFT Priorities into risk-based programs; and (iii) provides for certain technical changes. Once finalized, this proposed rule will affect all financial institutions subject to regulations under the Bank Secrecy Act

that have AML/CFT program obligations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	
NPRM Comment Period End.	09/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).  
RIN: 1506–AB52

**178. Revisions to Customer Due Diligence Requirements for Financial Institutions [1506–AB60]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a notice of proposed rulemaking entitled “Revisions to Customer Due Diligence Requirements for Financial Institutions,” relating to Section 6403(d) of the Corporate Transparency Act (CTA). Section 6403(d) of the CTA requires FinCEN to revise its customer due diligence requirements for financial institutions to account for the changes created by the beneficial ownership

information reporting and access requirements set out in the CTA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	
NPRM Comment Period End.	12/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).  
RIN: 1506–AB60

**179. • Investment Adviser Customer Identification Program Requirements for Registered Investment Advisers and Exempt Reporting Advisers [1506–AB66]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* To apply customer identification program requirements to registered investment advisers and exempt reporting advisers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/21/24	89 FR 44571



Action	Date	FR Cite
NPRM Comment Period End.	07/22/24	
Reviewing Comments.	08/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767–2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov), *RIN:* 1506–AB66

## DEPARTMENT OF THE TREASURY (TREAS)

*Financial Crimes Enforcement Network (FINCEN)*

Final Rule Stage

### 180. Residential Real Estate Transaction Reports and Records [1506–AB54]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a final rule, proposed February 16, 2024, to address money laundering vulnerabilities in the residential real estate sector. The proposed rule would require certain persons involved in real estate closings and settlements to report non-financed transfers of residential real property made to specified legal entities or trusts.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	12/08/21	86 FR 69589
ANPRM Comment Period End.	02/07/22	
NPRM .....	02/16/24	89 FR 12424
NPRM Comment Period End.	04/16/24	
Final Action .....	08/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767–2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov), *RIN:* 1506–AB54

### 181. Anti-Money Laundering Program and Suspicious Activity Report Filing Requirements for Investment Advisers [1506–AB58]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a final rule, proposed February 15, 2024, that would prescribe minimum standards for anti-money laundering programs to be established by certain investment advisers and to require such investment advisers to report suspicious activity to FinCEN pursuant to the Bank Secrecy Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/15/24	89 FR 12108
NPRM Comment Period End.	04/15/24	
Final Action .....	08/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767–2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov), *RIN:* 1506–AB58

## DEPARTMENT OF THE TREASURY (TREAS)

*Financial Crimes Enforcement Network (FINCEN)*

Long-Term Actions

### 182. Amendments to the Definition of Broker or Dealer in Securities (Crowd Funding) [1506–AB36]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN is finalizing amendments to the regulatory definitions of “broker or dealer in securities” under the regulations implementing the Bank Secrecy Act. The changes are intended to expand the current scope of the definitions to include funding portals involved in the offering or selling of securities through crowdfunding pursuant to section 4(a)(6) of the Securities Act of 1933. In addition, these amendments would require funding portals to implement policies and procedures reasonably designed to achieve compliance with all of the Bank Secrecy Act requirements that are currently applicable to brokers or dealers in securities. The rule to require these organizations to comply with the Bank Secrecy Act regulations is intended to help prevent money laundering, terrorist financing, and other financial crimes.

**Note:** This is not a new requirement; it replaces RINs 1506–AB24 and 1506–AB29.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/04/16	81 FR 19086
NPRM Comment Period End.	06/03/16	
Final Action .....	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, *Phone:* 800 767–2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

*RIN:* 1506–AB36

### 183. Clarification of the Requirement To Collect, Retain, and Transmit Information on Transactions Involving Convertible Virtual Currencies and Digital Assets With Legal Tender Status [1506–AB41]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* The Board of Governors of the Federal Reserve System and FinCEN (collectively, the “Agencies”) intend to issue a revised proposal to clarify the meaning of “money” as used in the rules implementing the Bank Secrecy Act requiring financial institutions to collect, retain, and transmit information on certain funds transfers and transmittals of funds. The Agencies intend that the revised proposal will ensure that the rules apply to domestic and cross-border transactions involving convertible virtual currency, which is a medium of exchange (such as cryptocurrency) that either has an equivalent value as currency, or acts as a substitute for currency, but lacks legal tender status. The Agencies further intend that the revised proposal will clarify that these rules apply to domestic and cross-border transactions involving digital assets that have legal tender status.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/27/20	85 FR 68005
NPRM Comment Period End.	11/27/20	
Second NPRM ....	07/00/25	
Second NPRM Comment Period End.	09/00/25	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, *Phone:* 800 767–2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

*RIN:* 1506–AB41

#### 184. Section 6110. Bank Secrecy Act Application to Dealers in Antiquities and Assessment of Bank Secrecy Act Application to Dealers in Arts [1506–AB50]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a Notice of Proposed Rulemaking to implement Section 6110 of the Anti-Money Laundering Act of 2020 (the AML Act). This section amends the Bank Secrecy Act (31 U.S.C. 5312(a)(2)) to include as a financial institution a person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of antiquities, subject to regulations prescribed by the Secretary of the Treasury. The section further requires the Secretary of the Treasury to issue proposed rules to implement the amendment within 360 days of enactment of the AML Act.

##### *Timetable:*

Action	Date	FR Cite
ANPRM ..... ANPRM Comment Period End.	09/24/21 10/25/21	86 FR 53021
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FinCEN Regulatory Support Section, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506–AB50

#### 185. Section 6212. Pilot Program on Sharing of Information Related to Suspicious Activity Reports Within a Financial Group [1506–AB51]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a Final Rule in order to implement Section 6212 of the Anti-Money Laundering Act of 2020 (the AML Act). This section amends the Bank Secrecy Act (31 U.S.C. 5318(g)) to establish a pilot program that permits financial institutions to share suspicious activity report (SAR) information with their foreign branches, subsidiaries, and affiliates for the purpose of combating illicit finance risks. The section further requires the Secretary of the Treasury to issue rules to implement the amendment within one year of enactment of the AML Act.

##### *Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	01/25/22 03/28/22	87 FR 3719
Final Rule .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FinCEN Regulatory Support Section, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506–AB51

#### 186. Commercial Real Estate Transaction Reports and Records [1506–AB61]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a notice of proposed rulemaking to address money laundering vulnerabilities in the U.S. commercial real estate sector.

##### *Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	12/00/25 02/00/26	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FinCEN Regulatory Support Section, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506–AB61

### DEPARTMENT OF THE TREASURY (TREAS)

*Financial Crimes Enforcement Network (FINCEN)*

#### Completed Actions

#### 187. Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets [1506–AB47]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN is amending the regulations implementing the Bank Secrecy Act (BSA) to require banks and money service businesses (MSBs) to submit reports, keep records, and verify the identity of customers in relation to transactions involving convertible virtual currency (CVC) or digital assets with legal tender status (“legal tender digital assets” or “LTDA”) held in unhosted wallets, or held in wallets hosted in a jurisdiction identified by FinCEN.

#### *Completed:*

Reason	Date	FR Cite
Withdrawn .....	04/12/24	
Withdrawn .....	04/12/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FinCEN Regulatory Support Section, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506–AB47

#### 188. Beneficial Ownership Information Access and Safeguards [1506–AB59]

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN issued a final rule entitled “Beneficial Ownership Information Access and Safeguards” on December 22, 2023. The final rule establishes protocols to protect the security and confidentiality of the beneficial ownership information (BOI) reported to FinCEN pursuant to the Bank Secrecy Act, as amended by Section 6403(a) of the Corporate Transparency Act, and establishes the framework for authorized recipients’ access to the BOI reported.

##### *Completed:*

Reason	Date	FR Cite
Final Action .....	12/22/23	88 FR 88732

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FinCEN Regulatory Support Section, Phone: 800 767–2825, Email: [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506–AB59

### DEPARTMENT OF THE TREASURY (TREAS)

*Customs Revenue Function (CUSTOMS)*

#### Proposed Rule Stage

#### 189. Entry of Low-Value Shipments [1515–AE84]

*Legal Authority:* 19 U.S.C. 1321

*Abstract:* This document proposes amendments to the U.S. Customs and Border Protection (CBP) regulations pertaining to the entry of certain low-value shipments not exceeding \$800 that are eligible for an administrative exemption from duty and tax. Specifically, CBP proposes to create a new process for entering low-value shipments, allowing CBP to target high-risk shipments more effectively, including those containing synthetic opioids such as fentanyl. This document also proposes to revise the current

process for entering low-value shipments to require additional data elements that would assist CBP in verifying eligibility for duty- and tax-free entry of low-value shipments and bona-fide gifts.

Timetable:

Action	Date	FR Cite
NPRM .....	07/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Mabelitini, Director, Intellectual Property Rights & E-Commerce Division, Department of the Treasury, Customs Revenue Function, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Phone: 202 325-6915.

RIN: 1515-AE84

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Final Rule Stage

190. Enforcement of Copyrights and the Digital Millennium Copyright Act [1515-AE26]

Legal Authority: Title III of the Trade Facilitation and Trade Enforcement Act of 2015 (Pub. L. 114-125); 19 U.S.C. 1595a(c)(2)(G); 19 U.S.C. 1624

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

Timetable:

Action	Date	FR Cite
NPRM .....	10/16/19	84 FR 55251
NPRM Comment Period End.	12/16/19	
Final Rule .....	07/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alaina Van Horn, Chief, Intellectual Property Enforcement Branch, Department of the Treasury, Customs Revenue Function, 1331 Pennsylvania Avenue NW, Washington, DC 20229, Phone: 202 325-0083, Email: alaina.vanhorn@cbp.dhs.gov.

RIN: 1515-AE26

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Proposed Rule Stage

191. • Base Erosion and Anti-Abuse Tax (Section 610 Review) [1545-BR20]

Legal Authority: 26 U.S.C. 59A  
Abstract: These regulations provide guidance under section 59A regarding the base erosion and anti-abuse tax, including guidance regarding reporting of qualified derivatives payments.

Timetable:

Action	Date	FR Cite
NPRM .....	11/00/24	

Regulatory Flexibility Analysis Required: No

Agency Contact: Sheila Ramaswamy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, Phone: 202 317-6938, Fax: 202 317-4922, Email: sheila.n.ramaswamy@irscounsel.treas.gov.

RIN: 1545-BR20

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

192. Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021 [1545-BQ29]

Legal Authority: 26 U.S.C. 7805; Pub. L. 116-260, Division BB, Title II; Pub. L. 110-343, secs. 511-512

Abstract: This rule would finalize proposed amendments to the final rules implementing the Mental Health Parity and Addiction Equity Act (MHPAEA). The amendments clarify plans' and issuers' obligations under the law, promote compliance with MHPAEA, and update requirements to take into account experience with MHPAEA in the years since the rules were finalized. The rule would also finalize new regulations implementing amendments to MHPAEA recently enacted as part of the Consolidated Appropriations Act, 2021 (CAA, 2021).

Timetable:

Action	Date	FR Cite
NPRM .....	08/03/23	88 FR 51552
NPRM Comment Period Extended.	09/28/23	88 FR 66728

Action	Date	FR Cite
NPRM Comment Period Extended End.	10/17/23	
Final Action .....	07/00/24	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Shira McKinlay, Senior Counsel (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5702, Washington, DC 20224, Phone: 202 317-5256, Email: shira.b.mckinlay@irscounsel.treas.gov.

RIN: 1545-BQ29

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

193. Section 30D Clean Vehicle Credit Regulations [1545-BQ52]

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 30D

Abstract: Section 13401 of the IRA amends 30D(b) of the Code to, among other things, provide a maximum credit of \$7,500 per vehicle, consisting of \$3,750 in the case of a vehicle that meets certain critical minerals requirements and \$3,750 in the case of a vehicle that meets certain battery components requirements. In general, vehicles may satisfy the critical minerals and battery components requirements if a required percentage of the value of the critical minerals or battery components in the vehicle's battery are sourced from a location specified by statute. The critical minerals and battery components requirements are applicable to vehicles placed in service after the date on which the Secretary of the Treasury or her delegate issues proposed guidance relating to these new requirements. The proposed regulations provide clarity to taxpayers and vehicle manufacturers on the critical minerals and battery components requirements. These clarifications include definitions of terms such as "extracted," "processed," "recycled," and "free trade agreement." The proposed regulations also clarify the rules for determining whether a critical mineral was extracted, processed, or recycled or a battery component was manufactured or assembled in a location that satisfies these requirements. The proposed regulations also provide guidance on how vehicle manufacturers may determine compliance with these requirements for their vehicles. The

proposed regulations also clarify the definition of certain terms relevant to new requirements for the new clean vehicle credit. These clarifications include definitions of terms such as “final assembly,” “North America,” “manufacturer’s suggested retail price,” and “placed in service.” These proposed regulations also clarify the vehicles that are considered vans, sport utility vehicles, pickup trucks, or other vehicles for purposes of applying new manufacturer’s suggested retail price limitations added by the IRA. The expected definitions were published in IRS Notice 2023–1, as modified by IRS Notice 2023–16.

*Completed:*

Reason	Date	FR Cite
Public Hearing .....	01/31/24	89 FR 1858
Final Action .....	05/06/24	89 FR 37706
Final Action Effective.	07/05/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Maggie M. Stehn, Phone: 202 317–4547, Fax: 202 317–7868, Email: [maggie.m.stehn@irs.counsel.treas.gov](mailto:maggie.m.stehn@irs.counsel.treas.gov).

*Rika Valdman, Phone:* 202 317–5227, Fax: 202 317–7868, Email: [rika.valdman@irs.counsel.treas.gov](mailto:rika.valdman@irs.counsel.treas.gov). RIN: 1545–BQ52

#### **194. Elective Payment of Applicable Credits Under Section 6417 [1545–BQ63]**

*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 6417(h)

*Abstract:* Final regulations regarding the elective payment of applicable credits under section 6417 established by section 13801(a) of the Inflation Reduction Act of 2022.

*Completed:*

Reason	Date	FR Cite
Final Action (TD 9988).	03/11/24	89 FR 17546
Correction .....	04/16/24	89 FR 26786

*Regulatory Flexibility Analysis Required: Yes*

*Agency Contact:* Jeremy A. Milton, Phone: 202 317–5665, Fax: 855 591–7865, Email: [jeremy.a.milton@irs.counsel.treas.gov](mailto:jeremy.a.milton@irs.counsel.treas.gov).

RIN: 1545–BQ63

#### **195. Transfer of Certain Credits Under Section 6418 [1545–BQ64]**

*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 6418(h)

*Abstract:* Final regulations regarding the transfer of certain credits under section 6418 established by section

13801(b) of the Inflation Reduction Act of 2022.

*Completed:*

Reason	Date	FR Cite
Final Action .....	04/30/24	89 FR 34770
Final Action Effective.	07/01/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jeremy A. Milton, Phone: 202 317–5665, Fax: 855 591–7865, Email: [jeremy.a.milton@irs.counsel.treas.gov](mailto:jeremy.a.milton@irs.counsel.treas.gov).

RIN: 1545–BQ64

#### **196. Transfer Provisions of Sections 30D and 25E [1545–BQ86]**

*Legal Authority:* 26 U.S.C. 25E; 26 U.S.C. 30D; 26 U.S.C. 6213; 26 U.S.C. 7805

*Abstract:* Section 30D calls for the establishment of regulations for several purposes. One of those provisions is in Section 30D(g)(1) which provides that subject to regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of section 30D(g) with respect to such vehicle, the credit which would otherwise be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity in such election, and not to such taxpayer. Section 25E(f) provides that Rules similar to the rules of section 30D(g) shall apply.

On October 5, 2022, Notice 2022–46 was published in I.R.B. 2022–43, requesting comments regarding sections 30D and 25E.

On December 8, 2022, Revenue Procedure 2022–42 was published in I.R.B. 2022–52, providing procedures, inter alia, for seller’s reports relating to the sale of clean vehicles.

*Completed:*

Reason	Date	FR Cite
NPRM .....	10/10/23	88 FR 70310
Public Hearing .....	01/31/24	
Final Action .....	05/06/24	89 FR 37706

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Rika Valdman, Phone: 202 317–5227, Fax: 202 317–7868, Email: [rika.valdman@irs.counsel.treas.gov](mailto:rika.valdman@irs.counsel.treas.gov).

RIN: 1545–BQ86

#### **197. • Section 30D Foreign Entity of Concern [1545–BQ99]**

*Legal Authority:* 26 U.S.C. 30D; 26 U.S.C. 7805

*Abstract:* Section 30D calls for the establishment of regulations for several

purposes. One of those provisions is in section 30D(e)(3), which provides that the Secretary shall issue regulations or other guidance as the Secretary determines necessary to carry out the purposes of section 30D(e) regarding the critical mineral and battery component requirements, including regulations or other guidance which provides for the requirements for recordkeeping or information reporting for purposes of administering the requirements of section 30D(e). Section 30D(e)(1)(B) and 30D(e)(2)(B) provide applicable percentage requirements for critical minerals and battery components, respectively, for vehicles placed in service during various tax years, beginning with vehicles placed in service before January 1, 2024.

Section 30D(d)(7) provides that for purposes of this section, the term new clean vehicle shall not include: (1) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in section 30D(e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in section 30D(e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

On April 17, 2023, proposed regulations were published in the **Federal Register**, 88 FR 23370, which provided proposed definitions for certain terms related to section 30D, proposed rules regarding personal and business use and other special rules, and additional proposed rules related to the critical mineral and battery component requirements.

The Internal Revenue Service and Department of Treasury intend to publish proposed regulations and a revenue procedure regarding vehicle transfer elections provided for in sections 25E(f) and 30D(g). As of the date of preparing this RIN request, such proposed regulations and revenue procedure have not yet been published.

These proposed regulations will provide guidance regarding foreign entity of concern for purposes of section 30D(d)(7).

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/04/23	88 FR 84098

Action	Date	FR Cite		
NPRM Comment Period End.	01/18/24		<i>Regulatory Flexibility Analysis Required: Yes.</i>	DC 20224, <i>Phone:</i> 202 317–5227, <i>Fax:</i> 202 317–7868, <i>Email:</i> rika.valdman@ irscounsel.treas.gov.
Public Hearing .....	01/31/24		<i>Agency Contact:</i> Rika Valdman, Senior Technician Reviewer,	<i>RIN:</i> 1545–BQ99
Final Action .....	05/06/24	89 FR 37706	Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5112, Washington,	[FR Doc. 2024–16461 Filed 8–15–24; 8:45 am] <b>BILLING CODE 4810–01–P; 4810–02–P; 9111–14–P</b>



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Part XIV

Environmental Protection Agency

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Semiannual Regulatory Agenda

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Ch. I

[FRL 11974-01-OA; EPA-HQ-OAR-2011-0135; EPA-HQ-OAR-2024-0089]

### Spring 2024 Unified Agenda of Regulatory and Deregulatory Actions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at <https://www.reginfo.gov> to periodically update the public. This document contains information about:

- Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under section 610 of the Regulatory Flexibility Act (RFA).

**FOR FURTHER INFORMATION CONTACT:** If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile ([muellerleile.caryn@epa.gov](mailto:muellerleile.caryn@epa.gov); 202-564-2855).

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### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The EPA is committed to a regulatory strategy that effectively achieves the

Agency's mission of protecting human health and the environment. The EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, the EPA provides notice of our plans to review, propose, and issue regulations. The EPA is committed to environmental protection that benefits all communities and encourages public participation and meaningful engagement in our regulatory activities and processes.

Additionally, the EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act as amended.

In this document, the EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

#### A. The EPA's Regulatory Information

"E-Agenda," "online regulatory agenda," and "semiannual regulatory agenda" all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** (FR). Currently, this information is only available through an online database at <https://www.reginfo.gov/>.

"Regulatory Flexibility Agenda" refers to a document that contains information about the subset of regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at <https://www.govinfo.gov/app/collection/fr>.

"Unified Regulatory Agenda" refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the U.S. General Services Administration.

"Regulatory Agenda Preamble" refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the EPA's Regulatory Flexibility Agenda and the e-Agenda.

"Section 610 Review" as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. The EPA maintains a list of these actions at <https://www.epa.gov/>

*reg-flex/regulatory-flexibility-act-section-610-reviews*. EPA is initiating one section 610 review and is completing another with this semiannual agenda in spring 2024, as described in section III.A. below.

#### B. What key statutes and Executive Orders guide the EPA's rule and policymaking process?

Several environmental laws authorize the EPA's actions, including but not limited to:

- American Innovation and Manufacturing Act (AIM),
- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

The EPA must comply not only with environmental and other statutes, but also with applicable administrative legal requirements that apply to the issuance of regulations, such as the Administrative Procedure Act (APA), the RFA as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

The EPA also meets a number of requirements contained in numerous Executive Orders: 12866, "Regulatory Planning and Review" (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, "Improving Regulation and Regulatory Review" (76 FR 3821, Jan. 21, 2011) and amended by Executive Order 14094, "Modernizing Regulatory Review" (88 FR 21879, April 11, 2023); 12898, "Environmental Justice" (59 FR 7629, Feb. 16, 1994) and 14096, "Revitalizing Our Nation's Commitment to Environmental Justice for All" (88 FR 25251, April 26, 2023); 13045, "Children's Health Protection" (62 FR 19885, Apr. 23, 1997); 13132, "Federalism" (64 FR 43255, Aug. 10, 1999); 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, Nov. 9, 2000); and 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

### *C. How can you be involved in the EPA's rule and policymaking process?*

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. The EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register**.

Instructions on how to submit your comments through <https://www.regulations.gov> are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position, and you also should explain why the EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to what has been proposed by the EPA.

The EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. The EPA encourages you to become involved in its rule- and policymaking processes. For more information about the EPA's efforts to increase transparency, participation, and collaboration in EPA activities, please visit <https://www.epa.gov/laws-regulations/get-involved-epa-regulations>.

## **II. Semiannual Agenda of Regulatory and Deregulatory Actions**

### *A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?*

The EPA includes key regulatory actions in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and the EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers.
- *Under the CAA*: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes.
- *Under FIFRA*: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins.
- *Under the Federal Food, Drug, and Cosmetic Act*: Actions regarding

pesticide tolerances and food additive regulations.

- *Under TSCA*: Licensing actions and new chemical actions.
- *Under RCRA*: Authorization of State solid waste management plans and hazardous waste delisting petitions.
- *Under the CWA*: State Water Quality Standards, deletions from the section 307(a) list of toxic pollutants, suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES), and delegations of NPDES authority to States.
- *Under SDWA*: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for review under section 610 of the RFA.

The EPA is initiating one review and completing another under section 610 of the RFA in this Agenda. See section III.A. for further detail.

### *B. How is the e-Agenda organized?*

You can choose how to sort the agenda entries online by specifying the characteristics of the entries of interest in the desired individual data fields of the e-Agenda at <https://www.reginfo.gov>. You can sort based on the following characteristics: EPA subagency (such as Office of Water), stage of rulemaking as described in the following paragraphs, alphabetically by title, or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Pre-rule Stage—The EPA's pre-rule actions are generally intended to determine whether the agency should initiate rulemaking. Pre-rulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs) or analyses of the possible need for regulatory action.
2. Proposed Rule Stage—Proposed rulemaking actions include the EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.
3. Final Rule Stage—Final rulemaking actions are those actions that the EPA is scheduled to finalize and publish in the **Federal Register** within the next year.
4. Long-Term Actions—This section includes rulemakings for which the next

scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We encourage you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—The EPA's completed actions are those that have been promulgated and published in the **Federal Register** since publication of the fall 2023 Agenda. This category also includes actions that EPA is no longer considering and has elected to "withdraw" and the results of any RFA section 610 reviews.

### *C. What information is in the Regulatory Flexibility Agenda and the e-Agenda?*

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

*Title*: A brief description of the subject of the regulation. The notation "Section 610 Review" follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

*Priority*: Each entry is placed into one of the following five categories:

- a. *Significant under 3(f)(1)*: Under Executive Order 12866, as amended, a rulemaking that may have an annual effect on the economy of \$200 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities.
- b. *Other Significant*: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles in Executive Order 12866.



c. *Substantive, Nonsignificant*: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. *Routine and Frequent*: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations. If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, then we would classify the action as either "Significant under 3(f)(1)" or "Other Significant."

e. *Informational/Administrative/Other*: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

*Major*: A rule is "major" under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in the Congressional Review Act.

*Unfunded Mandates*: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing a NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

*Legal Authority*: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

*CFR Citation*: The section(s) of the Code of Federal Regulations that would be affected by the action.

*Legal Deadline*: An indication of whether the rule is subject to a statutory and/or a judicial deadline, the date of that deadline, and whether the deadline pertains to a NPRM, a Final Action, or some other action.

*Abstract*: A brief description of the problem the action will address.

*Timetable*: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 03/00/2025 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is "to be determined."

*Regulatory Flexibility Analysis Required*: Indicates whether the EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA.

Generally, such an analysis is required for proposed or final rules subject to the RFA that the EPA believes may have a significant economic impact on a substantial number of small entities.

*Small Entities Affected*: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

*Government Levels Affected*: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are federal, tribal, state, or local.

*Federalism Implications*: Indicates whether the action is expected to 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.

*Energy Impacts*: Indicates whether the action is a significant energy action under Executive Order 13211.

*Sectors Affected*: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

*International Trade Impacts*: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

*Agency Contact*: The name, address, phone number, and email address of a person who is knowledgeable about the regulation.

*Additional Information*: Other information about the action including docket information.

*URLs*: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part.

*RIN*: The Regulation Identifier Number is used by the OMB and the public to identify and track rulemakings. The first four digits of the RIN correspond to the EPA office with lead responsibility for developing the action.

D. *What tools are available for mining Regulatory Agenda Data and for finding more about EPA rules and policies?*

#### 1. Federal Regulatory Dashboard

The <https://www.reginfo.gov> searchable database maintained by the Regulatory Information Service Center and the OMB's Office of Information and Regulatory Affairs (OIRA), allows users to view the Regulatory Agenda database (<https://www.reginfo.gov/public/do/eAgendaMain>), with options for searching, displaying, and transmitting data.

#### 2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

#### 3. Public Dockets

When the EPA publishes either an ANPRM or a NPRM in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that Agency's action or activity, and is accessible both electronically or at the EPA's Docket Center Reading Room (<https://www.epa.gov/dockets>). The EPA uses dockets primarily for rulemaking actions, but dockets may also be used for section 610 reviews and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All the EPA's public dockets can be located at <https://www.regulations.gov>. The EPA particularly welcomes feedback on rulemakings from communities likely to be affected by these actions.

### III. Review of Regulations Under Section 610 of the Regulatory Flexibility Act

#### A. *Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities*

Section 610 of the RFA requires that an agency review each rule that has or will have a significant economic impact on a substantial number of small entities within 10 years of promulgation. EPA is initiating one section 610 review and completing another.

Review title	RIN	Docket ID No.	Status
Section 610 Review of Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces.	2060-AW17	EPA-HQ-OAR-2024-0089	Initiated.
Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards .....	2060-AV90	EPA-HQ-OAR-2011-0135	Completed.

*B. What other special attention does the EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?*

For each of the EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. The EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel

(proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed and current information about the Agency's policy and practice with respect to implementing the RFA/SBREFA, including ongoing Small Business Advocacy Review Panels, please visit the EPA's RFA/SBREFA website at <https://www.epa.gov/reg-flex>.

#### IV. Thank You for Collaborating With Us

We would like to thank those of you who choose to join with us in making

progress on the complex issues involved in protecting human health and the environment through engaging in our rulemaking process. Collaborative efforts such as the EPA's open rulemaking processes are valuable tools for implementing our legal requirements to address environmental and public health challenges. Our regulatory agenda and your engagement play an important role in that process.

**Victoria Arroyo,**

*Associate Administrator, Office of Policy.*

#### 10—CLEAN AIR ACT—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
198 .....	610 Review of Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces ( <b>Section 610 Review</b> ).	2060-AW17

#### 10—CLEAN AIR ACT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
199 .....	Revisions to the Air Emission Reporting Requirements (AERR) .....	2060-AV41
200 .....	National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants; Amendments .....	2060-AV59

#### 10—CLEAN AIR ACT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
201 .....	National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review.	2060-AU37
202 .....	NSPS for GHG Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired EGUs; Emission Guidelines for GHG Emissions from Existing Fossil Fuel-Fired EGUs; and Repeal of the ACE Rule.	2060-AV09
203 .....	Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review.	2060-AV16
204 .....	Section 610 Review of Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards ( <b>Completion of a Section 610 Review</b> ).	2060-AV90

#### 35—TSCA—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
205 .....	1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA) .....	2070-AK73
206 .....	N-Methylpyrrolidone (NMP); Regulation Under the Toxic Substances Control Act (TSCA) .....	2070-AK85
207 .....	C.I. Pigment Violet 29; Regulation Under the Toxic Substances Control Act (TSCA) .....	2070-AK87

35—TSCA—FINAL RULE STAGE		
Sequence No.	Title	Regulation Identifier No.
208 .....	Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA) .....	2070—AK83
209 .....	Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA) .....	2070—AK84

35—TSCA—COMPLETED ACTIONS		
Sequence No.	Title	Regulation Identifier No.
210 .....	Methylene Chloride; Regulation Under the Toxic Substances Control Act (TSCA) .....	2070—AK70

72—SDWA—COMPLETED ACTIONS		
Sequence No.	Title	Regulation Identifier No.
211 .....	PFAS National Primary Drinking Water Regulation Rulemaking .....	2040—AG18

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

*10—Clean Air Act*

Prerule Stage

**198. • 610 Review of Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces (Section 610 Review) [2060—AW17]**

*Legal Authority:* 42 U.S.C. 7411

*Abstract:* On March 16, 2015, EPA published a final rule that made revisions to the New Source Performance Standards (NSPS) for new residential wood heaters (80 FR 13672). The 2015 final rule (40 CFR part 60, subpart AAA and QQQQ) updated the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broadened the range of residential wood-heating appliances covered by the regulation, and improved and streamlined implementation procedures. The 2015 rule requires manufacturers to redesign wood heaters to be cleaner and lower emitting. In general, the design changes also make the heaters perform better and more efficiently. This new entry in the regulatory agenda announces that EPA will review the March 16, 2015 action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be maintained or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider and solicit comments on the following: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to

which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Comments must be received within 60 days of this notice. In submitting comments, please reference Docket ID EPA—HQ—OAR—2024—0089 and follow the instructions provided in the preamble to this issue of the Regulatory Agenda. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

*Timetable:*

Action	Date	FR Cite
Final Rule .....	03/16/15	80 FR 13672
Begin Review .....	07/00/24	
End Review .....	11/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Bill Schrock, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–03, Research Triangle Park, NC 27711, *Phone:* 919 541–5032, *Email:* [schrock.bill@epa.gov](mailto:schrock.bill@epa.gov).

Nicholas Swanson, Environmental Protection Agency, Office of Air and Radiation, E143–03, Research Triangle Park, NC 27711, *Phone:* 919 541–4080, *Email:* [swanson.nicholas@epa.gov](mailto:swanson.nicholas@epa.gov).

*RIN:* 2060—AW17

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

*10—Clean Air Act*

Final Rule Stage

**199. Revisions to the Air Emission Reporting Requirements (AERR) [2060—AV41]**

*Legal Authority:* 42 U.S.C. 7401 *et seq.* Clean Air Act

*Abstract:* This action finalizes changes to the Environmental Protection Agency’s (EPA) emissions inventory reporting requirements to collect data needed for the EPA to implement pollution reduction programs and address environmental justice concerns. The amendments in this action would ensure that the EPA has sufficient information to identify and solve air quality and exposure problems. The amendments would also allow the EPA to have information readily available that the Agency needs to protect public health and perform other activities under the Clean Air Act (CAA or “the Act”). Further, the amendments would ensure that communities have the data needed to understand significant sources of air pollution that may be impacting them—including potent carcinogens and other highly toxic chemicals linked with a wide range of chronic and acute health problems.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/09/23	88 FR 54118
Notice .....	10/12/23	88 FR 63046
Final Rule .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Marc Houyoux, Environmental Protection Agency, Office of Air and Radiation, C339–02, Research Triangle Park, NC 27711, *Phone:* 919 541–3649, *Fax:* 919 541–0684, *Email:* [houyoux.marc@epa.gov](mailto:houyoux.marc@epa.gov).

*RIN:* 2060–AV41

**200. National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants; Amendments [2060–AV59]**

*Legal Authority:* 42 U.S.C. 7401 *et seq.* Clean Air Act; 42 U.S.C. 7414, 7601

*Abstract:* This action will amend the Lime Manufacturing National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 63, subpart AAAAA, as required by the Clean Air Act (CAA). This action will address *Louisiana Environmental Action Network v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020) (LEAN’), in which the court held that EPA must set limits on uncontrolled hazardous air pollutant (HAP) emissions when the Agency conducts technology reviews under CAA section 112(d)(6), 42 U.S.C. 7412(d)(6). The Lime Manufacturing NESHAP was promulgated pursuant to section 112(d) of the CAA on January 5, 2004. The residual risk and technology review (RTR) was promulgated pursuant to CAA 112(f) and 112(d)(6) on July 24, 2020. The NESHAP establishes emission limitations based on maximum achievable control technology for control of HAP from kilns at new and existing lime manufacturing plants. The HAP emitted from lime manufacturing kilns include hydrochloric acid, mercury, organic HAP, and dioxins/furans. On July 21, 2023, the U.S. District Court for the District of Columbia extended the deadline for EPA to complete final action on the Lime NESHAP to June 30, 2024. The EPA convened a Small Business Advocacy Review (SBAR) Panel to obtain advice and recommendations from small entity representatives (SERs) that could be subject to the Lime Manufacturing NESHAP requirements. On August 3, 2023, the EPA’s Small Business Advocacy Chairperson convened the Panel, which consisted of the Chairperson, the Director of the Sector Policies and Programs Division within the EPA’s Office of Air Quality Planning and Standards, the Administrator of the Office of Information and Regulatory Affairs within OMB, and the Chief Counsel for Advocacy of the Small Business Administration (SBA).

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/05/23	88 FR 805
Supplemental NPRM.	02/09/24	89 FR 9088
Final Rule .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Brian Storey, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–1103, *Fax:* 919 541–4991, *Email:* [storey.brian@epa.gov](mailto:storey.brian@epa.gov).

Keith Barnett, Environmental Protection Agency, Office of Air and Radiation, D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–5605, *Fax:* 919 541–4991, *Email:* [barnett.keith@epa.gov](mailto:barnett.keith@epa.gov).

*RIN:* 2060–AV59

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

*10—Clean Air Act*

**Completed Actions**

**201. National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review [2060–AU37]**

*Legal Authority:* 42 U.S.C. 7607(d); 42 U.S.C. 7414, 7601

*Abstract:* In December 1994, pursuant to section 112(d) of the Clean Air Act, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide (EtO) Commercial Sterilization and Fumigation Operations (59 FR 62585). The NESHAP established standards for both major and area sources. EPA completed a residual risk and technology review for the NESHAP in 2006 and, at that time, concluded that no revisions to the standards were necessary. In this action, EPA conducted the second RTR for the NESHAP and updated the rule. To aid in this effort, EPA issued an advance notice of proposed rulemaking that solicited comment from stakeholders, undertook a Small Business Advocacy Review panel, which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered, and has conducted outreach meetings within the communities affected by the highest-risk facilities as part of the development of this action. These meetings involved informing community members of the risk from EtO emissions and explaining how they

can be involved in the rule writing process. EPA also held a national webinar on this proposal. Accommodations were made for Spanish-language speaking communities, which are disproportionately affected by these EtO emissions. This final rule also reflects feedback EPA received from representatives of local and state governments. For more information, please visit <https://www.epa.gov/stationary-sources-air-pollution/ethylene-oxide-emissions-standards-sterilization-facilities>.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	12/12/19	84 FR 67889
NPRM .....	04/13/23	88 FR 22790
Final Rule .....	04/05/24	89 FR 24090
Final Rule Effective.	04/05/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jon Witt, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27709, *Phone:* 919 541–5645, *Email:* [witt.jon@epa.gov](mailto:witt.jon@epa.gov).

Kusondra King, Environmental Protection Agency, Office of Air and Radiation, Research Triangle Park, NC 27711, *Phone:* 919 541–4373, *Email:* [king.kusondra@epa.gov](mailto:king.kusondra@epa.gov).

*RIN:* 2060–AU37

**202. NSPS for GHG Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired EGUS; Emission Guidelines for GHG Emissions From Existing Fossil Fuel-Fired EGUS; and Repeal of the ACE Rule [2060–AV09]**

*Legal Authority:* 42 U.S.C. 7411 Clean Air Act; 42 U.S.C. 7414, 7601

*Abstract:* EPA has issued final carbon pollution standards for power plants that set carbon dioxide (CO<sub>2</sub>) limits for new gas-fired combustion turbines and CO<sub>2</sub> emission guidelines for existing coal, oil and gas-fired steam generating units, securing important climate benefits and protecting public health. These rules will significantly reduce greenhouse gas (GHG) emissions from existing coal-fired power plants and from new natural gas turbines, ensuring that all long-term coal-fired plants and base load new gas-fired plants control 90% of their carbon pollution. Existing coal-fired power plants are the largest source of GHGs from the power sector. New natural gas-fired combustion turbines are some of the largest new sources of GHG being built today and these final standards will ensure that

they are constructed to minimize their GHG emissions. Consistent with EPA's traditional approach to establishing pollution standards under the Clean Air Act, the final limits and emission guidelines are based on proven pollution control technologies that can be applied directly to power plants and can achieve substantial reductions in carbon pollution at reasonable cost. Emission guidelines for the longest-running existing coal units and performance standards for new base load combustion turbines are based on the use of carbon capture and sequestration/storage (CCS) an available and cost-effective control technology that can be applied directly to power plants. EPA has evaluated the emissions reductions, benefits, and costs of the final carbon pollution standards in a Regulatory Impact Analysis (RIA). The RIA projects reductions of 1.38 billion metric tons of CO<sub>2</sub> systemwide through 2047 along with tens of thousands of tons of PM<sub>2.5</sub>, SO<sub>2</sub>, and NO<sub>x</sub> harmful air pollutants that are known to endanger public health.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/23/23	88 FR 33240
Supplemental NPRM.	11/20/23	88 FR 80682
Final Rule .....	05/09/24	89 FR 39798
Final Rule Effective.	07/08/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Lisa Thompson, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D243-01, Research Triangle Park, NC 27711, *Phone:* 919 541-9775, *Email:* thompson.lisa@epa.gov.

Nick Hutson, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D243-01, Research Triangle Park, NC 27711, *Phone:* 919 541-2968, *Fax:* 919 541-4991, *Email:* hutson.nick@epa.gov.

*RIN:* 2060-AV09

**203. Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review [2060-AV16]**

*Legal Authority:* 42 U.S.C. 7411

*Abstract:* On November 15, 2021, the EPA proposed new source performance standards and emission guidelines for crude oil and natural gas facilities. (86 FR 63110). This action was in response to the January 20, 2021, Executive Order titled "Protecting Public Health and the

Environment and Restoring Science to Tackle the Climate Crisis." On December 6, 2022, in a supplemental proposal, EPA proposed to update, strengthen, and expand its November 2021 proposal that would secure major climate and health benefits for all Americans by reducing emissions of methane and other harmful air pollution from both new and existing sources in the oil and natural gas industry (87 FR 74702). On November 30, 2023, the EPA Administrator signed the final rule which includes multiple actions to reduce air pollution emissions from the Crude Oil and Natural Gas source category. First, the EPA finalized new source performance standards regulating greenhouse gases and volatile organic compounds emissions from the Crude Oil and Natural Gas source category pursuant to the Clean Air Act. Second, the EPA finalized emission guidelines under the Clean Air Act for states to follow in developing, submitting, and implementing state plans to establish performance standards to limit greenhouse gas emissions from existing sources (designated facilities) in the Crude Oil and Natural Gas source category. Third, the EPA finalized several related actions stemming from the joint resolution of Congress, adopted on June 30, 2021, under the Congressional Review Act, disapproving the EPA's final rule titled, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," September 14, 2020. Fourth, the EPA finalized a protocol under the general provisions for optical gas imaging. The final rule was published on March 8, 2024 (89 FR 16820).

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/15/21	86 FR 63110
Supplemental NPRM.	12/06/22	87 FR 74702
Final Rule .....	03/08/24	89 FR 16820
Final Rule Effective.	05/07/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Amy Hambrick, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143-05, Research Triangle Park, NC 27711, *Phone:* 919 541-0964, *Fax:* 919 541-0516, *Email:* hambrick.amy@epa.gov.

*RIN:* 2060-AV16

**204. Section 610 Review of Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards (Completion of a Section 610 Review) [2060-AV90]**

*Legal Authority:* 5 U.S.C. 610

*Abstract:* The rulemaking "Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards" was finalized by EPA in April 2014 (79 FR 23414). The final rule established the Tier 3 Motor Vehicle Emission and Fuel Standards program. The Tier 3 program was part of a comprehensive approach to reducing the impacts of motor vehicles on air quality and public health. The program considered the vehicle and its fuel as an integrated system, setting new vehicle emissions standards and a new gasoline sulfur standard beginning in 2017. The vehicle emissions standards were expected to reduce both tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. The gasoline sulfur standards were expected to enable more stringent vehicle emissions standards and to make emissions control systems more effective. This entry in the regulatory agenda announces that the EPA has reviewed this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, the EPA solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. No comments were received. The EPA has concluded that the rule does not need to be amended at this time and has addressed the review factors in a report. The report is available in Docket EPA-HQ-OAR-2011-0135, which can be accessed at [www.regulations.gov](http://www.regulations.gov).

*Timetable:*

Action	Date	FR Cite
Final Rule .....	04/28/14	79 FR 23414
Begin Review .....	07/27/23	88 FR 48598
End Review .....	05/15/24	

*Regulatory Flexibility Analysis Required: No.*

*Agency Contact:* Jessica Mroz, Environmental Protection Agency, Office of Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 202 564–1094, *Email:* mroz.jessica@epa.gov, *RIN:* 2060–AV90

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### 35—TSCA

#### Proposed Rule Stage

### 205. 1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA) [2070–AK73]

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* This proposed rulemaking will address the unreasonable risk of injury to health presented by 1-bromopropane (1-BP). Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. The Agency's development of this rule incorporates significant stakeholder outreach and public participation, including over 40 external meetings as well as required Federalism, Tribal, and Environmental Justice consultations and a Small Businesses Advocacy Review Panel. Specifically, EPA engaged in discussions with industry, non-governmental organizations, other government agencies, technical experts and users of 1-BP, and the general public to hear from users, academics, manufacturers, and members of the public health community about practices related to commercial uses of 1-BP. EPA's risk evaluation for 1-BP, describing the conditions of use, is in docket EPA–HQ–OPPT–2019–0235, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0741.

#### *Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	
Final Rule .....	08/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy Shuman, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–2978, *Email:* shuman.amy@epa.gov.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–0432, *Email:* wolf.joel@epa.gov, *RIN:* 2070–AK73

### 206. N-Methylpyrrolidone (NMP); Regulation Under the Toxic Substances Control Act (TSCA) [2070–AK85]

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* This proposed rulemaking will address the unreasonable risk of injury to health presented by n-methylpyrrolidone (NMP). Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA section 6(b) risk evaluation by applying requirements to the extent necessary so the chemical no longer presents unreasonable risk. The Agency's development of this rule incorporates significant stakeholder outreach and public participation, including over 40 external meetings as well as required Federalism, Tribal, and Environmental Justice consultations and a Small Businesses Advocacy Review Panel. EPA's 2020 risk evaluation for NMP, describing its conditions of use is in docket EPA–HQ–OPPT–2019–0236, with the 2022 revised unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0743.

#### *Timetable:*

Action	Date	FR Cite
NPRM .....	06/14/24	89 FR 51134
NPRM Comment Period End.	07/29/24	
Final Rule .....	05/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Clara Hull, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–3954, *Email:* hull.clara@epa.gov.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–0432, *Email:* wolf.joel@epa.gov, *RIN:* 2070–AK85

### 207. C.I. Pigment Violet 29; Regulation Under the Toxic Substances Control Act (TSCA) [2070–AK87]

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* This proposed rulemaking will address unreasonable risks of injury

to health identified in the final risk evaluation for C.I. Pigment Violet 29. Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. EPA's risk evaluation for C.I. Pigment Violet 29, describing the conditions of use and presenting EPA's determination of unreasonable risk, is in docket EPA–HQ–OPPT–2018–0604, with revised risk determination and additional information in docket EPA–HQ–OPPT–2016–0725.

#### *Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/24	
Final Rule .....	11/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Carolyn Mottley, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 566–1955, *Email:* mottley.carolyn@epa.gov.

Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–0140, *Email:* corado.ana@epa.gov.

*RIN:* 2070–AK87

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### 35—TSCA

#### Final Rule Stage

### 208. Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA) [2070–AK83]

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* On October 31, 2023, EPA issued a proposed rule to address the unreasonable risk of injury to human health presented by trichloroethylene (TCE) under its conditions of use as documented in EPA's November 2020 Risk Evaluation for TCE and January 2023 revised risk determination for TCE pursuant to the Toxic Substances Control Act (TSCA). TCE is widely used as a solvent in a variety of industrial, commercial and consumer applications including for hydrofluorocarbon (HFC) production, vapor and aerosol greasing, and in lubricants, greases,

adhesives, and sealants. TSCA requires that when EPA determines a chemical substance presents unreasonable risk that EPA address by rule the unreasonable risk of injury to health or the environment and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA determined that TCE presents an unreasonable risk of injury to health due to the significant adverse health effects associated with exposure to TCE, including non-cancer effects (liver toxicity, kidney toxicity, neurotoxicity, immunotoxicity, reproductive toxicity, and developmental toxicity) as well as cancer (liver, kidney, and non-Hodgkin lymphoma) from chronic inhalation and dermal exposures to TCE. TCE is a neurotoxicant and is carcinogenic to humans by all routes of exposure. The most sensitive adverse effects of TCE exposure are non-cancer effects (developmental toxicity and immunosuppression) for acute exposures and developmental toxicity and autoimmunity for chronic exposures. To address the identified unreasonable risk, EPA is proposing to: prohibit all manufacture (including import), processing, and distribution in commerce of TCE and industrial and commercial use of TCE for all uses, with longer compliance timeframes and workplace controls for certain processing and industrial and commercial uses (including proposed phaseouts and time-limited exemptions); prohibit the disposal of TCE to industrial pre-treatment, industrial treatment, or publicly owned treatment works, with a time-limited exemption for cleanup projects; and establish recordkeeping and downstream notification requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/31/23	88 FR 74712
Final Rule .....	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Gabriela Rossner, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564-2426, *Email:* rossner.gabriela@epa.gov.  
Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564-0432, *Email:* wolf.joel@epa.gov.  
*RIN:* 2070-AK83

**209. Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA) [2070-AK84]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act  
*Abstract:* On June 16, 2023, EPA proposed a rule under the Toxic Substances Control Act (TSCA) to address the unreasonable risk of injury to human health presented by perchloroethylene (PCE). PCE is a widely used solvent in a variety of occupational and consumer applications including fluorinated compound production, petroleum manufacturing, dry cleaning, and aerosol degreasing. EPA determined that PCE presents an unreasonable risk of injury to health due to the significant adverse health effects associated with exposure to PCE, including neurotoxicity effects from acute and chronic inhalation exposures and dermal exposures, and cancer from chronic inhalation exposures to PCE. TSCA requires that EPA address by rule any unreasonable risk of injury to health or the environment identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. PCE, also known as perc and tetrachloroethylene, is a neurotoxicant and a likely human carcinogen. Neurotoxicity, in particular impaired visual and cognitive function and diminished color discrimination, are the most sensitive adverse effects driving the unreasonable risk of PCE, and other adverse effects associated with exposure include central nervous system depression, kidney and liver effects, immune system toxicity, developmental toxicity, and cancer. To address the identified unreasonable risk, EPA is proposing to prohibit most industrial and commercial uses of PCE; the manufacture (including import), processing, and distribution in commerce of PCE for the prohibited industrial and commercial uses; the manufacture (including import), processing, and distribution in commerce of PCE for all consumer use; and, the manufacture (including import), processing, distribution in commerce, and use of PCE in dry cleaning and related spot cleaning through a 10-year phaseout. For certain conditions of use that would not be subject to a prohibition, EPA is also proposing to require a PCE workplace chemical protection program that includes requirements to meet an inhalation exposure concentration limit and prevent direct dermal contact. EPA is also proposing to require prescriptive workplace controls for laboratory use, and to establish recordkeeping and

downstream notification requirements. Additionally, EPA proposes to provide certain time-limited exemptions from requirements for certain critical or essential emergency uses of PCE for which no technically and economically feasible safer alternative is available. The Agency's development of this rule incorporated significant stakeholder outreach and public participation, including public webinars and over 40 external meetings as well as required Federalism, Tribal, and Environmental Justice consultations and a Small Businesses Advocacy Review Panel. EPA's risk evaluation for PCE, describing the conditions of use is in docket EPA-HQ-OPPT-2019-0502, with the 2022 unreasonable risk determination and additional materials in docket EPA-HQ-OPPT-2016-0732.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/16/23	88 FR 39652
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Kelly Summers, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564-2201, *Email:* summers.kelly@epa.gov.  
Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564-0432, *Email:* wolf.joel@epa.gov.  
*RIN:* 2070-AK84

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
*35—TSCA*  
Completed Actions

**210. Methylene Chloride; Regulation Under the Toxic Substances Control Act (TSCA) [2070-AK70]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act  
*Abstract:* On May 8, 2024, EPA promulgated a final rule to address the unreasonable risk of injury to health presented by methylene chloride under its conditions of use. TSCA requires that EPA address by rule any unreasonable risk of injury to health or the environment identified in a TSCA risk evaluation and apply requirements to the extent necessary so that the chemical no longer presents unreasonable risk. EPA's final rule will,

among other things, prevent serious illness and death associated with uncontrolled exposures to the chemical by preventing consumer access to the chemical, restricting the industrial and commercial use of the chemical while also allowing for a reasonable transition period where an industrial and commercial use of the chemical is being prohibited, provide a time-limited exemption for a critical or essential use of methylene chloride for which no technically and economically feasible safer alternative is available, and protect workers from the unreasonable risk of methylene chloride while on the job.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/03/23	88 FR 28284
Final Rule .....	05/08/24	89 FR 39254
Final Rule Effective.	07/08/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Ingrid Feustel, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7404M, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 202 564–3199, *Email:* [feustel.ingrid@epa.gov](mailto:feustel.ingrid@epa.gov).

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code

7404M, Washington, DC 20460, *Phone:* 202 564–0432, *Email:* [wolf.joel@epa.gov](mailto:wolf.joel@epa.gov).  
*RIN:* 2070–AK70

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### 72—SDWA

#### Completed Actions

### 211. PFAS National Primary Drinking Water Regulation Rulemaking [2040–AG18]

*Legal Authority:* 42 U.S.C. 300f *et seq.* Safe Drinking Water Act

*Abstract:* On March 3, 2021, the Environmental Protection Agency (EPA) published the Fourth Regulatory Determinations in the **Federal Register**, including a determination to regulate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water. Per the Safe Drinking Water Act, following publication of the Regulatory Determination, the Administrator shall propose a maximum contaminant level goal (MCLG) and a national primary drinking water regulation (NPDWR) not later than 24 months after determination and promulgate a NPDWR within 18 months after proposal (the statute authorizes a 9-month extension of this promulgation date). The EPA issued a proposed national primary drinking water regulation for PFOA and PFOS as well

as other PFAS on March 29, 2023, as part of this action. Finalization of the NPDWR reflects a key commitment in the EPA's "PFAS Strategic Roadmap: EPA's Commitments to Action 2021–2024." EPA held a public hearing on the proposed NPDWR on May 4, 2023. The public comment period closed May 30, 2023, and more than 120,000 comments were received. On April 8, 2024, the final PFAS NPDWR was signed by the EPA Administrator and published in the **Federal Register** on April 26, 2024.

*Timetable:*

Action	Date	FR Cite
Notice .....	02/09/22	87 FR 7412
NPRM .....	03/29/23	88 FR 18638
Final Rule .....	04/26/24	89 FR 32532
Final Rule Effective.	06/25/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Ryan Albert, Environmental Protection Agency, Office of Water, 4203M, Washington, DC 20460, *Phone:* 202 564–0763, *Email:* [albert.ryan@epa.gov](mailto:albert.ryan@epa.gov).

Alexis Lan, Environmental Protection Agency, Office of Water, 1200 Pennsylvania Avenue NW, 4601M, Washington, DC 20460, *Phone:* 202 564–0841, *Email:* [lan.alexis@epa.gov](mailto:lan.alexis@epa.gov).

*RIN:* 2040–AG18

[FR Doc. 2024–16459 Filed 8–15–24; 8:45 am]

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Part XV

General Services Administration

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Semiannual Regulatory Agenda

## GENERAL SERVICES ADMINISTRATION

**41 CFR Chapters 102, 105, 300, 301, 302, 303, and 304**

**48 CFR Chapter 5**

### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** General Services Administration (GSA).

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2023 edition. This agenda was developed under the guidelines of Executive Orders 12866, “Regulatory Planning and Review,” Executive Order 13563, “Improving Regulation and Regulatory Review” and Executive Order 14094, “Modernizing Regulatory Review.” GSA’s purpose in publishing this

agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. The public may provide comments on rules via. <http://www.regulations.gov>.

The Unified Agenda, including previous versions, are available at [www.reginfo.gov](http://www.reginfo.gov). Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA’s printed agenda entries include only:

(1) Rules that are in the agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the agency has identified for periodic review under

section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s agenda requirements. Additional information on these entries is available in the Unified Agenda. In addition, for fall editions of the agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA’s regulatory plan.

**FOR FURTHER INFORMATION CONTACT:** Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 6th Floor, Washington, DC 20405–0001, 202–501–2735 or by email at [lois.mandell@gsa.gov](mailto:lois.mandell@gsa.gov).

Dated: June 3, 2024.

**Mehul Parakh,**

*Acting Associate Administrator, Office of Government-wide Policy.*

### GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
212 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions.	3090–AK29
213 .....	General Services Acquisition Regulation (GSAR); GSAR Case 2021–G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements.	3090–AK36
214 .....	General Services Administration Acquisition Regulations (GSAR); GSAR 2021–G520, Economic Price Adjustment for Deregulated Electric Supplies.	3090–AK48
215 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G530, Labor Requirements for Lease Acquisitions.	3090–AK51

### GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
216 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G510, Federal Supply Schedule Economic Price Adjustment.	3090–AK20
217 .....	General Service Acquisition Regulation (GSAR); GSAR Case 2020–G512, System for Award Management Representation for Leases.	3090–AK22
218 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G522, Contract Requirements for High-Security Leased Space.	3090–AK39
219 .....	General Service Acquisition Regulation (GSAR); GSAR Case 2022–G513, Updating Payments Clause ....	3090–AK55

### GENERAL SERVICES ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
220 .....	General Services Administration Acquisition Regulation (GSAR); GSAR 2021–G527, Immediate and Highest-Level Owner for High-Security Leased Space.	3090–AK44
221 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2023–G507, Additional Transactional Data Reporting Elements for Non-Federal Supply Schedule contracts..	3090–AK71

### GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
222 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules.	3090–AK21

## GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
223 .....	General Service Acquisition Regulation (GSAR); GSAR Case 2022–G514, Standardizing Federal Supply Schedule Clause and Provision Prescriptions.	3090–AK58
224 .....	General Services Acquisition Regulation (GSAR): GSAR Case 2022–G517 Single-use Plastic Packaging Reduction.	3090–AK60
225 .....	Federal Management Regulation (FMR), FMR Case 2023–102–1, Designation of Authority and Sustainable Siting.	3090–AK69

**GENERAL SERVICES ADMINISTRATION (GSA)**

## Proposed Rule Stage

**Office of Acquisition Policy****212. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions [3090–AK29]**

*Legal Authority:* 40 U.S.C. 121(c); 5 U.S.C. 801; Pub. L. 115–232 sec. 889

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to prohibit procurement from certain covered entities using covered equipment and services in lease acquisitions pursuant to section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019. The rule will implement the section 889 requirements in lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clauses. This rule supports the national security priority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/24	
NPRM Comment Period End.	01/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253–7858, *Email:* stephen.carroll@gsa.gov.  
*RIN:* 3090–AK29

**213. General Services Acquisition Regulation (GSAR); GSAR Case 2021–G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements [3090–AK36]**

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

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation

(GSAR) to revise the prescriptions for FAR provisions and clauses that apply to lease solicitations and contracts. Additionally, GSA is proposing to make conforming changes to some provision and clause titles and numbers listed to align with the FAR, along with other editorial changes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	
NPRM Comment Period End.	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy Lara, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, GSA Acquisition Policy Division, 1800 F Street NW, Washington, AZ 20405, *Phone:* 816 926–7172, *Email:* amy.lara@gsa.gov.  
*RIN:* 3090–AK36

**214. General Services Administration Acquisition Regulations (GSAR); GSAR 2021–G520, Economic Price Adjustment for Deregulated Electric Supplies [3090–AK48]**

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

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise internal agency approval procedures to allow the use of an economic price adjustment clause for deregulated electric supplies under fixed-price contracts. This rule will better account for regional variability in prices, portions of which are controlled by the Federal Energy Regulatory Commission under section 205 and 206 of the Federal Power Act and other regulatory bodies.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/24	
NPRM Comment Period End.	01/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253–7858, *Email:* stephen.carroll@gsa.gov.

*RIN:* 3090–AK48

**215. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G530, Labor Requirements for Lease Acquisitions [3090–AK51]**

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

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to extend the requirements of Executive Order 14026 (Increasing the Minimum Wage for Federal Contractors) and Department of Labor regulations (29 CFR part 23) to lease acquisitions where the Davis Bacon Act applies by requiring inclusion of related Federal Acquisition Regulation (FAR) requirements. Generally, the FAR does not apply to leasehold acquisitions of real property. However, several FAR requirements have been adopted through GSAR part 570. This rule promotes economic resilience and improves the buying power of U.S. citizens.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/24	
NPRM Comment Period End.	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 718–6112, *Email:* johnnie.mcdowell@gsa.gov.

*RIN:* 3090–AK51

## GENERAL SERVICES ADMINISTRATION (GSA)

Final Rule Stage

### Office of Acquisition Policy

#### 216. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G510, Federal Supply Schedule Economic Price Adjustment [3090–AK20]

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

*Abstract:* The General Services Administration is amending the General Services Administration Acquisition Regulations (GSAR) to standardize and simplify the clauses for Multiple Award Schedules (Schedules) related to economic price adjustments. This rule removes government-unique limits in these clauses to better align with commercial standards and practices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/16/23	88 FR 78710
NPRM Comment Period End.	01/16/24	
Final Rule .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Thomas O'Linn, Senior Procurement Policy Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445–0390, *Email:* thomas.olinn@gsa.gov.

*RIN:* 3090–AK20

#### 217. General Service Acquisition Regulation (GSAR); GSAR Case 2020–G512, System for Award Management Representation for Leases [3090–AK22]

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

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the requirement for lease offerors to have an active System for Award Management (SAM) registration when submitting offers and instead allow offers up until the time of award to obtain an active SAM registration. Entities seeking Federal leases differ from the typical entities seeking Federal contracts in that common practice is to form a new entity for every new lease offer. Requiring representations from these entities prior to offer submission restricts competition. In addition, the tools in SAM typically used in the Government's evaluation of offers do not add value when evaluating lease offers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/27/24	89 FR 21230
NPRM Comment Period End.	05/28/24	
Final Rule .....	01/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy Lara, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, AZ 20405, *Phone:* 816 926–7172, *Email:* amy.lara@gsa.gov. *RIN:* 3090–AK22

#### 218. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G522, Contract Requirements for High-Security Leased Space [3090–AK39]

*Legal Authority:* 40 U.S.C. 121(c); Pub. L. 116–276

*Abstract:* The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to incorporate contractor disclosure requirements and access limitations for high-security leased space pursuant to the Secure Federal Leases Act. Covered entities are required to identify whether the beneficial owner of a high-security leased space, including an entity involved in the financing thereof, is a foreign person or entity when first submitting a proposal and annually thereafter. This rule supports the national security priority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/27/21	86 FR 73219
NPRM Comment Period End.	02/25/22	
Final Rule .....	11/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253–7858, *Email:* stephen.carroll@gsa.gov. *RIN:* 3090–AK39

#### 219. General Service Acquisition Regulation (GSAR); GSAR Case 2022–G513, Updating Payments Clause [3090–AK55]

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

*Abstract:* The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to remove the agency supplemental clause

regarding payments for non-commercial fixed price contracts for supplies or services. This payments clause provides that, in certain transactions, the Government must pay a contractor without submission of an invoice or voucher. GSA has determined that this is no longer in the best interest of the Government. This final rule will additionally amend any corresponding references to the clause.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/28/23	88 FR 12641
NPRM Comment Period End.	05/01/23	
Final Rule .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Byron Boyer, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 850–5580, *Email:* byron.boyer@gsa.gov. *RIN:* 3090–AK55

## GENERAL SERVICES ADMINISTRATION (GSA)

Long-Term Actions

### Office of Acquisition Policy

#### 220. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G527, Immediate and Highest-Level Owner for High-Security Leased Space [3090–AK44]

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

*Abstract:* GSA is amending the General Services Administration Acquisition Regulation (GSAR) to implement certain requirements outlined in the Secure Federal LEASES Act (Pub. L. 116–276). The Act addresses the risks of foreign ownership of Government-leased real estate and requires the disclosure of ownership information for high-security space leased to accommodate a Federal agency. This rule supports the national security priority.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule Effective.	06/30/21	86 FR 34966
Interim Final Rule	07/01/21	
Interim Final Rule Comment Period End.	08/30/21	
Final Rule .....	06/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253-7858, *Email:* stephen.carroll@gsa.gov.  
*RIN:* 3090-AK44

**221. General Services Administration Acquisition Regulation (GSAR): GSAR Case 2023-G507, Additional Transactional Data Reporting Elements for Non-Federal Supply Schedule Contracts [3090-AK71]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to update and bring certain reporting elements into conformance with current business practices. The reporting elements would apply to solicitations and contracts for GSA-awarded indefinite-delivery indefinite-quantity (IDIQ), Governmentwide acquisition contracts (GWACs), and multi-agency contracts (MACs).

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/25	
NPRM Comment Period End.	08/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Thomas O'Linn, Senior Procurement Policy Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov.  
*RIN:* 3090-AK71

**GENERAL SERVICES ADMINISTRATION (GSA)**

**Completed Actions**

**222. General Services Administration Acquisition Regulation (GSAR): GSAR Case 2020-G511, Updated Guidance For Non-Federal Entities Access to Federal Supply Schedules [3090-AK21]**

*Legal Authority:* 40 U.S.C. 121(c); 40 U.S.C. 502

*Abstract:* GSA is issuing this final rule amending the General Services Administration Acquisition Regulation (GSAR) to update and clarify the requirements for use of Federal Supply Schedule (FSS) contracts by eligible non-Federal entities, such as State and local governments.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	02/22/24	89 FR 13282
Final Rule Effective.	03/25/24	
Final Rule Correction.	04/03/24	89 FR 22966

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Thomas O'Linn, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov  
*RIN:* 3090-AK21

**223. General Service Acquisition Regulation (GSAR): GSAR Case 2022-G514, Standardizing Federal Supply Schedule Clause and Provision Prescriptions [3090-AK58]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to standardize the identification of Federal Supply Schedule (FSS) clauses, provisions, and references. GSA will clarify the distinction between Federal Supply Schedule and the Multiple Award Schedule (MAS) Program. GSA will also clarify the applicability of FSS clauses and provisions for FSS contracts managed by GSA and the Department of Veterans Affairs.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	01/12/24	89 FR 2172
Correction .....	01/23/24	89 FR 4200
Final Rule Effective.	02/12/24	
Correction .....	02/13/24	89 FR 10006

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Adina Torberntsson, *Phone:* 303 236-2677, *Email:* adina.torberntsson@gsa.gov.  
*RIN:* 3090-AK58

**224. General Services Acquisition Regulation (GSAR): GSAR Case 2022-G517 Single-Use Plastic Packaging Reduction [3090-AK60]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to amend the General Services Administration Acquisition Regulation (GSAR) to add a new provision and clause to identify single-use plastic free (SUP-free) packaging availability for products under the Federal Supply Schedules with the goal of reducing single-use plastic packaging. GSA

sought public participation on this rule through the establishment of a GAP FAC in June of 2022. The GAP FAC was comprised of multiple stakeholders to include academics, non-profit organizations, industry, and government employees. GSA published an advance notice of proposed rulemaking in July of 2022 (including an extension in September of 2022) seeking inputs from the public pertaining to the use of plastic consumed in both packaging and shipping, as well as other single-use plastics for which the agency contracts. The feedback was considered in the development of the proposed rule. GSA also requested and received public comments in response to the proposed rule published in December of 2023. These comments were considered in the development of the final rule.

*Completed:*

Reason	Date	FR Cite
NPRM .....	12/26/23	88 FR 88856
Final Rule .....	06/06/24	89 FR 48330
Final Rule Effective.	07/08/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Adina Torberntsson, *Phone:* 303 236-2677, *Email:* adina.torberntsson@gsa.gov.  
*RIN:* 3090-AK60

**225. Federal Management Regulation (FMR), FMR Case 2023-102-1, Designation of Authority and Sustainable Siting [3090-AK69]**

*Legal Authority:* 40 U.S.C. secs. 121(c); 40 U.S.C. secs. 581(c)(1), 584, 585, and 901 to 905; sec. 1 of Reorganization Plan No. 18 of 1950, 15 FR 3177, 64 Stat. 1270 (40 U.S.C. 301 note); 7 U.S.C. 2204b; 41 U.S.C. 3301 *et seq.*; 54 U.S.C. 300101 *et seq.*; E.O. 12072; E.O. 13006

*Abstract:* The General Services Administration, in furtherance of its authority to furnish space to federal agencies, is amending the Federal Management Regulation to elaborate on the factors that are advantageous to the Government when planning for location decisions. In addition, the proposed revisions are necessary to bring the current regulation into compliance with updated terminology in statute and Office of Management and Budget bulletins. The objective of these changes is to direct agencies to better integrate strategic, holistic analysis into planning for agency location decisions and to provide consistency in application of these regulations across Federal agencies and regions.

*Completed:*

Reason	Date	FR Cite
NPRM .....	10/24/23	88 FR 72974
Final Rule .....	04/22/24	89 FR 29261
Final Rule Effective.	05/22/24	

Agency Contact: Chris Coneeney,  
Phone: 202 208–2956, Email:  
chris.coneeney@gsa.gov.  
RIN: 3090–AK69  
[FR Doc. 2024–16472 Filed 8–15–24; 8:45 am]  
BILLING CODE 6820–34–P

Regulatory Flexibility Analysis  
Required: Yes.



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Part XVI

National Aeronautics and Space Administration

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Semiannual Regulatory Agenda



**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**14 CFR Ch. V**

**Regulatory Agenda**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** NASA’s regulatory agenda describes those regulations being considered for development or

amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

**ADDRESSES:** Director, Office of the Executive Secretariat, NASA Headquarters, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Emily A. Pellegrino, (202) 257–1698.

**SUPPLEMENTARY INFORMATION:** OMB guidelines dated February 20, 2024, “Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions,” require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and require a Regulatory Plan be published in the fall.

Dated: May 14, 2024.

**Dennis Boccippio,**  
*Supervisory Program Specialist, Office of the Executive Secretariat.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
226 .....	NASA FAR Supplement: Implementation of a Branding Clause ( <b>Section 610 Review</b> ) .....	2700–AE76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
227 .....	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ( <b>Section 610 Review</b> ).	2700–AE77

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)**

Proposed Rule Stage

**226. • NASA FAR Supplement: Implementation of a Branding Clause (Section 610 Review) [2700–AE76]**

*Legal Authority:* Not Yet Determined

*Abstract:* The National Aeronautics and Space Administration (NASA) is proposing to amend its regulations at 48 CFR parts 1827 and 1852 to implement a new Branding Clause. This clause will provide instructions to the contractor on whether the contractor is authorized to use the NASA brand(s) or is prohibited from use. As a government agency, NASA will not promote or endorse or appear to promote or endorse a commercial product, service, or activity. Therefore, there are strict limits placed on the use of any of the NASA identities in advertisements. The clause will also include limitations on when contractors may release general information regarding their activities conducted within the scope of NASA contracts. The clause will provide legal protection for NASA and contractors by detailing the rights and responsibilities of each.

**Public Outreach and Engagement Activities**

NASA engages with the public on procurement-related regulations in several ways. The Agency meets with industry associations on a quarterly basis both for its own regulations and as

a signatory to the Federal Acquisition Regulation (FAR). Industry associations that regularly participate in these discussions include members of the Council of Defense and Space Industry Associations (CODSIA). During these meetings, NASA often provides information on open FAR rules which are publicly accessible in the FAR Case Status Report at [https://www.acq.osd.mil/dpap/dars/far\\_case\\_status.html](https://www.acq.osd.mil/dpap/dars/far_case_status.html), and may provide an update on companion NASA FAR Supplement (NFS) acquisition rules. Occasionally, while NFS or FAR rules are out for public comment, NASA will hold a public meeting to allow the public to provide feedback in an open forum. Information regarding a public meeting is typically provided within the rule document upon publication for comment.

NASA’s Acquisition also conveys policy changes through publications on the following websites:

Procurement Class Deviations at <https://www.hq.nasa.gov/office/procurement/regs/pcd.pdf>.

Procurement Notices (<https://www.hq.nasa.gov/office/procurement/regs/pn.pdf>).

Procurement Information Circulars at <https://www.hq.nasa.gov/office/procurement/regs/pic.pdf>.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Erica Jones, National Aeronautics and Space Administration, Washington, DC 20546, *Phone:* 256 544–6720, *Email:* [erica.d.jones@nasa.gov](mailto:erica.d.jones@nasa.gov).  
*RIN:* 2700–AE76

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)**

Final Rule Stage

**227. • Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Section 610 Review) [2700–AE77]**

*Legal Authority:* 51 U.S.C. 20113 (e); Pub. L. 97–258, 96 Stat. 1003; 31 U.S.C. 6301 *et seq.*

*Abstract:* The National Aeronautics and Space Administration (NASA) is proposing to amend its regulations at 2 CFR part 1800 to include updates and clarifications in administrative requirements, cost principles, and audit requirements for federal awards issued by NASA. The changes will reflect updated definitions, streamlined financial and program management standards, and refined property standards to align with current federal regulations and NASA-specific

operational needs. Additionally, the proposed changes will include adjustments to noncompliance remedies and cost-sharing requirements, aiming to enhance the efficiency and accountability of managing grant and cooperative agreement awards given by NASA.

*Timetable:*

Action	Date	FR Cite
Direct Final Rule	09/00/24	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Corey Walz, Office of the Chief Financial Officer, National Aeronautics and Space Administration,

300 E Street SW, Washington, DC 20546, *Phone:* 202 904-6581, *Email:* [corey.a.walz@nasa.gov](mailto:corey.a.walz@nasa.gov).

*RIN:* 2700-AE77

[FR Doc. 2024-16462 Filed 8-15-24; 8:45 am]

**BILLING CODE 7510-13-P**





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Part XVII

Small Business Administration

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Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This Semiannual Regulatory Agenda (Agenda) is a summary of current and projected rulemakings and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA's regulatory activities. Accordingly, SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Lindsey K. McCready, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; (202) 401-2996; [lindsey.mccready@sba.gov](mailto:lindsey.mccready@sba.gov).

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires SBA to publish in the **Federal**

**Register** a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the **Federal Register** is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal Government's unified Regulatory Agenda, which will be available online at [www.reginfo.gov](http://www.reginfo.gov) in a format that offers users enhanced ability to obtain information about SBA's rules.

Isabella Casillas Guzman,  
Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
228 .....	Affiliation in Small Business Procurement Programs .....	3245-AH97
229 .....	Regulatory Reform Initiative: Streamlining and Modernizing the Surety Bond Guarantee Program .....	3245-AI06
230 .....	Export Working Capital Program .....	3245-AI07
231 .....	Disaster Assistance Loan Program Changes to Unsecured Loan Amounts .....	3245-AI08
232 .....	Small Business Size Standards: Monetary-Based Industry Size Standards .....	3245-AI12
233 .....	Small Business Size Standards: Employee-Based Industry Size Standards .....	3245-AI13

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
234 .....	504 Loan Program Debt Refinancing With and Without Expansion Updates .....	3245-AI15

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
235 .....	Small Business Size Standards: Adjustment of Alternative Size Standard for SBA's 7(a) and CDC/504 Loan Programs for Inflation; and Surety Bond Limits: Adjustments for Inflation.	3245-AG16
236 .....	Small Business Timber Set-Aside Program .....	3245-AG69

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

228. Affiliation in Small Business Procurement Programs [3245-AH97]

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* Following revisions to the requirements in SBA's 8(a) Business Development and Service-Disabled Veteran-Owned Small Business programs, SBA is issuing conforming revisions to its affiliation rules that govern all of the small-business procurement programs. These revisions will ensure consistent requirements for ownership and control across SBA's procurement programs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Sam Le, Director of Policy, Planning, and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 619-1789, *Email:* [sam.le@sba.gov](mailto:sam.le@sba.gov).  
*RIN:* 3245-AH97

229. Regulatory Reform Initiative: Streamlining and Modernizing the Surety Bond Guarantee Program [3245-AI06]

*Legal Authority:* 15 U.S.C. 694(b)  
*Abstract:* The Office of Surety Guarantees (OSG) will publish a Notice

of Proposed Rulemaking (NPRM) to receive comments from the public and surety industry regarding streamlining and modernizing the Surety Bond Guarantee Program. This proposed rule will reduce the file retainage and form submission burden of participating surety companies, correct conflicting provisions, as well as revise the obsolete preferred surety admissions requirements and the Quarterly Contract Completion Report.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jermaine Perry, Director, Office of Surety Guarantees, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, Phone: 202 401-8275, Email: [jermaine.perry@sba.gov](mailto:jermaine.perry@sba.gov).  
RIN: 3245-AI06

### 230. Export Working Capital Program [3245-AI07]

*Legal Authority:* 15 U.S.C. 636(a)  
*Abstract:* SBA will publish a notice of proposed rulemaking to enhance the Export Working Capital Program (EWCP). The revisions concern (1) increasing the maximum maturity on an EWCP loan from 3-years to 5-years; (2) changing the regulations to allow EWCP loan proceeds to be used to finance export transactions or support companies who engage in export transactions by providing working capital against their accounts receivable and inventory; (3) allowing use of proceeds for asset-based working capital secured by inventory and accounts receivable; (4) including a de minimis amount of domestic accounts receivable (not to exceed 30%) for EWCP loans used as an asset based line of credit; (5) allow Applicants to submit projections to support the need for facilities supporting pre-shipment working capital; (6) revise the unique requirements for the EWCP to align with industry standards for asset based lending.

#### Timetable:

Action	Date	FR Cite
NPRM .....	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Daniel Pische, National Director of Trade Finance, Office of International Trade, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 321-5666, Email: [daniel.pische@sba.gov](mailto:daniel.pische@sba.gov).  
RIN: 3245-AI07

### 231. Disaster Assistance Loan Program Changes to Unsecured Loan Amounts [3245-AI08]

*Legal Authority:* 15 U.S.C. 636(b)  
*Abstract:* SBA will publish a notice of proposed rulemaking in order to receive comments from the public regarding the proposal to increase the unsecured loan amounts for disaster survivors.

#### Timetable:

Action	Date	FR Cite
NPRM .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Alejandro Contreras, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205-6674, Email: [alejandro.contreras@sba.gov](mailto:alejandro.contreras@sba.gov).  
RIN: 3245-AI08

### 232. • Small Business Size Standards: Monetary-Based Industry Size Standards [3245-AI12]

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the third 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries with monetary-based size standards and make necessary adjustments to their size standards. This is one of the two of proposed rules that SBA will issue. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

#### Timetable:

Action	Date	FR Cite
NPRM .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205-7189, Fax: 202 205-6390, Email: [khem.sharma@sba.gov](mailto:khem.sharma@sba.gov).  
RIN: 3245-AI12

### 233. • Small Business Size Standards: Employee-Based Industry Size Standards [3245-AI13]

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the third 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries with employee-based size standards and make necessary adjustments to their size standards. This is one of the two of proposed rules that SBA will issue. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

#### Timetable:

Action	Date	FR Cite
NPRM .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205-7189, Fax: 202 205-6390, Email: [khem.sharma@sba.gov](mailto:khem.sharma@sba.gov).  
RIN: 3245-AI13

## SMALL BUSINESS ADMINISTRATION (SBA)

### Final Rule Stage

### 234. • 504 Loan Program Debt Refinancing With and Without Expansion Updates [3245-AI15]

*Legal Authority:* 15 U.S.C. 695 *et seq.*  
*Abstract:* SBA proposes to update the 504 loan program to broaden eligibility and increase access to capital for small business borrowers. This will include debt refinancing with and without expansion as well as economic development objectives.

#### Timetable:

Action	Date	FR Cite
Direct Final Rule	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 604-5032, Email: [linda.reilly@sba.gov](mailto:linda.reilly@sba.gov).  
RIN: 3245-AI15

## SMALL BUSINESS ADMINISTRATION (SBA)

### Completed Actions

### 235. Small Business Size Standards: Adjustment of Alternative Size Standard for SBA's 7(a) and CDC/504 Loan Programs for Inflation; and Surety Bond Limits: Adjustments for Inflation [3245-AG16]

*Legal Authority:* Pub. L. 111-240, sec. 1116

*Abstract:* SBA proposes amending its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program

and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA’s Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Completed:

Action	Date	FR Cite
Final Rule .....	02/15/24	89 FR 11703

Regulatory Flexibility Analysis  
Required: Yes.

Agency Contact: Khem Raj Sharma,  
Phone: 202 205–7189, Fax: 202 205–  
6390, Email: khem.sharma@sba.gov.  
RIN: 3245–AG16

236. Small Business Timber Set-Aside  
Program [3245–AG69]

Legal Authority: 15 U.S.C. 631; 15  
U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of

Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Completed:

Action	Date	FR Cite
Withdrawn .....	01/01/24	

Regulatory Flexibility Analysis  
Required: Yes.  
Agency Contact: Sam Le, Phone: 202  
619–1789, Email: sam.le@sba.gov.  
RIN: 3245–AG69

[FR Doc. 2024–16463 Filed 8–15–24; 8:45 am]  
BILLING CODE 8026–03–P



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Part XVIII

Department of Defense

General Services Administration

National Aeronautics and Atmospheric  
Administration

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Semiannual Regulatory Agenda



**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Ch. 1****Semiannual Regulatory Agenda**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 “Regulatory Planning and Review, as reaffirmed and amended in Executive Order 13563, “Improving Regulation

and Regulatory Review,” and Executive Order 14094, “Modernizing Regulatory Review.”

This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. Additionally, members of the public can track the progress of any open and pending FAR rule via the “Open FAR Cases” report, which is publicly available at [https://www.acq.osd.mil/dpap/dars/far\\_case\\_status.html](https://www.acq.osd.mil/dpap/dars/far_case_status.html).

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 6th Floor, Washington, DC 20405–0001, 202–501–4755 or by email at [lois.mandell@gsa.gov](mailto:lois.mandell@gsa.gov).

**SUPPLEMENTARY INFORMATION:** DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at <https://www.acquisition.gov/far>.

**William F. Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

**DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
237 .....	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI) .....	9000–AN56
238 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–016, Minimizing the Risk of Climate Change in Federal Acquisitions.	9000–AO33
239 .....	Federal Acquisition Regulation (FAR); FAR Case 2023–002, Supply Chain Software Security .....	9000–AO49

**DOD/GSA/NASA (FAR)—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
240 .....	Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN83
241 .....	Federal Acquisition Regulation (FAR); FAR Case 2019–009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN92
242 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk.	9000–AO32
243 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–017, Cyber Threat and Incident Reporting and Information Sharing.	9000–AO34
244 .....	Federal Acquisition Regulation (FAR); FAR Case 2023–010, Prohibition on a ByteDance Covered Application.	9000–AO58
245 .....	Federal Acquisition Regulation (FAR); FAR Case 2023–021, Pay Equity and Transparency in Federal Contracting.	9000–AO69

**DOD/GSA/NASA (FAR)—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
246 .....	Federal Acquisition Regulation (FAR); FAR Case 2020–011, Implementation of Federal Acquisition Supply Chain Security Act (FASCSA) Orders.	9000–AO13

**DOD/GSA/NASA (FAR)—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
247 .....	Federal Acquisition Regulation (FAR); FAR Case 2022–006, Sustainable Procurement .....	9000–AO43

**DEPARTMENT OF DEFENSE/  
GENERAL SERVICES  
ADMINISTRATION/NATIONAL  
AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

Proposed Rule Stage

**237. Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI) [9000–AN56]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will apply the controlled unclassified information (CUI) program requirements in Federal contracts in a uniform manner to protect CUI. This rule is one element of a larger strategy to improve the Government's efforts to identify, deter, protect against, detect, and respond to increasing sophisticated threat actions targeting Federal contractors. This rule is being issued in accordance with the National Archives and Records Administration (NARA) regulations implementing the CUI program per Executive Order 13556 issued November 4, 2010, as implemented in NARA's implementing regulations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/24	
NPRM Comment Period End.	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email:* michael.o.jackson@gsa.gov.

*RIN:* 9000–AN56

**238. Federal Acquisition Regulation (FAR); FAR Case 2021–016, Minimizing the Risk of Climate Change in Federal Acquisitions [9000–AO33]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will allow agencies to: (1) provide a preference for proposed solutions that have lower life-cycle greenhouse gas emissions; and (2) require a Federal contractor to identify and manage climate risks that may impact contract performance. This rule is being issued in accordance with section 5(b)(ii) of the Executive Order 14030 titled “Climate-Related Financial Risk.” DoD, GSA, and NASA published an advance notice of proposed

rulemaking in October of 2021 seeking feedback from the public on ways in which the Government could consider greenhouse gas emissions and climate risks in Federal procurement. The feedback is being considered in the development of the proposed rule.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/15/21	86 FR 57404
Comment Period Extended.	12/07/21	86 FR 69218
ANPRM Comment Period End.	01/13/22	
NPRM .....	07/00/24	
NPRM Comment Period End.	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7386, *Email:* jennifer.hawes@gsa.gov.

*RIN:* 9000–AO33

**239. Federal Acquisition Regulation (FAR); FAR Case 2023–002, Supply Chain Software Security [9000–AO49]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will require suppliers of software available for purchase by Federal agencies to comply with the Department of Homeland Security Cybersecurity and Infrastructure Security Agency Secure Software Development Attestation Form, and requirements for critical software. This rule is being issued in accordance with section 4(n) and 4(k) of the Executive Order 14028 titled “Improving the Nation's Cybersecurity” and Office of Management and Budget Memorandums 22–18 and 23–16.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/24	
NPRM Comment Period End.	09/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586–1280, *Email:* marissa.ryba@gsa.gov.

*RIN:* 9000–AO49

**DEPARTMENT OF DEFENSE/  
GENERAL SERVICES  
ADMINISTRATION/NATIONAL  
AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

Final Rule Stage

**240. Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment [9000–AN83]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will finalize an interim rule that prohibits the Government from procuring covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company, or Dahua Technology Company, to include any subsidiaries or affiliates. The FAR provisions require that an offeror represent at an entity level in SAM, and if applicable on an offer-by-offer basis, if the offeror will or will not provide any covered telecommunications equipment or services to the Government. If an offeror responds in an offer that it will provide covered telecommunications, the offeror will need to provide additional disclosures. This FAR rule protects U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services. This rule is being issued in accordance with section 889 (a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2019. Paragraph (a)(1)(B) of section 889 is being implemented separately through FAR Case 2019–009. DoD, GSA and NASA received public comments in response to the interim rules published in August and December of 2019, which are being considered in the development of the final rule.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	08/13/19	84 FR 40216
Interim Final Rule Comment Period End.	10/15/19	
Interim Final Rule Effective.	12/13/19	84 FR 68314
Interim Final Rule Comment Period End.	12/13/19	
Interim Final Rule	02/11/20	
Final Rule .....	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-4075, *Email:* [farpolicy@gsa.gov](mailto:farpolicy@gsa.gov).  
*RIN:* 9000-AN83

**241. Federal Acquisition Regulation (FAR); FAR Case 2019-009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment [9000-AN92]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will finalize an interim rule that prohibits the Government from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company, or Dahua Technology Company, to include any subsidiaries or affiliates. This FAR rule protects U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services. This rule is being issued in accordance with paragraph (a)(1)(B) of section 889 of the National Defense Authorization Act for Fiscal Year 2019. Paragraph (a)(1)(A) of section 889 is being implemented separately through FAR Case 2018-017. DoD, GSA and NASA received public comments in response to the interim rules published in July and August of 2020, which are being considered in the development of the final rule.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	07/14/20	85 FR 42665
Interim Final Rule Effective.	08/13/20	
Interim Final Rule	08/27/20	85 FR 53126
Interim Final Rule Comment Period End.	09/14/20	
Interim Final Rule Comment Period End.	10/26/20	
Interim Final Rule Effective.	10/26/20	
Final Rule .....	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-4075, *Email:* [farpolicy@gsa.gov](mailto:farpolicy@gsa.gov).  
*RIN:* 9000-AN92

**242. Federal Acquisition Regulation (FAR); FAR Case 2021-015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk [9000-AO32]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will require certain Federal contractors to publicly disclose their annual greenhouse gas emissions. Some Federal contractors will also be required to disclose their climate-related financial risk and to set science-based targets for reducing their greenhouse gas emissions. This rule is being issued in accordance with section 5(b)(i) of the Executive Order 14030 titled "Climate-Related Financial Risk." DoD, GSA, and NASA received public comments in response to the proposed rule published in November of 2022, which are being considered in the development of the final rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/14/22	87 FR 68312
Comment Period Extended.	12/23/22	87 FR 78910
NPRM Comment Period End.	01/13/23	
Final Rule .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-7386, *Email:* [jennifer.hawes@gsa.gov](mailto:jennifer.hawes@gsa.gov).  
*RIN:* 9000-AO32

**243. Federal Acquisition Regulation (FAR); FAR Case 2021-017, Cyber Threat and Incident Reporting and Information Sharing [9000-AO34]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will authorize agencies to increase the sharing of information about cyber threats and incident information between Government and certain providers. In addition, this rule will require certain contractors to report cyber incidents to the Federal Government to facilitate effective cyber incident response and remediation. This rule requires an offeror to represent that they have submitted all security incident reports in a current, accurate, and complete manner. This rule is being issued pursuant to recommendations from the Office of Management and Budget and

the Department of Homeland Security in accordance with sections 2(b), 2(c), 2(g)(i), and 8(b), of the Executive Order 14028 titled "Improving the Nation's Cybersecurity."

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/03/23	88 FR 68055
NPRM Comment Period Extended.	11/01/23	88 FR 74970
NPRM Comment Period End.	12/04/23	
NPRM Comment Period Extended End.	02/02/24	
Final Rule .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586-1280, *Email:* [marissa.ryba@gsa.gov](mailto:marissa.ryba@gsa.gov).  
*RIN:* 9000-AO34

**244. Federal Acquisition Regulation (FAR); FAR Case 2023-010, Prohibition on a Bytedance Covered Application [9000-AO58]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule prohibits executive agencies from having or using the social networking service TikTok, developed or provided by ByteDance Limited, on any information technology owned or managed by the Government. This policy is being implemented as a national security measure to protect Government information and information and communication technology systems pursuant to section 102 of Division R of the Consolidated Appropriations Act, 2023, the No TikTok on Government Devices Act, and its implementing guidance under Office of Management and Budget Memorandum M-23-13, "No TikTok on Government Devices" Implementation Guidance, dated February 27, 2023. DoD, GSA, and NASA received public comments in response to the interim rule published in June of 2023, which are being considered in the development of the final rule.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	06/02/23	88 FR 36430
Interim Final Rule Comment Period End.	08/01/23	
Final Rule .....	05/00/25	

*Regulatory Flexibility Analysis*  
*Required: Yes.*

*Agency Contact:* FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-4075, *Email:* [farpolicy@gsa.gov](mailto:farpolicy@gsa.gov).

*RIN:* 9000-AO58

**245. Federal Acquisition Regulation (FAR); FAR Case 2023-021, Pay Equity and Transparency in Federal Contracting [9000-AO69]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will limit or prohibit contractors and subcontractors from seeking and considering information about job applicants' existing or past compensation when making employment decisions for certain positions. This rule will also require contractors and subcontractors to disclose the compensation to be offered to the hired applicant in job announcements for certain positions. This rule will implement a proposed Governmentwide policy developed by the Administrator for Federal Procurement Policy, pursuant to the Administrator's authority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/30/24	89 FR 5843
NPRM Comment Period End.	04/01/24	
Final Rule .....	12/00/24	

*Regulatory Flexibility Analysis*  
*Required: Yes.*

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* [mahruba.uddowla@gsa.gov](mailto:mahruba.uddowla@gsa.gov).

*RIN:* 9000-AO69

**DEPARTMENT OF DEFENSE/  
GENERAL SERVICES  
ADMINISTRATION/NATIONAL  
AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

Long-Term Actions

**246. Federal Acquisition Regulation (FAR); FAR Case 2020-011, Implementation of Federal Acquisition Supply Chain Security Act (FASCSA) Orders [9000-AO13]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will protect national security by excluding or removing certain covered products, services, or sources from the Federal supply chain through the issuance of exclusion and removal orders. This rule is being issued pursuant to section 202 of the Strengthening and Enhancing Cyber-capabilities by Utilizing Risk Exposure (SECURE) Technology Act and the Federal Acquisition Security Council (FASC) rule published on August 26, 2021.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	10/05/23	88 FR 69503
Interim Final Rule Comment Period End.	12/04/23	
Interim Final Rule Effective.	12/04/23	
Final Rule .....	08/00/25	

*Regulatory Flexibility Analysis*  
*Required: Yes.*

*Agency Contact:* Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586-1280, *Email:* [marissa.ryba@gsa.gov](mailto:marissa.ryba@gsa.gov).

*RIN:* 9000-AO13

**DEPARTMENT OF DEFENSE/  
GENERAL SERVICES  
ADMINISTRATION/NATIONAL  
AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

Completed Actions

**247. Federal Acquisition Regulation (FAR); FAR Case 2022-006, Sustainable Procurement [9000-AO43]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

*Abstract:* This rule will require Federal contractors to provide sustainable products and services to the maximum extent practicable under Federal contracts. This rule will also reorganize and streamline FAR part 23 to focus on current environmental matters. This rule implements the Executive Order 14057 titled "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability," and Office of Management and Budget Memorandum M-22-06. DoD, GSA, and NASA received public comments in response to the proposed rule published in August of 2023, which are being considered in the development of the final rule.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	04/24/24	89 FR 30212
Final Rule Effective.	05/22/24	

*Regulatory Flexibility Analysis*  
*Required: Yes.*

*Agency Contact:* Jennifer Hawes, *Phone:* 202 969-7386, *Email:* [jennifer.hawes@gsa.gov](mailto:jennifer.hawes@gsa.gov).

*RIN:* 9000-AO43

[FR Doc. 2024-16464 Filed 8-15-24; 8:45 am]

**BILLING CODE 6820-EP-P**





# FEDERAL REGISTER

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Part XIX

Commodity Futures Trading Corporation

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Semiannual Regulatory Agenda

**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Ch. I**

**Regulatory Flexibility Agenda**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Commodity Futures Trading Commission (“Commission”), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rulemakings that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

**FOR FURTHER INFORMATION CONTACT:** Christopher Kirkpatrick, Secretary of the Commission, (202) 418–5964, [ckirkpatrick@cftc.gov](mailto:ckirkpatrick@cftc.gov), Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (“RFA”), 5 U.S.C. 601, *et seq.*, includes a requirement that each agency publish semiannually in the **Federal Register** a regulatory flexibility agenda. Such agendas are to contain the following elements, as specified in 5 U.S.C. 602(a):

1. A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

2. A summary of the nature of any such rule under consideration for each subject area listed in the agenda, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

3. The name and telephone number of an agency official knowledgeable about the items listed in the agenda.

Accordingly, the Commission has prepared an agenda of rulemakings that

it presently expects may be considered during the course of the next year. Subject to a determination for each rule, it is possible as a general matter that some of these rules may have some impact on small entities.<sup>1</sup> The Commission notes also that, under the RFA, it is not precluded from considering or acting on a matter not included in the regulatory flexibility agenda, nor is it required to consider or act on any matter that is listed in the agenda. *See* 5 U.S.C. 602(d).

The Commission’s Spring 2024 regulatory flexibility agenda is included in the *Unified Agenda of Federal Regulatory and Deregulatory Actions*. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users enhanced ability to obtain information from the Agenda database.

Issued in Washington, DC, on May 17, 2024, by the Commission.

**Christopher Kirkpatrick,**  
*Secretary of the Commission.*

COMMODITY FUTURES TRADING COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
248 .....	Amendments to Certain Provisions in Part 4 Applicable to Commodity Pool Operators and Commodity Trading Advisors.	3038–AF25

**COMMODITY FUTURES TRADING COMMISSION (CFTC)**

Final Rule Stage

**248. Amendments to Certain Provisions in Part 4 Applicable to Commodity Pool Operators and Commodity Trading Advisors [3038–AF25]**

*Legal Authority:* 7 U.S.C. 6m; 7 U.S.C. 6n

*Abstract:* The Commodity Futures Trading Commission (Commission) has proposed a rule amending certain requirements for commodity pool operators and commodity trading advisors, including increasing the threshold in the portfolio requirement to be a Qualified Eligible Person, imposing minimal disclosure requirements addressing principal risk factors, fees/breakeven table, and conflicts of interest, and extending the deadline for

providing quarterly account statements to pool participants from 30 to 45 days.

*Timetable:*

<sup>1</sup> The Commission published its definition of a “small entity” for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to list—but nonetheless does—many of the items contained in this regulatory flexibility agenda. *See also* 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant and other substantive rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public’s opportunity to participate in the rulemaking process.

Action	Date	FR Cite
NPRM .....	10/12/23	88 FR 70852
NPRM Comment Period End.	12/11/23	
Final Rule .....	07/00/24	
Final Rule Effective.	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Pamela M. Geraghty, Deputy Director, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5634, *Email:* [pgeraghty@cftc.gov](mailto:pgeraghty@cftc.gov).

**RIN:** 3038–AF25

[FR Doc. 2024–16465 Filed 8–15–24; 8:45 am]

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Part XX

Consumer Financial Protection Bureau

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Semiannual Regulatory Agenda



CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR CH. X

Semiannual Regulatory Agenda

AGENCY: Consumer Financial Protection Bureau.  
ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Consumer Financial Protection Bureau (CFPB) is publishing this agenda as part of the Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from July 2024 to June 2025. The next agenda will be published in Fall 2024 and will update this agenda through Fall 2025. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of May 15, 2024.  
ADDRESSES: Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.  
FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein. If you require this document in an alternative electronic format, please contact CFPB\_Accessibility@cfpb.gov.  
SUPPLEMENTARY INFORMATION: The CFPB is publishing its Spring 2024 Agenda as part of the Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget (OMB) under Executive Order 12866. The agenda lists the regulatory matters that the CFPB reasonably anticipates, as of May 15, 2024, that it will have under consideration during the period from July 1, 2024, to June 30, 2025, as

described further below.<sup>1</sup> The complete Unified Agenda is available to the public at the following website: <https://www.reginfo.gov>.  
Consistent with procedures established by OMB's Office of Information and Regulatory Affairs,<sup>2</sup> the CFPB's active agenda is divided into five sections: pre-rule stage; proposed rule stage; final rule stage; long-term actions, completed actions. Generally, the pre-rule through final rule stages sections list items the CFPB plans to issue within the next 12 months. The long-term actions are listed for informational purposes if a regulatory action is anticipated beyond that one-year time frame. Completed actions are those that have been published as final or are withdrawn.  
Rohit Chopra,  
Director, Consumer Financial Protection Bureau.

CONSUMER FINANCIAL PROTECTION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
249 .....	Fair Credit Reporting Act Rulemaking .....	3170-AA54

CONSUMER FINANCIAL PROTECTION BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
250 .....	Amendments to FIRREA Concerning Automated Valuation Models .....	3170-AA57
251 .....	Required Rulemaking on Personal Financial Data Rights .....	3170-AA78

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Proposed Rule Stage

249. Fair Credit Reporting Act Rulemaking [3170-AA54]

Legal Authority: 15 U.S.C. 1681, *et seq.*  
Abstract: Congress enacted the Fair Credit Reporting Act (FCRA) to ensure fair and accurate credit reporting, promote efficiency in the banking system, and protect consumer privacy. The law and its implementing regulations (Regulation V) impose legal duties on consumer reporting agencies, users of consumer reports, and furnishers of information to consumer reporting agencies. The consumer credit reporting industry has consistently been a major source of consumer complaints, and, since the FCRA's enactment in 1970, advances in technology have led, particularly in recent years, to a rapid evolution of the consumer reporting

marketplace, including the emergence of companies using business models that rely on newer technologies and novel methods to collect and sell consumer data. The CFPB is considering proposals to regulate many activities of such data brokers as covered under the FCRA and to address other issues that have arisen in the years since the FCRA's enactment. In light of recent events and research, the CFPB is also considering whether medical debts are necessary and appropriate for consideration by creditors in underwriting decisions to protect legitimate operational, transactional, risk, consumer, and other needs, such that they should continue to be covered by a regulatory exemption allowing their consideration by creditors. The CFPB is further considering whether medical debts should be included in consumer reports provided to creditors.  
Timetable:

reporting information for this Unified Agenda in a manner consistent with past practice.

Action	Date	FR Cite
NPRM .....	07/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Laura Stack, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, Phone: 202 435-7700.  
RIN: 3170-AA54

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Final Rule Stage

250. Amendments to FIRREA Concerning Automated Valuation Models [3170-AA57]

Legal Authority: 12 U.S.C. 3354  
Abstract: The CFPB is participating in an interagency rulemaking process with the Board of Governors of the Federal

<sup>1</sup> The listing does not include certain routine, frequent, or administrative matters. The CFPB is

<sup>2</sup> See [https://www.reginfo.gov/public/jsp/eAgenda/UA\\_About.myjsp](https://www.reginfo.gov/public/jsp/eAgenda/UA_About.myjsp).

Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Federal Housing Finance Agency (collectively, the Agencies) to develop regulations to implement the amendments made by the Consumer Financial Protection Act (CFPA) to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) concerning automated valuation models. The FIRREA amendments require implementing regulations for quality control standards for automated valuation models (AVMs). The Agencies issued a proposed rule to implement the CFPA's AVM amendments to FIRREA in June 2023.

*Timetable:*

Action	Date	FR Cite
SBREFA Outline	02/23/22	88 FR 40638
SBREFA Report ..	05/13/22	
NPRM .....	06/21/23	
NPRM Comment	08/21/23	
Period End.		
Final Rule .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Pedro De Oliveira, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, *Phone:* 202 435–7700.

*RIN:* 3170–AA57

**251. Required Rulemaking on Personal Financial Data Rights [3170–AA78]**

*Legal Authority:* 12 U.S.C. 5533; 12 U.S.C. 5481

*Abstract:* Section 1033 of the Consumer Financial Protection Act (CFPA) provides that, subject to rules prescribed by the CFPB, a covered entity (for example, a bank) must make available to consumers, upon request, transaction data and other information concerning a consumer financial product or service that the consumer obtains from the covered entity. Section 1033 also states that the CFPB must prescribe by rule standards to promote the development and use of standardized formats for information made available to consumers. The CFPB

released a Notice of Proposed Rulemaking in October 2023.

*Timetable:*

Action	Date	FR Cite
Request for Information.	11/22/16	81 FR 83806
Principles Statement.	10/18/17	
ANPRM .....	11/06/20	85 FR 71003
ANPRM Comment	02/04/21	
Period End.		
SBREFA Outline	10/27/22	
SBREFA Report ..	03/30/23	
NPRM .....	10/31/23	88 FR 74796
NPRM Comment	12/29/23	
Period End.		
Final Rule .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael Scherzer, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, *Phone:* 202 435–7700.

*RIN:* 3170–AA78

[FR Doc. 2024–16447 Filed 8–15–24; 8:45 am]

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Part XXI

Consumer Product Safety Commission

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Semiannual Regulatory Agenda

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Ch. II**

**Semiannual Regulatory Agenda**

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulations that the Commission expects to develop or review during the next 12 months. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. Information in this agenda was accurate as of May 2024 when the Commission prepared this agenda.

**DATES:** The Commission welcomes comments on the agenda and on the individual agenda entries. Submit comments to the Office of the Secretary on or before September 16, 2024.

**ADDRESSES:** Caption comments on the regulatory agenda, “Regulatory Flexibility Agenda.” You can submit comments by email to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). You can also submit comments by mail or delivery to the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408.

**FOR FURTHER INFORMATION CONTACT:** For further information on the agenda, in general, contact Daniel Vice, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408, [dvice@cpsc.gov](mailto:dvice@cpsc.gov). For further information regarding a particular item on the agenda, contact the person listed in the column titled “Contact” for that item.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) contains several provisions intended to reduce

unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA requires each agency to publish, twice a year, a regulatory flexibility agenda containing “a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities.” 5 U.S.C. 602. The agency must provide a summary of the nature of the rule, the objectives and legal basis for the rule, and an approximate schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. *Id.* In addition, the regulatory flexibility agenda must contain the name and telephone number of an agency official who is knowledgeable about the listed items. *Id.* Agencies must attempt to provide notice of their agendas to small entities and solicit their comments either by directly notifying them, or by including the agenda in publications that small entities are likely to obtain. *Id.*

In addition, Executive Order 12866, *Regulatory Planning and Review* (Sep. 30, 1993), requires each agency to publish, twice a year, a regulatory agenda of regulations under development or review during the next year. 58 FR 51735 (Oct. 4, 1993). The Executive Order states that agencies may combine this agenda with the regulatory flexibility agenda required under the RFA. The agenda required by Executive Order 12866 must include all the regulations the agency expects to develop or review during the next 12 months, regardless of whether they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that the Commission listed in the fall 2023 agenda and completed before publishing this agenda.

The agenda contains a brief description and summary of each

regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for developing or completing each activity; and the name and telephone number of an agency official who is knowledgeable about items in the agenda.

The internet is the primary means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at: [www.reginfo.gov](http://www.reginfo.gov), in a format that allows users to obtain information from the agenda database.

Because agencies must publish in the **Federal Register** the regulatory flexibility agenda required by the RFA (5 U.S.C. 602), the Commission’s printed agenda entries include only:

(1) rules that are in the agency’s regulatory flexibility agenda, in accordance with the RFA, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) rules that the agency has identified for periodic review under section 610 of the RFA.

The entries in the Commission’s printed agenda are limited to fields that contain information that the RFA requires in an agenda. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects the Commission’s agenda as of May 2024. It contains an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in the law, may alter anticipated timing. In addition, this agenda does not represent a final determination by the Commission or its staff regarding the need for, or the substance of, any rule or regulation.

**Alberta E. Mills,**  
*Secretary, Consumer Product Safety Commission.*

CONSUMER PRODUCT SAFETY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
252 .....	Safety Standard for Bassinets and Cradles .....	3041–AD97

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
253 .....	Regulatory Options for Table Saws .....	3041–AC31
254 .....	Portable Generators .....	3041–AC36
255 .....	Safety Standard for Residential Gas Furnaces and Boilers .....	3041–AD70
256 .....	Off-Highway Vehicles Debris Penetration Hazards .....	3041–AD83

## CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
257 .....	Safety Standard for Infant Support Cushions (Previously Infant Pillow Ban) .....	3041–AD89
258 .....	Infant Rockers and Infant/Toddler Rockers .....	3041–AD98
259 .....	Safety Standard for Infant Nursing Pillows .....	3041–AD99

## CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
260 .....	Recreational Off-Road Vehicles .....	3041–AC78

## CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
261 .....	Exemption of Baloxavir Marboxil Tablets From Poison Prevention Packaging Requirements (Formerly Xofluza Petition).	3041–AD84

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

Proposed Rule Stage

**252. Safety Standard for Bassinets and Cradles [3041–AD97]**

*Legal Authority:* 5 U.S.C. 553(e); 15 U.S.C. 2056a

*Abstract:* Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) is the Danny Keysar Child Product Safety Notification Act. This Act requires the U.S. Consumer Product Safety Commission (CPSC or Commission) to: (1) examine and assess voluntary safety standards for certain infant or toddler products, and (2) promulgate mandatory consumer product safety standards that are substantially the same as the voluntary standards or more stringent than the voluntary standards if the Commission determines that more stringent standards would further reduce the risk of injury associated with these products. Section 104 also requires the Commission to periodically review and revise durable infant or toddler standards to ensure that such standards provide the highest level of safety for such products that is feasible. On February 28, 2024, staff sent a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission to update the Safety Standard for Bassinets and Cradles to address hazards associated with the use of bassinets on elevated and soft surfaces, ensure bassinets provide a flat, firm sleep surface, and to provide updated and accurate warnings. On March 20, 2024, the Commission voted to publish an NPRM, with amendments to the draft

that staff submitted. The NPRM was published on April 16, 2024 and the comment period will close on June 17, 2024.

*Timetable:*

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	02/28/24	89 FR 27251
Commission Voted to Publish NPRM.	03/20/24	
NPRM Published	04/16/24	
End of Comment Period.	06/17/24	
Staff Reviews Comments.	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Celestine Kish, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987–2547, Email: ckish@cpsc.gov.

*RIN:* 3041–AD97

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

Final Rule Stage

**253. Regulatory Options for Table Saws [3041–AC31]**

*Legal Authority:* 5 U.S.C. 553(e); 15 U.S.C. 2056; 15 U.S.C. 2058

*Abstract:* In 2006, the Commission granted a petition asking that the Commission issue a rule to prescribe

performance standards for an active injury mitigation (AIM) system to reduce or prevent injuries from contacting the blade of a table saw. The Commission subsequently issued a notice of proposed rulemaking (NPRM) that would establish a performance standard requiring table saws to limit the depth of cut to 3.5 millimeters when a test probe, acting as a surrogate for a human body/finger, contacts the table saw's spinning blade. Staff has conducted several studies to provide information for the rulemaking. In November 2023, the Commission published a supplemental notice of proposed rulemaking (SNPRM) based on analysis of newly available incident data, evaluation of newly available products, and other market information that did not exist at the time of the 2017 NPRM. On February 28, 2024, The Commission provided an opportunity for interested parties to make oral presentations on the SNPR. The hybrid hearing was held in person at CPSC's headquarters and remotely via webinar. Staff is redacting data for release for additional public comment and will make those available for public comment in a forthcoming notice of availability (NOA). Staff is assigned to submit a final rule briefing package to the Commission in fiscal year 2024.

*Timetable:*

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	76 FR 62678 76 FR 75504
ANPRM .....	10/11/11	
Notice of Extension of Time for Comments.	12/02/11	

Action	Date	FR Cite
Comment Period End.	02/10/12	
Notice to Open Comment Period.	02/15/12	77 FR 8751
Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM .....	05/12/17	82–FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing .....	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sent 2017 NEISS Table Saw Special Study to Commission.	11/13/18	
Notice of Availability of 2017 NEISS Table Saw Special Study.	12/04/18	83FR62561
Staff Sends a Status Briefing Package on Table Saws to Commission.	08/28/19	
Commission Decision.	09/10/19	
Staff Sends SNPRM Briefing Package to Commission.	09/21/23	
Commission Decision Approving SNPRM.	10/25/23	
Oral comment presentations.	02/28/24	89 FR 8582
Staff Sends NOA for Data to Commission.	07/00/24	

#### Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987–2225, Email: cpaul@cpsc.gov.

RIN: 3041–AC31

#### 254. Portable Generators [3041–AC36]

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: In 2006, the Commission issued an advance notice of proposed rulemaking (ANPRM) under the

Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discussed regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. In fiscal year 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also, in fiscal year 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. In fiscal year 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. After additional staff and contractor work, the Commission issued a notice of proposed rulemaking (NPRM) in 2016, proposing a performance standard that would limit the CO emission rates from operating portable generators. In 2018, two voluntary standards, UL 2201 and PGMA G300, adopted different CO-mitigation requirements intended to address the CO poisoning hazard associated with portable generators. Staff developed a simulation and analysis plan to evaluate the effectiveness of those voluntary standards' requirements. In 2019, the Commission sought public comments on staff's plan. In August 2020, staff submitted to the Commission a draft notice of availability of the modified plan, based on staff's review and consideration of the comments, for evaluating the voluntary standards; the Commission published the notice of availability in August 2020. In February 2022, staff delivered a briefing package to the Commission with the results of the effectiveness analysis and information on the availability of compliant generators in the marketplace. Staff concluded that the CO hazard-mitigation requirements of one standard are more effective than the other, but conformance to either standard is low. Staff provided a supplemental NPRM (SNPRM) on portable generators to the Commission on March 8, 2023. The Commission published the SNPRM on April 20, 2023. Staff is redacting data for release for additional public comment and will make those available for comment in a forthcoming notice of availability (NOA). Staff is assessing the newly revised PGMA standard and a final rule

briefing package is scheduled to be sent to the Commission in fiscal year 2024.

#### Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM .....	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
NPRM .....	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Notice of Availability to the Commission.	06/26/19	
Commission Decision.	07/02/19	
Notice of Availability.	07/09/19	84 FR 32729
Staff Sends Notice of Availability to Commission.	08/12/20	
Commission Decision.	08/19/20	
Notice of Availability.	08/24/20	85 FR 52096
Staff Report on Effectiveness Evaluation of Voluntary Standards.	02/16/22	
Staff Sends SNPRM Briefing Package to Commission.	03/08/23	
Commission Decision.	04/05/23	
SNPRM .....	04/20/23	88 FR 24346
SNPRM Comment Period Ends.	06/20/23	
NOA for Data to Commission.	09/00/24	

#### Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987–2293, Email: jbuyer@cpsc.gov.

RIN: 3041-AC36

**255. Safety Standard for Residential Gas Furnaces and Boilers [3041-AD70]***Legal Authority:* 15 U.S.C. 2056; 15 U.S.C. 2058

*Abstract:* Over several years, staff has conducted research and worked with voluntary standards organizations concerning the risk of injury and death associated with carbon monoxide (CO) production and leakage from residential gas furnaces and boilers. This proposed rule would establish a performance requirement, under which gas furnaces or boilers would be required to shut off or modulate when CO levels reach a specified level for a specified duration of time. In 2019, the Commission issued an advance notice of proposed rulemaking (ANPRM) to initiate rulemaking under the Consumer Product Safety Act and requested comments on the risk of injury and alternative approaches to address the risk. On September 24, 2021, the Commission voted to change the fiscal year 2022 deliverable from a notice of proposed rulemaking (NPRM) to Data Analysis and/or Technical Review (DA/TR). On February 9, 2022, staff provided a summary and status update in a public briefing to the Commission. On September 25, 2023, staff sent an NPRM briefing package to the Commission. On October 11, 2023, the Commission approved publication of the NPRM in the **Federal Register**. On February 21, 2024, the Commission provided an opportunity for interested parties to make oral presentations on the NPRM. The hybrid hearing was held in person at CPSC's headquarters and remotely via webinar. Staff is redacting data for release for additional public comment and will make those available for public comment in a forthcoming Notice of Availability (NOA). The Fiscal Year 2024 Operating Plan calls for staff to submit a Final Rule package to the Commission in fiscal year 2024.

*Timetable:*

Action	Date	FR Cite
Staff Sent ANPRM Briefing Package to Commission.	07/31/19	
Commission Voted to Publish ANPRM.	08/07/19	
ANPRM Published in FR.	08/19/19	84 FR 42847
ANPRM Comment Period End.	10/18/19	

Action	Date	FR Cite
Staff Sent FR Notice to Commission to Reopen Comment Period.	10/23/19	
Commission Voted to Reopen Comment Period.	11/01/19	
Notice to Reopen Comment Period Published in FR.	11/07/19	84 FR 60010
ANPRM Comment Period End.	01/06/20	
Commission Vote to Change Deliverable from NPRM to DA/TR.	09/24/21	
Public Briefing to Commission.	02/09/22	
Staff Sends NPRM Briefing Package to Commission.	09/25/23	
Commission Decision to publish NPRM.	11/11/23	
NPRM Published in FR.	11/25/23	88 FR 85862
NPRM Comment Period Extended.	12/11/23	
NPRM Comment Period End.	01/25/24	
Oral comment presentation.	02/21/24	89 FR 8583
Staff sends NOA Regarding Data to the Commission.	09/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ronald Jordan, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2219, Email: [rjordan@cpsc.gov](mailto:rjordan@cpsc.gov).

RIN: 3041-AD70

**256. Off-Highway Vehicles Debris Penetration Hazards [3041-AD83]***Legal Authority:* 15 U.S.C. 2056; 15 U.S.C. 2058

*Abstract:* On April 28, 2021, staff submitted an advance notice of proposed rulemaking (ANPRM) briefing package for Commission consideration concerning fire hazards associated with recreational off-highway vehicles (ROVs), utility terrain vehicles/utility task vehicles (UTVs), and all-terrain vehicles (ATVs), as well as debris-penetration hazards association with ROVs and UTVs. The Commission published the ANPRM on May 11, 2021.

Staff evaluated comments on the ANPRM and conducted research. On May 18, 2022, staff submitted to the Commission a draft notice of proposed rulemaking (NPRM) for safety standards for ROVs/UTVs to prevent debris penetration injuries. The NPRM published on July 21, 2022. The written comment period on the NPRM closed on September 19, 2022. Staff is redacting data for release for additional public comment and will make those available and open a comment period in a forthcoming Notice of Availability. Staff is directed to prepare a final rule briefing package for submission to the Commission in fiscal year 2024. As noted, the fire hazards associated with Off-Highway Vehicles were addressed in the ANPRM, along with the debris penetration hazards. However, fire hazards were not addressed in the NPRM. Staff continues to engage the standard development organizations (SDOs) for off highway vehicles to develop voluntary standard requirements to reduce fire hazards associated with ATVs, ROVs, and UTVs. The fire hazards associated with Off-Highway Vehicles will be addressed in a separate rulemaking. Staff is redacting data for release for additional public comment and will make those available for public comment in a forthcoming Notice of Availability (NOA). The Operating Plan calls for staff to submit a Final Rule package to the Commission in fiscal year 2024.

*Timetable:*

Action	Date	FR Cite
Staff sends ANPRM briefing package to Commission (for Fire and Debris Penetration Hazards).	04/28/21	
ANPRM (for Fire and Debris Penetration Hazards).	05/11/21	86 FR 25817
Staff sends NPRM briefing package to Commission (for Debris Penetration Hazards only).	05/18/22	
NPRM (for Debris Penetration Hazards only).	07/21/22	87 FR 43688
NPRM comment period ends (for Debris Penetration Hazards only).	09/19/22	



Action	Date	FR Cite
Staff sends NOA for Data with Comment Period to the Commission.	09/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Han S. Lim, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East West Highway, Bethesda, MD 20814–4408, *Phone:* 301 504–7538, *Email:* hlim@cpsc.gov.

*RIN:* 3041–AD83

### 257. Safety Standard for Infant Support Cushions (Previously Infant Pillow Ban) [3041–AD89]

*Legal Authority:* 5 U.S.C. 553(e); 15 U.S.C. 2056a

*Abstract:* Section 104(b) of the CPSIA requires the Commission to consult with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, to assess the effectiveness of voluntary standards for durable infant or toddler products, and then to promulgate mandatory standards for these products. 15 U.S.C. 2056a(b)(1). The mandatory standard must be substantially the same as any voluntary standard, or may be more stringent than any voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.* Under this authority, the Commission directed staff to develop a proposed rule for Infant Support Cushions. Staff delivered an NPRM briefing package to the Commission on November 8, 2023. On November 29, 2023 the Commission voted to approve publication of the NPRM. The NPRM was published in the **Federal Register** on January 16, 2024, and the public comment period closed on March 18, 2024. Staff is redacting data for release for additional public comment and will make those available for public comment in a forthcoming Notice of Availability. Staff anticipates delivering a Final Rule package to the Commission in fiscal year 2024.

*Timetable:*

Action	Date	FR Cite
Staff sends proposed NPRM package to Commission.	11/08/23	
Commission Decision Approving NPRM.	11/29/23	
NPRM published	01/16/24	89 FR 2530

Action	Date	FR Cite
NPRM Comment Period Closes.	03/18/24	
Staff sends Notice of Availability for Data with Reopened Comment Period to the Commission.	07/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ashley Johnson, Project Manager, Division of Pharmacology and Physiology Assessment, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 504–7872, *Email:* aajohnson@cpsc.gov. *RIN:* 3041–AD89

### 258. Infant Rockers and Infant/Toddler Rockers [3041–AD98]

*Legal Authority:* 5 U.S.C. 553(e); 15 U.S.C. 2056a(b)

*Abstract:* Section 104(b) of the CPSIA requires the Commission to consult with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, to assess the effectiveness of voluntary standards for durable infant or toddler products, and then to promulgate mandatory standards for these products. 15 U.S.C. 2056a(b)(1). The mandatory standard must be substantially the same as the voluntary standard, or may be more stringent than the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.* Under this authority, the Commission directed staff to develop a proposed rule for Infant Rockers and Infant/Toddler Rockers. On September 13, 2024, staff sent an NPRM briefing package to the Commission. On October 11, 2023, the Commission voted to publish the NPRM. The comment period ended on December 26, 2023. Staff is preparing data for release for additional public comment and will make those available for public comment in a forthcoming notice of availability (NOA). Staff will review comments and anticipates sending a final rule briefing package to the Commission in fiscal year 2024.

*Timetable:*

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	09/13/23	

Action	Date	FR Cite
Commission Decision Approving NPRM for publication.	10/11/23	
NPRM published in <b>Federal Register</b> .	10/26/23	88 FR 73551
NPRM Comment Period Closes.	12/26/23	
Staff Sends Notice of Availability for Data with Reopened Time Period to the Commission.	07/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Zachary Foster, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 29850, *Phone:* 301 987–2034, *Email:* zfoster@cpsc.gov. *RIN:* 3041–AD98

### 259. Safety Standard for Infant Nursing Pillows [3041–AD99]

*Legal Authority:* 5 U.S.C. 553(e); 15 U.S.C. 2056a

*Abstract:* Section 104(b) of the CPSIA requires the Commission to consult with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, to assess the effectiveness of voluntary standards for durable infant or toddler products, and then to promulgate mandatory standards for these products. 15 U.S.C. 2056a(b)(1). The mandatory standard must be substantially the same as any voluntary standard, or may be more stringent than any voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.* Under this authority, the Commission directed staff to develop a proposed rule for Nursing Pillows. Staff delivered a notice of proposed rulemaking (NPRM) briefing package to the Commission on August 23, 2023. On September 8, 2023, the Commission voted to approve publication of the NPRM in the **Federal Register**. The NPRM was published in the **Federal Register** on September 26, 2023, and the public comment period closed on November 27, 2023. Staff is redacting data to release for additional public comment and will make those available and reopen the comment period in a forthcoming Notice of Availability (NOA). Staff anticipates delivering a Final Rule package to the Commission in fiscal year 2024.

*Timetable:*

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	08/23/23	88 FR 65865
Commission Decision.	09/08/23	
NPRM Published	09/26/23	
NPRM Comment Period Closes.	11/27/23	
Staff Sends Notice of Availability for Data with Comment Period to the Commission.	07/00/24	

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Timothy P. Smith, Project Manager, Consumer Product Safety Commission, Division of Human Factors, Directorate for Engineering Sciences, Washington, DC 20207, *Phone:* 301 504-7691, *Email:* tsmith@cpsc.gov.

RIN: 3041-AD99

shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1-2016 and ANSI/OPEI B71.9-2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs. In the Fiscal Year 2020 Operating Plan, the Commission directed staff to prepare a rulemaking termination briefing package. Staff submitted a briefing package to the Commission on September 16, 2020 that recommended termination of the rulemaking. On September 22, 2020, the Commission voted 2-2 on this matter. A majority was not reached and no action is being taken.

*Timetable:*

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	74 FR 55495 74 FR 67987
Commission Decision.	10/21/09	
ANPRM .....	10/28/09	
ANPRM Comment Period Extended.	12/22/09	
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in <b>Federal Register</b> .	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

## Long-Term Actions

**260. Recreational Off-Road Vehicles [3041-AC78]**

*Legal Authority:* 15 U.S.C. 2056; 15 U.S.C. 2058

*Abstract:* Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. In 2014, the Commission issued a notice of proposed rulemaking (NPRM) proposing standards addressing vehicle stability, vehicle handling, and occupant protection for recreational off-road vehicles (ROVs). Congress directed in fiscal year 2016, and reaffirmed in subsequent fiscal year appropriations, that none of the amounts made available by the Appropriations Bill may be used to finalize or implement the proposed Safety Standard for Recreational Off-Highway Vehicles until after the National Academy of Sciences completes a study to determine specific information, as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs,

Action	Date	FR Cite
Commission Decision Not to Terminate.	01/25/17	To Be Determined
Staff Sends Briefing Package to Commission.	09/16/20	
Commission Decision: Majority Not Reached, No Action Will be Taken.	09/22/20	
Next Step Undetermined.		

*Regulatory Flexibility Analysis**Required: Yes.*

*Agency Contact:* Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987-2225, *Email:* cpaul@cpsc.gov.

RIN: 3041-AC78

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

## Completed Actions

**261. Exemption of Baloxavir Marboxil Tablets From Poison Prevention Packaging Requirements (Formerly Xofluza Petition) [3041-AD84]**

*Legal Authority:* 15 U.S.C. 1472; 15 U.S.C. 1474

*Abstract:* On March 30, 2020, Genentech, Inc. submitted a petition requesting exemption from the special packaging requirements of the Poison Prevention Packaging Act (PPPA) for the prescription drug XOFLUZA™ (Baloxavir marboxil). The petition was docketed, and staff sent a briefing package to the Commission on September 1, 2021, recommending that the Commission grant the petition and issue a notice of proposed rulemaking (NPRM). On September 8, 2021, the Commission voted to grant the petition and publish an NPRM. On September 16, 2021, the NPRM was published and invited interested parties to submit written comments on the NPRM. The comment period closed on November 30, 2021. Staff submitted a final rule package to the Commission on March 27, 2024, and the Commission voted to approve publication on April 2, 2024. The final rule was published on April 19, 2024 and the effective date is May 20, 2024.

Timetable:			Action	Date	FR Cite	<div>Regulatory Flexibility Analysis Required: Yes.  Agency Contact: Cheryl Scorpio, Project Manager, Directorate for Health Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2572.  RIN: 3041-AD84  [FR Doc. 2024-16466 Filed 8-15-24; 8:45 am]  BILLING CODE 6355-01-P</div>
Action	Date	FR Cite				
Petition Docketed	10/05/20		Staff Submits	03/27/24		
Staff Sent Briefing	09/01/21		Final Rule			
Package to			Package to			
Commission.			Commission	04/02/24		89 FR 28604
Commission Deci-	09/08/21		Voted to Pub-			
sion.			lish Final Rule.			
NPRM .....	09/16/21	86 FR 51640	Final Rule Pub-	04/19/24		
End of NPRM	11/30/21		lished in <b>Fed-</b>			
Comment Pe-			<b>ederal Register.</b>			
riod.						



# FEDERAL REGISTER

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Part XXII

Federal Communications Commission

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Semiannual Regulatory Agenda

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Ch. I****Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2024**

**AGENCY:** Federal Communications Commission.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** In the Spring and Fall of each year, the Federal Communications Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant regulatory proceedings under development or review that pertain to the Regulatory Flexibility Act (5 U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at [www.reginfo.gov](http://www.reginfo.gov).

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrea Brown, Program Specialist, Office of Communications Business Opportunities, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, (202) 418-1663.

**SUPPLEMENTARY INFORMATION:****Unified Agenda of Major and Other Significant Proceedings**

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may clarify the status of the proceedings included in this report:

**Docket Number**—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (e.g., Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in “MB Docket No. 15–137,” which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (e.g., Docket No. 29622) indicates that the docket was established before January 1, 1978.

**Notice of Inquiry (NOI)**—the Commission will issue an NOI when it is seeking information on a broad

subject or trying to generate ideas on a given topic. Interested parties may submit comments during the specified comment period.

**Notice of Proposed Rulemaking (NPRM)**—the Commission will issue an NPRM when it is proposing new rules or changes to existing rules and regulations. Before any changes are made, the Commission requests interested parties to submit written comments on the proposed rules or revisions.

**Further Notice of Proposed Rulemaking (FNPRM)**—the Commission will issue an FNPRM when it is seeking additional information from the public and requests the public to submit comments in the proceeding.

**Memorandum Opinion and Order (MO&O)**—the Commission will issue an MO&O in response to a petition for rulemaking, to conclude an inquiry, modify a decision, amend a Report and Order, or state that the Report and Order will not be changed.

**Rulemaking (RM) Number**—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has acted on the petition.

**Report and Order (R&O)**—the Commission may issue an R&O that will either adopt new rules, change existing rules, or state that no rule or regulation changes will be made.

**Sanford S. Williams,**  
Deputy Chief of Staff for Chairwoman  
Rosenworcel.

**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
262 .....	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
263 .....	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
264 .....	Structure and Practices of the Video Relay Service (VRS) Program (CG Docket No. 10–51) .....	3060–AJ42
265 .....	Implementation of the Middle-Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry (CG Docket No. 12–129).	3060–AJ84
266 .....	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
267 .....	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
268 .....	Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59) .....	3060–AK62
269 .....	Empowering Broadband Consumers Through Transparency (CG Docket No. 22–2) .....	3060–AL33
270 .....	Targeting and Eliminating Unlawful Text Messages, CG Docket 21–403, Notice of Proposed Rulemaking	3060–AL49
271 .....	Misuse of Internet Protocol (IP) Relay Service; CG Docket No. 12–38 .....	3060–AL58
272 .....	Compensation for Internet Protocol Captioned Telephone Service, (CG Docket No. 22–408) .....	3060–AL59
273 .....	Access to Video Conferencing, (CG Docket No. 23–161) .....	3060–AL66

**ECONOMICS—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
274 .....	Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15

## ECONOMICS—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
275 .....	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268).	3060–AJ82
276 .....	Broadband Data Collection .....	3060–AL42

## OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
277 .....	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186) .....	3060–AI52
278 .....	Use of the 5.850–5.925 GHz Band; (ET Docket No. 19–138), FCC 19–129 .....	3060–AK96
279 .....	Unlicensed White Space Device Operations in the Television Bands, ET Docket No. 20–36 .....	3060–AL22
280 .....	Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization and Competitive Bidding Programs; ET Docket No. 21–232, EA Docket No. 21–233.	3060–AL23
281 .....	Wireless Microphones in the TV Bands (ET Docket No. 21–115), 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz.	3060–AL27
282 .....	FCC Seeks to Enable State-of-the-Art Radar Sensors in 60 GHz Band (ET Docket No. 21–264) .....	3060–AL36
283 .....	FCC Proposes to Update Equipment Authorization Rules to Incorporate New and Revised Industry Standards, (ET Docket No. 21–363).	3060–AL39
284 .....	Allocation of Spectrum for Non-Federal Space Launch Operations (ET Docket No. 13–115) .....	3060–AL44
285 .....	FCC Implements and Proposes Final Acts of the WRC–19 and WRC–15, ET Docket No. 21–120 & 21–121, and RM–11785.	3060–AL77

## MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
286 .....	Revision of EEO Rules and Policies (MB Docket No. 98–204) .....	3060–AH95
287 .....	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
288 .....	Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
289 .....	2018 Quadrennial Regulatory Review of the Commission’s Broadcast Ownership Rules (MB Docket 18–349).	3060–AK77
290 .....	Equal Employment Opportunity Enforcement (MB Docket 19–177) .....	3060–AK86
291 .....	Duplication of Programming on Commonly Owned Radio Stations (MB Docket No. 19–310) .....	3060–AL19
292 .....	Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20–299).	3060–AL20
293 .....	FM Broadcast Booster Stations (MB Docket 20–401) .....	3060–AL21
294 .....	Amendment of Part 73 Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations (MB Docket No. 22–227).	3060–AL50
295 .....	Implementation of the Low Power Protection Act, MB Docket No. 23–126 .....	3060–AL63
296 .....	Video Description, MB Docket No. 11–43 .....	3060–AL64
297 .....	2022 Quadrennial Review of Media Ownership Rules, MB Docket No. 22–459 .....	3060–AL65
298 .....	Modifying Rules for FM Terrestrial Digital Audio Broadcasting Systems, MB Docket No. 22–405 .....	3060–AL70
299 .....	Customer Rebates for Undelivered Video Programming During Blackouts, MB Docket No 24–20 .....	3060–AL71
300 .....	Priority Application Review for Broadcast Stations That Provide Local Journalism or Other Locally Originated Programming, MB Docket No 24–14.	3060–AL72
301 .....	Cable Operator and DBS Provider Billing Practices, MB Docket No 23–405 .....	3060–AL73
302 .....	Reporting Requirements for Commercial Television Broadcast Station Blackouts, MB Docket No 23–427 .....	3060–AL74
303 .....	All-In Pricing for Cable and Satellite Television Service, MB Docket No 23–203 .....	3060–AL75

## OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
304 .....	Assessment and Collection of Regulatory Fees .....	3060–AK64

## OFFICE OF INTERNATIONAL AFFAIRS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
305 .....	Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket No. 16–155.	3060–AL12

## OFFICE OF INTERNATIONAL AFFAIRS—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
306 .....	Review of International Section 214 Authorizations to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks, IB Docket No 23–119, MD Docket No 23–134.	3060–AL76

## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
307 .....	Wireless E911 Location Accuracy Requirements: PS Docket No. 07–114 .....	3060–AJ52
308 .....	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
309 .....	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications: (PS Docket No. 15–80, 18–336, 23–5).	3060–AK40
310 .....	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
311 .....	Wireless Emergency Alerts (WEA): PS Docket No. 15–91, 15–94, 22–329 .....	3060–AK54
312 .....	911 Fee Diversion Rulemaking: PS Docket Nos. 20–291, 09–14 .....	3060–AL31
313 .....	Resilient Networks, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No 21–346.	3060–AL43
314 .....	Location-Based Routing for Wireless 911 Calls (P.S. Docket 18–64) .....	3060–AL52
315 .....	Next Generation 9–1–1, PS Docket No. 21–479, FCC 23–47 .....	3060–AL67

## SPACE BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
316 .....	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems, and Related Matters: IB Docket No. 16–408.	3060–AK59
317 .....	Amendment of Parts 2 and 25 of the FCC Rules to Facilitate the Use of Earth Stations in Motion Communicating With Geostationary Orbit Space Stations in FSS Bands: IB Docket No. 17–95.	3060–AK84
318 .....	Facilitating the Communications of Earth Stations in Motion With Non-Geostationary Orbit Space Stations: IB Docket No. 18–315.	3060–AK89
319 .....	Space Innovation; Mitigation of Orbital Debris in the New Space Age: IB Docket Nos. 18–313, 22–271 .....	3060–AK90
320 .....	Parts 2 and 25 to Enable GSO FSS in the 17.3–17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS (IB Doc. No. 20–330).	3060–AL28
321 .....	Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: IB Docket No. 21–456.	3060–AL41
322 .....	Expediting Initial Processing of Satellite and Earth Station Applications; Space Innovation, IB Docket Nos. 22–411 and 22–271.	3060–AL51
323 .....	Amendment of Parts 2 and 25 of the Commission's Rules to Enable NGSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3–17.8 GHz Band.	3060–AL79

## WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
324 .....	Amendment of Parts 1, 2, 22, 24, 27, 90, and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
325 .....	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
326 .....	Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258 .....	3060–AK12
327 .....	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170) .....	3060–AK28
328 .....	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers: WT Docket 10–112 .....	3060–AK44
329 .....	Expanding Flexible Use of the 3.7 to 4.2 GHz Band: GN Docket No. 18–122 .....	3060–AK76
330 .....	Amendment of the Commission's Rules to Promote Aviation Safety: WT Docket No. 19–140 .....	3060–AK92
331 .....	Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012 (WT Docket No.19–250).	3060–AL29
332 .....	Expanding Flexible Use of the 12.2–12.7 GHz Band, et al., WT Docket No. 20–443, et al .....	3060–AL40
333 .....	Facilitating Shared Use in the 3100–3550 MHz Band .....	3060–AL57
334 .....	Shared Use of the 42–42.5 GHz Band (WT Docket No. 23–158, GN Docket No. 14–177) .....	3060–AL68
335 .....	Single Network Future: Supplemental Coverage from Space, GN Docket No. 23–65 .....	3060–AL69
336 .....	Modifying Emissions Limits for the 24.25–24.45 GHz and 24.75–25.25 GHz Bands (ET Docket No. 21–186).	3060–AL80
337 .....	Alaska Connect Fund Notice of Proposed Rulemaking .....	3060–AL81
338 .....	Indian Peak Properties LLC Petitions for Declaratory Ruling Seeking Preemption Under The Rule Governing Over-the-Air Reception Devices.	3060–AL82

## WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
339 .....	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115), Data Breach Reporting Requirements (WC Docket No. 22–21).	3060–AG43
340 .....	Local Telephone Networks That LECs Must Make Available to Competitors .....	3060–AH44
341 .....	Jurisdictional Separations .....	3060–AJ06
342 .....	Rates for Inmate Calling Services; WC Docket No. 12–375; Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act, WC Docket No. 23–62.	3060–AK08
343 .....	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130) .....	3060–AK20
344 .....	Restoring Internet Freedom, WC Docket No. 17–108; Protecting and Promoting the Open Internet, GN Docket No. 14–28; Safeguarding and Securing the Open Internet, WC Docket No. 23–320.	3060–AK21
345 .....	Technology Transitions; GN Docket No 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84.	3060–AK32
346 .....	Numbering Policies for Modern Communications, WC Docket No. 13–97 .....	3060–AK36
347 .....	Implementation of the Universal Service Portions of the 1996 Telecommunications Act .....	3060–AK57
348 .....	Toll Free Assignment Modernization and Toll-Free Service Access Codes: WC Docket No. 17–192, CC Docket No. 95–155.	3060–AK91
349 .....	Establishing the Digital Opportunity Data Collection; WC Docket Nos. 19–195 and 11–10 .....	3060–AK93
350 .....	Call Authentication Trust Anchor .....	3060–AL00
351 .....	Implementation of the National Suicide Improvement Act of 2018, 988 Suicide Prevention Hotline (WC Docket 18–336, PS Docket No. 23.5, PS Docket No. 15–80).	3060–AL01
352 .....	Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services	3060–AL02
353 .....	Establishing a 5G Fund for Rural America; GN Docket No. 20–32 .....	3060–AL15
354 .....	Protecting Consumers From SIM Swap and Port-Out Fraud, WC Docket No. 21–341 .....	3060–AL34
355 .....	Supporting Survivors of Domestic and Sexual Violence (WC Docket No. 22–238, 11–42, 21–450) .....	3060–AL48

**FEDERAL COMMUNICATIONS COMMISSION (FCC)***Consumer and Governmental Affairs Bureau*

## Long-Term Actions

**262. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278) [3060–AI14]***Legal Authority:* 47 U.S.C. 227

*Abstract:* In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on robocalls (calls using an automatic telephone dialing system, an autodialer, a prerecorded or, an artificial voice), telemarketing calls, and unsolicited fax advertisements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/08/02	67 FR 62667
FNPRM .....	04/03/03	68 FR 16250
Order .....	07/25/03	68 FR 44144
Order Effective ....	08/25/03	
Order on Recon- sideration.	08/25/03	68 FR 50978
Order .....	10/14/03	68 FR 59130
FNPRM .....	03/31/04	69 FR 16873
Order .....	10/08/04	69 FR 60311
Order .....	10/28/04	69 FR 62816
Order on Recon- sideration.	04/13/05	70 FR 19330
Order .....	06/30/05	70 FR 37705
NPRM .....	12/19/05	70 FR 75102
Public Notice .....	04/26/06	71 FR 24634
Order .....	05/03/06	71 FR 25967
NPRM .....	12/14/07	72 FR 71099

Action	Date	FR Cite
Declaratory Ruling R&O .....	02/01/08	73 FR 6041
Order on Recon- sideration.	07/14/08	73 FR 40183
	10/30/08	73 FR 64556
NPRM .....	03/22/10	75 FR 13471
R&O .....	06/11/12	77 FR 34233
Public Notice .....	06/30/10	75 FR 34244
Public Notice (Re- consideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM .....	05/20/16	81 FR 31889
Declaratory Ruling R&O .....	07/05/16	
Public Notice .....	11/16/16	81 FR 80594
Public Notice .....	06/28/18	83 FR 26284
Public Notice .....	10/03/18	
Declaratory Ruling	12/06/19	
Declaratory Ruling	12/09/19	
Order .....	03/17/20	
Declaratory Ruling	03/20/20	
Declaratory Ruling	06/25/20	
Declaratory Ruling and Order.	06/25/20	
Order on Recon- sideration.	08/28/20	
Declaratory Ruling	09/04/20	
Declaratory Ruling	09/21/20	
NPRM .....	10/09/20	85 FR 64091
Public Notice .....	12/17/20	
Declaratory Ruling	12/18/20	
Declaratory Ruling	01/15/21	
Order on Recon ..	02/12/21	86 FR 9299
R&O .....	02/25/21	86 FR 11443

Action	Date	FR Cite
Public Notice (Re- consideration Petitions Filed).	04/12/21	86 FR 18934
Declaratory Ruling and Order.	12/14/22	87 FR 76425
Order on Recon- sideration and Declaratory Ruling.	01/20/23	88 FR 3668
NPRM .....	06/29/23	88 FR 42034
NPRM .....	06/16/23	88 FR 20800
Report and Order	12/18/23	88 FR 5098
FNPRM .....	12/18/23	88 FR 5177
Report and Order	03/05/24	89 FR 15756
Next Action Under- determined.	To Be Determined	

*Regulatory Flexibility Analysis**Required:* Yes.

*Agency Contact:* Kristi Thornton, Deputy Division Chief, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2467, *Email:* kristi.thornton@fcc.gov.  
*RIN:* 3060–AI14

**263. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123) [3060–AI15]***Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

*Abstract:* This proceeding continues the Commission's inquiry into improving the quality of telecommunications relay service (TRS) and furthering the goal of functional equivalency, consistent with Congress'



mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM .....	09/01/04	69 FR 53382
Public Notice .....	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice .....	03/07/05	70 FR 10930
Order .....	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order .....	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O .....	08/31/05	70 FR 51649
Order .....	09/14/05	70 FR 54294
Order .....	09/14/05	70 FR 54298
Public Notice .....	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order .....	12/28/05	70 FR 76712
Order .....	12/29/05	70 FR 77052
NPRM .....	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM .....	05/31/06	71 FR 30848
FNPRM .....	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification .....	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O .....	08/16/06	71 FR 47145
Clarification .....	08/23/06	71 FR 49380
FNPRM .....	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order .....	03/14/07	72 FR 11789
R&O .....	08/06/07	72 FR 43546
Public Notice .....	08/16/07	72 FR 46060
Order .....	11/01/07	72 FR 61813
Public Notice .....	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order .....	02/19/08	73 FR 9031
Order .....	04/21/08	73 FR 21347
R&O .....	04/21/08	73 FR 21252
Order .....	04/23/08	73 FR 21843
Public Notice .....	04/30/08	73 FR 23361
Order .....	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM .....	07/18/08	73 FR 41307
R&O .....	07/18/08	73 FR 41286
Public Notice .....	08/01/08	73 FR 45006

Action	Date	FR Cite	Action	Date	FR Cite
Public Notice .....	08/05/08	73 FR 45354	NPRM Comment	01/21/14	
Public Notice .....	10/10/08	73 FR 60172	Period End.		
Order .....	10/23/08	73 FR 63078	Announcement of Effective Date.	07/11/14	79 FR 40003
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683	Announcement of Effective Date.	08/28/14	79 FR 51446
Order .....	05/06/09	74 FR 20892	Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Public Notice .....	05/07/09	74 FR 21364	Technical Amendments.	09/09/14	79 FR 53303
NPRM .....	05/21/09	74 FR 23815	Public Notice .....	09/15/14	79 FR 54979
Public Notice .....	05/21/09	74 FR 23859	R&O and Order ...	10/21/14	79 FR 62875
Public Notice .....	06/12/09	74 FR 28046	FNPRM .....	10/21/14	79 FR 62935
Order .....	07/29/09	74 FR 37624	FNPRM Comment	12/22/14	
Public Notice .....	08/07/09	74 FR 39699	Period End.		
Order .....	09/18/09	74 FR 47894	Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Order .....	10/26/09	74 FR 54913	Final Rule Effective.	10/30/14	
Public Notice .....	05/12/10	75 FR 26701	FNPRM .....	11/08/15	80 FR 72029
Order Denying Stay Motion (Release Date).	07/09/10		FNPRM Comment	01/01/16	
Order .....	08/13/10	75 FR 49491	Period End.		
Order .....	09/03/10	75 FR 54040	Public Notice .....	01/20/16	81 FR 3085
NPRM .....	11/02/10	75 FR 67333	Public Notice	02/16/16	
NPRM .....	05/02/11	76 FR 24442	Comment Period End.		
Order .....	07/25/11	76 FR 44326	R&O .....	03/21/16	81 FR 14984
Final Rule (Order)	09/27/11	76 FR 59551	FNPRM .....	08/24/16	81 FR 57851
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124	FNPRM Comment	09/14/16	
Proposed Rule (Public Notice).	02/28/12	77 FR 11997	Period End.		
Proposed Rule (FNPRM).	02/01/12	77 FR 4948	NOI and FNPRM	04/12/17	82 FR 17613
First R&O .....	07/25/12	77 FR 43538	NOI and FNPRM	05/30/17	
Public Notice .....	10/29/12	77 FR 65526	Comment Period End.		
Order on Reconsideration.	12/26/12	77 FR 75894	R&O .....	04/13/17	82 FR 17754
Order .....	02/05/13	78 FR 8030	R&O .....	04/27/17	82 FR 19322
Order (Interim Rule).	02/05/13	78 FR 8032	FNPRM .....	04/27/17	82 FR 19347
NPRM .....	02/05/13	78 FR 8090	FNPRM Comment	07/11/17	
Announcement of Effective Date.	03/07/13	78 FR 14701	Period End.		
NPRM Comment	03/13/13		R&O .....	06/23/17	82 FR 28566
Period End.			Public Notice .....	07/21/17	82 FR 33856
FNPRM .....	07/05/13	78 FR 40407	Public Notice—Correction.	07/25/17	82 FR 34471
FNPRM Comment	09/18/13		Public Notice	07/31/17	
Period End.			Comment Period End.		
R&O .....	07/05/13	78 FR 40582	Public Notice—Correction	08/17/17	
R&O .....	08/15/13	78 FR 49693	Comment Period End.		
FNPRM .....	08/15/13	78 FR 49717	R&O .....	08/22/17	82 FR 39673
FNPRM Comment	09/30/13		Announcement of Effective Date.	10/17/17	82 FR 48203
Period End.			Public Notice; Petition for Reconsideration.	10/25/17	82 FR 49303
R&O .....	08/30/13	78 FR 53684	Oppositions Due Date.	11/20/17	
FNPRM .....	09/03/13	78 FR 54201	R&O and Declaratory Ruling.	06/27/18	83 FR 30082
NPRM .....	10/23/13	78FR 63152	FNPRM .....	07/18/18	83 FR 33899
FNPRM Comment	11/18/13		FNPRM Comment	11/15/18	
Period End.			Period End.		
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76096	Public Notice .....	08/23/18	83 FR 42630
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097	Public Notice Opposition Period End.	09/17/18	
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362	Announcement of Effective Date.	02/04/19	84 FR 1409
Petition for Reconsideration	01/10/14		R&O .....	03/08/19	84 FR 8457
Comment Period End.			FNPRM .....	03/14/19	84 FR 9276

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
FNPRM Comment Period End.	04/29/19		Final Rule; Announcement of Effective Date.	03/08/23	88 FR 14251	Declaratory Ruling	05/07/10	75 FR 25255
R&O .....	06/06/19	84 FR 26364	Report and Order	08/01/23	88 FR 50053	Declaratory Ruling Order .....	07/13/10	75 FR 39945
FNPRM .....	06/06/19	84 FR 26379	NPRM .....	08/07/23	88 FR 52088	Notice of Inquiry ..	07/13/10	75 FR 39859
Petition for Recon Request for Comment.	06/18/19	84 FR 28264	NPRM Comment Period End.	09/06/23		FNPRM .....	07/19/10	75 FR 41863
Petition for Recon Comment Period End.	07/15/19		NPRM Reply Comment Period End.	10/06/23		Interim Final Rule	08/23/10	75 FR 51735
FNPRM Comment Period End.	08/05/19		Report and Order	10/19/23	88 FR 71994	Public Notice .....	02/15/11	76 FR 8659
R&O .....	01/06/20	85 FR 462	Final Rule; Announcement of Effective Date.	12/21/23	88 FR 88257	R&O .....	03/02/11	76 R 11462
R&O .....	01/09/20	85 FR 1125	Correction; Technical Amendments.	02/08/24	89 FR 8549	FNPRM .....	05/02/11	76 FR 24393
NPRM .....	01/09/20	85 FR 1134	NPRM .....	03/14/24	89 FR 18589	NPRM .....	05/02/11	76 FR 24437
NPRM Comment Period End.	02/13/20		NPRM Comment Period End.	04/15/24		NPRM .....	05/02/11	76 FR 24442
Announcement of Effective Date.	02/19/20	85 FR 9392	NPRM Reply Comment Period End.	04/29/24		R&O (Correction)	05/27/11	76 FR 30841
Final Rule; removal of compliance notices.	05/06/20	85 FR 26857	Report and Order	03/21/24	89 FR 20125	Order .....	07/25/11	76 FR 44326
Report & Order ...	05/08/20	85 FR 27309	Next Action Undetermined.	To Be Determined		2nd R&O .....	08/05/11	76 FR 47469
Final Rule; correction.	08/26/20	85 FR 52489				Order (Interim Final Rule).	08/05/11	76 FR 47476
R&O and Order on Recon.	10/14/20	85 FR 64971				Final Rule; Announcement of Effective Date.	09/26/11	76 FR 59269
Final Rule; announcement of effective and compliance dates.	10/23/20	85 FR 67447				Final Rule; Petition for Reconsideration; Public Notice.	09/27/11	76 FR 59557
FNPRM .....	02/01/21	86 FR 7681				Oppositions Due Date.	10/07/11	
FNPRM Comment Period End.	04/02/21					Final Rule; Clarification (MO&O).	10/31/11	76 FR 67070
Public Notice; Petition for Reconsideration.	02/22/21	86 FR 10458				FNPRM .....	10/31/11	76 FR 67118
Oppositions Due Date.	03/19/21					Interim Final Rule; Announcement of Effective Date.	11/03/11	76 FR 68116
R&O .....	02/23/21	86 FR 10844				Final Rule; Announcement of Effective Date.	11/04/11	76 FR 68328
NPRM .....	03/19/21	86 FR 14859				Final Rule; Announcement of Effective Date.	11/07/11	76 FR 68642
NPRM Comment Period End.	05/03/21					FNPRM Comment Period End.	12/30/11	
NPRM .....	06/04/21	86 FR 29969				FNPRM .....	02/01/12	77 FR 4948
NPRM Correction	06/15/21	86 FR 31668				FNPRM Comment Period End.	03/19/12	
Order on Recon ..	07/07/21	86 FR 35632				Final Rule; Correction.	03/27/12	77 FR 18106
Public Notice .....	07/15/21	86 FR 37328				Correcting Amendments.	06/07/12	77 FR 33662
NPRM Correction Comment Period End.	07/30/21					Order (Release Date).	07/25/12	
Public Notice Comment Period End.	08/09/21					Correcting Amendments.	10/04/12	77 FR 60630
Order on Recon; Correction.	10/05/21	86 FR 54871				Public Notice .....	10/29/12	77 FR 65526
NPRM .....	10/05/21	86 FR 64440				Comment Period End.	11/29/12	
NPRM Comment Period End.	01/18/22					FNPRM .....	07/05/13	78 FR 40407
Report & Order ...	07/18/22	87 FR 42656				R&O .....	07/05/13	78 FR 40582
Report & Order ...	09/21/22	87 FR 57645				FNPRM Comment Period End.	09/18/13	
Report & Order ...	11/25/22	87 FR 72409				Public Notice .....	09/11/13	78 FR 55696
NPRM .....	12/08/22	87 FR 75199				Public Notice .....	09/15/14	79 FR 54979
NPRM Comment Period End.	02/06/23					Comment Period End.	10/10/14	
Public Notice .....	01/31/23	88 FR 6220				Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Public Notice Opposition Period End.	02/27/23					Final Rule Effective.	10/30/14	
NPRM .....	02/02/23	88 FR 7049				FNPRM .....	11/18/15	80 FR 72029
NPRM Comment Period End.	04/03/23					FNPRM Comment Period End.	02/01/16	
Order on Reconsideration.	02/22/23					R&O .....	03/21/16	81 FR 14984
						FNPRM .....	08/24/16	81 FR 57851
						FNPRM Comment Period End.	09/14/16	
						NOI and FNPRM	04/12/17	82 FR 17613

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060-AI15

**264. Structure and Practices of the Video Relay Service (VRS) Program (CG Docket No. 10-51) [3060-AJ42]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 303(r)

*Abstract:* The Commission takes a fresh look at its VRS rules to ensure that it is available to and used by the full spectrum of eligible users, encourages innovation, and is provided efficiently to be less susceptible to the waste, fraud, and abuse that have plagued the program and threatened its long-term viability. The Commission also considers the most effective and efficient way to make VRS available and to determine what is the most fair, efficient, and transparent cost-recovery methodology. In addition, the Commission looks at various ways to measure the quality of VRS so as to ensure a better consumer experience.

*Timetable:*

Action	Date	FR Cite
NOI and FNPRM Comment Period End.	05/30/17	
R&O .....	04/13/17	82 FR 17754
R&O .....	04/27/17	82 FR 19322
FNPRM .....	04/27/17	82 FR 19347
FNPRM Comment Period End.	07/01/17	
Order .....	06/23/17	82 FR 28566
Public Notice .....	07/21/17	82 FR 33856
Public Notice Comment Period End.	07/31/17	
Public Notice Correction.	07/25/17	82 FR 34471
Public Notice Correction Comment Period End.	08/17/17	
R&O and Order ...	08/22/17	82 FR 39673
Announcement of Effective Date.	10/17/17	82 FR 48203
Public Notice; Petition for Reconsideration.	10/25/17	82 FR 49303
Oppositions Due Date.	11/20/17	
R&O .....	06/06/19	84 FR 26364
FNPRM .....	06/06/19	84 FR 26379
FNPRM Comment Period End.	08/05/19	
Report & Order ...	05/08/20	85 FR 27309
R&O and Order on Recon.	10/14/20	85 FR 64971
Final rule; announcement of effective and compliance dates.	10/23/20	85 FR 67447
FNPRM .....	02/01/21	86 FR 7681
FNPRM Comment Period End.	04/02/21	
Public Notice; Petition for Reconsideration.	02/22/21	86 FR 10458
Oppositions Due Date.	03/19/21	
NPRM .....	03/19/21	86 FR 14859
NPRM Comment Period End.	05/03/21	
NPRM .....	06/04/21	86 FR 29969
NPRM Correction	06/15/21	86 FR 31668
NPRM Correction Comment Period End.	07/30/21	
Order on Recon ..	07/07/21	86 FR 35632
Order on Recon; Correction.	10/05/21	86 FR 54871
Report & Order ...	09/21/22	87 FR 57645
Report & Order ...	11/25/22	87 FR 72409
NPRM .....	12/08/22	87 FR 75199
NPRM Comment Period End.	02/06/23	
Public Notice .....	01/31/23	88 FR 6220
Public Notice Opposition Period End.	02/27/23	
Final Rule; Announcement of Effective Date.	03/08/23	88 FR 14251
Public Notice .....	04/25/23	88 FR 24986
Public Notice Comment Period End.	05/09/23	

Action	Date	FR Cite
Public Notice Reply Comment Period End.	05/19/23	
Report and Order	10/19/23	88 FR 71994
Final Rule Effective.	12/21/23	88 FR 88257
Correction; Technical Amendments.	02/08/24	89 FR 8549
NPRM .....	03/14/24	89 FR 18589
NPRM Comment Period End.	04/15/24	
NPRM Reply Comment Period End.	04/29/24	
Report and Order	03/21/24	89 FR 20125
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060-AJ42

#### 265. Implementation of the Middle-Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry (CG Docket No. 12-129) [3060-AJ84]

*Legal Authority:* Pub. L. 112-96, sec. 6507

*Abstract:* The Middle Class Tax Relief and Job Creation Act of 2012 required the Commission to create a Do-Not-Call Registry for public safety answering point (PSAP) telephone numbers and to prohibit the use of automated dialing equipment to place calls to PSAP numbers on the Registry. In this docket, the Commission adopted rules and policies implementing these statutory requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/21/12	77 FR 37362
R&O .....	10/29/12	77 FR 71131
Correction	02/13/13	78 FR 10099
Amendments.		
Announcement of Effective Date.	03/26/13	78 FR 18246
FNPRM .....	11/01/21	86 FR 60189
FNPRM Comment Period End.	12/01/21	
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060-AJ84

#### 266. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10-213) [3060-AK00]

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617 to 619

*Abstract:* These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717), and accessibility of internet browsers built into mobile phones (section 718).

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM .....	12/30/11	76 FR 82240
R&O .....	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O .....	05/22/13	78 FR 30226
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19738
Public Notice .....	05/19/22	87 FR 30442
Public Notice Comment Period End.	07/18/22	
Report and Order	08/01/23	88 FR 50053
NPRM .....	08/07/23	88 FR 52088
NPRM Comment Period End.	09/06/23	
NPRM Reply Comment Period End.	10/06/23	
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060–AK00

**267. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24 [3060–AK01]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

*Abstract:* The Federal Communications Commission (FCC) initiated this proceeding in its effort to ensure that internet-Protocol Captioned Telephone Service (IP CTS) is provided effectively and in the most efficient manner. In doing so, the FCC adopted rules to address certain practices related to the provision and marketing of IP CTS, as well as compensation of TRS providers. IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, the Commission adopted rules establishing several requirements and issued an FNPRM to address additional issues.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order .....	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O .....	08/30/13	78 FR 53684
FNPRM .....	09/03/13	78 FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petition for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450

Action	Date	FR Cite
Technical Amendments.	09/09/14	79 FR 53303
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM .....	07/18/18	83 FR 33899
Public Notice .....	08/23/18	83 FR 42630
Public Notice Opposition Period End.	09/17/18	
FNPRM Comment Period End.	11/15/18	
Announcement of Effective Date.	02/04/19	84 FR 1409
R&O .....	03/08/19	84 FR 8457
FNPRM .....	03/14/19	84 FR 9276
FNPRM Comment Period End.	04/29/19	
Petition for Recon Request for Comment.	06/18/19	84 FR 28264
Petition for Recon Comment Period End.	07/15/19	
R&O .....	01/06/20	85 FR 462
Announcement of Effective Date.	02/19/20	85 FR 9392
Final Rule; Removal of Compliance Notes.	05/06/20	85 FR 26857
Final Rule; correction.	08/26/20	85 FR 52489
R&O and Order on Recon.	10/14/20	85 FR 64971
FNPRM .....	02/01/21	86 FR 7681
Public Notice; Petition for Reconsideration.	02/22/21	86 FR 10458
NPRM .....	03/19/21	86 FR 14859
Oppositions Due Date.	03/19/21	
FNPRM Comment Period End.	04/02/21	
NPRM Comment Period End.	05/03/21	
Public Notice .....	07/15/21	86 FR 37328
Public Notice Comment Period End.	08/09/21	
Report & Order ...	09/21/22	87 FR 57645
NPRM .....	12/08/22	87 FR 75199
NPRM Comment Period End.	02/06/23	
Public Notice .....	01/31/23	88 FR 6220
Public Notice Opposition Period End.	02/27/23	
NPRM .....	02/02/23	88 FR 7049
NPRM Comment Period End.	04/03/23	
Order on Reconsideration.	02/22/23	88 FR 10853
Final Rule; Announcement of Effective Date.	03/08/23	88 FR 14251
Final Rule; Announcement of Effective Date.	12/21/23	88 FR 88257
Correction; Technical Amendments.	02/08/24	89 FR 8549
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

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RIN: 3060–AK01

**268. Advanced Methods To Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59) [3060–AK62]**

*Legal Authority:* 47 U.S.C. 201 and 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

*Abstract:* The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17–59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing, whether to allow carriers to block calls based on their own analyses of which calls are likely to be unlawful and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers, who did not consent to such calls.

*Timetable:*

Action	Date	FR Cite
NPRM/NOI .....	05/17/17	82 FR 22625
2nd NOI .....	07/13/17	
NPRM Comment Period End.	07/31/17	
FNPRM .....	01/08/18	83 FR 770
R&O .....	01/12/18	83 FR 1566
2nd FNPRM .....	04/23/18	83 FR 17631
2nd FNPRM Comment Period End.	06/07/18	
2nd FNPRM Reply Comment Period End.	07/09/18	
2nd R&O .....	03/26/19	84 FR 11226
3rd FNPRM .....	06/24/19	84 FR 29478
Declaratory Ruling	06/24/19	84 FR 29387
Public Notice Seeking Input on Report.	12/30/19	
Public Notice Seeking Comment on Reassigned Numbers.	01/24/20	
Public Notice Seeking Comment on RND Cost/Fee Structure.	02/26/20	

Action	Date	FR Cite
Public Notice Establishing Guidelines for RND.	04/16/20	
Report .....	06/25/20	
3rd NPRM Comment Date.	06/26/20	
Announcement of Compliance Dates.	06/26/20	85 FR 38334
3rd R&O, Order of Reconsideration, 4th FNPRM.	07/31/20	85 FR 46063
4th R&O (release date).	12/30/20	
Public Notice .....	02/08/21	86 FR 8558
Public Notice .....	04/13/21	
Public Notice .....	06/15/21	
Public Notice .....	10/01/21	86 FR 61077
5th FNPRM .....	10/26/21	86 FR 59084
Public Notice .....	12/29/21	
Order on Reconsideration, 6th FNPRM, Waiver Order.	12/30/21	86 FR 74399
Public Notice .....	02/08/22	87 FR 7044
Seventh Further Notice of Proposed Rule-making.	05/19/22	87 FR 42670
Sixth Report and Order.	05/19/22	87 FR 42916
Public Notice .....	08/24/22	87 FR 51920
Public Notice .....	11/18/22	87 FR 69206
Seventh Report and Order (Proposed Rule).	05/19/23	88 FR 43489
Eighth Further Notice, and Third Notice of Inquiry (Final Rule).	05/19/23	88 FR 43446
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060-AK62

## 269. Empowering Broadband Consumers Through Transparency (CG Docket No. 22-2) [3060-AL33]

*Legal Authority:* Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429, 60504(a) (2021)

*Abstract:* In this docket, the Commission adopted rules requiring broadband internet access service providers (ISPs) to display, at the point of sale, labels to disclose to consumers certain information about prices, introductory rates or promotions, data allowances, broadband speeds, and

management practices, among other things.

### *Timetable:*

Action	Date	FR Cite
NPRM .....	02/07/22	87 FR 6827
NPRM Comment Period End.	03/09/22	
NPRM Reply Comment Period End.	03/24/22	
Report & Order and FNPRM.	12/16/22	87 FR 77048
FNPRM Comment Period Extended.	01/04/23	
FNPRM Comment Period End.	03/16/23	
Petition for Reconsideration.	01/31/23	88 FR 6219
Petition for Reconsideration Comment Period End.	02/27/23	
Order .....	08/07/23	88 FR 52043
Order of Reconsideration.	09/18/23	88 FR 63853
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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Erica McMahon, Attorney Advisor, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0346, *Email:* [erica.mcmahon@fcc.gov](mailto:erica.mcmahon@fcc.gov).

*RIN:* 3060-AL33

## 270. Targeting and Eliminating Unlawful Text Messages, CG Docket 21-403, Notice of Proposed Rulemaking [3060-AL49]

*Legal Authority:* 47 U.S.C. 154(i), 227(e), 251(e), 303

*Abstract:* In this docket, the Commission considers rules and policies concerning the ability for mobile wireless service providers to block illegal text messages.

### *Timetable:*

Action	Date	FR Cite
NPRM .....	09/27/22	87 FR 61271
Report & Order ...	03/17/23	88 FR 21497
FNPRM .....	03/17/23	88 FR 20800
NPRM .....	01/26/24	89 FR 5177
Final Rule; Announcement of Effective Date.	01/26/24	89 FR 5098

Action	Date	FR Cite
Final Rule; Announcement of Effective Date.	03/01/24	89 FR 15061
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mika Savir, Attorney, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0384, *Email:* [mika.savir@fcc.gov](mailto:mika.savir@fcc.gov).

*RIN:* 3060-AL49

## 271. Misuse of Internet Protocol (IP) Relay Service; CG Docket No. 12-38 [3060-AL58]

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 152 and 154; 47 U.S.C. 225; 47 U.S.C. 616

*Abstract:* Title IV of the Americans with Disabilities Act requires the Federal Communications Commission to ensure the availability of telecommunications relay services. IP Relay is a form of TRS that permits an individual with a hearing or a speech disability to communicate in text using an Internet Protocol-enabled device via the internet. In CG Docket No. 12-38, the Commission considers rules and policy for the provision of IP Relay, including the process for registering users for IP CTS and the methodology for determining TRS Fund support. The Commission takes these steps to ensure the provision of IP Relay in a functionally equivalent manner to persons who are deaf, hard of hearing, deaf blind or have speech disabilities. In doing so, the Commission balances several different factors including regulating the recovery of costs caused by the service, encouraging the use of existing technology and not discouraging or impairing the development of improved technology, and ensuring IP Relay is available, to the extent possible and in the most efficient manner.

### *Timetable:*

Action	Date	FR Cite
Public Notice .....	02/08/12	77 FR 11997
Public Notice Comment Period End.	03/20/12	
Final Rule .....	07/25/12	77 FR 43538
Final Rule Effective.	07/25/12	
NPRM .....	03/19/21	86 FR 14859
NPRM Comment Period End.	05/03/21	
Final Rule .....	11/25/22	87 FR 72409

Action	Date	FR Cite
Final Rule Effective.	12/27/22	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Scott, Deputy Chief, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-1264, Email: michael.scott@fcc.gov.  
RIN: 3060-AL58

**272. Compensation for Internet Protocol Captioned Telephone Service, (CG Docket No. 22-408) [3060-AL59]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 225  
*Abstract:* Title IV of the Americans with Disabilities Act requires the Federal Communications Commission to ensure the availability of telecommunications relay. Internet Protocol Captioned Telephone Services (IP CTS) is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. In CG Docket No. 22-408, the Commission considers rules and policy for the adoption of a compensation methodology and compensation levels for Telecommunications Relay Services (TRS) Fund support of providers of IP CTS. The Commission takes these steps to ensure the provision of IP CTS in a functionally equivalent manner to persons who are deaf, hard of hearing, deaf, blind or have speech disabilities. In doing so, the Commission balances several different factors including regulating the recovery of costs caused by the service, encouraging the use of existing technology and not discouraging or impairing the development of improved technology, and ensuring IP CTS is available, to the extent possible and in the most efficient manner.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/02/23	88 FR 7049
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Scott, Deputy Chief, Disability Rights Office,

Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-1264, Email: michael.scott@fcc.gov.  
RIN: 3060-AL59

**273. Access to Video Conferencing, (CG Docket No. 23-161) [3060-AL66]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 225 ; 47 U.S.C. 617

*Abstract:* Section 716 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) (47 U.S.C. 617) requires the Federal Communications Commission to ensure the accessibility and usability of advanced communications services (ACS), including interoperable video conferencing services (IVCS), for individual with disabilities, unless such requirements are not achievable. IVCS is defined by the CVAA as a service that provides real-time video communications, including audio, to enable users to share information of the user's choosing." In CG Docket No. 23-161, the Commission considers rules and policies for the adoption of usability and accessibility requirements for IVCS and the integration of IVCS with telecommunications relay services (TRS). The Commission takes these steps to ensure that IVCS are accessible to and usable by persons with disabilities and that users of TRS are able to participate in video conferencing services in a functionally equivalent manner to persons without hearing and speech disabilities. In doing so, the Commission balances several different factors including regulating IVCS, encouraging the use of advanced technology, not discouraging or impairing the development of improved technology, and ensuring IVCS are accessible to and usable by persons with disabilities.

*Timetable:*

Action	Date	FR Cite
Report and Order	08/01/23	88 FR 50053
NPRM .....	08/07/23	88 FR 52088
NPRM Comment	09/06/23	
Period End.		
NPRM Reply	10/06/23	
Comment Period End.		
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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Phone: 202 418-1028, Email: ike.ofobike@fcc.gov.  
RIN: 3060-AL66

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Economics*

Long-Term Actions

**274. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans [3060-AJ15]**

*Legal Authority:* 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

*Abstract:* The 09/09/2022 Order ended the collection of broadband deployment data through Form 477. Broadband and voice subscribership data will continue to be submitted through Form 477. Beginning with data as of December 31, 2022, and beyond, Form 477 subscribership data is submitted in the Broadband Data Collection (BDC) filing system. The Form 477 filing system remains open for filers to submit and make corrections to filings through June 30, 2022.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/16/07	72 FR 27519
Order .....	07/02/08	73 FR 37861
Order .....	10/15/08	73 FR 60997
NPRM .....	02/08/11	76 FR 10827
Order .....	06/27/13	78 FR 49126
NPRM .....	08/24/17	82 FR 40118
NPRM Comment	09/25/17	
Period End.		
NPRM Reply	10/10/17	
Comment Period End.		
R&O and FNPRM	08/22/19	84 FR 43764
Order .....	12/16/22	87 FR 76949
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Suzanne Mendez, Associate Division Chief, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-0941, Email: suzanne.mendez@fcc.gov.  
RIN: 3060-AJ15

**275. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12-268) [3060-AJ82]**

*Legal Authority:* 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

*Abstract:* In February 2012, the Middle-Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the BIA consist of a reverse auction “to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights” and a forward auction of licenses in the reallocated spectrum for flexible-use services, including mobile broadband. Broadcast television licensees who elected to voluntarily participate in the auction had three bidding options: go off-the-air, share spectrum with another broadcast television licensee, or move channels to the upper or lower VHS band in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers. The Spectrum Act also authorized the Commission to reorganize the 600 MHz band following the BIA including, as necessary, reassigning full power and Class A television stations to new channels in order to clear the spectrum sold in the BIA. That post-auction reorganization (known as the repack) is currently underway and all of the stations who were assigned new channels are scheduled to have vacated their pre-auction channels by July 3, 2020, pursuant to a 10-phase transition schedule adopted by the Commission.

In May 2014, the Commission adopted a Report and Order that laid out the general framework for the BIA. The auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees. The BIA ended on April 13, 2017, with the release of the Auction Closing and Channel Reassignment Public Notice

that also marked the start of the 39-month transition period during which 987 of the full power and Class A television stations remaining on-the-air will transition their stations to their post-auction channel assignments in the reorganized television band. Pursuant to the Spectrum Act, the Commission will reimburse 957 of those full power and Class A stations for the reasonable costs associated with relocating to their post-auction channel assignments and will reimburse multichannel video programming distributors for their costs associated with continuing to carry the signals of those stations.

In March 2018, the Consolidated Appropriations Act (Pub. L. 115–141, at Div. E, Title V, 511, 132 Stat. 348 (2018), codified at 47 U.S.C. 1452(j)-(n)) (the Reimbursement Expansion Act or REA), extended the deadline for reimbursement of eligible entities from April 2020 to no later than July 3, 2023, and also expanded the universe of entities eligible for reimbursement to include low-power television stations and TV translator stations displaced by the BIA for their reasonably incurred costs to relocate to a new channel, and FM broadcast stations for their reasonably incurred costs for facilities necessary to reasonably minimize disruption of service as a result of the post-auction reorganization of the television band. On March 15, 2019, the Commission adopted a Report and Order setting rules for the reimbursement of eligible costs to those newly eligible entities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/21/12	77 FR 69933
R&O .....	08/15/14	79 FR 48441
Final Rule .....	10/11/17	82 FR 47155
NPRM .....	08/27/18	83 FR 43613
R&O .....	03/26/19	84 FR 11233
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Jean L. Kiddoo, Chair, Broadband Data Task Force, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7757, *Email:* [jean.kiddoo@fcc.gov](mailto:jean.kiddoo@fcc.gov).  
*RIN:* 3060–AJ82

**276. Broadband Data Collection [3060–AL42]**

*Legal Authority:* 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 641 to 646

*Abstract:* The Commission has long recognized that precise, granular data on the availability of fixed and mobile broadband are vital to bringing digital opportunity to all Americans, no matter where they live, work, or travel.

On March 23, 2020, the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) was signed into law requiring the Commission to create a new set of broadband availability maps. Among other things, the Broadband DATA Act requires the Commission to collect standardized, granular data on the availability and quality of both fixed and mobile broadband internet access services, to create a common dataset of all locations where fixed broadband internet access service can be installed (the Broadband Serviceable Location Fabric or Fabric), and to create publicly available coverage maps. The Act further requires the Commission to establish processes for members of the public and other entities to (1) provide verified data for use in the coverage maps; (2) challenge the coverage maps, the broadband availability data submitted by broadband internet access service providers (providers), and the Fabric; and (3) submit specific crowdsourced information about the development and availability of broadband service.

In July 2020, implementing the Broadband DATA Act and building off of an August 2019 Report and Order and Notice of Proposed Rulemaking, the Commission adopted a Second Report and Order and Third Further Notice of Proposed Rulemaking that adopted rules for the collection and verification of improved, more precise data on both fixed broadband availability. In January 2021, the Commission released a Third Report and Order that established new requirements for the BDC and took additional steps to implement the Broadband DATA Act. The rules to specify which fixed and mobile providers are required to report broadband availability data and expanded the reporting and certification requirements for filing data in the BDC. It also adopted standards for collecting verified broadband data from state, local, and Tribal governmental entities and certain third parties, and for identifying locations that would be included in the Fabric. Importantly, in the Third Report and Order, the Commission also established processes for verifying the accuracy of provider-submitted data and the Fabric, including challenge processes which invite input from the public and other stakeholders in order to improve the accuracy of the maps.

Implementing the Broadband DATA Act and these new rules, the Commission created a new data platform and system to collect and map availability data collected from over 2,500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to providers, consumers, and other stakeholders.

In July 2021, the Wireless Telecommunications Bureau (WTB), Office of Economics and Analytics (OEA), and Office of Engineering and Technology (OET) released a Public Notice seeking comment on the technical requirements for the mobile challenge, verification, and crowdsourcing processes required under the Broadband DATA Act for the new Broadband Data Collection (BDC). In March 2022, the Broadband Data Task Force (Task Force), WTB, OEA, and OET released a detailed order, technical appendix, rules, and technical data specifications setting forth technical requirements and specifications for the mobile challenge, verification, and crowdsourcing processes required by the Act.

To help facilitate the mobile challenge process, in April 2022, the Task Force and OET issued a Public Notice announcing the technical requirements and procedures for approving third-party mobile speed test procedures for use in collecting and submitting mobile network performance data as part of the BDC. To assist entities that choose to file mobile challenges in bulk, in September 2022 the Task Force and WTB established a process for entities to use their own software and hardware to collect on-the-ground mobile speed test data for use in the BDC mobile challenge process.

Also in April 2022, the Task Force, WCB, WTB, OEA, and OET released a Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system.

To clarify the Commission's rules for filing data in the BDC, in July 2022, WCB, WTB, OEA, and the Taskforce issued a Declaratory Ruling on certain aspects of a rule regarding the engineering certification in BDC filings and issued a limited waiver of the requirement that providers have an engineer certification their biannual BDC filings for the first three filing cycles of the BDC.

On June 15, 2022, the FCC Enforcement Bureau issued an Enforcement Advisory reminding all facilities-based providers of their duty to timely file complete and accurate data in the BDC by September 1, 2022.

In February 2022, the Commission announced that the initial filing window of the BDC would open on June 30, 2022, and that availability data as of June 30 were due no later than September 1, 2022. In September 2022, the Commission announced that as of September 12, 2022, state, local, and Tribal governments, service providers, and other entities may begin to file bulk challenges to location data in the Fabric.

In November 2022, the Commission released a pre-production draft of its new National Broadband Map displaying version 1 of the Fabric overlayed with provider reported availability data as of June 30, 2022. The new map was the most comprehensive, granular, and standardized data the Commission had ever published on broadband availability.

With the launch of the pre-production draft map, the Commission began accepting challenges to provider reported availability data, as well as individual consumer challenges to the location data in the Fabric. To date, the mapping team has reviewed and processed more than 4 million availability challenges. Most of those challenges have already been resolved and the majority have led to updates in the data on the map showing where broadband is available.

The Commission adopted an Order in December 2022, to sunset the Form 477 broadband deployment data collection and eliminate a largely duplicative requirement on providers. As a result, providers will no longer be required to submit Form 477 broadband deployment data, but must still submit broadband and voice subscription data using the FCC Form 477. To further streamline the FCC's data collection efforts the BDC system allows filers to submit both their BDC data and 477 subscription data as a combined filing using a single interface.

The Commission has long recognized that precise, granular data on the availability of fixed and mobile broadband are vital to bringing digital opportunity to all Americans, no matter where they live, work, or travel.

On March 23, 2020, the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) was signed into law requiring the Commission to create a new set of broadband availability maps. Among other things, the Broadband DATA Act requires the

Commission to collect standardized, granular data on the availability and quality of both fixed and mobile broadband internet access services, to create a common dataset of all locations where fixed broadband internet access service can be installed (the Broadband Serviceable Location Fabric or Fabric), and to create publicly available coverage maps. The Act further requires the Commission to establish processes for members of the public and other entities to (1) provide verified data for use in the coverage maps; (2) challenge the coverage maps, the broadband availability data submitted by broadband internet access service providers (providers), and the Fabric; and (3) submit specific crowdsourcing information about the development and availability of broadband service.

In July 2020, implementing the Broadband DATA Act and building off of an August 2019 Report and Order and Notice of Proposed Rulemaking, the Commission adopted a Second Report and Order and Third Further Notice of Proposed Rulemaking that adopted rules for the collection and verification of improved, more precise data on both fixed and mobile broadband availability. In January 2021, the Commission released a Third Report and Order that established new requirements for the BDC and took additional steps to implement the Broadband DATA Act. The Commission adopted rules to specify which fixed and mobile providers are required to report broadband availability data and expanded the reporting and certification requirements for filing data in the BDC. It also adopted standards for collecting verified broadband data from state, local, and Tribal governmental entities and certain third parties, and for identifying locations that would be included in the Fabric. Importantly, in the Third Report and Order, the Commission also established processes for verifying the accuracy of provider-submitted data and the Fabric, including challenge processes which invite input from the public and other stakeholders in order to improve the accuracy of the maps.

Implementing the Broadband DATA Act and these new rules, the Commission created a new data platform and system to collect and map availability data collected from over 2,500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to



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To help facilitate the mobile challenge process, in April 2022, the Task Force and OET issued a Public Notice announcing the technical requirements and procedures for approving third-party mobile speed test procedures for use in collecting and submitting mobile network performance data as part of the BDC. To assist entities that choose to file mobile challenges in bulk, in September 2022 the Task Force and WTB established a process for entities to use their own software and hardware to collect on-the-ground mobile speed test data for use in the BDC mobile challenge process.

Also in April 2022, the Task Force, WCB, WTB, OEA, and OET released a Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system.

To clarify the Commission's rules for filing data in the BDC, in July 2022, WCB, WTB, OEA, and the Taskforce issued a Declaratory Ruling on certain aspects of a rule regarding the engineering certification in BDC filings and issued a limited waiver of the requirement that providers have an engineer certification their biannual BDC filings for the first three filing cycles of the BDC.

On June 15, 2022, the FCC Enforcement Bureau issued an Enforcement Advisory reminding all facilities-based providers of their duty to timely file complete and accurate data in the BDC by September 1, 2022.

In February 2022, the Commission announced that the initial filing window of the BDC would open on June 30, 2022, and that availability data as of June 30 were due no later than September 1, 2022. In September 2022, the Commission announced that as of

September 12, 2022, state, local, and Tribal governments, service providers, and other entities may begin to file bulk challenges to location data in the Fabric.

In November 2022, the Commission released a pre-production draft of its new National Broadband Map displaying version 1 of the Fabric overlaid with provider reported availability data as of June 30, 2022. The new map was the most comprehensive, granular, and standardized data the Commission had ever published on broadband availability.

With the launch of the pre-production draft map, the Commission began accepting challenges to provider reported availability data, as well as individual consumer challenges to the location data in the Fabric. To date, the mapping team has reviewed and processed more than 4 million availability challenges. Most of those challenges have already been resolved and the majority have led to updates in the data on the map showing where broadband is available.

The Commission adopted an Order in December 2022, to sunset the Form 477 broadband deployment data collection and eliminate a largely duplicative requirement on providers. As a result, providers will no longer be required to submit Form 477 broadband deployment data, but must still submit broadband and voice subscription data using the FCC Form 477. To further streamline the FCC's data collection efforts the BDC system allows filers to submit both their BDC data and 477 subscription data as a combined filing using a single interface.

The second version of the Fabric was made available to providers and other stakeholders in December 2022. This updated Fabric contained a net increase of more than one million new serviceable locations, as compared to the initial version. It also reflected the outcome of over 1 million location challenges. The second filing window of the BDC opened on January 3, 2023, and required all fixed and mobile providers to submit broadband availability data as of December 31, 2022, no later than March 1, 2023. On May 30, 2023, the National Broadband Map was updated to reflect availability data as of December 31, 2022, and version 2 of the Fabric.

On July 3, 2023, the Commission announced the opening of the third filing window for broadband availability data as of June 30, 2023. The BDC will continue to collect updated availability data from providers every 6 months. Updates to the National Broadband Map will be iterative and ongoing. The challenge processes will also continue

on an ongoing basis in order to allow the public to provide input and help improve the accuracy of the National Broadband Map.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/03/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
Report & Order ...	08/01/19	84 FR 43705
Second Further Notice of Proposed Rule-making.	08/01/19	84 FR 43764
Second Further NPRM Comment Period End.	10/07/19	
2nd R&O .....	07/16/20	85 FR 50886
3rd FNPRM .....	07/16/20	85 FR 50911
3rd R&O .....	01/13/21	86 FR 18124
Public Notice .....	07/16/21	86 FR 40398
Public Notice Comment Period End.	09/27/21	
Order .....	03/09/22	87 FR 21476
Order .....	12/16/22	87 FR 76949
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*  
*Required:* Yes.  
*Agency Contact:* Jean L. Kiddoo, Chair, Broadband Data Task Force, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7757, *Email:* [jean.kiddoo@fcc.gov](mailto:jean.kiddoo@fcc.gov).  
Eduard Bartholme, Senior Outreach Director, Broadband Data Task Force, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1463, *Email:* [eduard.bartholme@fcc.gov](mailto:eduard.bartholme@fcc.gov).  
Kimia Nikseresht, Legal Advisor, Broadband Data Task Force, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1636, *Email:* [kimia.nikseresht@fcc.gov](mailto:kimia.nikseresht@fcc.gov).  
*RIN:* 3060-AL42

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**  
*Office of Engineering and Technology*  
Long-Term Actions  
**277. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04-186) [3060-AL52]**  
*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307  
*Abstract:* The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast

television spectrum at locations where that spectrum is not being used by licensed services. (This unused TV spectrum is often termed “white spaces.”) This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid and, if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of “opportunistic use” of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission’s actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission’s decisions in the Second Memorandum Opinion and Order (“Second MO&O”) in these proceeding and modified rules in certain respects. In particular, the Commission: (1) increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate

the Commission’s earlier decisions in this docket and to remove ambiguities.

#### Timetable:

Action	Date	FR Cite
NPRM .....	06/18/04	69 FR 34103
First R&O .....	11/17/06	71 FR 66876
FNPRM .....	11/17/06	71 FR 66897
R&O and MO&O .....	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O ....	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
2 Order on Reconsideration, FNPRM, and Order.	05/17/12	77 FR 29236
FNPRM—Proposed Rule.	06/01/22	87 FR 33109
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis Required: Yes.

*Agency Contact:* Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email:* [hugh.vantuyl@fcc.gov](mailto:hugh.vantuyl@fcc.gov). *RIN:* 3060–AI52

#### 278. Use of the 5.850–5.925 GHz Band; (ET Docket No. 19–138), FCC 19–129 [3060–AK96]

*Legal Authority:* 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 316; 47 U.S.C. 332; 47 CFR 1.411

*Abstract:* In this proceeding, we repurpose 45 megahertz of the 5.850–5.925 GHz band (the 5.9 GHz band) to allow for the expansion of unlicensed mid-band spectrum operations, while continuing to dedicate 30 megahertz of spectrum for vital intelligent transportation system (ITS) operations. In addition, to promote the most efficient and effective use of this ITS spectrum, we are requiring the ITS service to use cellular vehicle-to-everything (C–V2X) based technology at the end of a transition period. By splitting the 5.9 GHz band between unlicensed and ITS uses, today’s decision puts the 5.9 GHz band in the best position to serve the needs of the American public.

In the Further Notice, the Commission addresses issues remaining to finalize the restructuring of the 5.9 GHz band. Specifically, the Commission addresses: The transition of ITS operations in the 5.895– 5.925 GHz band from Dedicated Short Range Communications (DSRC) based technology to Cellular Vehicle-to-Everything (C–V2X) based technology; the codification of C–V2X technical

parameters in the Commission’s rules; other transition considerations; and the transmitter power and emissions limits, and other issues, related to full-power outdoor unlicensed operations across the entire 5.850–5.895 GHz portion of the 5.9 GHz band. The Commission modified the Further Notice released on November 20, 2020, with an Erratum released on December 11, 2020. The Commission released a Second Erratum on February 9, 2021. The corrections from these errata are included in this document.

#### Timetable:

Action	Date	FR Cite
NPRM .....	02/06/20	85 FR 6841
NPRM Comment Period End.	03/09/20	
FNPRM .....	05/03/21	86 FR 23323
R&O & Order of Proposed Modification.	05/03/21	86 FR 23281
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis Required: Yes.

*Agency Contact:* Howard Griboff, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email:* [howard.griboff@fcc.gov](mailto:howard.griboff@fcc.gov). *RIN:* 3060–AK96

#### 279. Unlicensed White Space Device Operations in the Television Bands, ET Docket No. 20–36 [3060–AL22]

*Legal Authority:* 47 U.S.C.154(i); 47 U.S.C. 201; 47 U.S.C. 302a; 47 U.S.C. 303; 47 U.S.C. 1.407 and 1.411

*Abstract:* In this proceeding, the Commission revises its rules to provide additional opportunities for unlicensed white space devices operating in the broadcast television bands (TV bands) to deliver wireless broadband services in rural areas and applications associated with the Internet of Things (IoT). This region of the spectrum has excellent propagation characteristics that make it particularly attractive for delivering communications services over long distances, coping with variations in terrain, as well as providing coverage into and within buildings. We offer several proposals to spur continued growth of the white space device ecosystem, especially for providing affordable broadband service to rural and underserved communities that can help close the digital divide.

#### Timetable:

Action	Date	FR Cite
NPRM .....	04/03/20	85 FR 18901

Action	Date	FR Cite
NPRM Comment Period End.	04/03/20	
Report & Order ...	01/12/21	86 FR 2278
R&O—Final Rule	01/12/21	86 FR 2278
FNPRM—Proposed Rule.	02/25/21	86 FR 11490
2nd Order on Recon, FNPRM, and Order.	06/01/22	87 FR 33109
Order of Reconsideration, R&O, MO&O—Final Rule.	05/22/23	88 FR 32682
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email:* [hugh.vantuyt@fcc.gov](mailto:hugh.vantuyt@fcc.gov).  
*RIN:* 3060–AL22

**280. Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization and Competitive Bidding Programs; ET Docket No. 21–232, EA Docket No. 21–233 [3060–AL23]**

*Legal Authority:* secs. 4(i), 301, 302, 303, 309(j), 312, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. secs. 154(i), 301, 302a, 303, 309(j), 312, 316, and sec. 1.411

*Abstract:* In this proceeding, the Commission proposes prohibiting the authorization of any communications equipment on the list of equipment and services (Covered List) that the Commission maintains pursuant to the Secure and Trusted Communications Networks Act of 2019. Such equipment has been found to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons. We also seek comment on whether and under what circumstances we should revoke any existing authorizations of such covered communications equipment. We invite comment on whether we should require additional certifications relating to national security from applicants who wish to participate in Commission auctions. In the Notice of Inquiry, we seek comment on other actions the Commission should consider taking to create incentives in its equipment authorization processes for improved trust through the adoption of cybersecurity best practices in consumer devices.

*Timetable:*

Action	Date	FR Cite
NPRM and NOI ...	08/19/21	86 FR 46644
NPRM Comment Period End.	09/20/21	
Report & Order and FNPRM.	11/25/22	
FNPRM—Proposed Rule.	03/08/23	88 FR 14312
Report & Order—Final Rule.	02/06/23	88 FR 7592
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jamie Coleman, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2705, *Email:* [jaime.coleman@fcc.gov](mailto:jaime.coleman@fcc.gov).  
*RIN:* 3060–AL23

**281. Wireless Microphones in the TV Bands (ET Docket No. 21–115), 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz [3060–AL27]**

*Legal Authority:* 47 U.S.C. secs. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

*Abstract:* In this proceeding, the Commission seeks to enhance the spectral efficiency of wireless microphones by permitting a recently developed type of wireless microphone system, termed herein as a Wireless Multi-Channel Audio System (WMAS), to operate in certain frequency bands. This emerging technology would enable more wireless microphones to operate in the spectrum available for wireless microphone operations, and thus advances an important Commission goal of promoting efficient spectrum use. The Commission proposes to revise the applicable technical rules for operation of low-power auxiliary station (LPAS) devices to permit WMAS to operate in the broadcast television (TV) bands and other LPAS frequency bands on a licensed basis. The Commission also proposes to update the existing LPAS and wireless microphone rules to reflect the end of the post-Incentive auction transition period and update references to international wireless microphone standards.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/01/21	86 FR 35046

Action	Date	FR Cite
NPRM Comment Period End.	08/02/21	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required: Yes.*

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*RIN:* 3060–AL27

**282. FCC Seeks To Enable State-of-the-Art Radar Sensors in 60 GHz Band (ET Docket No. 21–264) [3060–AL36]**

*Legal Authority:* 47 U.S.C. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

*Abstract:* In this proceeding, the Commission proposes to revise the Commission's rules to provide expanded operational flexibility to unlicensed field disturbance sensor (FDS) devices (e.g., radars) that operate in the 57–64 GHz band (60 GHz band). The Commission's proposal recognizes the increasing practicality of using mobile radar devices in the 60 GHz band to perform innovative and life-saving functions, including gesture control, detection of unattended children in vehicles, and monitoring of vulnerable medical patients, and it is designed to stimulate the development of new products and services in a wide variety of areas to include, for example, personal safety, autonomous vehicles, home automation, environmental control, and healthcare monitoring, while also ensuring coexistence among unlicensed FDS devices and current and future unlicensed communications devices in the 60 GHz band.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/19/21	86 FR 46661
NPRM Comment Period End.	10/18/21	
Report and Order—Final Rule.	07/24/23	88 FR 47384
2nd Report and Order—Final Rule.	08/23/23	88 FR 47384
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Anh Wride, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554,

Phone: 202 418-0577, Fax: 202 418-1944, Email: [anh.wride@fcc.gov](mailto:anh.wride@fcc.gov).

Thomas Struble, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-2470, Email: [thomas.struble@fcc.gov](mailto:thomas.struble@fcc.gov).

RIN: 3060-AL36

### 283. FCC Proposes To Update Equipment Authorization Rules To Incorporate New and Revised Industry Standards, (ET Docket No. 21-363) [3060-AL39]

*Legal Authority:* 47 U.S.C. 154(i), 301, 302a, 303, and secs. 1.407 and 1.411

*Abstract:* We propose targeted updates to our rules to incorporate four new and updated standards that are integral to the testing of equipment and accreditation of laboratories that test RF devices.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	03/17/22 04/16/22	87 FR 15180
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Brian Butler, Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-2702, Email: [brian.butler@fcc.gov](mailto:brian.butler@fcc.gov).  
RIN: 3060-AL39

### 284. Allocation of Spectrum for Non-Federal Space Launch Operations (ET Docket No. 13-115) [3060-AL44]

*Legal Authority:* 47 U.S.C. 151, 152, 154(i), 155(c), 301, 303(c), 303(f), and 303(r)

*Abstract:* In this proceeding, the Federal Communications Commission (Commission) takes steps towards establishing a spectrum allocation and licensing framework that will provide regulatory certainty and improved efficiency and that will promote innovation and investment in the United States commercial space launch industry. In the Further Notice of Proposed Rulemaking, the Commission seeks comment on the definition of space launch operations, the potential allocation of spectrum for the commercial space launch industry, including the 420-430 MHz, 2025-2110 MHz, and 5650-5925 MHz bands. In addition, the Commission seeks comment on establishing service rules, including licensing and technical rules and coordination procedures, for the use of spectrum for commercial space

launch operations. Finally, the Commission seeks to refresh the record on potential ways to facilitate Federal use of commercial satellite services in what are currently non-Federal satellite bands and enable more robust federal use of the 399.9-400.05 MHz band.

*Timetable:*

Action	Date	FR Cite
NPRM and NOI ... FNPRM—Proposed Rule.	07/01/13 06/10/21	78 FR 39200 86 FR 30860
Report & Order—Final Rule.	06/28/21	86 FR 33902
Order on Recon., R&O, MO&O, and Final Rule.	06/21/23	88 FR 32682
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Nicholas Oros, Supervisory Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-0636, Email: [nicholas.oros@fcc.gov](mailto:nicholas.oros@fcc.gov).  
RIN: 3060-AL44

### 285. • FCC Implements and Proposes Final Acts of the WRC-19 and WRC-15, ET Docket No. 21-120 & 21-121, and RM-11785 [3060-AL77]

*Legal Authority:* Part 2—47 U.S.C. 154; 47 U.S.C. 302a and 303; 47 U.S.C. 336

*Abstract:* In this document, the Federal Communications Commission (Commission) makes non-substantive, editorial revisions to the Commission's Table of Frequency Allocations (Allocation Table), primarily to reflect decisions from the Final Acts of the World Radiocommunication Conference 2019 (WRC19 Final Acts). The purpose of this administrative action is to revise the Allocation Table by updating the International Table of Frequency Allocations (International Table) portion of the Allocation Table to reflect the International Telecommunication Union's (ITU's) Table of Frequency Allocations in its Radio Regulations (Edition of 2020) (Radio Regulations), and by making updates and corrections in the United States Table of Frequency Allocations (U.S. Table) portion of the Allocation Table. The Commission also proposes implementation of certain allocation decisions from the Final Acts of the World Radiocommunication Conference 2015 (WRC15 Final Acts) concerning portions of the radio spectrum between 5330.5 kHz and 29.5 GHz, other spectrum allocation changes,

and related updates to the Commission's service rules.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	09/29/23 12/28/23	88 FR 67160 88 FR 73810
Final Action ..... Final Action Effective.	09/28/23 10/30/23	88 FR 67514
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Patrick Forster, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-7061, Email: [pforster@fcc.gov](mailto:pforster@fcc.gov).  
RIN: 3060-AL77

## FEDERAL COMMUNICATIONS COMMISSION (FCC)

*Media Bureau*

*Long-Term Actions*

### 286. Revision of EEO Rules and Policies (MB Docket No. 98-204) [3060-AH95]

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 257; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 334; 47 U.S.C. 403; 47 U.S.C. 554

*Abstract:* FCC authority to govern Equal Employment Opportunity (EEO) responsibilities of cable television operators was codified in the Cable Communications Policy Act of 1984. This authority was extended to television broadcast licensees and other multi-channel video programming distributors (MVPDs) in the Cable and Television Consumer Protection Act of 1992. In the Second Report and Order, the FCC adopted new EEO rules and policies. This action was in response to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that found prior EEO rules unconstitutional. In 2004, the Third Report and Order adopted revised forms for broadcast station and MVPD Annual Employment Reports. The Fourth Report and Order reinstated the collection of workforce composition data for television and radio broadcasters. The Second Further Notice of Proposed Rulemaking sought to refresh the record on the collection of workforce composition data for MVPDs.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	01/14/02	67 FR 1704

Action	Date	FR Cite
Second R&O and Third NPRM.	01/07/03	68 FR 670
Correction .....	01/13/03	68 FR 1657
Fourth NPRM .....	06/23/04	69 FR 34986
Third R&O .....	06/23/04	69 FR 34950
FNPRM .....	08/31/21	86 FR 48610
FNPRM Comment Period End.	09/30/21	
Fourth Report and Order, Order of Recon., and 2nd FNPRM.	02/22/24	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Radhika Karmarkar, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarkar@fcc.gov.

*RIN:* 3060-AH95

**287. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03-185) [3060-AI38]**

*Legal Authority:* 47 U.S.C. 309; 47 U.S.C. 336

*Abstract:* This proceeding initiated the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The revised rules reflect an effort to simplify, streamline, and modernize existing rules and procedures that will enable stations to comply with licensing requirements more easily through familiar and low-cost measures.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O .....	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O .....	07/07/11	76 FR 44821
3rd NPRM .....	11/28/14	79 FR 70824
NPRM Comment Period End.	12/29/14	
NPRM Reply Comment Period End.	01/12/15	
3rd R&O .....	02/01/16	81 FR 5041
4th NPRM .....	02/01/16	81 FR 5086
Comment Period End.	02/22/16	
NPRM .....	12/23/19	84 FR 70489

Action	Date	FR Cite
5th NPRM ..... Report and Order	06/17/22 05/12/23	87 FR 36440 88 FR 30654
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060-AI38

**288. Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard (GN Docket No. 16-142) [3060-AK56]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

*Abstract:* In this proceeding, the Commission seeks to authorize television broadcasters to use the "Next Generation" ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. In the Report and Order, the Commission adopted rules to afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	
FNPRM .....	12/20/17	82 FR 60350
R&O .....	02/02/18	83 FR 4998
FNPRM Comment Period End.	02/20/18	
FNPRM Reply Comment Period End.	03/20/18	
NPRM .....	05/13/20	85 FR 28586
2nd R&O Order on Recon.	07/17/20	85 FR 43478
Report & Order ...	04/22/21	86 FR 21217
FNPRM .....	12/13/21	86 FR 70793
FNPRM Comment Period End.	02/11/22	
3rd FNPRM .....	07/07/22	87 FR 40464
3rd R&O .....	07/17/23	88 FR 45347
4th FNPRM .....	07/17/23	88 FR 45378
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ty Bream, Attorney Advisor, Industry Analysis Div., Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0644, *Email:* ty.bream@fcc.gov.

*RIN:* 3060-AK56

**289. 2018 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules (MB Docket 18-349) [3060-AK77]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 257; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 403; sec. 202(h) of the Telecommunications Act

*Abstract:* Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its broadcast ownership rules every 4 years and to determine whether any such rules are necessary in the public interest as the result of competition. The rules subject to review in the 2018 quadrennial review are the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule. Based on a careful review of the record, the Commission found that the existing rules, with some minor modifications, remain necessary in the public interest.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/28/19	84 FR 6741
Report and Order	02/15/24	89 FR 12196
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Radhika Karmarkar, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarkar@fcc.gov.

*RIN:* 3060-AK77

**290. Equal Employment Opportunity Enforcement (MB Docket 19-177) [3060-AK86]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 334; 47 U.S.C. 554

*Abstract:* In this proceeding, the Commission seeks comment on ways in which it can make improvements to equal employment opportunity (EEO) compliance and enforcement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/22/19	84 FR 35063
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Radhika Karmarkar, Chief, IAD, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1523, *Email:* radhika.karmarkar@fcc.gov.  
*RIN:* 3060–AK86

**291. Duplication of Programming on Commonly Owned Radio Stations (MB Docket No. 19–310) [3060–AL19]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j) and 303(r); 47 U.S.C. 303(r)

*Abstract:* In this proceeding, the Commission eliminated the radio duplication rule. The rule bars same-service (AM or FM) commercial radio stations from duplicating more than 25% of their total hours of programming in an average broadcast week if the stations have 50% or more contours overlap and are commonly owned or subject to a time brokerage agreement. Petitions for reconsideration are pending.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/23/19	84 FR 70485
Report & Order ...	10/22/20	85 FR 67303
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Radhika Karmarkar, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1523, *Email:* radhika.karmarkar@fcc.gov.

*RIN:* 3060–AL19

**292. Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20–299) [3060–AL20]**

*Legal Authority:* 47 U.S.C. 151 and 154; 47 U.S.C. 155; 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 309; 47 U.S.C. 310; 47 U.S.C. 334; 47 U.S.C. 336 and 339

*Abstract:* In this proceeding, the Commission modifies its rules to require specific disclosure requirements for broadcast programming that is paid for, or provided by a foreign government or its representative.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/24/20	85 FR 74955
R&O .....	06/17/21	86 FR 32221
Second NPRM ....	11/17/22	87 FR 68960

Next Action Undetermined.

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Radhika Karmarkar, Chief, IAD, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1523, *Email:* radhika.karmarkar@fcc.gov.  
*RIN:* 3060–AL20

**293. FM Broadcast Booster Stations (MB Docket No. 20–401) [3060–AL21]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154 and 157; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316 and 319; 47 U.S.C. 324

*Abstract:* In this proceeding, the Commission seeks comment on a proposal to amend its rules to enable FM broadcasters to use FM booster stations to air geo-targeted content (e.g., news, weather, and advertisements) independent of the signals of its primary station within different portions of the primary station's protected service contour for a limited period of time during the broadcast hour.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/11/21	86 FR 1909
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Al Shuldiner, Division Chief, Audio Div., Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2700, *Email:* albert.shuldiner@fcc.gov.  
*RIN:* 3060–AL21

**294. Amendment of Part 73 Rules To Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations (MB Docket No. 22–227) [3060–AL50]**

*Legal Authority:* 47 U.S.C. 151 and 154; 47 U.S.C. 301 and 303; 47 U.S.C. 307 to 308; 47 U.S.C. 309 to 310; 47 U.S.C. 316 and 319; 47 U.S.C. 336

*Abstract:* In this proceeding, the Commission seeks to adopt revisions to rules in part 0, part 27, subparts E, H, I, J, and L of part 73, and certain parts

of parts 74 and 90 in light of the fact that all television services have ceased analog operations. The Commission proposes to amend section headings and language in rules to remove references to DTV, digital, and analog television service, as these distinctions are no longer necessary. The Commission also propose to delete outdated rules that are no longer valid given changes in Commission-adopted policy. The Commission also proposes other non-substantive, technical revisions. The Commission also proposes to update rules to reference the current designation for form numbers (e.g., FCC Form 2100) and by requiring electronic filing in the Commission's Licensing and Management System. The Commission also propose to make corrections or updates, inter alia, to section headings, spelling, contact information, and rule cross-references, or to language inadvertently omitted from a rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/09/23	88 FR 8636
Report and Order	02/01/24	89 FR 7224
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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Joyce Bernstein, Attorney Advisor, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1647, *Email:* joyce.bernstein@fcc.gov.

*RIN:* 3060–AL50

**295. Implementation of the Low Power Protection Act, MB Docket No. 23–126 [3060–AL63]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 303; 47 U.S.C. 307 and 309; 47 U.S.C. 311 and 336(f)

*Abstract:* In this proceeding, the Commission seeks to implement the Low Power Protection Act (LPPA) consistent with Congressional direction. The LPPA provides certain low power television stations with an opportunity to apply for primary spectrum use status as Class A television stations. In the Report and Order, the Commission established the Class A eligibility requirements and the process for submitting applications.

*Timetable:*

Action	Date	FR Cite
NPRM ..... Report and Order	04/14/23 01/10/24	88 FR 2980 89 FR 1466
Next Action Under- terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kim Matthews, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2154, *Fax:* 202 418-2053, *Email:* kim.matthews@fcc.gov.

*RIN:* 3060-AL63

**296. Video Description, MB Docket No. 11-43 [3060-AL64]**

*Legal Authority:* 47 U.S.C. 613

*Abstract:* In this proceeding, the Commission seeks to expand audio description requirements to additional market areas. The proposed expansion would help ensure that a greater number of individuals who are blind or visually impaired can be connected, informed, and entertained by television programming.

*Timetable:*

Action	Date	FR Cite
NPRM ..... Report and Order	03/29/23 10/27/23	88 FR 18505 88 FR 73758
Next Action Under- terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2120, *Email:* diana.sokolow@fcc.gov.

*RIN:* 3060-AL64

**297. 2022 Quadrennial Review of Media Ownership Rules, MB Docket No. 22-459 [3060-AL65]**

*Legal Authority:* 202(h) of the Telecommunications Act of 1996

*Abstract:* Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its media ownership rules every four years to determine whether they remain necessary in the public interest as the result of competition. This proceeding will examine the media ownership rules in light of the media landscape of 2022 and beyond.

*Timetable:*

Action	Date	FR Cite
Public Notice .....	01/17/23	88 FR 2595
Next Action Under- terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ty Bream, Attorney Advisor, Industry Analysis Div., Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0644, *Email:* ty.bream@fcc.gov.

*RIN:* 3060-AL65

**298. • Modifying Rules for FM Terrestrial Digital Audio Broadcasting Systems, MB Docket No. 22-405 [3060-AL70]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301 and 302(a)

*Abstract:* In this proceeding, the Commission proposes changes to the digital audio broadcasting technical rules that would permit additional FM stations to increase FM hybrid digital effective radiated power beyond the existing levels without the need for individual Commission authorization. In addition, the Commission propose to allow a digital FM station to operate with asymmetric power on the digital sidebands. These rule changes are intended to improve digital FM signal quality and minimize the effect of the digital FM station signal on adjacent channel FM transmissions.

*Timetable:*

Action	Date	FR Cite
NPRM ..... Report and Order	08/22/23	88 FR 57033
Next Action Under- terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Al Shuldiner, Division Chief, Audio Div., Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2700, *Email:* albert.shuldiner@fcc.gov.

*RIN:* 3060-AL70

**299. • Customer Rebates for Undelivered Video Programming During Blackouts, MB Docket No. 24-20 [3060-AL71]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 303 and 335(a)

*Abstract:* In this proceeding, the Commission seeks comment on whether to require cable operators and direct broadcast satellite (DBS) providers to

give their subscribers rebates when those subscribers are deprived of video programming they expect to receive during programming blackouts that result from failed retransmission consent negotiations or failed non-broadcast carriage negotiations. In the event that such a requirement is adopted, the Commission seeks comment below on how to apply the rule, and whether to specify the method that cable operators and DBS providers use to offer the rebates and if so, how they should issue rebates. The Commission also seeks comment on its our authority to adopt a rebate rule. The Commission also invites comment on any other proposals to ensure that subscribers are made whole when they lose access to programming that they expected to receive in exchange for paying a monthly subscription fee when they signed up for service.

*Timetable:*

Action	Date	FR Cite
NPRM ..... Report and Order	02/07/24	89 FR 8385
Next Action Under- terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brendan Murray, Deputy Division Chief, Policy Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1573, *Email:* brendan.murray@fcc.gov.

*RIN:* 3060-AL71

**300. • Priority Application Review for Broadcast Stations That Provide Local Journalism or Other Locally Originated Programming, MB Docket No. 24-14 [3060-AL72]**

*Legal Authority:* 47 U.S.C. 151 ; 47 U.S.C. 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 303

*Abstract:* This proceeding addresses certain billing practices of cable and direct broadcast satellite (DBS) service providers that penalize subscribers for terminating video service or switching video service providers. Comment is sought on proposals to protect consumers and promote competition in the video programming marketplace. The proposed customer service protection rules include prohibiting cable operators and DBS service providers from imposing early termination fees and billing cycle fees on subscribers.

*Timetable:*



Action	Date	FR Cite
NPRM .....	01/05/24	89 FR 740
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Katie Costello, Policy Division, Media Bureau, Federal Communications Commission, Media Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2233, *Fax:* 202 418–1069, *Email:* [katie.costello@fcc.gov](mailto:katie.costello@fcc.gov).  
*RIN:* 3060–AL72

**301. • Cable Operator and DBS Provider Billing Practices, MB Docket No. 23–405 [3060–AL73]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(v) and 335(a); 47 U.S.C. 552(b)

*Abstract:* This proceeding addresses certain billing practices of cable and direct broadcast satellite (DBS) service providers that penalize subscribers for terminating video service or switching video service providers. Comment is sought on proposals to protect consumers and promote competition in the video programming marketplace. The proposed customer service protection rules include prohibiting cable operators and DBS service providers from imposing early termination fees and billing cycle fees on subscribers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/05/24	89 FR 740
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Katie Costello, Policy Division, Media Bureau, Federal Communications Commission, Media Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2233, *Fax:* 202 418–1069, *Email:* [katie.costello@fcc.gov](mailto:katie.costello@fcc.gov).  
*RIN:* 3060–AL73

**302. • Reporting Requirements for Commercial Television Broadcast Station Blackouts, MB Docket No. 23–427 [3060–AL74]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 301 and 303; 47 U.S.C. 307; . . .

*Abstract:* In this proceeding, the Commission proposes a reporting framework for TV station blackouts occurring on video service platforms offered by cable operators, satellite TV providers, and other multichannel video

programming distributors (MVPDs). The proposed reporting framework would require MVPDs to publicly report to the Commission the beginning and end of any qualifying blackout of a commercial broadcast television station, or stations, and disclose either publicly or confidentially the number of subscribers affected by the blackout.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/26/24	89 FR 42277
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brooke Olausson, Policy Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1060, *Email:* [brooke.olaussen@fcc.gov](mailto:brooke.olaussen@fcc.gov).  
*RIN:* 3060–AL74

**303. • All-In Pricing for Cable and Satellite Television Service, MB Docket No. 23–203 [3060–AL75]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303 and 316; 47 U.S.C. 335(a); . . .

*Abstract:* In this proceeding, the Commission proposes to require cable operators and direct broadcast satellite providers to specify the all-in price for video programming as a prominent single line item on subscribers' bills and in promotional materials that state a price.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/30/23	88 FR 42277
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brendan Murray, Deputy Division Chief, Policy Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1573, *Email:* [brendan.murray@fcc.gov](mailto:brendan.murray@fcc.gov).  
*RIN:* 3060–AL75

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Office of Managing Director*

Long-Term Actions

**304. Assessment and Collection of Regulatory Fees [3060–AK64]**

*Legal Authority:* 47 U.S.C. 159

*Abstract:* Section 9 of the Communications Act of 1934, as amended (47 U.S.C. 159), requires the Federal Communications Commission to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/06/17	82 FR 26019
R&O .....	09/22/17	82 FR 44322
NPRM .....	06/14/18	83 FR 27846
NPRM Comment Period End.	06/21/18	
R&O .....	09/18/18	83 FR 47079
NPRM .....	06/05/19	84 FR 26234
NPRM Comment Period End.	06/07/19	
R&O .....	09/26/19	84 FR 50890
NPRM .....	05/08/20	85 FR 32256
R&O .....	06/22/20	85 FR 37364
NPRM .....	05/13/21	86 FR 26262
R&O .....	05/17/21	86 FR 26677
NPRM .....	09/21/21	86 FR 52429
R&O .....	09/22/21	86 FR 52742
NPRM Comment Period End.	10/21/21	
NPRM .....	06/28/22	87 FR 38588
Report & Order ...	09/14/22	87 FR 56494
NPRM .....	06/01/23	88 FR 36154
NPRM Comment Period End.	06/29/23	
Report and Order	09/15/23	88 FR 63694
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0444, *Email:* [roland.helvajian@fcc.gov](mailto:roland.helvajian@fcc.gov).  
*RIN:* 3060–AK64



## FEDERAL COMMUNICATIONS COMMISSION (FCC)

### Office of International Affairs

#### Long-Term Actions

#### 305. Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket No. 16–155 [3060–AL12]

*Legal Authority:* 47 U.S.C. 154(l); 47 U.S.C. 154(j); 47 U.S.C. 214; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 413; 47 U.S.C. 34–39; E.O. 10530; 3 U.S.C. 301

*Abstract:* In this proceeding, the Commission considers rules and procedures that streamline and improve the timeliness and transparency of the process by which the Commission refers certain applications and petitions for declaratory ruling to the Executive Branch agencies for assessment of any national security, law enforcement, foreign policy or trade policy issues related to foreign investment in the applicants and petitioners. The Commission, in this proceeding, also adopted Standard Questions that certain applicants with reportable foreign ownership will be required to answer as part of the Executive Branch review process of their applications.

#### Timetable:

Action	Date	FR Cite
NPRM .....	06/24/16	81 FR 46870
NPRM Comment Period End.	09/02/16	
Public Notice .....	04/27/20	85 FR 29914
Public Notice Comment Period End.	09/02/20	
Report & Order ...	10/01/20	85 FR 76360
Public Notice .....	12/30/20	85 FR 12312
Public Notice Comment Period End.	04/19/21	
Second Report and Order Adopted.	09/30/21	86 FR 68428
Second R&O Released.	10/01/21	86 FR 68428
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Arthur T. Lechtman, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, Phone: 202 418–1465, Fax: 202 418–0175, Email: arthur.lechtman@fcc.gov.

RIN: 3060–AL12

#### 306. • Review of International Section 214 Authorizations To Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks, IB Docket No. 23–119, MD Docket No. 23–134 [3060–AL76]

*Legal Authority:* 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201 and 214; 47 U.S.C. 218 and 219; 47 U.S.C. 403 and 413

*Abstract:* By this Notice, the Commission proposes rules that would require carriers to renew, every 10 years, their international section 214 authority. In the alternative, the Commission seeks comment on adopting rules that would require all international section 214 authorization holders to periodically update information enabling the Commission to review the public interest and national security implications of those authorizations based on that updated information. Through these proposals, the Commission seeks to ensure that the Commission is exercising appropriate oversight of international section 214 authorization holders to safeguard U.S. telecommunications networks.

#### Timetable:

Action	Date	FR Cite
NPRM .....	06/01/23	88 FR 50486
NPRM Comment Period End.	10/02/23	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Gabrielle Kim, Attorney Advisor, Office of International Affairs, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–0730, Email: gabrielle.kim@fcc.gov. RIN: 3060–AL76

## FEDERAL COMMUNICATIONS COMMISSION (FCC)

### Public Safety and Homeland Security Bureau

#### Long-Term Actions

#### 307. Wireless E911 Location Accuracy Requirements: PS Docket No. 07–114 [3060–AJ52]

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

*Abstract:* This rulemaking is related to the proceedings in which the FCC previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with

911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

#### Timetable:

Action	Date	FR Cite
NPRM .....	06/20/07	72 FR 33948
R&O .....	02/14/08	73 FR 8617
Public Notice .....	09/25/08	73 FR 55473
FNPRM; NOI .....	11/02/10	75 FR 67321
Public Notice .....	11/18/09	74 FR 59539
2nd R&O .....	11/18/10	75 FR 70604
Second NPRM .....	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule .....	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM .....	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O .....	03/04/15	80 FR 11806
Final Rule .....	08/03/15	80 FR 45897
Order Granting Waiver.	07/10/17	
NPRM .....	09/26/18	83 FR 54180
4th NPRM .....	03/18/19	84 FR 13211
5th R&O .....	01/16/20	85 FR 2660
5th NPRM .....	01/16/20	85 FR 2683
5th NPRM Comment Period End.	03/16/20	
6th R&O and Order on Recon.	08/28/20	85 FR 53234
Order of Reconsideration.	01/01/21	86 FR 8714
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Brenda Boykin, Deputy Chief, Policy & Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–2062, Email: brenda.boykin@fcc.gov. RIN: 3060–AJ52

#### 308. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206 [3060–AK39]

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

**Abstract:** This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions. In December 2019, the Commission adopted an Order on Reconsideration that modifies the requirement for submarine cable licensees to report outages to the Commission.

The compliance date for the new mandatory submarine cable outage reporting rules was October 28, 2021.

**Timetable:**

Action	Date	FR Cite
NPRM (Release Date).	09/18/15	
R&O .....	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/17/16	81 FR 75368
Order on Recon. PRA Approval for new collection.	12/20/19	84 FR 15733
Public Notice re effective date.	03/25/21	
Compliance Date for New Rules.	04/28/21	
Next Action Undetermined.	10/28/21	
	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Yes.

**Agency Contact:** Scott Cinnamon, Attorney-Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–2319, Email: [scott.cinnamon@fcc.gov](mailto:scott.cinnamon@fcc.gov).

**RIN:** 3060–AK39

**309. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications: (PS Docket No. 15–80, 18–336, 23–5) [3060–AK40]**

**Legal Authority:** sec. 1, 4(i), 4(j), 4(o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j); 316, 332, 403, 615a–1, and 615c of Pub. L. 73–416, 4 Stat. 1064, as amended; and sec. 706 of Pub. L. 104–104, 110 Stat. 56; 47 U.S.C. 151, 154(i)–(j) & (o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307; 309(a), 309(j), 316, 332, 403, 615a–1, 615c, and 1302, unless otherwise noted

**Abstract:** The 2004 Report and Order (R&O) extended the Commission's communication disruptions reporting rules to non-wireline carriers and

streamlined reporting through a new electronic template (see docket ET Docket 04–35). In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also Dockets 11–82 and 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and replies were received by the Commission in August and September 2016.

In March 2020, the Commission adopted a Second Further Notice of Proposed Rulemaking in PS Docket No. 15–80 that proposed a framework to provide state and federal agencies with access to outage information to improve their situational awareness while preserving the confidentiality of this data, including proposals to: provide direct, read-only access to NORS and DIRS filings to qualified agencies of the 50 states, the District of Columbia, Tribal nations, territories, and federal government; allow these agencies to share NORS and DIRS information with other public safety officials that reasonably require NORS and DIRS information to prepare for and respond to disasters; allow participating agencies to publicly disclose NORS or DIRS filing information that is aggregated and anonymized across at least four service providers; condition a participating agency's direct access to NORS and DIRS filings on their agreement to treat the filings as confidential and not disclose them absent a finding by the Commission that allows them to do so; and establish an application process that would grant agencies access to NORS and DIRS after those agencies certify to certain requirements related to maintaining confidentiality of the data and the security of the databases. In March 2021, the Commission adopted the proposed information sharing framework with some modifications in a Second Report and Order. In April 2021, in a Notice of Proposed Rulemaking, the Commission proposed to codify a rule adopted in 2016 that exempts satellite and terrestrial wireless providers from reporting outages that potentially affect special offices and

facilities, as defined in Commission rules. This proceeding addresses the Commission's efforts to improve the utility of its efforts to track network outages and disruptions and does not promote the administration's specified priorities.

In May 2021, the California Public Utilities Commission (CPUC) filed a Petition for Reconsideration (PFR) requesting that the Commission reconsider its decision in the Second Report and Order to maintain the presumption of confidentiality applied to NORS and DIRS filings. The Commission sought comment on the PFR's requests.

**Timetable:**

Action	Date	FR Cite
NPRM, 2nd R&O, Order on Recon..	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
R&O .....	07/12/16	81 FR 45055
FNPRM, 1 Part 4 R&O, Order on Recon..	08/11/16	81 FR 45059
Order Denying Reply Comment Deadline Extension Request.	09/08/16	
FNPRM Comment Period End.	09/12/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Second Further NPRM.	02/28/20	85 FR 17818
Second Further NPRM Comment Period End.	06/01/20	
2nd R&O .....	04/29/21	86 FR 22796
3rd NPRM .....	06/30/21	86 FR 34679
CPUC PFR Comment Period End.	08/23/21	86 FR 40801
Next Action Undetermined.	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Yes.

**Agency Contact:** Logan Bennett, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–7790, Email: [logan.bennett@fcc.gov](mailto:logan.bennett@fcc.gov).

Saswat Misra, Attorney-Advisor, Public Safety and Homeland Security Bureau, Federal Communications

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Washington, DC 20554, *Phone:* 202 418–  
0944, *Email:* [saswat.misra@fcc.gov](mailto:saswat.misra@fcc.gov).  
*RIN:* 3060–AK40

**310. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35 [3060–AK41]**

*Legal Authority:* 47 U.S.C. 154 and 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

*Abstract:* The proceeding creates a new part 4 in title 47 and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly in 47 CFR 63.100 and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with States, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see Dockets 11–82 and 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. The Commission received comments and replies in August and September 2016.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/26/04	69 FR 15761
R&O .....	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Inter-connected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
2nd R&O, and	06/16/15	80 FR 34321
Order on Recon, NPRM.		
R&O .....	07/12/16	81 FR 45055

Action	Date	FR Cite
FNPRM, 1 Part 4 R&O, Order on Recon.	08/11/16	81 FR 45095, 81 FR 45055
Order Denying Extension of Time to File Reply Comments.	09/08/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Logan Bennett, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7790, *Email:* [logan.bennett@fcc.gov](mailto:logan.bennett@fcc.gov).  
*RIN:* 3060–AK41

**311. Wireless Emergency Alerts (WEA): PS Docket No. 15–91, 15–94, 22–329 [3060–AK54]**

*Legal Authority:* Pub. L. 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

*Abstract:* This proceeding was initiated to improve Wireless Emergency Alerts (WEA) messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.

In April 2023, the Commission released an FNPRM seeking comment on proposals to make WEA alerts understandable to people with disabilities and people with native languages other than English and Spanish, communities that would otherwise be underserved by WEA.

In October 2023, the Commission adopted a Report and Order adopting some of the proposals from the April FNPRM. Proposals adopted include making WEA multilingual, including location-aware maps with alerting, permitting two live WEA tests per county or county equivalent per year, and creating a publicly available WEA Database which will include information about where WEA is and is not available and by what providers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	

Action	Date	FR Cite
NPRM Reply Comment Period End.	02/12/16	
Order .....	12/08/16	81 FR 75710
FNPRM .....	09/29/16	81 FR 78539
Comment Period End.	12/08/16	
Petition for Recon	12/19/16	81 FR 91899
Order on Recon ..	02/04/17	82 FR 57158
2nd R&O and 2nd Order on Recon.	02/28/18	83 FR 8619
Public Notice .....	04/26/18	83 FR 18257
Public Notice Comment Period End.	05/29/18	
Public Notice Reply Comment Period End.	06/11/18	
Report and Order and FNPRM.	06/17/21	86 FR 46783
FNPRM .....	04/21/22	87 FR 30857
FNPRM .....	11/23/22	87 FR 71539
FNPRM .....	06/21/23	88 FR 40606
Report and Order	12/15/23	88 FR 86824
Correction .....	01/17/24	89 FR 2885
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

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James Wiley, Deputy Division Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1678, *Email:* [james.wiley@fcc.gov](mailto:james.wiley@fcc.gov).  
*RIN:* 3060–AK54

**312. 911 Fee Diversion Rulemaking: PS Docket Nos. 20–291, 09–14 [3060–AL31]**

*Legal Authority:* Consolidated Appropriations Act, 2021, Pub. L. 116–260, Division FF, title 1X, sec. 902, Don't Break Up the T-Band Act of 2020 (sec. 902)

*Abstract:* In 2020, Congress adopted the “Don't Break Up the T-Band Act” (section 902) to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. Among other requirements, Congress mandated that the Commission should issue final rules designating the uses of 911 fees by states and taxing jurisdictions that constitute 911 fee diversion for purposes of 47 U.S.C. 615a-1, as amended by section 902. The Commission initiated this proceeding and issued new rules at 47 CFR 9.21–9.26 that: (1) clarify the purposes and functions for which expenditures of 911 fees are acceptable and which would be considered

unacceptable and constitute diversion, with illustrative, non-exhaustive examples of each; (2) establish a declaratory ruling process for providing further guidance to states and taxing jurisdictions on fee diversion issues; and (3) codify the specific obligations and restrictions that section 902 imposes on states and taxing jurisdictions, including those that engage in diversion as defined by the Commission's rules.

*Timetable:*

Action	Date	FR Cite
Notice of Inquiry ..	10/02/20	
NOI Comment Period End.	11/02/20	
NOI Reply Comment Period End.	12/02/20	
NPRM .....	02/17/21	86 FR 12399
NPRM Comment Period End.	03/23/21	
NPRM Reply Comment Period End.	04/02/21	86 FR 12399
Report & Order ...	06/25/21	86 FR 45892
R&O Erratum .....	08/12/21	86 FR 45892
Petition for Recon	12/22/21	86 FR 72546
Oppositions to Petition for Recon.	01/06/22	
Replies to Oppositions to Petition for Recon.	01/18/22	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brenda Boykin, Deputy Chief, Policy & Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2062, *Email:* [brenda.boykin@fcc.gov](mailto:brenda.boykin@fcc.gov), *RIN:* 3060–AL31

**313. Resilient Networks, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 21–346 [3060–AL43]**

*Legal Authority:* 47 U.S.C. 1; 47 U.S.C. 4(i) and 4(o); 47 U.S.C. 201(b) and 214(d); 47 U.S.C. 218 and 251(e)(3); 47 U.S.C. 301; 47 U.S.C. 303(b) and 303(g); 47 U.S.C. 303(j) and 303(r); 47 U.S.C. 307; 47 U.S.C. 309(a) and 309(j); 47 U.S.C. 316 and 332; 47 U.S.C. 403; 47 U.S.C. 615a–1; 47 U.S.C. 615c of the Communications Act of 1934, as amended; 47 U.S.C. 154(i)–(j) and (o); 47 U.S.C. 151; 47 U.S.C. 4(j); . . .

*Abstract:* In October 2021, the Commission adopted a Notice of Proposed Rulemaking (NPRM) to

investigate ways to improve the reliability and resiliency of communications networks during emergencies and ways to ensure that communications services remain operational when disasters strike. The NPRM sought comment on: (i) potential improvements to the voluntary Wireless Resiliency Cooperative Framework (Framework), including evaluating what triggers its activation, its scope of participants, whether existing Framework elements can be strengthened, any gaps that need to be addressed, and whether the public would benefit from codifying some or all of the Framework, (ii) ways to enhance the information available to the Commission through Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS) during disasters and network outages to improve situational awareness, and (iii) communications resiliency strategies for power outages, including improved coordination between communications service providers and power companies and deploying onsite backup power or other alternative measures to reduce the frequency, duration, or severity of power-related disruptions to communications services.

In June 2022, the Commission adopted a Report & Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM) following up on and further addressing matters related to the Framework. The R&O introduced the Mandatory Disaster Response Initiative (MDRI), which largely codified the Framework's five substantive provisions as mandatory, extended the reach of these provisions to all facilities-based mobile wireless providers, expanded the real-world criteria that trigger activation of the MDRI (as compared to the Framework) and introduced new provisions requiring providers to test their roaming capabilities and report on the performance of their implementation of the MDRI to the Commission after disaster events. The FNPRM examined whether and how the new reporting requirement can be standardized to ensure that the Commission obtains vital and actionable information on the performance of providers' implementation of the MDRI in the aftermath of exigency, while also minimizing associated burdens. This proceeding addresses network reliability in the context of public safety and does not promote the administration's specified priorities.

In October 2022, CTIA and the Competitive Carriers Association (CCA) filed a Petition for Clarification and Partial Reconsideration in response to the 2022 Resilient Networks R&O.

Particularly, Petitioners asked that the Commission: (1) provide a list of potential providers to which the MDRI may apply; (2) provide sufficient time for wireless providers to achieve compliance (by requesting 12 months for non-small providers and 18 months for small providers); (3) align the definitions of “non-small” and “small” with the Commission's existing definitions of “nationwide” and “non-nationwide” as used in the 911 context; (4) establish the process in which the Public Safety and Homeland Security Bureau (Bureau) will inform providers that the MDRI is active; and (5) affirm that Office of Management and Budget (OMB) review is required for all information collection obligations and that the Commission will treat all roaming arrangements as presumptively confidential under Section 4.17(d). A draft Order on Reconsideration was circulated for Commission consideration on July 28, 2023.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/01/21	86 FR 61103
NPRM Comment Period End.	01/14/22	
FNPRM .....	06/27/22	87 FR 59379
R&O .....	06/27/22	87 FR 59329
FNPRM Comment Period End.	10/31/22	
FNPRM Reply Comment Period End.	11/29/22	
Petition for Reconsideration.	10/31/22	
Public Notice Comment.	12/02/22	87 FR 7102
Extends Deadline to File Replies.	12/19/22	87 FR 79263
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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**314. Location-Based Routing for Wireless 911 Calls (P.S. Docket 18–64) [3060–AL52]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 222; 47 U.S.C. 251(e); 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 316 and 332; 47 U.S.C. 615; 47 U.S.C. 615a; 47 U.S.C. 615b; 47 U.S.C. 615c

*Abstract:* In this proceeding, the Federal Communications Commission proposes rules to more precisely route wireless 911 calls and texts to Public Safety Answering Points (PSAPs), which can result in faster response times during emergencies. Wireless 911 calls have historically been routed to PSAPs based on the location of the cell tower that handles the call. Sometimes, however, the 911 call is routed to the wrong PSAP because the cell tower is not in the same jurisdiction as the 911 caller. This can happen, for instance, when an emergency call is placed near a county border. These misrouted 911 calls must be transferred from one PSAP to another, which consumes time and resources and can cause confusion and delay in emergency response. The Notice of Proposed Rulemaking (NPRM) proposes to require wireless and covered text providers to deploy technology that supports location-based routing, a method that relies on precise information about the location of the wireless caller's device, on some networks and to use location-based routing to route 911 voice calls and texts originating on those networks when caller location is accurate and timely. In addition, the NPRM proposes to require CMRS and covered text providers to deliver 911 calls, texts, and associated routing information in internet Protocol (IP) format upon request of certain 911 authorities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/17/23	88 FR 2565
NPRM Comment Period End.	02/16/23	
Reply Comments Due.	03/20/23	
Report and Order	03/13/24	89 FR 18488
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Brenda Boykin, Deputy Chief, Policy and Licensing Div, PSHSB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2062, *Email:* [brenda.boykin@fcc.gov](mailto:brenda.boykin@fcc.gov).  
*RIN:* 3060-AL52

**315. Next Generation 9-1-1, PS Docket No. 21-479, FCC 23-47 [3060-AL67]**

*Legal Authority:* Not Yet Determined  
*Abstract:* The Federal Communications Commission (the FCC or Commission) proposes rules that will advance the nationwide transition to Next Generation 911 (NG911). The Notice of Proposed Rulemaking (NPRM)

proposes requiring certain service providers to complete all translation and routing to deliver 911 calls in the requested internet Protocol (IP)-based format to an Emergency Services IP network (ESInet) or other designated point(s) that allow emergency calls to be answered upon request of 911 authorities who have certified the capability to accept IP-based 911 communications. In addition, the NPRM proposes to require service providers to transmit all 911 calls to destination point(s) in those networks designated by a 911 authority upon request of 911 authorities who have certified the capability to accept IP-based 911 communications. Finally, the NPRM proposes that in the absence of agreements by states or localities on alternative cost recovery mechanisms, service providers must cover the costs of transmitting 911 calls to the point(s) designated by a 911 authority. In addition, the NPRM seeks comment on promoting diversity and inclusion.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/10/23	88 FR 43514
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Brenda Boykin, Deputy Chief, Policy & Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2062, *Email:* [brenda.boykin@fcc.gov](mailto:brenda.boykin@fcc.gov).  
*RIN:* 3060-AL67

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Space Bureau*  
Long-Term Actions

**316. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems, and Related Matters: IB Docket No. I6-408 [3060-AK59]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316  
*Abstract:* On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The Commission proposed among other things, to provide for more flexible use

of the 17.8-20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems. The Commission subsequently adopted a Report and Order establishing new sharing criteria among NGSO FSS systems and providing additional flexibility for FSS spectrum use. The Commission also released a Further Notice of Proposed Rulemaking proposing to remove the domestic coverage requirement for NGSO FSS systems and later adopted a Second Report and Order removing this requirement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
FNPRM .....	11/15/17	82 FR 52869
R&O .....	12/18/17	82 FR 59972
FNPRM Comment Period End.	01/02/18	
2nd R&O .....	02/21/21	86 FR 11642
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
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*RIN:* 3060-AK59

**317. Amendment of Parts 2 and 25 of the FCC Rules to Facilitate the Use of Earth Stations in Motion Communicating With Geostationary Orbit Space Stations in FSS Bands: IB Docket No. 17-95 [3060-AK84]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316  
*Abstract:* In June 2017, the Commission began a rulemaking to streamline, consolidate, and harmonize rules governing earth stations in motion (ESIMs) used to provide satellite-based services on ships, airplanes and vehicles communicating with geostationary-satellite orbit (GSO), fixed-satellite service (FSS) satellite systems. In September 2018, the Commission adopted rules governing communications of ESIMs with GSO satellites. These rules addressed communications in the conventional C-, Ku-, and Ka-bands, as well as portions of the extended Ku-band. At the same time, the Commission also released a Further Notice of Proposed Rulemaking that sought comment on

allowing ESIMs to operate in all of the frequency bands in which earth stations at fixed locations operating in GSO FSS satellite networks can be blanket-licensed. Specifically, comment was sought on expanding the frequencies available for communications of ESIMs with GSO FSS satellites to include the following frequency bands: 10.7–10.95 GHz, 11.2–11.45 GHz, 17.8–18.3 GHz, 18.8–19.3 GHz, 19.3–19.4 GHz, 19.6–19.7 GHz (space-to-Earth); and 28.6–29.1 GHz (Earth-to-space).

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/16/17	82 FR 27652
NPRM Comment Period End.	08/30/17	
OMB-approval for Information Collection of R&O Comment Period End.	08/28/18	
FNPRM .....	07/24/20	85 fr 44818
R&O .....	07/24/20	85 FR 44772
FNPRM Comment Period End.	09/22/20	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Cindy Spiers, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1593, *Email:* cindy.spiers@fcc.gov.  
*RIN:* 3060-AK84

**318. Facilitating the Communications of Earth Stations in Motion With Non-Geostationary Orbit Space Stations: IB Docket No. 18-315 [3060-AK89]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

*Abstract:* In November 2018, the Commission adopted a notice of proposed rulemaking that proposed to expand the scope of the Commission's rules governing ESIMs operations to cover communications with NGSO FSS satellites. Comment was sought on establishing a regulatory framework for communications of ESIMs with NGSO FSS satellites that would be analogous to that which exists for ESIMs communicating with GSO FSS satellites. In this context, comment was sought on: (1) allowing ESIMs to communicate in many of the same conventional Ku-band, extended Ku-band, and Ka-band frequencies that were allowed for communications of ESIMs with GSO FSS satellites (with the exception of the 18.6–18.8 GHz and 29.25–29.5 GHz frequency bands); (2) extending blanket

licensing to ESIMs communicating with NGSO satellites; and (3) revisions to specific provisions in the Commission's rules to implement these changes. The specific frequency bands for communications of ESIMs with NGOS FSS satellites on which comment was sought are as follows: 10.7–11.7 GHz; 11.7–12.2 GHz; 14.0–14.5 GHz; 17.8–18.3 GHz; 18.3–18.6 GHz; 18.8–19.3 GHz; 19.3–19.4 GHz; 19.6–19.7 GHz; 19.7–20.2 GHz; 28.35–28.6 GHz; 28.6–29.1 GHz; and 29.5–30.0 GHz.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/28/18	83 FR 67180
NPRM Comment Period End.	03/13/19	
R&O .....	07/24/20	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Cindy Spiers, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1593, *Email:* cindy.spiers@fcc.gov.  
*RIN:* 3060-AK89

**319. Space Innovation; Mitigation of Orbital Debris in the New Space Age: IB Docket Nos. 18-313, 22-271 [3060-AK90]**

*Legal Authority:* 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 605; 47 U.S.C. 721

*Abstract:* The Commission's current orbital debris rules were first adopted in 2004. Since then, significant changes have occurred in satellite technologies and market conditions, particularly in Low Earth Orbit, *i.e.*, below 2000 kilometers altitude. These changes include the increasing use of lower cost small satellites and proposals to deploy large constellations of non-geostationary satellite orbit (NGSO) systems, some involving thousands of satellites.

The NPRM proposes changes to improve disclosure of debris mitigation plans. The NPRM also makes proposals and seeks comment related to satellite disposal reliability and methodology, appropriate deployment altitudes in low-Earth-orbit, and on-orbit lifetime, with a particular focus on large NGSO satellite constellations. Other aspects of the NPRM include new rule proposals for geostationary orbit satellite (GSO) license term extension requests, and consideration of disclosure

requirements related to several emerging technologies and new types of commercial operations, including rendezvous and proximity operations.

The Report and Order in this proceeding adopted a number of these proposals. In addition a Further Notice of Proposed Rulemaking sought comment on topics such as collision risk and casualty risk for multi-satellite systems, de-orbit timelines, maneuverability requirements, and indemnification and post mission disposal bond issues. The Commission issued a Second Report and Order adopting a 5-year de-orbit timeframe for satellites ending their missions in or passing through the low-Earth Orbit region.

Three petitions for reconsideration were filed in response to the initial Report and Order, which were all subsequently denied.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/19/19	84 FR 4742
NPRM Comment Period End.	05/06/19	
R&O .....	08/25/20	85 FR 52422
FNPRM .....	08/25/20	85 FR 52455
FNPRM Comment Period End.	10/09/20	
Second R&O .....	09/29/22	
Notice of Petition for Reconsideration.	11/09/20	85 FR 71296
Denial of Reconsideration.	02/22/24	89 FR 13276
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060-AK90

**320. Parts 2 and 25 To Enable GSO FSS in the 17.3–17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish Off-Axis Uplink Power Limits for Extended KA-Band FSS (IB Doc. No. 20-330) [3060-AL28]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j)

*Abstract:* This item addresses the addition of an allocation in the 17.3–17.7 GHz and 17.7–17.8 GHz bands to the fixed-satellite service in the space-to-Earth direction. The Notice of Proposed Rulemaking proposes to add these allocations to the U.S. Table of Frequency Allocations (non-Federal), and proposes modification of existing

technical rules to prevent harmful interference between services in these bands.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/01/21	86 FR 7660
NPRM Comment Period End.	03/03/21	
NPRM Reply Comment Pe- riod End.	03/18/21	
R&O .....	09/03/22	
Erraturn .....	09/03/22	
Next Action Unde- termined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060–AL28

**321. Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: IB Docket No. 21–456 [3060–AL41]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

*Abstract:* In 2021, the Commission released a Notice of Proposed Rulemaking (NPRM) seeking comment on revisions to the spectrum sharing requirements among non-geostationary satellite orbit (NGSO), fixed-satellite service (FSS) systems. The NPRM proposed that the Commission's existing spectrum sharing mechanism for NGSO FSS systems will be limited to those systems approved in the same processing round. The NPRM also proposed to adopt a rule providing that later-round NGSO FSS systems will have to protect earlier-round systems, and invited comment on how to define such protection. In addition, the NPRM sought comment on whether to sunset, after a period of time, the interference protection afforded to an NGSO FSS system because of its processing round status.

In 2023, the Commission released a Report and Order (R&O) in this proceeding. The R&O adopted rules clarifying protection obligations between NGSO FSS systems authorized

through different processing rounds by using a degraded throughput methodology, and subjected those protections to a sunset period. After the sunset period, new entrants authorized in later processing rounds would share spectrum on an equal basis with earlier-round incumbents. The R&O also clarified that all NGSO FSS operators licensed or granted market access in the United States must coordinate with each other in good faith, regardless of their processing round status, and explained the Commission's expectations for information sharing during this good-faith coordination. In an accompanying Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on which specific metrics should be used to define the protection afforded to an earlier-round NGSO FSS system from a later-round system, and sought specific comment on implementation of the degraded throughput methodology.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/24/22	87 FR 3481
NPRM Comment Period End.	03/25/22	
Report and Order	06/20/23	88 FR 39783
FNPRM .....	06/21/23	88 FR 40142
FNPRM Comment Period End.	09/05/23	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060–AL41

**322. Expediting Initial Processing of Satellite and Earth Station Applications; Space Innovation, IB Docket Nos. 22–411 and 22–271 [3060–AL51]**

*Legal Authority:* 47 U.S.C. 154(i) and 157(a); 47 U.S.C. 303 and 308(b)

*Abstract:* In December 2022, the Commission adopted a Notice of Proposed Rulemaking to seek comment on changes to its rules, policies, or practices to facilitate the acceptance for filing of satellite and earth station applications under 47 CFR part 25. In September 2023 the Commission adopted a Report and Order implementing its proposed changes as well as establishing timeframes for placing space and earth stations on public notice, creating a new,

streamlined processing framework for earth station operators to add satellite points of communication, and establishing a Transparency Initiative led by the Space Bureau to provide clarity and access to applicants. The Commission also adopted a Further Notice of Proposed Rulemaking to seek comment on additional proposed changes to further expedite satellite and earth station licensing.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/17/23	88 FR 2590
NPRM Comment Period End.	04/03/23	
FNPRM .....	12/08/23	
Report and Order—Final Rule.	01/05/24	
FNPRM Comment Period End.	02/06/24	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060–AL51

**323. • Amendment of Parts 2 and 25 of the Commission's Rules To Enable NGSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3–17.8 GHz Band [3060–AL79]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(g) and 303(r)

*Abstract:* Amendment of Parts 2 and 25 of the Commission's Rules to Enable NGSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3–17.8 GHz Band.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/26/22	87 FR 64750
NPRM Comment Period End.	12/27/22	
NPRM Reply Comment End.	01/24/23	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*



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RIN: 3060-AL79

## FEDERAL COMMUNICATIONS COMMISSION (FCC)

### Wireless Telecommunications Bureau

#### Long-Term Actions

#### 324. Amendment of Parts 1, 2, 22, 24, 27, 90, and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10-4) [3060-AJ87]

*Legal Authority:* 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

*Abstract:* This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

#### Timetable:

Action	Date	FR Cite
NPRM .....	05/10/11	76 FR 26983
R&O .....	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM .....	11/28/14	79 FR 70837
2nd R&O and 2nd FNPRM.	03/23/18	83 FR 17131
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AJ87

#### 325. Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13-111 [3060-AK06]

*Legal Authority:* 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332; 47 U.S.C. 302(a)

*Abstract:* In the 2017 Report and Order, 82 FR 22742, the Commission addressed the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals requiring Commission authorization—in correctional facilities. In particular, the Commission eliminated certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems. In the 2017 Further Notice, 82 FR 22780, the Commission sought comment on a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission also sought comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

In the Second Report and Order, the Commission takes further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. The Second Report and Order adopts a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria, and the Commission addresses issues involving oversight, wireless provider liability, and treatment of 911 calls. The Second Report and Order further adopts rules requiring advance notice of certain wireless provider network changes to promote and maintain contraband interdiction system effectiveness. In the Second Further Notice of Proposed Rulemaking, the Commission takes further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. The Second Further Notice of Proposed Rulemaking seeks further comment on the relative effectiveness, viability, and cost of additional technological solutions to combat contraband phone use in

correctional facilities previously identified in the record.

#### Timetable:

Action	Date	FR Cite
NPRM .....	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM .....	05/18/17	82 FR 22780
R&O .....	05/18/17	82 FR 22742
Final Rule Effective (Except for Rules Requiring OMB Approval).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Final Rule Effective for 47 CFR 1.9020(n), 1.9030(m), 1.9035(o), and 20.23(a).	10/20/17	82 FR 48773
Final Rule Effective for 47 CFR 1.902(d)(8), 1.9035(d)(4), 20.18(a), and 20.18(r).	02/12/18	
2nd FNPRM .....	08/13/21	86 FR 44681
2nd R&O .....	08/13/21	86 FR 44635
2nd FNPRM Comment Period End.	09/13/21	
Final Rules Effective (except for those requiring OMB approval).	09/13/21	
Reply Comment Period End.	10/12/21	
Final Rule Effective.	05/03/22	87 FR 26139
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

*Agency Contact:* Melissa Conway, Attorney Advisor, Mobility Div., Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-2887, *Email:* melissa.conway@fcc.gov.  
RIN: 3060-AK06

#### 326. Promoting Investment in the 3550-3700 MHz Band; GN Docket No. 17-258 [3060-AK12]

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307(e); 47 U.S.C. 316

*Abstract:* The Report and Order and Second Further Notice of Proposed Rulemaking (NPRM) adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization



framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

The Order on Reconsideration and Second Report and Order addressed several Petitions for Reconsideration submitted in response to the Report and Order and resolved the outstanding issues raised in the Second Further Notice of Proposed Rulemaking.

The 2017 NPRM sought comment on limited changes to the rules governing Priority Access Licenses in the band, adjacent channel emissions limits, and public release of base station registration information.

The 2018 Report and Order addressed the issues raised in the 2017 NPRM and implemented changes rules governing Priority Access Licenses in the band and public release of base station registration information.

On July 2020, the Commission commenced an auction of Priority Access Licenses in the band. "Winning bidders were announced on September 2, 2020".

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM .....	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Order on Recon and 2nd R&O.	07/26/16	81 FR 49023
NPRM .....	11/28/17	82 FR 56193
NPRM Comment Period End.	01/29/18	
R&O .....	12/07/18	83 FR 6306
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Paul Powell, Assistant Chief, Mobility Division, WTb, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1613 *Email:* paul.powell@fcc.gov.  
*RIN:* 3060-AK12

**327. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14-170) [3060-AK28]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

*Abstract:* This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/14/14	79 FR 68172
Public Notice .....	03/16/15	80 FR 15715
Public Notice .....	04/23/15	80 FR 22690
R&O .....	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-0660, *Email:* kelly.quinn@fcc.gov.  
*RIN:* 3060-AK28

**328. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers: WT Docket 10-112 [3060-AK44]**

*Legal Authority:* 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 and 302; 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

*Abstract:* In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been

best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM .....	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O .....	11/14/16	81 FR 79894
R&O .....	01/02/18	83 FR 37
FNPRM .....	01/02/18	83 FR 85
FNPRM Comment Period End.	01/23/18	
R&O .....	07/20/18	83 FR 34478
FNPRM .....	07/20/18	83 FR 34520
FNPRM Comment Period End.	09/28/18	
R&O .....	02/05/19	84 FR 1618
R&O .....	05/01/19	84 FR 18405
NPRM-Correction	04/25/19	84 FR 17360
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0797, *Email:* john.schauble@fcc.gov.  
*RIN:* 3060-AK44

**329. Expanding Flexible Use of the 3.7 to 4.2 GHz Band: GN Docket No. 18-122 [3060-AK76]**

*Legal Authority:* 47 U.S.C. 151 to 153; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301 to 304; 47 U.S.C. 307 to 310; 47 U.S.C. 1302; . . .

*Abstract:* In the 2020 Report and Order, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use (plus a 20-megahertz guard band) throughout the contiguous United States. Pursuant to the Report and Order, existing fixed satellite service (FSS) and fixed services (FS) must relocate operations out of the lower portion of the 3.7-4.0 GHz band. The Commission will issue flexible use licenses in the 3.7-3.98 GHz portion of

the band in the contiguous United States via a system of competitive bidding. The Commission established rules to govern the transition including optional payments for satellite operators that choose to relocate on an accelerated schedule and provide reimbursement to FSS operators and their associated earth stations for reasonable expenses incurred to facilitate the transition. The Report and Order also established service and technical rules for the new flexible use licenses that will be issued in the 3.7–3.98 GHz portion of the band. “On December 8, 2020, the Commission began an auction of licenses in the 3.7–3.98 GHz portion of the band. The winning bidders were announced on February 24, 2021”.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/29/18	83 FR 44128
NPRM Comment Period End.	11/27/18	
Public Notice .....	05/20/19	84 FR 22733
Certifications and Data Filing Deadline.	05/28/19	
Public Notice .....	06/03/19	84 FR 22514
Public Notice Comment Period End.	07/03/19	
Public Notice Reply Comment Period End.	07/18/19	
R&O .....	04/23/20	85 FR 22804
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Paul Powell, Assistant Chief, Mobility Division, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, Phone: 202 418–1613, Email: paul.powell@fcc.gov, RIN: 3060–AK76

**330. Amendment of the Commission’s Rules To Promote Aviation Safety: WT Docket No. 19–140 [3060–AK92]**

*Legal Authority:* 47 U.S.C. 154; 47 U.S.C. 303; 307(e)

*Abstract:* The Federal Communications Commission regulates the Aviation Radio Service, a family of services using dedicated spectrum to enhance the safety of aircraft in flight, facilitate the efficient movement of aircraft both in the air and on the ground, and otherwise ensure the reliability and effectiveness of aviation communications. Recent technological advances have prompted the Commission to open this new

rulemaking proceeding to ensure the timely deployment and use of today’s state-of-the-art safety-enhancing technologies. With this Notice of Proposed Rulemaking, the Commission proposes changes to its part 87 Aviation Radio Service rules to support the deployment of more advanced avionics technology, increase the efficient use of limited spectrum resources, and generally improve aviation safety.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/02/19	84 FR 31542
NPRM Comment Period End.	09/03/19	
NPRM Reply Comment Period End.	09/30/19	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, Phone: 202 418–1617, Email: jeff.tobias@fcc.gov, RIN: 3060–AK92

**331. Implementation of State and Local Governments’ Obligation To Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012 (WT Docket No. 19–250) [3060–AL29]**

*Legal Authority:* 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

*Abstract:* In this proceeding, the Commission seeks to reduce regulatory barriers to wireless infrastructure deployment by further streamlining the state and local government review process for modifications to existing wireless infrastructure under section 6409(a) of the Spectrum Act of 2012.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/02/20	85 FR 39859
Declaratory Ruling	07/27/20	85 FR 45126
NPRM Comment Period End.	08/03/20	
R&O .....	12/03/20	85 FR 78005
Petition for Recon	03/03/21	86 FR 12898
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Allison Jones, Associate Division Chief, CIPD, Wireless

Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–1571, Email: allison.jones@fcc.gov.

Garnet Hanly, Division Chief, Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–0995, Email: garnet.hanly@fcc.gov, RIN: 3060–AL29

**332. Expanding Flexible Use of the 12.2–12.7 GHz Band, et al., WT Docket No. 20–443, ET AL [3060–AL40]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 153; 47 U.S.C. 154; 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 304; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316

*Abstract:* The Federal Communications Commission (Commission or FCC) finds that it is not in the public interest to add a mobile allocation to permit a two-way terrestrial 5G service in the 12.2 GHz band based on the current record and seeks further comment on how it could facilitate more robust terrestrial operations in the 12.212.7 GHz band. The item specifically seeks comment on how its proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well as the scope of the Commission’s relevant legal authority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/08/21	86 FR 13266
NPRM Comment Period End.	04/07/21	
NPRM Reply Comment Period End.	05/07/21	
NPRM .....	04/16/21	86 FR 20111
NPRM Extension Comment Period End.	05/07/21	
NPRM Extension Reply Comment Period End.	06/07/21	
NPRM Denial of Further Extension of Deadlines for Filing Comments and Reply Comments.	05/27/21	86 FR 28520
NPRM .....	06/22/21	86 FR 32669
NPRM Extension Reply Comment Period.	07/07/21	
Report and Order	07/10/23	88 FR 43462
FNPRM .....	07/10/23	88 FR 43502
FNPRM Comment Period End.	08/09/23	
FNPRM Reply Comment Period End.	09/08/23	

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	09/18/23 09/08/23	88 FR 63890
Next Action Unde- termined.	To Be Determined	

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact:* Madelaine Maior, Assistant Division Chief, Broadband Div., WTB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1466, *Email:* madelaine.maior@fcc.gov.

*RIN:* 3060-AL40

**333. Facilitating Shared Use in the 3100-3550 MHz Band [3060-AL57]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 155(c) and 157; 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 308; 47 U.S.C. 309; 47 U.S.C. 309(j)(3)(B) and 309(j)(4)(D); 47 U.S.C. 310 and 316; 47 U.S.C. 923(g) and 928; 47 U.S.C. 1502; Pub. L. 115-141, sec. 603; Pub. L. 116-260, sec. 905

*Abstract:* In the 3.45 GHz Band Second R&O, the Commission adopted rules to make 100 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States. To facilitate this goal, the Commission previously had determined that secondary, nonfederal radiolocation licensees in the band would be relocated to the 2.9-3.0 GHz band. In the 3.45 GHz Band Second R&O, the Commission further determined that secondary, non-federal radiolocation authorizations would sunset 180 days after new 3.45 GHz Service licenses are granted in the band. On January 4, 2022, the auction for these new licenses concluded and licenses were granted on May 4, 2022. The non-federal radiolocation authorizations sunset on October 31, 2022.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	01/22/20 03/23/20	85 FR 3579
Final Rule ..... Report & Order and FNPRM.	10/09/20 10/21/20	85 FR 64062 85 FR 66888
FNPRM Comment Period End.	11/20/20	
Correction to Final Rule.	11/03/20	85 FR 69515
Report & Order, Order on Re- consideration and Order of Proposed Modi- fication.	04/07/21	86 FR 17920

Action	Date	FR Cite
Final Rule and Order.	12/22/22	87 FR 78579
Next Action Unde- termined.	To Be Determined	

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact:* Morgan Mendenhall, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0154, *Email:* morgan.mendenhall@fcc.gov.  
*RIN:* 3060-AL57

**334. Shared Use of the 42-42.5 GHz Band (WT Docket No. 23-158, GN Docket No. 14-177) [3060-AL68]**

*Legal Authority:* 47 U.S.C. 151 thru 152; 47 U.S.C. 154; 47 U.S.C. 301 and 302a; 47 U.S.C. 303 and 304; 47 U.S.C. 307 and 309

*Abstract:* The Federal Communications Commission seeks comment on how innovative, non-exclusive spectrum access models might be deployed in the 42 GHz band (42-42.5 GHz) to provide increased access to high-band spectrum, particularly by smaller wireless service providers, and to support efficient, intensive use of the band. The Commission also seeks comment on how potential sharing and licensing regimes might lower barriers to entry for smaller or emerging wireless service providers, encourage competition, and prevent spectrum warehousing.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End. NPRM Reply Comment Pe- riod End.	07/31/23 08/30/23  09/29/23	88 FR 49423
Next Action Unde- termined.	To Be Determined	

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact:* Catherine Schroeder, Attorney Advisor, Broadband Div., Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 428-1956, *Email:* catherine.schroeder@fcc.gov.

Katherine Schroder, Attorney, Federal Communications Commission, Common Carrier Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7400, *Email:* klschrod@fcc.gov.  
*RIN:* 3060-AL68

**335. • Single Network Future: Supplemental Coverage From Space, GN Docket No. 23-65 [3060-AL69]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 308; 47 U.S.C. 309 and 310

*Abstract:* In the 2023 Notice of Proposed Rulemaking, the Commission proposed a new regulatory framework for Supplemental Coverage from Space (SCS) that would facilitate the integration of satellite and terrestrial networks through partnerships between satellite operators and terrestrial service providers on flexible-use spectrum licensed to terrestrial services. The proposed framework would enable expanded coverage to a terrestrial licensee's subscribers, especially in remote, unserved, and underserved areas, and would increase the availability of emergency communications.

In the 2024 Report and Order, the Commission adopted a regulatory framework for SCS that will serve important public interest goals, including expanding the reach of communications services, particularly emergency services, so that connectivity and emergency assistance is available in more remote places. The framework will also spur advancements in space-based technologies that will position the United States as a global leader in this arena, and promote the innovative and efficient use of our nation's spectrum resources. The Commission authorized SCS only in certain spectrum bands and only where one or more terrestrial licensees together holding all licenses on the relevant channel throughout a defined geographically independent area lease access to their spectrum rights to a participating satellite operator. The Report and Order also imposed technical rules in an effort to mitigate harmful interference.

In the Report and Order, in recognition that this new offering has the potential to bring life-saving connectivity to remote areas, the Commission adopted interim 911 call and text routing requirements to ensure that help is available to those who need it today while the Commission works toward enabling automatic location-based routing of all emergency communications. In the 2024 Further Notice of Proposed Rulemaking, the Commission sought to further develop the record on 911 service for SCS connections, including the use of location-based routing to route SCS voice calls directly to an appropriate Public Safety Answering Point. In addition, the Commission sought further

comment on procedures related to the protection of radio astronomy.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/12/23	88 FR 21944
NPRM Comment Period End.	06/12/23	
Report and Order	03/15/24	
FNPRM .....	03/15/24	
FNPRM Comment Period End.	04/15/24	
Final Rule Effective (Rules Requiring OMB Approval).	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jonathan Markman, Attorney Advisor, Mobility Division, Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-7090, Email: jonathan.markman@fcc.gov.

RIN: 3060-AL69

**336. • Modifying Emissions Limits For the 24.25-24.45 GHz and 24.75-25.25 GHz Bands [ET Docket No. 21-186] [3060-AL80]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 302; 47 U.S.C. 302(a) and 302(r); 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 333

*Abstract:* In this Notice of Proposed Rulemaking, the Federal Communications Commission propose to implement certain decisions regarding the 24.25-27.5 GHz band made in the World Radiocommunication Conference held by the International Telecommunication Union (ITU) in 2019 (WRC-19). Specifically, it proposes to align part 30 of the Commission's rules for mobile operations with the Resolution 750 limits on unwanted emissions into the passive 23.6-24.0 GHz band that were adopted at WRC-19. These proposed rule changes would help to facilitate the protection of passive sensors used for weather forecasting and scientific research in the 23.6 GHz-24.0 GHz band, while continuing to promote flexible commercial use of the 24.25-24.45 GHz and 24.75-25.25 GHz bands.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/29/24	89 FR 5440
NPRM Comment Period End.	02/28/24	
NPRM Reply Comment End.	03/14/24	

Action	Date	FR Cite
Interim Final Rule Comment Period End.	02/08/24	89 FR 8621
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Simon Banyai, Attorney Advisor, Broadband Division, Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-1443, Email: simon.banyai@fcc.gov. RIN: 3060-AL80

**337. • Alaska Connect Fund Notice of Proposed Rulemaking [3060-AL81]**

*Legal Authority:* 47 U.S.C. 151 thru 152; 47 U.S.C. 154 thru 155; 47 U.S.C. 201 thru 206; 47 U.S.C. 214; 47 U.S.C. 218 thru 220; 47 U.S.C. 251 thru 252; 47 U.S.C. 254 and 256; 47 U.S.C. 301 and 303; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 403

*Abstract:* On October 19, 2023, the Commission adopted a Notice of Proposed Rulemaking to explore how the universal service high-cost support program can continue funding fixed and mobile broadband services in Alaska one of the hardest to serve areas in the country. The Commission sought comment to better understand the changes, including technology and the broadband funding landscape, that have occurred in Alaska since 2016 when the Commission adopted the currently operative, ten-year Alaska Plan, which, alongside two other fixed-high cost programs in Alaska, is scheduled to wind-down in the next few years. The proposed rulemaking sought comment on a number of issues to help the Commission determine the most effective methodologies and uses for future universal service funding for high-cost fixed and mobile services in Alaska. As part of the rulemaking, the Commission will leverage data from the agency's new and improved broadband coverage map and broadband funding map, which provide a more accurate picture of where service is and is not, and where deployment has already been funded, in Alaska.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	11/17/23 02/15/24	88 FR 80238
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Matt Warner, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-2419, Email: matthew.warner@fcc.gov. RIN: 3060-AL81

**338. • Indian Peak Properties LLC Petitions for Declaratory Ruling Seeking Preemption Under the Rule Governing Over-the-Air Reception Devices [3060-AL82]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 155(c); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 205; 47 U.S.C. 251; 47 U.S.C. 253; 47 U.S.C. 303; 47 U.S.C. 316; 47 U.S.C. 332; Pub. L. 104-104, 207, 706, 110 Stat. 56, 114, 153

*Abstract:* In its Application for Review, Indian Peak sought review of decisions by the Wireless Telecommunications Bureau and the Media Bureau to deny its petition for protection under the Over-the-Air-Reception-Device (OTARD) rule of antennas it had placed on the roof of a single family home in a residential neighborhood. Indian Peak was operating the home as a commercial communications site. The Order on Review denies in part and dismisses in part the application for review. In denying the application for review, the Order on Review clarifies that to qualify for protection under the OTARD rule, the equipment must benefit a human end-user on the premises.

Section 207 of the Telecommunications Act of 1996 directed the Commission to promulgate regulations to prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite services. To meet this requirement, the Commission adopted the OTARD rule. The Commission subsequently expanded the scope of the rule so that it now covers wireless broadband antennas including hub and relay antennas. Beginning in 2004, when the rule was expanded to cover equipment designed to receive wireless broadband signal, the Commission began using the term customer in place of viewer.

The facts pled by Indian Peak were vague but indicated that the property was largely an unmanned communications site with equipment that was controlled remotely by offsite personnel. In the Order on Review, the Commission clarifies that the use of the

term viewer in section 207 of the Telecommunications Act of 1996 signaled Congress's intent to protect the rights of a human being to receive signal, and therefore to qualify for protection under the OTARD rule an applicant must plead facts sufficient to establish that the equipment provides signal to a human end-user on the premises. The Commission's use of the term customer in place of viewer does not alter this basic requirement of the rule.

*Timetable:*

Action	Date	FR Cite
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Allison Jones, Associate Division Chief, CIPD, Wireless Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1571, *Email:* allison.jones@fcc.gov. *RIN:* 3060-AL82

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Wireline Competition Bureau*

*Long-Term Actions*

**339. Telecommunications Carriers' Use of Customer Proprietary Network Information (CC Docket No. 96-115), Data Breach Reporting Requirements (WC Docket No. 22-21) [3060-AG43]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

*Abstract:* The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/28/96	61 FR 26483
Public Notice .....	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon ..	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865

Action	Date	FR Cite
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM .....	03/15/06	71 FR 13317
NPRM .....	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Public Notice .....	07/13/12	77 FR 35336
Final Rule .....	09/21/17	82 FR 44188
NPRM .....	01/23/23	88 FR 3953
NPRM Comment Period End.	02/23/23	
NPRM Reply Comment Period End.	03/24/23	
Report and Order	02/12/24	89 FR 9968
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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**340. Local Telephone Networks That LECs Must Make Available to Competitors [3060-AH44]**

*Legal Authority:* 47 U.S.C. 251  
*Abstract:* The Commission adopted rules applicable to incumbent local exchange carriers (LECs) to permit competitive carriers to access portions of the incumbent LECs' networks on an unbundled basis. Unbundling allows competitors to lease portions of the incumbent LECs' network to provide telecommunications services. These rules, adopted in dockets CC 96-98, WC 01-338, and WC 04-313, are intended to accelerate the development of local exchange competition.

*Timetable:*

Action	Date	FR Cite
Second FNPRM ..	04/26/99	64 FR 20238
Fourth FNPRM ....	01/14/00	65 FR 2367
Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Supplemental Order.	01/18/00	65 FR 2542
Third R&O .....	01/18/00	65 FR 2542
Correction .....	04/11/00	65 FR 19334
Supplemental Order Clarification.	06/20/00	65 FR 38214

Action	Date	FR Cite
Public Notice .....	02/01/01	66 FR 8555
Public Notice .....	03/05/01	66 FR 18279
Public Notice .....	04/10/01	
Public Notice .....	04/23/01	
Public Notice .....	05/14/01	
NPRM .....	01/15/02	67 FR 1947
Public Notice .....	05/29/02	
Public Notice .....	08/01/02	
Public Notice .....	08/13/02	
NPRM .....	08/21/03	68 FR 52276
R&O and Order on Remand.	08/21/03	68 FR 52276
Errata .....	09/17/03	
Report .....	10/09/03	68 FR 60391
Order .....	10/28/03	
Order .....	01/09/04	
Public Notice .....	01/09/04	
Public Notice .....	02/18/04	
Order .....	07/08/04	
Second R&O .....	07/08/04	69 FR 43762
Order on Recon ..	08/09/04	69 FR 54589
Interim Order .....	08/20/04	69 FR 55111
NPRM .....	08/20/04	69 FR 55128
Public Notice .....	09/10/04	
Public Notice .....	09/13/04	
Public Notice .....	10/20/04	
Order on Recon ..	12/29/04	69 FR 77950
Order on Remand	02/04/05	
Public Notice .....	04/25/05	70 FR 29313
Public Notice .....	05/25/05	70 FR 34765
Declaratory Ruling	05/26/11	
NPRM .....	01/06/20	85 FR 472
NPRM Comment Period End.	03/06/20	
Report & Order ...	01/08/21	86 FR 1636
Next Action Under-terminated.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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**341. Jurisdictional Separations [3060-AJ06]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

*Abstract:* Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and marketplace changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' Joint Board's

recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of 5 years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission issued an Order and Further Notice of Proposed Rulemaking that extended the separations freeze for a period of 3 years and sought comment on comprehensive reform. In 2009, the Commission issued a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission issued a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission issued a Report and Order extending the separations freeze for an additional 2 years to June 2014. In 2014, the Commission issued a Report and Order extending the separations freeze for an additional 3 years to June 2017.

In 2016, the Commission issued a Report and Order extending the separations freeze for an additional 18 months until January 1, 2018. In 2017, the Joint Board issued a Recommended Decision recommending changes to the part 36 rules designed to harmonize them with the Commission's previous amendments to its part 32 accounting rules. In February 2018, the Commission issued a Notice of Proposed Rulemaking proposing amendments to part 36 consistent with the Joint Board's recommendations. In October 2018, the Commission issued a Report and Order adopting each of the Joint Board's recommendations and amending the Part 36 consistent with those recommendations. In July 2018, the Commission issued a Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 15 years and to provide rate-of-return carriers that had elected to freeze their category relationships a time limited opportunity to opt out of that freeze. In December 2018, the Commission issued a Report and Order extending the freeze for up to 6 years until December 31, 2024, and granting rate-of-return carriers that had elected to freeze their category relationships a one-time opportunity to opt out of that freeze.

On March 31, 2020, the United States Court of Appeals for the District of Columbia Circuit affirmed the Commission's December 2018 Report and Order.

#### Timetable:

Action	Date	FR Cite
NPRM .....	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order .....	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O .....	05/15/09	74 FR 23955
R&O .....	05/25/10	75 FR 30301
R&O .....	05/27/11	76 FR 30840
R&O .....	05/23/12	77 FR 30410
R&O .....	06/13/14	79 FR 36232
R&O .....	06/02/17	82 FR 25535
Recommended Decision.	10/27/17	
NPRM .....	03/13/18	83 FR 10817
NPRM Comment Period End.	04/27/18	
NPRM .....	07/27/18	83 FR 35589
NPRM Comment Period End.	09/10/18	
R&O .....	12/11/18	83 FR 63581
R&O .....	02/15/19	84 FR 4351
Announcement of OMB Approval.	03/01/19	84 FR 6977
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis Required: Yes.

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*RIN:* 3060-AJ06

#### 342. Rates for Inmate Calling Services; WC Docket No. 12-375; Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act, WC Docket No. 23-62 [3060-AK08]

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and (j); 47 U.S.C. 201(b); 47 U.S.C. 218; 47 U.S.C. 220; 47 U.S.C. 276; 47 U.S.C. 403; 47 CFR 64; Martha Wright-Reed Just and Reasonable Communications Act of 2022; Pub. L. 117-338, 136 Stat. 6156; 47 U.S.C. 152(b) and 153(1)(E); 47 U.S.C. 276(b)(1)(A) and (d)

*Abstract:* In the Second Report and Order, the Federal Communications Commission (the Commission) adopted rule changes to ensure that rates for both interstate and intrastate inmate calling

services (ICS) are fair, just, and reasonable limits on ancillary service charges imposed by ICS providers. In the Second Report and Order, the Commission set caps on all interstate and intrastate calling rates for ICS, established a tiered rate structure based on the size and type of facility being served, limited the types of ancillary services that ICS providers may charge for and capped the charges for permitted fees, banned flat-rate calling, facilitated access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposed reporting and certification requirements to facilitate continued oversight of the ICS market. In the Third Further Notice portion of the item, the Commission sought comment on ways to promote competition for ICS, video visitation, and rates for international calls, and considered an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amended its rate caps and the definition of "mandatory tax or mandatory fee".

On June 13, 2017, the D.C. Circuit vacated the rate caps adopted in the Second Report and Order, as well as reporting requirements related to video visitation. The court held that the Commission lacked jurisdiction over intrastate ICS calls and that the rate caps the Commission adopted for interstate calls were arbitrary and capricious. The court also remanded the Commission's caps on ancillary fees. On September 26, 2017, the court denied a petition for rehearing en banc. On December 21, 2017, the court issued two separate orders: one vacating the 2016 Order on Reconsideration insofar as it purported to set rate caps on inmate calling services, and one dismissing as moot challenges to the Commission's First Report and Order on ICS.

On February 4, 2020, the Commission's Wireline Competition Bureau (WCB) released a Public Notice seeking to refresh the record on ancillary service charges imposed in connection with ICS.

On August 6, 2020, the Commission adopted a Report and Order on Remand and a Fourth Further Notice of Proposed Rulemaking responding to remands by the D.C. Circuit and proposing to comprehensively reform rates and charges for the ICS within the Commission's jurisdiction. The Report and Order on Remand found that the Commission's five permitted ancillary service charges: (1) automated payment fees; (2) fees for single-call and related services; (3) live agent fees; (4) paper bill/statement fees; and (5) third-party

financial transaction fees generally, cannot be practically segregated between interstate and intrastate inmate telephone calls, except in a limited number of cases. Accordingly, the Commission prohibited ICS providers from imposing ancillary service fees higher than the Commission's caps, or imposing fees for additional ancillary services unless imposed in connection with purely intrastate inmate telephone service calls.

The Order also reinstated a rule prohibiting providers from marking up third-party fees for single-call services; reinstated rule language that prohibits providers from marking up mandatory taxes or fees that they pass on to inmate telephone service consumers; and amended certain of the ICS rules consistent with the D.C. Circuit's mandates to reflect that the Commission's rate and fee caps on ICS apply only to interstate and international inmate calling.

The Fourth Further Notice of Proposed Rulemaking proposed to substantially reduce the interstate rate cap for inmate telephone calls from the current interim rate caps of \$0.21 per minute for debit or prepaid calls and \$0.25 per minute for collect calls for all types of correctional facilities, to permanent rate caps of \$0.14 per minute for all interstate calls from prisons and \$0.16 for all interstate calls from jails. The Fourth Further Notice of Proposed Rulemaking also proposed to adopt rate caps for international ICS calls for the first time based on the proposed interstate rate caps, plus the amount that the provider must pay its underlying international service provider for an international call. It also proposed a waiver process for providers that believe the Commission's rate caps would not allow them to recover their costs of serving a particular facility or contract. Finally, it sought comment on a further mandatory data collection to continue efforts to reform these rates and fees.

On November 23, 2020, Global Tel\*Link Corporation (GTL) filed a petition for reconsideration of the August 6, 2020 Order on Remand. On December 3, 2020, the Commission established the opposition and reply comment dates for the petition.

On May 24, 2021, the Commission released the Third Report and Order, Order on Reconsideration and Fifth Further Notice of Proposed Rulemaking. In the Third Report and Order, the Commission: (1) substantially reduced the interim rate caps for interstate ICS from prisons and larger jails (those with 1,000 or more incarcerated people) from \$0.21 per minute for debit and prepaid

calls and \$0.25 per minute for collect calls to new uniform interim interstate caps of \$0.12 per minute for prisons and \$0.14 per minute for larger jails; (2) maintained the interim interstate rate cap of \$0.21 for jails with less than 1,000 incarcerated people because of insufficient record evidence to determine providers' costs of serving those facilities at the time; (3) eliminated separate treatment of collect calls, resulting in a uniform interim interstate rate cap for all types of calls at each facility; (4) reformed the treatment of site commission payments by specifying that providers may pass through to consumers (without any markup) site commission payments that are mandated by federal, state, or local law and that providers may pass through to consumers no more than \$0.02 per minute site commission payments resulting from contractual obligations negotiated between providers and correctional officials; (5) capped, for the first time, international calling rates at all facilities at the applicable facility's total interstate rate cap, plus the amount the inmate calling services provider pays to its underlying wholesale carriers for completing international calls; (6) reformed the ancillary service charge caps for third-party financial transaction fees, including those related to calls that are billed on a per-call basis; and (7) adopted a new mandatory data collection to obtain more uniform cost data based on consistent, prescribed allocation methodologies to determine just and reasonable, permanent, interstate and international cost-based rates for facilities of all sizes.

In the Order on Reconsideration, the Commission denied GTL's petition for reconsideration of a single sentence from the 2020 Remand Order, in which the Commission reminded providers that the jurisdictional nature of a call, that is whether it is interstate or intrastate, depends on the physical location of the endpoints of the call and not on whether the area code or NXX prefix of the telephone number associated with the account are associated with a particular state. The Commission determined that the end-to-end analysis has been, and remains, the generally applicable test for all telecommunications carriers in determining the jurisdiction of their calls and the Commission continues to use the traditional end-to-end jurisdictional analysis in setting rates for calls placed by ICS consumers.

In the Fifth Further Notice, the Commission proposed to amend its rules to require calling service providers to provide access to all forms of

Telecommunications Relay Services, including internet-based services, to facilitate greater accessibility for incarcerated people with hearing and speech disabilities. The Commission also sought comment on: (1) the methodology the Commission should use to set permanent per-minute rate caps for interstate and international inmate calling services; (2) site commission costs for facilities of all sizes and site commission reform generally; (3) the costs of providing services to jails with average daily populations of fewer than 1,000 incarcerated people; (4) whether and how the Commission should reform the ancillary service charge caps and how the Commission can curtail potentially abusive practices related to these charges; (5) whether to institute a recurring periodic data collection; and (6) whether some providers have market power in the bidding process, thereby impacting the competitiveness of the bidding process.

On September 22, 2021, WCB and the Office of Economics and Analytics (OEA), (collectively, WCB/OEA) issued a Public Notice seeking comment on the contours and specific requirements of the Third Mandatory Data Collection, including proposed instructions and a proposed template for that collection. In issuing this Public Notice, WCB/OEA were acting pursuant to the Commission's directive, made in the *2021 ICS Order*, that the new data collection obtain data on providers' operations, costs, demand, and revenues, among other information. As the Commission explained in that Order, the collected information would allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the ancillary service charge caps.

On December 15, 2021, WCB/OEA issued a Public Notice seeking comment on revised requirements for ICS Annual Reports, including proposed instructions, templates, and a provider certification. Specifically, the Public Notice proposed changes in the reporting requirements to align them with ICS rule changes adopted in the *2021 ICS Order*.

On January 18, 2022, WCB adopted an Order implementing the Third Mandatory Data Collection and adopted accompanying instructions, reporting templates, and a certification form. The collected information would allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the current ancillary service charge caps.



On February 9, 2022, WCB released a public notice announcing that the providers' mandatory data collection responses will be due no later than June 30, 2022.

On June 24, 2022, WCB adopted an Order implementing revisions to its annual reporting requirements, including accompanying instructions, reporting templates, and a certification form. The revisions were consistent with changes made in the Third Report and Order.

On September 30, 2022, the Commission released the Fourth Report and Order, and Sixth Further Notice of Proposed Rulemaking. The Report and Order required ICS providers to provide access to all relay services eligible for Telecommunications Relay Services fund support in any correctional facility that is located where broadband is available and is part of a correctional system with 50 or more incarcerated people. This included the ability to place point-to-point video calls using American Sign Language. The rules also restricted provider charges for relay services and point-to-point video calls. More generally, the rules reduced certain charges and curtailed abusive practices related to ICS to ease the financial burdens on all incarcerated people and their families. To ensure that the rates, terms, and practices related to interstate and international ICS are just and reasonable, the Order prohibited providers from taking control of funds in inactive calling accounts until at least 180 calendar days of continuous inactivity had passed, after which providers are required to refund the balance or dispose of the funds in accordance with applicable state law. The Order also lowered the current ancillary fee caps on charges for single call services, and lowered the cap on provider charges for processing credit card, debit card, and other payments to calling services accounts. Finally, the Commission revised the definitions of "Prison" and "Jail" in its rules to conform with the Commission's intent in adopting them in 2015.

In the Sixth Further Notice, the Commission sought additional comment on whether to allow enterprise registration for internet Protocol Captioned Telephone Service in carceral settings and how to address the special circumstances faced by some ICS providers in jurisdictions with average daily populations of fewer than 50 incarcerated persons. This Notice sought comment on refining the rules adopted in the Fifth Report and Order concerning the treatment of balances in inactive accounts. It also sought comment on expanding the breadth and

scope of the Commission's consumer disclosure requirements. The Commission asked for comment on how it should use the data filed in response to the Third Mandatory Data Collection to establish just and reasonable permanent caps on interstate and international rates and associated ancillary service charges consistent with the Telecommunications Act of 1934 (the Act). The Commission invited further comment on allowing ICS providers to offer pilot programs allowing consumers to purchase calling services under alternative pricing structures.

On March 17, 2023, the Commission opened a new docket, WC Docket No. 23–62, and released a Notice of Proposed Rulemaking and Order to begin implementation of the Martha Wright-Reed Just and Reasonable Communications Act of 2022, which was signed into law on January 5, 2023. The Martha Wright-Reed Act expands the Commission's authority over rates charged for incarcerated people's communications services, including intrastate services, and directs the Commission to adopt just and reasonable rates and charges for incarcerated people's audio and video communications services not earlier than 18 months and not later than 24 months after the date of its enactment. The Notice seeks comment on (1) the expansion of the Commission's authority over incarcerated people's communications services to include advanced communications services (including audio and video services) and intrastate services; (2) the meaning of "just and reasonable" in the context of the Act's other provisions; (3) the rate-making methodology the Commission should use to fulfill its mandate to ensure that rates and charges for incarcerated people's communications services are just and reasonable; (4) the safety and security costs necessary for the provision of incarcerated people's communications services; and (5) the actions the Commission should take to ensure that incarcerated people's communications services are accessible to, and usable by, people with communication disabilities. The accompanying Order reaffirmed the Commission's prior delegation of data collection authority to WCB/OEA and directed staff to initiate a collection of provider data to inform the Commission's responsibilities to implement the requirements of the Martha Wright-Reed Act.

[*Note: The Commission has historically used the term inmate calling services" or ICS" when referencing payphone service in the incarceration*

*context. With the passage of the Martha Wright-Reed Act, the Commission now uses the term incarcerated people's communications services" or IPCS" instead of inmate calling services" or ICS" to refer to the broader range of communications services and providers subject to the Commission's jurisdiction as a result of the Act.]*

On April 28, 2023, the Wireline Competition Bureau and the Office of Economics and Analytics released a Public Notice seeking comment on a proposal to update the Commission's Third Mandatory Data Collection to encompass and collect data on all incarcerated people's communications services (IPCS) from all providers of those services subject to the Commission's expanded authority under the Martha Wright-Reed Just and Reasonable Communications Act. The proposed modifications included collecting information concerning any audio or video communications service used by incarcerated people for the purpose of communicating with non-incarcerated individuals, regardless of technology used. The Public Notice also sought comment on proposed modifications to the instructions, reporting template, and certification form to implement the modified mandatory data collection.

On July 26, 2023, the Wireline Competition Bureau and the Office of Economics and Analytics released an Order adopting the modifications to the Third Mandatory Data Collection proposed in the April 28, 2023, Public Notice. The modifications included collecting information concerning any audio or video communications service used by incarcerated people for the purpose of communicating with non-incarcerated individuals, regardless of technology used. The Order adopted the proposed instructions, reporting template, and certification form.

On August 3, 2023, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau released a Public Notice seeking comment on proposed revisions to the Annual Reports and Annual Certifications that the Commission requires certain providers of IPCS to submit. The Public Notice proposed changes to the Annual Reports to (1) reflect expanded reporting requirements regarding access to IPCS by persons with communication disabilities and (2) seek data about video IPCS necessary to implement the Martha Wright-Reed Just and Reasonable Communications Act. The Public Notice also sought comment on proposed modifications to the instructions, reporting templates, and



certification form for the Annual Reports data collection.

On October 31, 2023, IPCS providers filed their data submissions in response to the 2023 Mandatory Data Collection. Commission staff processed the submissions and on March [XX], 2024, WCB/OEA released a Public Notice announcing the availability of the preliminary 2023 Mandatory Data Collection database to eligible individuals pursuant to protective order. Commission Chairwoman Rosenworcel hosted IPCS listening sessions on October 27, 2023 in Chicago, IL and on February 1, 2024 in Charleston, SC.

#### Timetable:

Action	Date	FR Cite
NPRM .....	01/22/13	78 FR 4369
FNPRM .....	11/13/13	78 FR 68005
R&O .....	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
2nd FNPRM .....	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM .....	12/18/15	80 FR 79020
2nd R&O .....	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Announcement of OMB Approval.	02/06/20	85 FR 6947
Public Notice .....	02/19/20	85 FR 9444
Public Notice Comment Period End.	03/20/20	
Public Notice Reply Comment Period End.	04/06/20	
Letter .....	07/15/20	
R&O on Remand & 4th FNPRM.	08/06/20	85 FR 67450; 85 FR 67480; 85 FR 73233
Order .....	09/01/20	
Public Notice .....	09/24/20	85 FR 66512
Public Notice .....	10/23/20	
Letter .....	11/13/20	
Public Notice .....	12/03/20	85 FR 83000
Order Extending Reply Comment Deadline.	12/17/20	
Public Notice .....	01/08/21	

Action	Date	FR Cite
Comment Period End on 12/3/2020, Public Notice End.	01/11/21	
Comment Period End on 12/3/2020, Public Notice End.	01/21/21	
Public Notice .....	03/03/21	
5th FNPRM .....	07/28/21	86 FR 40416
3rd R&O .....	07/28/21	86 FR 40682
3rd R&O .....	07/28/21	86 FR 40340
Order .....	08/10/21	86 FR 48952
Public Notice (MDC).	09/22/21	86 FR 54897
5th NPRM Comment Period End.	09/27/21	
Order Extending Reply Comment Deadline.	10/15/21	86 FR 60438
5th NPRM Reply Comment Period End.	10/27/21	
Comment Period End on 09/22/2021, Public Notice End.	11/04/21	
Reply Comment Period on 09/22/2021, Public Notice End.	11/19/21	
5th NPRM Reply Comment Period End.	12/17/21	
Public Notice on Annual Reports.	01/04/22	87 FR 212
Comment Period End on 01/04/2022, Public Notice End.	01/12/22	
Reply Period on 01/04/2022, Public Notice End.	01/27/22	
Order Adopting MDC.	03/22/22	87 FR 16560
Order Adopting Annual Reports Revisions.	08/02/22	87 FR 47103
4th R&O .....	09/30/22	
6th FNPRM .....	09/30/22	
NPRM—Proposing Implementation of Martha Wright-Reed Act.	04/07/23	88 FR 20804
Public Notice—Proposing 2023 MDC.	05/03/23	88 FR 27850
Order—Adopting 2023 Mandatory Data Collection.	08/03/23	88 FR 51240
Public Notice—Proposing Annual Report Revisions.	08/09/23	88 FR 53850
Public Notice .....	09/21/23	88 FR 65134
Public Notice .....	10/20/23	
NPRM .....	01/16/24	89 FR 2514
Public Notice .....	01/25/24	
Public Notice .....	02/28/24	

Action	Date	FR Cite
Next Action Under-terminated.	To Be Determined	
<i>Regulatory Flexibility Analysis Required: Yes.</i>		
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<i>RIN:</i> 3060–AK08		

### 343. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130) [3060–AK20]

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219 and 220

*Abstract:* The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted a Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with

generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

On June 5, 2017, NCTA-The internet & Television Association filed a petition for reconsideration of the Report and Order requesting that the Commission: (a) clarify that parties making pole attachments will have access to all accounting information needed to verify the reasonableness of pole attachment rates; and (b) establish additional substantive protections to ensure that pole attachment rates based on GAAP are consistent with the requirements of Section 224 of the Communication Act and the assurances contained in the Part 32 Order. Oppositions to that petition were due on July 21, 2017, and replies were due on July 31, 2017.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O .....	04/04/17	82 FR 20833
Petition for Reconsideration.	06/05/17	82 FR 31282
Comment Period on Petition for Reconsideration End.	07/21/17	
Reply Comment Period on Petition for Reconsideration End.	07/31/17	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060-AK20

**344. Restoring Internet Freedom, WC Docket No. 17-108; Protecting and Promoting the Open Internet, GN Docket No. 14-28; Safeguarding and Securing the Open Internet, WC Docket No. 23-320 [3060-AK21]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 201(b)

*Abstract:* The Commission proposed to reestablish the framework the Commission adopted in 2015 to classify broadband internet access service as a telecommunications service and to classify mobile broadband internet access service as a commercial mobile service. The Commission also proposed to forbear from 26 Title II provisions, and clarify that the Commission will not regulate rates or require network unbundling. Finally, the Commission proposed to reestablish a national regulatory approach to protect the open internet by preventing broadband internet access service providers from engaging in practices harmful to consumers, including: (1) proposing to reinstate straightforward, clear rules that prohibit blocking, throttling, or engaging in paid or affiliated prioritization arrangements; (2) proposing to reinstate a general conduct standard that would prohibit unreasonable interference or unreasonable disadvantage to consumers or edge providers; and (3) proposing to retain the disclosure requirements under the current transparency rule and seeking comment on the means of disclosure, the interplay between the transparency rule and the broadband label requirements, and any additional enhancements or changes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM .....	06/02/17	82 FR 25568
NPRM Comment Period End.	07/03/17	
Declaratory Ruling, R&O, and Order.	02/22/18	83 FR 7852
Order on Remand	01/07/21	86 FR 994
NPRM .....	11/03/23	88 FR 76048
NPRM Comment Period End.	12/14/23	
NPRM Reply Comment Period End.	01/17/24	

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

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*RIN:* 3060-AK21

**345. Technology Transitions; GN Docket No. 13-5, WC Docket No. 05-25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17-84 [3060-AK32]**

*Legal Authority:* 47 U.S.C. 214; 47 U.S.C. 251

*Abstract:* On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure NPRM, NOI, and RFC) seeking input on a number of actions designed to accelerate: (1) the deployment of next-generation networks and services by removing barriers to infrastructure investment at the Federal, State, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

On November 16, 2017, the Commission adopted a Report and Order (R&O), Declaratory Ruling, and Further Notice of Proposed Rulemaking (Wireline Infrastructure Order) that takes a number of actions and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

The Wireline Infrastructure Order took a number of actions. First, the Report and Order revised the pole attachment rules to reduce costs for attachers, reforms the pole access complaint procedures to settle access disputes more swiftly, and increases access to infrastructure for certain types of broadband providers. Second, the Report and Order revised the section 214(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy

services with advanced broadband networks and innovative new services. Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers. Fourth, the Declaratory Ruling abandoned the 2014 “functional test” interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike. Finally, the Further Notice of Proposed Rulemaking sought comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters. Various parties filed a Petition for Review of the Wireline Infrastructure Order in the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit denied the Petition on January 23, 2020 on the grounds that the parties lacked standing.

On June 7, 2018, the Commission adopted a Second Report and Order (Wireline Infrastructure Second Report and Order) taking further actions designed to expedite the transition from legacy networks and services to next generation networks and advanced services that benefit the American public and to promote broadband deployment by further streamlining the section 214(a) discontinuance rules, network change disclosure processes, and part 68 customer notification process.

The Wireline Infrastructure NPRM, NOI, and RFC sought comment on additional issues not addressed in the November Wireline Infrastructure Order or the June Wireline Infrastructure Second Report and Order. It sought comment on changes to the Commission’s pole attachment rules to: (1) streamline the timeframe for gaining access to utility poles; (2) reduce charges paid by attachers for work done to make a pole ready for new attachments; and (3) establish a formula for computing the maximum pole attachment rate that may be imposed on an incumbent LEC.

The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on whether the Commission should enact rules, consistent with its authority under section 253 of the Act, to promote the deployment of broadband infrastructure by preempting State and local laws that inhibit broadband deployment. It also sought comment on whether there are State laws governing the maintenance or retirement of copper facilities that serve as a barrier to

deploying next-generation technologies and services that the Commission might seek to preempt.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that: (1) proposed new backup power rules; (2) proposed new or revised rules for copper retirements and service discontinuances; and (3) adopted a functional test in determining what constitutes a service for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier’s actions will discontinue service to a carrier-customer’s retail end users; (iii) adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and (v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

On August 2, 2018, the Commission adopted a Third Report and Order and Declaratory Ruling (Wireline Infrastructure Third Report and Order) establishing a new framework for the vast majority of pole attachments governed by Federal law by instituting a one-touch make-ready regime, in which a new attacher may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to

promote coordination among parties and ensures that new attachers perform work safely and reliably. The Commission retained its multi-party pole attachment process for attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the use of self-help for new attachers when attachment deadlines are missed, and reduce the likelihood of coordination failures that lead to unwarranted delays. The Commission also improved its pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to overlash existing wires, thus maximizing the usable space on the pole; eliminating outdated disparities between the pole attachment rates that incumbent carriers must pay compared to other similarly-situated cable and telecommunications attachers; and clarifying that the Commission will preempt, on an expedited case-by-case basis, State and local laws that inhibit the rebuilding or restoration of broadband infrastructure after a disaster. The Commission also adopted a Declaratory Ruling that interpreted section 253(a) of the Communications Act to prohibit State and local express and *de facto* moratoria on the deployment of telecommunications services or facilities and directed the Wireline Competition and Wireless Telecommunications Bureaus to act promptly on petitions challenging specific alleged moratoria. Numerous parties filed appeals of the Wireline Infrastructure Third Report and Order, and the appeals were consolidated in the U.S. Court of Appeals for the Ninth Circuit. On August 12, 2020, the Ninth Circuit issued an opinion upholding the Wireline Infrastructure Third Report and Order in all respects.

On August 8, 2018, Public Knowledge filed a Petition for Reconsideration of the Second Report and Order and Motion to Hold in Abeyance. On October 20, 2020, the Wireline Competition Bureau (Bureau) adopted a Declaratory Ruling, Order on Reconsideration, and Order. In the Declaratory Ruling, the Bureau clarified that any carrier seeking to discontinue legacy voice service to a community or part of a community that is the last retail provider of such legacy TDM service to that community or part of the community is subject to the Commission’s technology transition discontinuance rules, including the requirements to receive streamlined treatment of its discontinuance

application. In the Order on Reconsideration, the Bureau denied the Public Knowledge Petition for Reconsideration because all of Public Knowledge's arguments were fully considered, and rejected, by the Commission in the underlying proceeding. It also dismissed as moot the accompanying motion to have the Commission hold that *Order* in abeyance pending the outcome of the appeal that the Ninth Circuit ultimately denied.

In September 2019, CTIA filed a Petition for Declaratory Ruling seeking clarification of certain issues raised in the 2018 Third Report and Order. On July 29, 2020, the Wireline Competition Bureau issued a Declaratory Ruling clarifying that (1) the imposition of a blanket ban by a utility on attachments to any portion of a utility pole is inconsistent with the federal requirement that a denial of access . . . be specific to a particular request; and (2) while utilities and attachers have the flexibility to negotiate terms in their pole attachment agreements that differ from the requirements in the Commission's rules, a utility cannot use its significant negotiating leverage to require an attacher to give up rights to which the attacher is entitled under the rules without the attacher obtaining a corresponding benefit.

On July 20, 2020, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Declaratory Ruling filed on July 16, 2020, by NCTA The internet & Television Association. NCTA asked the Commission to declare that: (1) pole owners must share in the cost of pole replacements in unserved areas pursuant to section 224 of the Communications Act, section 1.1408(b) of the Commission's rules, and Commission precedent; (2) pole attachment complaints arising in unserved areas should be prioritized through placement on the Accelerated Docket under section 1.736 of the Commission's rules; and (3) section 1.1407(b) of the Commission's rules authorizes the Commission to order any pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so. Comments on the NCTA Petition were due by September 2, 2020, and reply comments by September 17, 2020.

On January 19, 2021, WCB released a Declaratory Ruling on the subject of pole replacements. WCB declined to rule on the NCTA Petition, finding that the questions raised were better suited to a rulemaking. However, in response to the Petition's record, WCB issued a

narrow clarification: a utility may not impose the entire cost of a pole replacement on a requesting attacher when the attacher is not the sole cause of the pole replacement (for instance, where the pole has been red-tagged *i.e.*, placed on a utility's pole replacement schedule due to non-compliance with safety standards).

On July 23, 2021, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Declaratory Ruling filed by the Edison Electric Institute asking the Commission to declare that: (1) when the Commission determines that a pole attachment rate, term, or condition is unjust and unreasonable and orders a refund pursuant to section 1.1407(a)(3) of the Commission's rules, the applicable statute of limitations is the same as the two-year period prescribed by section 415(b) of the Act; and (2) refunds in pole attachment complaint proceedings are not appropriate for any period preceding good-faith notice of a dispute. Deadlines for filing comments and reply comments were set for August 23, 2021, and September 10, 2021, respectively.

In March 2022, the Commission began the rulemaking contemplated by the January 2021 Declaratory Ruling, by adopting a Second Further Notice of Proposed Rulemaking seeking comment on several issues relating to pole replacements, including (1) whether and to what extent utilities directly benefit from various types of pole replacements in situations where a pole replacement is not necessitated solely by a new attachment request; (2) whether requiring utilities to pay a portion of the costs of a pole replacement would positively or negatively affect negotiations of pole attachment agreements and broadband deployment; (3) what measures the Commission could adopt to expedite the resolution of pole replacement disputes; and (4) what scope of refunds the Commission should order when it determines that a pole attachment rate, term, or condition is unjust and unreasonable. Comments on the Second FNPRM were due on June 27, 2022, while reply comments were due on August 26, 2022.

On December 13, 2023, the Commission adopted a Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking seeking that takes a number of actions, makes a number of clarifications, and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

On January 19, 2024, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Reconsideration filed by the Edison Electric Institute asking the Commission to reconsider the Declaratory Ruling to (1) clearly define the narrow circumstances in which a utility pole owner is required to provide a copy of its easement to an attacher that seeks to access a pole within such easement; and (2) remove or clarify its ruling that a pole replacement is not 'necessitated solely' by an attachment requires if a utility's previous or contemporaneous change to its internal construction standards necessitates replacement of an existing pole. Deadlines for filing comments and reply comments were set for February 13, 2024 and February 23, 2024, respectively.

On February 16, 2024, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Reconsideration filed by the Concerned Coalition of Utilities asking the Commission to reconsider the Fourth Report and Order to eliminate the requirement that utilities submit a copy of period pole inspection reports to attaching entities. Deadlines for filing comments and reply comments were set for March 15, 2024 and March 25, 2024, respectively.

#### Timetable:

Action	Date	FR Cite
NPRM .....	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM .....	09/25/15	80 FR 57768
R&O .....	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O .....	09/12/16	81 FR 62632
NPRM .....	05/16/17	82 FR 224533
NPRM Comment Period End.	06/15/17	
NPRM Reply Comment Period End.	07/17/17	
R&O .....	12/28/17	82 FR 61520
FNPRM Comment Period End.	01/17/18	
FNPRM Reply Comment Period End.	02/16/18	
2nd R&O .....	07/09/18	83 FR 31659
3rd R&O .....	09/14/18	83 FR 46812
NCTA Public Notice.	07/20/20	
CTIA Declaratory Ruling.	07/29/20	
Declaratory Ruling	01/19/21	

Action	Date	FR Cite
Order on Reconsideration.	02/02/21	86 FR 8872
EEO Public Notice	07/23/21	
EEO Public Notice	08/23/21	
Comment Period End.		
EEO Public Notice	09/10/21	
Reply Comment		
Period End.		
Second FNPRM ..	03/18/22	87 FR 25181
Second Further	06/27/22	
NPRM Comment		
Period End.		
Second Further	08/26/22	
NPRM Reply		
Comment Period		
End.		
4th Report and	01/11/24	89 FR 2151
Order, Declaratory		
Ruling.		
4th Report and	01/12/24	89 FR 1859
Order, Declaratory		
Ruling, Erratum.		
Public Notice .....	01/29/24	89 FR 5439
Public Notice	02/13/24	
Comment Period		
End.		
Public Notice	02/23/24	
Reply Comment		
Period End.		
Public Notice .....	02/29/24	89 FR 14797
Public Notice	03/15/24	
Comment Period		
End.		
Public Notice	03/25/24	
Reply Comment		
Period End.		
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

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#### 346. Numbering Policies for Modern Communications, WC Docket No. 13-97 [3060-AK36]

**Legal Authority:** 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

**Abstract:** This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area

for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a State certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaustion and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any State requirements pursuant to numbering authority delegated to the States by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

The Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Based on experiences and review of the direct access authorization process established by the 2015 Order, the Commission adopted a FNPRM which proposes clarifications and revisions to the Commission's rules to better ensure

that interconnected VoIP providers that obtain direct access authorization to not facilitate illegal robocalls, spoofing, or fraud, pose national security risks, or evade or abuse intercarrier compensation requirements. The FNPRM proposes to require additional certifications as part of the direct access authorization applications process, that would include certification of compliance with anti-robocalling obligations. The FNPRM also proposes to clarify that applicants disclose foreign ownership information on their direct access application. It would also propose to generally refer those applications with 10% or greater foreign ownership to the Executive Branch agencies for their review, consistent with the Commission's referral of other types of applications. The FNPRM also propose to clarify that holders of a direct access authorization must update the Commission and applicable states within 30 days of changes to ownership information submitted to the Commission. The FNPRM further proposes to clarify that Commission staff retain the authority to determine when to accept filings as complete and proposes to direct Commission staff to reject an application if an applicant has engaged in behavior contrary to the public interest or has been found to originate or transmit illegal robocalls. Finally, the FNPRM seeks comment on whether to expand the direct access authorization to one-way VoIP providers or other entities that use numbering resources.

In 2023, the Commission established by Second Report and Order modifications to and clarifications of the direct access authorization rules to reduce access to telephone numbers by potential perpetrators of illegal robocalls. Such changes include certifications to be made by applicants affirming compliance with the Commission's preexisting requirements concerning STIR/SHAKEN caller ID authentication and Robocall Mitigation Database filings.

The Order also adopts important guardrails to protect national security, law enforcement, and numbering resources. These changes include foreign ownership and control disclosures, certification of compliance with State numbering requirements, certification of compliance with the Commission's rules pertaining to access arbitrage, and ensuring the accuracy of application contents upon application as well as after the authorization is granted.

The Order also codifies Bureau staff review, rejection, and authorization revocation matters.

The item also includes an FNPRM which proposes a 30-day deadline for existing authorization holders to comply with rule changes. The FNPRM also proposes a delegation of authority to the Numbering Administrator via public notice to suspend all pending and future requests for numbers if the new information submitted by an existing authorization holder indicates a material change or raises a public interest concern. The FNPRM further proposes that authorization holders continue to use numbers pending Bureau investigation.

The Second FNPRM also proposes that new applicants be required to disclose initial service area where numbers will be used. The FNPRM also proposes that authorizations holders that sell or lease numbers be required to obtain the direct access certification requirements from the indirect access recipients, retain copies, and file with the Commission a list of the indirect access recipients. The FNPRM also seeks comment on enforcement actions that the Commission could take against applicants and authorization holders for violation of the direct access authorization rules.

#### Timetable:

Action	Date	FR Cite
NPRM .....	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O .....	10/29/15	80 FR 66454
FNPRM (Release Date).	08/06/21	86 FR 51081
FNPRM (Comment Period End).	10/14/21	86 FR 51081
Second FNPRM ..	10/30/23	88 FR 74098
Second Report and Order.	11/20/23	88 FR 80617
Second FNPRM Comment Period Ends.	11/29/23	
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

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*RIN:* 3060-AK36

### 347. Implementation of the Universal Service Portions of the 1996 Telecommunications Act [3060-AK57]

*Legal Authority:* 47 U.S.C. 151 *et seq.*

*Abstract:* The Telecommunications Act of 1996 expanded the traditional goal of universal service to include

increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable, and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation's schools, libraries, and rural healthcare facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Healthcare.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On July 21, 2023, the Commission released an NPRM and Order taking steps to further enhance Tribal applicants' access to the E-Rate program to encourage greater Tribal participation in the program.

On July 24, 2023, the Commission adopted plan to bring reliable broadband to rural communities.

On October 20, 2023, the Commission kicked off rulemaking to explore innovative ways to continue to address Alaska's unique connectivity challenges.

On November 8, 2023, the Commission proposed to permit eligible schools and libraries to receive E-Rate support for Wi-Fi hotspots and wireless internet services that can be used off-premises.

On November 13, 2023, the Commission proposed a three-year pilot program within the Universal Service Fund (USF) to provide up to \$200 million available to support cybersecurity and advanced firewall services for eligible schools and libraries.

On December 14, 2023, the Commission adopted rules for further

improvements to Rural Health Care Program.

On December 27, 2023, the Commission deferred the commencement of the next five-year deployment obligation term for legacy rate-of-return carriers receiving Connect America Fund Broadband Loop Support (CAF BLS) in 2024 until January 1, 2025.

#### Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon ..	05/19/17	82 FR 22901
Order on Recon ..	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
NPRM .....	07/30/19	84 FR 36865
NPRM .....	08/21/19	84 FR 43543
R&O and Order on Recon.	11/07/19	84 FR 59937
Order on Recon ..	12/09/19	84 FR 67220
R&O .....	12/20/19	84 FR 70026
R&O .....	12/27/19	84 FR 71308
R&O .....	01/17/20	85 FR 3044
Report & Order ...	03/10/20	85 FR 13773
Report & Order ...	05/11/20	85 FR 19892
Declaratory Ruling/2nd FNPRM.	08/04/20	85 FR 48134
Public Notice .....	03/22/21	86 FR 15172
Report & Order on Recon.	04/09/21	86 FR 18459
R&O .....	05/28/21	86 FR 29136
2nd R&O .....	07/14/21	86 FR 37061
Public Notice .....	08/02/21	86 FR 41408
NPRM .....	10/14/21	86 FR 57097
Order .....	12/14/21	86 FR 70983
NPRM .....	01/27/22	87 FR 4182
FNPRM .....	03/15/22	87 FR 14422
NPRM .....	06/16/22	87 FR 36283
NPRM .....	06/23/22	87 FR 37459
2nd R&O .....	09/06/22	87 FR 54311
3rd R&O .....	09/06/22	87 FR 54401
Further Notice of Proposed Rule-making.	11/19/22	87 FR 67660
Public Notice .....	01/06/23	88 FR 1035
NPRM .....	03/13/23	88 FR 14529
Public Notice .....	04/11/23	88 FR 21580
Report and Order on Review.	05/05/23	88 FR 28993
Order .....	06/05/23	88 FR 36510
Report and Order, NPRM, and NOI.	08/18/23	88 FR 56579
Report and Order, NPRM, and NOI.	08/23/23	88 FR 57383
Report and Order, and FNPRM.	11/13/23	88 FR 77522
Report and Order, and NPRM.	11/17/23	88 FR 80238
NPRM .....	12/07/23	88 FR 85157
NPRM .....	12/09/23	88 FR 90141

Action	Date	FR Cite
3rd Report and Order.	01/11/24	89 FR 1834
Report and Order	01/31/24	89 FR 6021
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Nakesha Woodward, Program Analyst, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1502, *Email:* [kesha.woodward@fcc.gov](mailto:kesha.woodward@fcc.gov).  
*RIN:* 3060–AK57

**348. Toll Free Assignment Modernization and Toll-Free Service Access Codes: WC Docket No. 17–192, CC Docket No. 95–155 [3060–AK91]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 251(e)(1)  
*Abstract:* In this Report and Order (Order), the Federal Communications Commission (FCC) initiates an auction to distribute certain toll-free numbers. The numbers to be auctioned will be in the new 833 toll free code for which there have been multiple, competing requests.  
By using an auction, the FCC will ensure that sought-after numbers are awarded to the parties that value them most. In addition, the FCC will reserve certain 833 numbers for distribution to government and non-profit entities that request them for public health and safety purposes. The FCC will study the results of the auction to determine how to best use the mechanism to distribute toll-free numbers equitably and efficiently in the future as well. Revenues from the auction will be used to defray the cost of toll-free numbering administration, reducing the cost of numbering for all users. The Order establishing the toll-free number auction will also authorize and accommodate the use of a secondary market for numbers awarded at auction to further distribute these numbers to the entities that value them most. The Order also adopted several definitional and technical updates to improve clarity and flexibility in toll-free number assignment.  
The Commission sought comment and then adopted auctions procedures and deadlines on August 2, 2019. Bidding for the auction occurred on December 17, 2019, and Somos issued an announcement of the winning bidders on December 20, 2019. On December 16, 2019, to facilitate the preparation of its

study of the auction, the Bureau charged the North American Numbering Council, via its Toll Free Access Modernization Working Group, to issue a report evaluating various aspects of the 833 Auction, and recommending improvements for any future toll free number auctions.  
On January 16, 2020, Somos released all of the 833 Auction data for public review. On March 13, 2020, the Bureau invited public comment on the 833 Auction in preparation for issuing a report on the lessons learned from the Auction. Comments were due on April 13, 2020. On July 14, 2020, the North American Numbering Council approved the Toll-Free Assignment Modernization Working Group’s report, Perspectives on the December 2019 Auction of Numbers in the 833 Numbering Plan Area.  
On January 15, 2021, the Bureau released a report that examined various aspects of this toll-free number assignment experiment, including lessons learned, examination of auction outcomes, and recommendations for future toll free number assignment. The Bureau concluded that the 833 Auction was a successful experiment that provided invaluable experience and data that can facilitate further Commission efforts to continue to modernize toll-free number allocation in the future.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	10/13/17	82 FR 47669
NPRM Comment Period End.	11/13/17	
Final Rule .....	10/23/18	83 FR 53377
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
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Matthew Collins, Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7141, *Email:* [matthew.collins@fcc.gov](mailto:matthew.collins@fcc.gov).  
*RIN:* 3060–AK91

**349. Establishing the Digital Opportunity Data Collection; WC Docket Nos. 19–195 and 11–10 [3060–AK93]**  
*Legal Authority:* 47 U.S.C. 35 to 39; 47 U.S.C. 154; 47 U.S.C. 211; 47 U.S.C. 219; 47 U.S.C. 220; 47 U.S.C. 402(b)(2)(B); Pub. L. 104–104; 47 U.S.C. 151–154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 641 to 646; Pub. L. 116–130; . . .  
*Abstract:* The Commission has long recognized that precise, granular data on the availability of fixed and mobile broadband are vital to bringing digital opportunity to all Americans, no matter where they live, work, or travel.  
On March 23, 2020, the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) was signed into law requiring the Commission to create a new set of broadband availability maps. Among other things, the Broadband DATA Act requires the Commission to collect standardized, granular data on the availability and quality of both fixed and mobile broadband internet access services, to create a common dataset of all locations where fixed broadband internet access service can be installed (the Broadband Serviceable Location Fabric or Fabric), and to create publicly available coverage maps. The Act further requires the Commission to establish processes for members of the public and other entities to (1) provide verified data for use in the coverage maps; (2) challenge the coverage maps, the broadband availability data submitted by broadband internet access service providers (providers), and the Fabric; and (3) submit specific crowdsourced information about the development and availability of broadband service.  
In July 2020, implementing the Broadband DATA Act and building off of an August 2019 Report and Order and Notice of Proposed Rulemaking, the Commission adopted a Second Report and Order and Third Further Notice of Proposed Rulemaking that adopted rules for the collection and verification of improved, more precise data on both fixed and mobile broadband availability. In January 2021, the Commission adopted a Third Report and Order establishing new requirements for the BDC and took additional steps to implement the Broadband DATA Act. The Third Report and Order adopted rules to specify which fixed and mobile providers are required to report broadband availability data and expanded the reporting and certification requirements for filing data in the BDC.



It also adopted standards for collecting verified broadband data from State, local, and Tribal governmental entities and certain third parties, and for identifying locations that would be included in the Fabric. Importantly, the Commission also established processes for verifying the accuracy of provider submitted data and the Fabric, including challenge processes which invite input from the public and other stakeholders in order to improve the accuracy of the maps.

To implement the Broadband DATA Act and these new rules, the Commission created a new data platform and system to collect and map availability data collected from over 2,500 providers and for consumers and other stakeholders to submit challenges to that data; created a Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to providers, consumers, and other stakeholders.

In July 2021, the Wireless Telecommunications Bureau (WTB), Office of Economics and Analytics (OEA), and Office of Engineering and Technology (OET) released a Public Notice seeking comment on the technical requirements for the mobile challenge, verification, and crowdsourcing processes required under the Broadband DATA Act for the new Broadband Data Collection (BDC). In March 2022, the Broadband Data Task Force (Task Force), WTB, OEA, and OET released a detailed order, technical appendix, rules, and technical data specifications setting forth technical requirements and specifications for the mobile challenge, verification, and crowdsource processes required by the Act.

To clarify the Commission's rules for filing data in the BDC, in July 2022, WCB, WTB, OEA, and the Task Force issued a Declaratory Ruling on certain aspects of a rule regarding the engineering certification in BDC filings and issued a limited waiver of the requirement that providers have an engineer certification their biannual BDC filings for the first three filing cycles of the BDC. The Task Force adopted an Order in November 2023 to extend the waiver, with new conditions, for an additional three filing periods. In addition, staff worked closely with ISPs to ensure that they were equipped with the technical information and training to participate in the BDC's complex data collection by effectively and accurately reporting where they do, and do not, offer internet services. FCC staff and its contractors made phone calls and sent

a series of emails to every ISP that previously filed Form 477 data to remind them of their obligation to file data by September 1, 2022—the initial filing deadline—and to make them aware of the many technical assistance resources that the FCC has made available, including filing instructions, FAQs, knowledge base articles, web tutorials, filing workshops, and a dedicated BDC Help Center offering both Tier 1 and Tier 2 support to entities seeking to file availability data or challenges including GIS support. Additionally, FCC staff has attended numerous conferences, ex parte meetings, and conference calls with individual providers and industry organizations.

In November 2022, the Commission released a pre-production draft of its new National Broadband Map displaying version 1 of the Fabric overlaid with provider reported availability data as of June 30, 2022. The new map is the most comprehensive, granular, and standardized data the Commission has ever published on broadband availability. This date also marked the beginning of the BDC processes by which consumers, governmental entities, and other third parties can file bulk and individual challenges to the fixed and mobile availability data and the Fabric data. Updates to the National Broadband Map are iterative and ongoing. The challenge processes will also continue on an ongoing basis in order to allow the public to provide input and help improve the accuracy of the National Broadband Map.

State, local, and Tribal governmental entities are encouraged to participate in the bulk challenge and crowdsource processes where the location or availability data on the map appeared imprecise. To assist with this process, staff have hosted technical assistance workshops and video tutorials to assist parties seeking to file challenges to the Fabric and fixed and mobile availability data. Additionally, the Task Force has released video tutorials and knowledge base articles to assist fixed and mobile providers with responding to challenges.

In December 2022, the Commission adopted an Order, to sunset the Form 477 broadband deployment data collection and eliminate a largely duplicative requirement on providers. As a result, providers will no longer be required to submit Form 477 broadband deployment data, but must still submit broadband and voice subscription data using the FCC Form 477. To further streamline the FCC's data collection efforts the BDC system allows filers to

submit both their BDC data and 477 subscription data as a combined filing using a single interface.

#### Timetable:

Action	Date	FR Cite
NPRM .....	08/03/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
Report & Order ...	08/01/19	84 FR 43705
Second Further Notice of Proposed Rule-making.	08/01/19	84 FR 43764
Second Further NPRM Comment Period End.	10/07/19	
2nd R&O .....	07/16/20	85 FR 50886
3rd FNPRM .....	07/16/20	85 FR 50911
3rd FNPRM Comment Period End.	09/08/20	
3rd R&O .....	01/13/21	86 FR 18124
Public Notice .....	07/16/21	86 FR 40398
Public Notice Comment Period End.	09/27/21	
Order .....	03/09/22	87 FR 21476
Order .....	12/16/22	87 FR 76949
Order .....	11/30/23	
Next Action Undetermined.	To Be Determined	

#### Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060-AK93

#### 350. Call Authentication Trust Anchor [3060-AL00]

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 227; 47 U.S.C. 227b; 47 U.S.C. 503

Abstract: On June 6, 2019, the Commission adopted a Declaratory Ruling and Third Further Notice of Proposed Rulemaking (CG Docket No. 17-59, WC Docket No. 17-97) that proposed and sought comment on mandating implementation of STIR/SHAKEN in the event that major voice service providers did not voluntarily implement the framework by the end of 2019.

On December 30, 2019, Congress enacted the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. Along with numerous other provisions directed at addressing robocalls, the TRACED Act directs the Commission to require all voice service providers to implement STIR/SHAKEN in the Internet Protocol (IP) portions of their



networks, and to implement an effective caller ID authentication framework in the non-IP portions of their networks. The TRACED Act further creates processes by which voice service providers may be exempt from this mandate if the Commission determines they have achieved certain implementation benchmarks, and by which voice service providers may be granted a delay in compliance based on a finding of undue hardship because of burdens or barriers to implementation or based on a delay in development of a caller ID authentication protocol for calls delivered over non-IP networks.

On March 31, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (WC Docket Nos. 17–97, 20–67). The Report and Order mandated that all originating and terminating voice service providers implement the STIR/SHAKEN caller ID authentication framework in the IP portions of their networks by June 30, 2021. In the Further Notice the Commission sought comment on proposals to further promote caller ID authentication and implement the TRACED Act.

On September 29, 2020, the Commission adopted a Second Report and Order (WC Docket No. 17–97). The Second Report and Order implemented rules (1) granting extensions for compliance with the STIR/SHAKEN implementation mandate for small voice service providers, voice service providers that cannot obtain a SPC token from the Governance Authority, services scheduled for section 214 discontinuance, for those portions of a voice service provider's network that rely on non-IP technology, and establishing a process for individual voice service providers to seek provider specific extensions; (2) requiring voice service providers using non-IP technology either to upgrade their networks to IP to enable STIR/SHAKEN implementation, or work to develop non-IP caller ID authentication technology and implement a robocall mitigation program in the interim; (3) establishing a process where by a voice service provider may be exempt from the STIR/SHAKEN implementation mandate if the provider has achieved certain implementation benchmarks; (4) prohibiting voice service providers from imposing line item charges on consumer and small business subscribers for caller ID authentication; and (5) requiring intermediate providers to implement STIR/SHAKEN. On May 20, 2021, the Commission released a Third Further Notice of Proposed Rulemaking proposing to shorten the small provider extension from two years to one for a

subset of small voice service providers that are at a heightened risk of originating an especially large amount of robocall traffic.

On January 13, 2021, the Commission adopted a Second Further Notice of Proposed Rulemaking proposing and seeking comment on a limited role for the Commission to oversee certificate revocation decisions by the private STIR/SHAKEN Governance Authority that would have the effect of placing providers in noncompliance with the Commission's rules. On August 5, 2021, the Commission adopted a Third Report and Order which adopted rules creating this oversight role.

On September 30, 2021, the Commission adopted a Fourth Further Notice of Proposed Rulemaking proposing to require gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers, seeking comment on revisions to the information that filers must submit to the Robocall Mitigation Database, and clarifying the obligations of voice service providers and intermediate providers with respect to calls to and from Public Safety Answer Points and other emergency services providers.

On December 9, 2021, the Commission adopted a Fourth Report and Order adopting rules requiring non-facilities based small voice providers implement STIR/SHAKEN by June 30, 2022, and requiring small voice providers of any kind suspected of originating illegal robocalls to implement STIR/SHAKEN on an accelerated timeline.

On May 19, 2022, the Commission adopted a Fifth Report and Order, Order on Reconsideration, Order, and Fifth Further Notice of Proposed Rulemaking. The Fifth Report and Order and Order required gateway providers to submit a certification to the Robocall Mitigation Database, implement STIR/SHAKEN caller ID authentication as well as several other requirements, including an obligation to mitigate illegal robocall traffic and submit a mitigation plan to the Robocall Mitigation Database regardless of their STIR/SHAKEN implementation status. The Order on Reconsideration expanded the obligation of domestic providers to block calls carrying US NANP numbers from foreign providers not listed in the Robocall Mitigation Database. The Fifth Further Notice of Proposed Rulemaking sought comment on further steps to combat illegal robocalls, including extending requirements for authentication and filing in the Robocall Mitigation Database, requiring

additional measures for robocall mitigation, enhancing enforcement mechanisms and other related issues aimed at closing existing potential loopholes.

On March 16, 2023, the Commission adopted a Sixth Report and Order and Further Notice of Proposed Rulemaking. The Sixth Report and Order required intermediate providers to implement STIR/SHAKEN caller ID authentication for certain calls, expanded robocall mitigation requirements for all providers, and adopted more robust enforcement tools. The Sixth Further Notice of Proposed Rulemaking seeks comment on additional measures to combat illegal robocalls, including whether any changes should be made to the Commission's rules to permit, prohibit, or limit the use of third-party caller ID authentication solutions and whether to eliminate the STIR/SHAKEN implementation extension for providers that cannot obtain Service Provider Code tokens, which are necessary to participate in the STIR/SHAKEN caller ID authentication framework".

On May 18, 2023, the Commission adopted a Seventh Report and Order. The Seventh Report and Order required voice service providers and non-gateway intermediate providers to commit in their Robocall Mitigation Database certification to respond to traceback requests from the Commission, law enforcement, and the industry traceback consortium within 24 hours.

#### *Timetable:*

Action	Date	FR Cite
NOI .....	07/14/17	
DR and 3rd FNPRM.	06/06/19	84 FR 29478
NPRM .....	06/24/19	84 FR 29478
NPRM Comment Period End.	08/23/19	
3rd FNPRM Comment Period End.	08/23/19	
R&O and FNPRM FNPRM Comment Period End.	03/31/20	85 FR 22029
2nd R&O .....	05/29/20	
2nd FNPRM .....	09/29/20	85 FR 73360
2nd FNPRM Comment Period.	01/13/21	86 FR 9894
3rd FNPRM .....	03/19/21	
3rd R&O .....		
3rd FNPRM Comment Period End.	05/20/21	86 FR 30571
4th FNPRM .....	08/05/21	86 FR 48511
4th FNPRM Comment Period End.	08/19/21	
4th R&O .....	10/01/21	86 FR 59084
	11/26/21	
	12/09/21	

Action	Date	FR Cite
5th R&O, Order on Reconsideration.	05/19/22	87 FR 42916
5th FNPRM .....	05/19/22	87 FR 42670
5th FNPRM Comment Period End.	09/16/22	
6th Report and Order.	03/16/23	88 FR 40096
6th FNPRM .....	03/16/23	88 FR 29035
6th FNPRM Comment Period End.	07/05/23	
7th Report and Order.	05/18/23	88 FR 43446
Next Action Undetermined.	To Be Determined	

### Regulatory Flexibility Analysis

Required: Yes.

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### 351. Implementation of the National Suicide Improvement Act of 2018, 988 Suicide Prevention Hotline (WC Docket 18-336, PS Docket No. 23.5, PS Docket No. 15-80) [3060-AL01]

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 251

**Abstract:** On August 14, 2018, Congress passed the National Suicide Hotline Improvement Act (Act). Public Law 115-233, 132 Stat. 2424 (2018). The purpose of the Act was to study and report on the feasibility of designating a 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system by considering each of the current N11 designations. The Act directed the Commission to: (1) conduct a study that examines the feasibility of designating a simple, easy-to-remember, 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system; and (2) analyze how well the current National Suicide Prevention Lifeline is working to address the needs of veterans. The Act also directed the Commission to coordinate with the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA), the Secretary of Veterans Affairs, and the North American Numbering Council (NANC) in conducting the study, and to produce a report on the study by August 14, 2019.

On August 14, 2019, the Wireline Competition Bureau and Office of Economics and Analytics submitted its

report to Congress recommending that: (1) a 3-digit dialing code be used for a national suicide prevention and mental health crisis hotline system; and (2) the Commission should initiate a rulemaking proceeding to consider designating 988 as the 3-digit code.

On December 12, 2019, the Commission released a notice of proposed rulemaking (NPRM) proposing to designate 988 as a new, nationwide, 3-digit dialing code for a suicide prevention and mental health crisis hotline. WC Docket No. 18-336. The NPRM proposes that calls made to 988 be directed to the existing National Suicide Prevention Lifeline, which is made up of an expansive network of over 170 crisis centers located across the United States, and to the Veterans Crisis Line. The NPRM also proposes to require all telecommunications carriers and interconnected VoIP service providers to make, within 18 months, any changes necessary to ensure that users can dial 988 to reach the National Suicide Prevention Lifeline and Veterans Crisis Line.

On July 16, 2020, the Commission adopted an Order designating 988 as the 3-digit number to reach the Lifeline and Veterans Crisis Line (800-273-TALK or 800-273-8255) and requiring all telecommunications carriers, interconnected voice over internet Protocol (VoIP) providers, and one-way VoIP providers to make any network changes necessary to ensure that users can dial 988 to reach the Lifeline by July 16, 2022.

On October 16, 2020, the Communications Equality Advocates filed a petition for partial reconsideration of the FCC's July 16, 2020 Report and Order. In their petition, Communications Equality Advocates requested that the FCC revise the Order to mandate text-to-988 and direct video calling (DVC) requirements and to have such requirements be implemented on the same timeline as voice calls to 988, by July 16, 2022.

On October 17, 2020, Congress enacted the National Suicide Hotline Designation Act of 2020 (2020 Act). Public Law 116-172, 134 Stat. 832 (2020). The 2020 Act, among other things, designates 988 as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline," with designation occurring one year after enactment.

On November 9, 2020, pursuant to 2020 Act's requirements that the Commission submit a report on the feasibility and cost of attaching an

automatic dispatchable location with 988 calls, the Commission issued a Public Notice that sought comment on these issues.

On April 22, 2021, the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) that proposes to require text service providers support text messages to 988 by routing texts to the toll free number.

On November 19, 2020, pursuant to 2020 Act's requirements that the Commission submit a report on the feasibility and cost of attaching an automatic dispatchable location with 988 calls, the Commission issued a Public Notice that sought comment on these issues. A Report to Congress regarding geolocation was released on April 15, 2021.

On April 22, 2021, the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) that proposes to require text service providers support text messages to 988 by routing texts to the toll free number. On November 19, 2021, the Commission adopted an Order requiring the industry to enable texting to 988 by the same deadline as for voice calls, July 16, 2022.

On May 24, 2022, the Commission, following up on its report to Congress, hosted a forum in coordination with the U.S. Department of Health and Human Services and the U.S. Department of Veterans Affairs that convened various stakeholders to discuss issues surrounding geolocation. Participants included state and local entities; suicide prevention and mental health experts and advocates; communications industry leaders; and technical experts. The Commission opened the event to the public via live feed on the Commission's website, and audience members submitted questions to panelists by email.

On October 14, 2022, in accordance with the National Suicide Hotline Designation Act of 2020, the Wireline Competition Bureau submitted its first 988 Fee Accountability Report to Congress reporting on the collection and distribution of 988 fees and charges by the states, the District of Columbia, U.S. territories, and Tribal authorities for the period of January 1, 2021 to December 31, 2021.

On January 26, 2023, the Commission adopted a Notice of Proposed Rulemaking to help ensure that the public has access to the 988 Suicide & Crisis Lifeline if a service outage occurs. Those rules were adopted on July 20, 2023.

On October 17, 2023, in accordance with the National Suicide Hotline Designation Act of 2020, the Wireline Competition Bureau submitted its

second 988 Fee Accountability Report to Congress reporting on the collection and distribution of 988 fees and charges by the states, the District of Columbia, U.S. territories, and Tribal authorities for the period of January 1, 2022 to December 31, 2022.

On October 30, 2023, the Commission released an Erratum amending Appendix A of the July 2023 Report and Order.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/15/20	85 FR 2359
NPRM Comment Period End.	03/16/20	
Report & Order ...	07/16/20	
PFR .....	10/16/20	
Oppositions Due	12/02/20	
Public Notice .....	12/08/20	85 FR 79014
Replies Due .....	12/14/20	
Public Notice Comment Period End.	01/11/21	
FNPRM .....	06/11/21	86 FR 31404
FNPRM Comment Period End.	08/10/21	
Report & Order ...	11/19/21	
NPRM .....	01/27/23	88 FR 20790
NPRM Comment Period End.	05/08/23	
NPRM Reply Comment Period End.	06/06/23	
Report and Order Erratum .....	07/21/23 10/23/23	88 FR 2503
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

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*RIN:* 3060-AL01

**352. Modernizing Unbundling and Resale Requirements in an ERA of Next-Generation Networks and Services [3060-AL02]**

*Legal Authority:* 47 U.S.C. 10; 47 U.S.C. 251

*Abstract:* On November 22, 2019, the Commission adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on proposals to update the unbundling and avoided-cost resale obligations stemming from the 1996 Act and applicable only to incumbent LECs. Many of these obligations appear to no longer be necessary in many geographic areas due to vigorous competition for mass market broadband services in urban areas and numerous intermodal voice capabilities and services. But

recognizing that rural areas pose special challenges for broadband deployment, the NPRM did not propose any change to unbundling requirements for broadband-capable loops in rural areas. The NPRM sought to promote the Commission's efforts to reduce unnecessary and outdated regulatory burdens that appear to discourage the deployment of next-generation networks, delay the IP transition, unnecessarily burden incumbent LECs with no similar obligations placed on their competitors, and no longer benefit consumers or serve the purpose for which they were intended.

On October 27, 2020, the Commission adopted a Report and Order (1) eliminating unbundling requirements, subject to a reasonable transition period, for enterprise-grade DS1 and DS3 loops where there is evidence of actual and potential competition, for broadband-capable DS0 loops and associated subloops in the most densely populated areas, and for voice-grade narrowband loops nationwide, but preserving unbundling requirements for DS0 loops in less densely populated areas and DS1 and DS3 loops in areas without sufficient evidence of competition; (2) eliminating unbundling requirements for network interface devices and multiunit premises subloops; (3) eliminating unbundled dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks, but providing an eight-year transition period for existing circuits so as to avoid stranding investment and last-mile deployment by competitive LECs that may harm consumers; (4) eliminating unbundling requirements for operations support systems, except where carriers are continuing to manage UNEs and for purposes of local interconnection and local number portability; and (5) eliminating remaining avoided-cost resale requirements. The Report and Order ended unbundling and resale requirements where they stifle technology transitions and broadband deployment, but preserved unbundling requirements where they are still necessary to realize the 1996 Act's goal of robust intermodal competition benefiting all Americans.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/06/20	85 FR 472
NPRM Comment Period End.	03/06/20	
Report & Order ...	01/08/21	86 FR 1636
Petition for Reconsideration filed by Sonic Telecom.	09/29/22	

Action	Date	FR Cite
Replies to Oppositions to Petition for Reconsideration.	10/04/22	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

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*RIN:* 3060-AL02

**353. Establishing a 5G Fund for Rural America; GN Docket No. 20-32 [3060-AL15]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 214; 47 U.S.C. 254; 47 U.S.C. 303(r); 47 U.S.C. 403

*Abstract:* The 5G Fund for Rural America will distribute up to \$9 billion in universal service support through competitive bidding in two phases to bring mobile voice and 5G broadband service to rural areas of the country. 5G public interest obligations and performance requirements imposed on carriers continuing to receive legacy mobile high-cost support will help ensure that the areas they serve enjoy the benefits that 5G promises.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/26/20	85 FR 31616
Final Action .....	11/25/20	85 FR 75770
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

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*RIN:* 3060-AL15

**354. Protecting Consumers From SIM Swap and Port-Out Fraud, WC Docket No. 21-341 [3060-AL34]**

*Legal Authority:* 47 U.S.C. 151, 154, 201, 222, 251, 303(r), 332

*Abstract:* The Commission revised its Customer Proprietary Network Information (CPNI) and Local Number Portability (LNP) rules to require wireless providers to adopt secure methods of authenticating a customer

before redirecting a customer's phone number to a new device or provider. The Commission also required wireless providers to immediately notify customers whenever a SIM change or port-out request is made on customers' accounts, and take additional steps to protect customers from SIM swap and port-out fraud. In a Further Notice of Proposed Rulemaking, the Commission sought comment on whether to harmonize the existing requirements governing customer access to CPNI with the SIM change authentication and protection measures, and on what steps the Commission can take to harmonize government efforts to address SIM swap and port-out fraud.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/15/21	86 FR 57390
NPRM Comment Period End.	12/15/21	
Report and Order	12/18/23	88 FR 85794
FNPRM .....	12/14/23	88 FR 86614
FNPRM Comment Period End.	01/16/24	
FNPRM Reply Comment Period End.	02/12/24	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jordan Marie Reth, Attorney-Advisor (PU), Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1418, *Email:* jordan.reth@fcc.gov.

*RIN:* 3060-AL34

**355. Supporting Survivors of Domestic and Sexual Violence (WC Docket No. 22-238,11-42, 21-450) [3060-AL48]**

*Legal Authority:* 47 U.S.C. 151.201(b); 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 309; 47 U.S.C. 316 and 345; 47 U.S.C. 403 and sec. 5(b); Pub. L. 117-223 and 136 Stat. 2280

*Abstract:* On July 14, 2022, the Commission initiated an inquiry into steps that the Commission could take to assist survivors of domestic violence. In the Notice of Inquiry, the Commission sought information on the scope of connectivity-based difficulties survivors face, as well as potential means by which current Commission programs could be better adapted and new programs could be developed to address survivors' needs. In particular, the Commission sought comment relating to potentially developing a centralized database of telephone numbers relating to domestic abuse support that could be

used by service providers to prevent survivors' communications with support organizations from appearing on logs of calls and text messages that may be available to abusers.

In the NPRM, the Commission begins the process of implementing the Safe Connections Act of 2022 (Safe Connections Act), enacted on December 7, 2022. The legislation amends the Communications Act of 1934 (Communications Act) to require mobile service providers to separate the line of a survivor of domestic violence (and other related crimes and abuse), and any individuals in the care of the survivor, from a mobile service contract shared with an abuser within two business days after receiving a request from the survivor. The Safe Connections Act also directs the Commission to issue rules, within 18 months of the statute's enactment, implementing the line separation requirement. Further, the legislation also requires the Commission to open a rulemaking within 180 days of enactment to consider whether to, and how the Commission should, establish a central database of domestic abuse hotlines to be used by service providers and require such providers to omit, subject to certain conditions, any records of calls or text messages to the hotlines from consumer-facing call and text message logs. The NPRM proposes rules as directed by these statutory requirements.

On November 16, 2023, the Commission released a Report and Order. The rules largely track the statutory language, with key additions and clarifications to address privacy, account security, fraud detection, and operational or technical infeasibility. Among other things, the Commission established requirements regarding the information that survivors must submit to request a line separation and the options providers must offer to survivors making a line separation request. The Commission also adopted requirements regarding communications with consumers and survivors and restrictions on various practices in connection with line separation requests. In addition, the Commission required covered providers to train employees who may interact with survivors on how to assist them or direct them to other employees who have received such training. The Commission also delineated the financial responsibilities for monthly service costs and mobile device following a line separation, and established a compliance date of July 14, 2024, six months after the effective date of the *Report and Order*. Further, the Commission designated the Lifeline

program to support emergency communications service for survivors that have pursued the line separation process and are suffering a financial hardship. The Commission directed USAC to develop processes to allow survivors experiencing financial hardship to apply for and enroll in the Lifeline program, and to transition survivors from emergency communications support at the end of the six-month emergency support period mandated by the Safe Connections Act. [1] With regard to protecting the privacy of calls and text messages to domestic violence hotlines, the Commission required covered providers and wireline, fixed wireless, and fixed satellite providers of voice service to: (1) omit from consumer-facing logs of calls and text messages any records of calls or text messages to covered hotlines in the central database established by the Commission; and (2) maintain internal records of calls and text messages excluded from consumer-facing logs of calls and text messages. Providers were generally given 12 months to comply with these requirements, except that small service providers were given 18 months.

[1] *Id.* at paras. 167–73. In addition to these provisions, the Commission also considered matters relating to protecting the privacy of calls and text messages to domestic violence hotlines. In the *Safe Connections Report and Order*, the Commission required covered providers and wireline, fixed wireless, and fixed satellite providers of voice service to: (1) omit from consumer-facing logs of calls and text messages any records of calls or text messages to covered hotlines in the central database established by the Commission; and (2) maintain internal records of calls and text messages excluded from consumer-facing logs of calls and text messages. *Id.* at 59–76, paras. 105–49. Providers were generally given 12 months to comply with these requirements, except that small service providers were given 18 months. *Id.* at 70–74, paras. 137–44.

*Timetable:*

Action	Date	FR Cite
NOI .....	08/18/22	
Comment Period End.	08/18/22	
Reply Comment Period End.	09/19/22	
NPRM .....	02/17/23	88 FR 15558
NPRM Comment Period End.	04/10/23	
Reply Comment Period End.	05/10/23	
Report and Order	11/16/23	88 FR 84406

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*  
*Required:* Yes.  
*Agency Contact:* Edward Kracher,  
Deputy Division Chief, Wireline  
Competition Bureau, Federal

Communications Commission, 45 L  
Street NE, Washington, DC 20554,  
*Phone:* 202 418–1525.  
*RIN:* 3060–AL48  
[FR Doc. 2024–16467 Filed 8–15–24; 8:45 am]  
**BILLING CODE 6712–01–P**



# FEDERAL REGISTER

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Part XXIII

Federal Reserve System

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Semiannual Regulatory Agenda

**FEDERAL RESERVE SYSTEM**

**12 CFR Ch. II**

**Semiannual Regulatory Flexibility Agenda**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Board is issuing this agenda under the Regulatory Flexibility Act and the Board’s Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period July 2024 through December 2024. The next agenda will be published in fall 2024.

**DATES:** Comments about the form or content of the agenda may be submitted any time during the next 6 months.

**ADDRESSES:** Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**FOR FURTHER INFORMATION CONTACT:** A staff contact for each item is indicated with the regulatory description below.

**SUPPLEMENTARY INFORMATION:** The Board is publishing its spring 2024 agenda as part of the Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: [www.reginfo.gov](http://www.reginfo.gov). Participation

by the Board in the Unified Agenda is on a voluntary basis.

The Board’s agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. The third section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. A dot (•) preceding an entry indicates a new matter that was not a part of the Board’s previous agenda.

**Erin Cayce,**  
*Assistant Secretary of the Board.*

FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
356 .....	Source of Strength ( <b>Section 610 Review</b> ) .....	7100–AE73

FEDERAL RESERVE SYSTEM—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
357 .....	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

**FEDERAL RESERVE SYSTEM (FRS)**

Long-Term Actions

**356. Source of Strength (Section 610 Review) [7100–AE73]**

*Legal Authority:* 12 U.S.C. 1831(o)

*Abstract:* The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution.

*Timetable:*

Action	Date	FR Cite
Board Expects Further Action.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Undetermined.

*Agency Contact:* Melissa Clark, Lead Financial Institution Policy Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–2277.

Vivian Joel, Lead Financial Institution Policy Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 912–4313.

Jay Schwarz, Deputy Associate General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2970.

Claudia Von Pervieux, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

*RIN:* 7100–AE73

**FEDERAL RESERVE SYSTEM (FRS)**

Completed Actions

**357. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429) [7100–AD80]**

*Legal Authority:* 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

*Abstract:* The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including

a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters.

Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

*Timetable:*

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Withdrawn .....	02/23/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Tkacz, Senior Special Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452-2744.

Victoria Szybillo, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 475-6325.

*RIN:* 7100-AD80

[FR Doc. 2024-16444 Filed 8-15-24; 8:45 am]

**BILLING CODE 6210-01-P**







# FEDERAL REGISTER

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Part XXIV

Federal Trade Commission

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Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.  
ACTION: Semiannual Regulatory Agenda.

**SUMMARY:** The Federal Trade Commission (FTC or Commission) is publishing its semiannual regulatory agenda in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b–3(d)(1) and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 to 612, as amended by the Small Business Regulatory Enforcement Fairness Act. The Commission’s agenda follows guidelines and procedures issued February 20, 2024, by the Office of Management and Budget in accordance with the provisions of Executive Order 12866, “Regulatory Planning and Review,” of September 30, 1993, 58 FR 51735 (Oct. 4, 1993).

The Government-wide Unified Agenda of Federal Regulatory and Deregulatory Actions includes a list of all regulatory actions under development or review and is scheduled for publication in its entirety on [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov) in a format that offers users a greatly enhanced ability to obtain information from the agenda database.

The RFA requires publication in the **Federal Register** of agenda entries for rules that are likely to have a significant impact on a substantial number of small entities (5 U.S.C. 602) and any such rules that the agency has identified for periodic review under section 610 of the RFA. For spring 2024, the Commission has one rule, the newly issued Non-Compete Clause Rule which will be codified at 16 CFR 910, that meets the RFA’s publication requirements. In addition, the Commission has three rules or rulemakings that would be a “significant regulatory action” under the definition in Executive Order 12866: the proposed amendments to the Premerger Notification Rules and Report Form, found at 16 CFR 801–803 and

relating to substantive HSR form changes, including implementing congressionally-mandated reporting requirements on foreign subsidies; the recently promulgated Combating Auto Retail Scams Trade Regulation Rule, which will be codified at 16 CFR 463; and the newly issued Non-Compete Clause Rule, which will be codified at 16 CFR 910.

The Commission has identified rulemakings that are likely to have some impact on small entities, but do not meet the RFA’s publication requirements. The current rulemakings that are likely to have some impact on small entities are: (1) the Energy Labeling Rule, 16 CFR 305; (2) the Alternative Fuels Rule, 16 CFR 309; (3) the Telemarketing Sales Rule, 16 CFR 310; (3) the Children’s Online Privacy Protection Rule, 16 CFR 312; (4) the Safeguards Rule, 16 CFR 314; (5) the Health Breach Notification Rule, 16 CFR 318; (6) the Care Labeling Rule, 16 CFR 423; (7) the Negative Option Rule, 16 CFR 425; (8) the Cooling-Off Rule, 16 CFR 429; (9) the Amplifier Rule, 16 CFR 432; (10) the Franchise Rule, 16 CFR 436; (11) the Business Opportunity Rule, 16 CFR 437; (12) the Funeral Rule, 16 CFR 453; (13) the Eyeglass Rule, 16 CFR 456; (14) the newly promulgated Trade Regulation Rule on Impersonation of Government and Businesses 16 CFR 461; (15) the newly promulgated Combating Auto Retail Scams Trade Regulation Rule, 16 CFR 463; (16) the Identity Theft Rules, 16 CFR 681; (17) the newly issued Non-Compete Clause Rule, to be codified at 16 CFR 910; (18) the newly proposed Trade Regulation Rule on Earnings Claims; (19) the potential Trade Regulation Rule on Commercial Surveillance; (20) the newly proposed Trade Regulation Rule Concerning Reviews and Endorsements; and (21) the newly proposed Trade Regulation Rule on Unfair and Deceptive Fees. The Commission’s rulemaking review process carefully considers regulatory burdens and streamlines rules when feasible and appropriate.

The majority of the rulemakings listed in the agenda are being conducted as

part of the Commission’s systematic review of all of its regulations and guides on a rotating basis. Under the Commission’s program, rules are reviewed on a 10-year schedule. In each rule review, the Commission requests public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and state, local, or other federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. These reviews incorporate and expand upon the review required by the RFA and regulatory reform initiatives directing agencies to conduct a review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. Each projected date of action reflects FTC staff’s assessment that the specified event will occur this year. No final determination by the staff or the Commission respecting the need for or the substance of a rule should be inferred from the notation of projected events in this agenda. In most instances, the dates of future events are listed by month, not by a specific day. The information in this agenda may change as new information, changes of circumstances, or changes in the law occur.

**FOR FURTHER INFORMATION CONTACT:** For information about specific regulatory actions listed in the agenda, call, email, or write the contact person listed for each particular proceeding. General comments or questions about the agenda should be directed to G. Richard Gold; Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, telephone: (202) 326–3355; email: [rgold@ftc.gov](mailto:rgold@ftc.gov).

By direction of the Commission.  
**April J. Tabor,**  
*Secretary.*

FEDERAL TRADE COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
358 .....	Non-Compete Clause Rule .....	3084–AB74

**FEDERAL TRADE COMMISSION (FTC)**

Final Rule Stage

**358. Non-Compete Clause Rule [3084–AB74]***Legal Authority:* 15 U.S.C. 41 to 58

*Abstract:* On January 19, 2023, the Commission proposed the Non-Compete Clause Rule. 88 FRS 3482 (Jan. 19, 2023). The comment period as extended closed on April 19, 2023, 88 FR 20441 (Apr. 6, 2023), and the Commission received over 26,000 public comments. The Commission issued a final rule on May 7, 2024. 89 FR 38342 (May 7, 2024). The Non-Compete Clause Rule provides that it is an unfair method of competition and therefore a violation of Section 5 of the Federal Trade Commission Act for persons to, among other things, enter into or attempt to

enter into non-compete clauses with workers on or after the final rule's effective date. With respect to existing non-compete clauses, *i.e.*, non-compete clauses entered into before the effective date, the final rule adopts a different approach for senior executives than for other workers. For senior executives, existing non-compete clauses can remain in force, while existing non-compete clauses with other workers are not enforceable after the effective date. The final rule becomes effective on September 4, 2024.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/19/23	88 FR 3482
NPRM Comment Period Extended.	04/06/23	88 FR 20441

Action	Date	FR Cite
NPRM Extended Comment Period End.	04/19/23	
Final Rule .....	05/07/24	89 FR 38342
Final Rule Effective.	09/04/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Karuna Patel, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, *Phone:* 202 326–2510, *Email:* kpatel1@ftc.gov.

*RIN:* 3084–AB74

[FR Doc. 2024–16468 Filed 8–15–24; 8:45 am]

**BILLING CODE 6750–01–P**





# FEDERAL REGISTER

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Part XXV

Nuclear Regulatory Commission

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Semiannual Regulatory Agenda

## NUCLEAR REGULATORY COMMISSION

[NRC–2024–0059]

### 10 CFR Chapter I

### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The NRC’s Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 8 rulemaking activities since our complete Agenda was issued online at the Office of Management and Budget’s website at <https://www.reginfo.gov> on December 6, 2023. This issuance of our Agenda contains 37 active and 19 long term rulemaking activities: 3 are Economically Significant in accordance with Section 3(f)(1) of E.O. 12866; 19 represent Other Significant agency priorities; 36 are Substantive, Nonsignificant rulemaking activities; and 6 are Administrative rulemaking activities. In addition, 7 rulemaking activities impact small entities. We are requesting comments on the rulemaking activities as identified in this Agenda.

**DATES:** Submit comments on rulemaking activities as identified in this Agenda by September 16, 2024.

**ADDRESSES:** Submit comments on any rulemaking activity in the Agenda by the date and methods specified in the **Federal Register** notice for the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before the closure date specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to <https://www.regulations.gov> and searching for Docket ID NRC–2024–0059. Address questions about NRC dockets to Helen Chang, telephone: 301–415–3228; email: [Helen.Chang@nrc.gov](mailto:Helen.Chang@nrc.gov).

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the

**SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Cindy K. Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: [Cindy.Bladey@nrc.gov](mailto:Cindy.Bladey@nrc.gov). Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading “Agency Contact” for that rulemaking activity.

#### SUPPLEMENTARY INFORMATION:

#### Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC–2024–0059 when contacting the NRC about the availability of information for this document. You may obtain publicly available information related to this document by any of the following methods:

**Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0059.

**NRC’s PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

##### Reginfo.gov:

For completed rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed>, select “Spring 2024 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions” from the drop-down menu, and select “Nuclear Regulatory Commission” from the drop-down menu.

For active rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain> and select “Nuclear Regulatory Commission” from the drop-down menu.

For long term rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain>, select link for “Current Long Term Actions,” and select “Nuclear Regulatory Commission” from the drop-down menu.

##### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include

Docket ID NRC–2024–0059 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into the NRC’s Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

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

#### Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: completed, active, and long term. Completed rulemaking activities are those that were completed since publication of an agency’s last Agenda; active rulemaking activities are those for which an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

The NRC assigns a “Regulation Identifier Number” (RIN) to a rulemaking activity when the Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission-delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire “lifecycle” of a particular rulemaking activity. The NRC reports all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long term rulemaking activity.

The information contained in this Agenda is updated to reflect agency priorities, planning and coordination of public engagement efforts, and regulatory actions that have occurred on a rulemaking activity since publication of our last Agenda on February 9, 2024. Specifically, the information in this Agenda has been updated through May 15, 2024. The NRC provides additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, in the NRC's Rulemaking Tracking System on our website at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruleindex.html>.

The date for the next scheduled action under the heading "Timetable" is the date the next regulatory action for the rulemaking activity is scheduled to be

published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

#### Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of issuance of those regulations that have or will have a significant economic impact on a substantial number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn.

We have one review that has a significant economic impact on a substantial number of small entities. Please see docket NRC–2023–0062 at <https://www.regulations.gov> to comment on NRC's ongoing review, "Section 610 Review of Physical Protection of Byproduct Material". A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from NRC's website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html>.

For the Nuclear Regulatory Commission.

**Cindy K. Bladey,**

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

#### NUCLEAR REGULATORY COMMISSION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
359 .....	Physical Protection of Byproduct Material [NRC–2023–0062] ( <b>Section 610 Review</b> ) .....	3150–AK94

#### NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
360 .....	Revision to the NRC's Acquisition Regulation (NRCAR) [NRC–2014–0033] .....	3150–AJ36
361 .....	Revision of Fee Schedules: Fee Recovery for FY 2025 [NRC–2023–0069] .....	3150–AK95

#### NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
362 .....	Items Containing Byproduct Material Incidental to Production [NRC–2015–0017] .....	3150–AJ54
363 .....	Revision of Fee Schedules: Fee Recovery for FY 2026 [NRC–2023–0212] .....	3150–AL12

#### NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
364 .....	Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC–2022–0046] .....	3150–AK74

#### NUCLEAR REGULATORY COMMISSION (NRC)

##### Prerule Stage

##### 359. Physical Protection of Byproduct Material [NRC–2023–0062] (**Section 610 Review**) [3150–AK94]

*Legal Authority:* 42 U.S.C. 2201; 42 U.S.C. 5841

*Abstract:* On March 19, 2013, the U.S. Nuclear Regulatory Commission (NRC) promulgated Physical Protection of Byproduct Material (78 FR 16922). The rule amended NRC's regulations to establish security requirements for the

use and transport of category 1 and category 2 quantities of radioactive material. Subsequently, on September 30, 2014, the NRC promulgated Safeguards Information—Modified Handling Categorization; Change for Materials Facilities (79 FR 58664), to protect security-related information for large irradiators, manufacturers and distributors, and for the transport of category 1 quantities of radioactive material using the information protection requirements in Part 37. This new entry in the regulatory agenda announces that NRC plans to conduct a review of this action pursuant to section

610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, NRC will consider the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the



technology, economic conditions or other factors have changed in the area affected by the rule. As part of this review, the NRC will solicit public comments.

*Timetable:*

Action	Date	FR Cite
Final Action .....	03/19/13	78 FR 16922
Begin Review .....	07/27/23	88 FR 48688
End Review .....	11/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Gregory Trussell, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–6445, *Email:* gregory.trussell@nrc.gov.

*RIN:* 3150–AK94

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

360. Revision to the NRC’s Acquisition Regulation (NRCAR) [NRC–2014–0033] [3150–AJ36]

*Legal Authority:* 42 U.S.C. 2201; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s acquisition regulation that governs the procurement of goods and services for the agency. The purpose of this rulemaking is to update the NRC’s acquisitions regulations (NRCAR) to conform with external regulations, incorporate NRC organizational changes, and remove outdated or obsolete information. The revisions would affect both internal and external stakeholders (contractors) and are needed to support current NRC contracting policies and ensure openness, transparency, and effectiveness in agency acquisitions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jill Daly, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20055–0001, *Phone:* 301 415–8079, *Email:* jill.daly@nrc.gov.

*RIN:* 3150–AJ36

361. Revision of Fee Schedules: Fee Recovery for FY 2025 [NRC–2023–0069] [3150–AK95]

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s regulations for fee schedules. The NRC conducts this rulemaking annually to recover, to the maximum extent practicable, approximately 100 percent of the NRC’s budget authority, less the budget authority for excluded activities to implement the Nuclear Energy Innovation and Modernization Act. NEIMA requires that the FY 2025 fees be collected by September 30, 2025. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC’s applicants and licensees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/25	
Final Rule .....	06/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jo Jacobs, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–8388, *Email:* jo.jacobs@nrc.gov.

*RIN:* 3150–AK95

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

362. Items Containing Byproduct Material Incidental to Production [NRC–2015–0017] [3150–AJ54]

*Legal Authority:* 42 U.S.C. 2201; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s regulations regarding requirements for track-etched membranes that have been irradiated with mixed fission products during the production process. The rule also would accommodate the licensing and distribution of other irradiated products (e.g., gemstones) without the need for a specific exemption for each distributor. This rulemaking would affect the licensees and applicants for items containing byproduct material incidental to production. The rulemaking addresses a petition for rulemaking (PRM–30–65).

*Timetable:*

Action	Date	FR Cite
Regulatory Basis	02/02/21	86 FR 7819

Action	Date	FR Cite
Regulatory Basis Comment Period End.	04/05/21	
NPRM .....	06/27/22	87 FR 38012
NPRM Comment Period End.	09/12/22	
Final Rule .....	12/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Caylee Kenny, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–7150, *Email:* caylee.kenny@nrc.gov.

*RIN:* 3150–AJ54

363. • Revision of Fee Schedules: Fee Recovery for FY 2026 [NRC–2023–0212] [3150–AL12]

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 100 percent of the NRC’s FY 2026 budget authority, less excluded activities to implement NEIMA. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC’s applicants and licensees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–7341, *Email:* anthony.rossi@nrc.gov.

*RIN:* 3150–AL12

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

364. Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC–2022–0046] [3150–AK74]

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s regulations for fee schedules. The NRC conducts this rulemaking annually to recover, to the maximum extent practicable,

approximately 100 percent of the NRC's budget authority, less the budget authority for excluded activities to implement the Nuclear Energy Innovation and Modernization Act. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/20/24	89 FR 12759
NPRM Comment Period End.	03/21/24	
Final Rule .....	06/20/24	89 FR 51789
Final Rule Effective.	08/19/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:* 301 415-7341, *Email:* anthony.rossi@nrc.gov.

*RIN:* 3150-AK74

[FR Doc. 2024-16469 Filed 8-15-24; 8:45 am]

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# FEDERAL REGISTER

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Part XXVI

Securities and Exchange Commission

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Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE  
COMMISSION

17 CFR Ch. II

[Release Nos. 33–11287; 34–100157; IA–6605; IC–35194; File No. S7–2024–03]

Regulatory Flexibility Agenda

**AGENCY:** Securities and Exchange Commission.  
**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Securities and Exchange Commission is publishing the Chair’s agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sept. 19, 1980). The items listed in the Regulatory Flexibility Agenda for Spring 2024 reflect only the priorities of the Chair of the U.S. Securities and Exchange Commission, and do not necessarily reflect the views and priorities of any individual Commissioner.

Information in the agenda was accurate on May 1, 2024, the date on which the Commission’s staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission’s complete RFA agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov).

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

**ADDRESSES:** Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/2024/05/s7-2024-03>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number S7–2024–03 on the subject line.

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–2024–03. 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 website (<https://www.sec.gov/rules/2024/05/s7-2024-03>). Comments are also 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. Operating conditions may limit access to the Commission’s Public Reference Room. Do not include personal identifying 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.

**FOR FURTHER INFORMATION CONTACT:** Sarit Klein, Office of the General Counsel, 202–551–5037.

**SUPPLEMENTARY INFORMATION:** The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a

substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

- “Securities Act”—Securities Act of 1933
- “Exchange Act”—Securities Exchange Act of 1934
- “Investment Company Act”—Investment Company Act of 1940
- “Investment Advisers Act”—Investment Advisers Act of 1940
- “Dodd Frank Act”—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.  
**Vanessa A. Countryman,**  
*Secretary.*

3 OOD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
365 .....	EDGAR Filer Access and Account Management .....	3235–AM58

DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
366 .....	Rule 144 Holding Period .....	3235–AM78

## DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
367 .....	Rule 14a–8 Amendments .....	3235–AM91

## DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
368 .....	Prohibition Against Conflicts of Interest in Certain Securitizations .....	3235–AL04
369 .....	The Enhancement and Standardization of Climate-Related Disclosures for Investors .....	3235–AM87
370 .....	Special Purpose Acquisition Companies, Shell Companies, and Projections .....	3235–AM90

## DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
371 .....	Customer Identification Programs for Registered Investment Advisers and Exempt Reporting Advisers .....	3235–AN34

## DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
372 .....	Enhanced Disclosures by Certain Investment Advisers and Investment Companies about Environmental, Social, and Governance Investment Practices.	3235–AM96
373 .....	Cybersecurity Risk Management for Investment Advisers, Registered Investment Companies, and Business Development Companies.	3235–AN08
374 .....	Outsourcing by Investment Advisers .....	3235–AN18

## DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
375 .....	Regulation S P: Privacy of Consumer Financial Information and Safeguarding Customer Information .....	3235–AN26
376 .....	Exemption for Certain Investment Advisers Operating Through the Internet .....	3235–AN31

## DIVISION OF TRADING AND MARKETS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
377 .....	Electronic Submission of Certain Materials Under the Securities Exchange Act of 1934; Amendments Regarding FOCUS Report.	3235–AL85
378 .....	Amendments to Exchange Act Rule 3b–16 re Definition of “Exchange”; Regulation ATS and Regulation SCI for ATSS That Trade U.S. Government Securities, NMS Stocks and Other Securities.	3235–AM45
379 .....	Cybersecurity Risk Management Rules for Broker-Dealers, Clearing Agencies, MSBSPs, the MSRB, National Securities Associations, National Securities Exchanges, SBSDRs, SBS Dealers, and Transfer Agents.	3235–AN15
380 .....	Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders ..	3235–AN23
381 .....	Regulation Best Execution .....	3235–AN24

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

3 OOD

Final Rule Stage

**365. Edgar Filer Access and Account Management [3235–AM58]**

*Legal Authority:* 15 U.S.C. 77c; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 78l; 15 U.S.C. 78m; . . .

*Abstract:* The EDGAR Business Office is considering recommending that the Commission adopt rules and amendments concerning access to and management of accounts on the Commission’s Electronic Data Gathering, Analysis, and Retrieval system (EDGAR”) that are related to potential technical changes to EDGAR (collectively referred to as EDGAR Next”). The Commission proposed to

require that electronic filers (filers”) authorize and maintain designated individuals as account administrators and that filers, through their account administrators, take certain actions to manage their accounts on a dashboard on EDGAR. Further, the Commission proposed that filers may only authorize individuals as account administrators or in the other roles described herein if those individuals first obtain individual

account credentials in the manner to be specified in the EDGAR Filer Manual. As part of the EDGAR Next changes, the Commission would offer filers optional Application Programming Interfaces (“APIs”) for machine-to-machine communication with EDGAR, including submission of filings and retrieval of related information. If the proposed rule and form amendments are adopted, the Commission would make corresponding changes to the EDGAR Filer Manual and implement the potential technical changes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/22/23	88 FR 65524
NPRM Comment Period End.	11/21/23	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Rosemary Filou, Chief Counsel, EDGAR Business Office, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-4813, *Email:* [filour@sec.gov](mailto:filour@sec.gov).

*RIN:* 3235-AM58

## SECURITIES AND EXCHANGE COMMISSION (SEC)

*Division of Corporation Finance*

Proposed Rule Stage

### 366. Rule 144 Holding Period [3235-AM78]

*Legal Authority:* 15 U.S.C. 77b; 15 U.S.C. 77b note; 15 U.S.C. 77c; 15 U.S.C. 77d; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77r; 15 U.S.C. 77s; 15 U.S.C. 77z-3; 15 U.S.C. 77sss; 15 U.S.C. 78c; 15 U.S.C. 78d; 15 U.S.C. 78j; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78o-7 note; 15 U.S.C. 78t; 15 U.S.C. 78w; 15 U.S.C. 78ll(d); 15 U.S.C. 78mm; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-26; 15 U.S.C. 80a-28; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; Pub. L. 112-106, sec. 201(a), sec. 401, 126 Stat. 313 (2012); Sec. 401 Pub. L. 112-106, 126 Stat. 313 (2012); Sec. 107, Pub. L. 112-106, 126 Stat. 312; 12 U.S.C. 5461 *et seq.*; 15 U.S.C. 77s(a); 15 U.S.C. 77z-2; 15 U.S.C. 77sss(a); 15 U.S.C. 78a *et seq.*; 15 U.S.C. 78c(b); 15 U.S.C. 78o(d); 15 U.S.C. 78u-5; 15 U.S.C. 78w(a); 15 U.S.C. 78ll; 15 U.S.C. 80a-2(a); 15 U.S.C. 80a-3; 15 U.S.C. 80a-6(c); 15 U.S.C. 80a-9; 15 U.S.C. 80a-10; 15 U.S.C. 80a-13; 15 U.S.C. 7201 *et seq.*; 18 U.S.C. 1350; Sec. 107, Pub. L. 112-

106, 126 Stat. 312; Sec. 953(b) Pub. L. 111-203, 124 Stat. 1904; Sec. 102(a)(3) Pub. L. 112-106, 126 Stat. 309 (2012); Sec. 107, Pub. L. 112-106, 126 Stat. 313 (2012); Sec. 72001 Pub. L. 114-94, 129 Stat. 1312 (2015); . . .

*Abstract:* The Division is considering recommending that the Commission repropose amendments to Rule 144, a non-exclusive safe harbor that permits the public resale of restricted or control securities if the conditions of the rule are met.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/19/21	86 FR 5063
NPRM Comment Period End.	03/22/21	
Second NPRM ....	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Luna Bloom, Attorney Adviser, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3194, *Email:* [blooml@sec.gov](mailto:blooml@sec.gov).

*RIN:* 3235-AM78

## SECURITIES AND EXCHANGE COMMISSION (SEC)

*Division of Corporation Finance*

Final Rule Stage

### 367. Rule 14a-8 Amendments [3235-AM91]

*Legal Authority:* 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 80a-20(a); 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; . . .

*Abstract:* The Division is considering recommending that the Commission adopt rule amendments regarding shareholder proposals under Rule 14a-8. The Commission proposed to, among other things, update certain substantive bases for exclusion of shareholder proposals under the Commission’s shareholder proposal rule. The proposed amendments would amend the substantial implementation exclusion, the duplication exclusion, and the resubmission exclusion.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/27/22	87 FR 45052
NPRM Comment Period End.	09/12/22	
Final Action .....	04/00/25	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Steve Hearne, Special Counsel, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3430, *Email:* [hearnes@sec.gov](mailto:hearnes@sec.gov).

*RIN:* 3235-AM91

## SECURITIES AND EXCHANGE COMMISSION (SEC)

*Division of Corporation Finance*

Completed Actions

### 368. Prohibition Against Conflicts of Interest in Certain Securitizations [3235-AL04]

*Legal Authority:* 15 U.S.C. 77b; 15 U.S.C. 77b note; 15 U.S.C. 77c; 15 U.S.C. 77d; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77r; 15 U.S.C. 77s; 15 U.S.C. 77z-3; 15 U.S.C. 77sss; 15 U.S.C. 78c; 15 U.S.C. 78d; 15 U.S.C. 78j; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78o-7 note; 15 U.S.C. 78t; 15 U.S.C. 78w; 15 U.S.C. 78ll(d); 15 U.S.C. 78mm; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-28; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; Pub. L. 112-106, sec. 201(a), sec. 401, 126 Stat. 313(2012), unless otherwise noted; . . .

*Abstract:* The Commission adopted a rule to implement Section 621 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 prohibiting an underwriter, placement agent, initial purchaser, or sponsor of an asset-backed security (including a synthetic asset backed security), or certain affiliates or subsidiaries of any such entity, from engaging in any transaction that would involve or result in certain material conflicts of interest.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/28/11	76 FR 60320
NPRM Comment Period End.	12/19/11	
NPRM Comment Period Extended.	12/16/11	76 FR 78181
NPRM Comment Period Extended End.	01/13/12	
NPRM Comment Period Extended.	01/03/12	77 FR 24
NPRM Comment Period Extended End.	02/13/12	
Second NPRM ....	02/14/23	88 FR 9678
Second NPRM Comment Period End.	03/27/23	
Final Action .....	12/07/23	88 FR 85396

Action	Date	FR Cite
Final Action Effective.	02/05/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Rolaine Bancroft, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-3430.

RIN: 3235-AL04

### 369. The Enhancement and Standardization of Climate-Related Disclosures for Investors [3235-AM87]

*Legal Authority:* 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 77z-3; 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78mm; . . .

*Abstract:* The Commission adopted amendments to its rules under the Securities Act of 1933 and Securities Exchange Act of 1934 that will require registrants to provide certain climate-related information in their registration statements and annual reports. The final rules will require information about a registrant's climate-related risks that have materially impacted, or are reasonably likely to have a material impact on, its business strategy, results of operations, or financial condition. In addition, under the final rules, certain disclosures related to severe weather events and other natural conditions will be required in a registrant's audited financial statements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/11/22	87 FR 21334
NPRM Comment Period Extended.	05/12/22	87 FR 29059
NPRM Comment Period End.	06/17/22	
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
Final Action .....	03/28/24	89 FR 21668
Effective Date Delayed.	04/12/24	89 FR 25804

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-3243, Email: staffine@sec.gov.

RIN: 3235-AM87

### 370. Special Purpose Acquisition Companies, Shell Companies, and Projections [3235-AM90]

*Legal Authority:* 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 77z-3; 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 80a-6(c); 15 U.S.C. 80a-37(a); . . .

*Abstract:* The Commission adopted rules intended to enhance investor protections in initial public offerings by special purpose acquisition companies (commonly known as SPACs) and in subsequent business combination transactions between SPACs and private operating companies (commonly known as de-SPAC transactions). Specifically, the Commission adopted disclosure requirements with respect to, among other things, compensation paid to sponsors, conflicts of interest, dilution, and the determination, if any, of the board of directors (or similar governing body) of a SPAC regarding whether a de-SPAC transaction is advisable and in the best interests of the SPAC and its shareholders. The Commission adopted rules that require a minimum dissemination period for the distribution of security holder communication materials in connection with de-SPAC transactions. The Commission adopted rules that require the re-determination of smaller reporting company (SRC) status in connection with de-SPAC transactions. The Commission also adopted rules that address the scope of the safe harbor for forward-looking statements under the Private Securities Litigation Reform Act of 1995. Further, the Commission adopted a rule that would deem any business combination transaction involving a reporting shell company, including a SPAC, to be a sale of securities to the reporting shell company's shareholders and are adopting amendments to a number of financial statement requirements applicable to transactions involving shell companies. In addition, the Commission provided guidance on the status of potential underwriters in de-SPAC transactions and adopting updates to our guidance regarding the use of projections in Commission filings as well as requiring additional disclosure regarding projections when used in connection with business combination transactions involving SPACs. Finally, the Commission provided guidance for SPACs to consider when analyzing their status under the Investment Company Act of 1940.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/13/22	87 FR 29458
NPRM Comment Period End.	06/13/22	
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
Final Action .....	02/26/24	89 FR 14158
Final Action Effective.	07/01/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mark Saltzburg, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-3430, Email: saltzburgm@sec.gov.

RIN: 3235-AM90

## SECURITIES AND EXCHANGE COMMISSION (SEC)

*Division of Investment Management*

Proposed Rule Stage

### 371. • Customer Identification Programs for Registered Investment Advisers and Exempt Reporting Advisers [3235-AN34]

*Legal Authority:* Pub. L. 107-56; 31 U.S.C. 5311 *et seq.*

*Abstract:* The Department of the Treasury and the SEC jointly issued a proposed rulemaking implementing section 326 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 with regard to certain investment advisers. If, as proposed in a separate rulemaking, certain investment advisers are included in the definition of "financial institution" under the Bank Secrecy Act, section 326 will require the Secretary of the Treasury and the SEC to jointly prescribe a regulation that, among other things, requires investment advisers to implement reasonable procedures to verify the identities of their customers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/21/24	89 FR 44571
NPRM Comment Period End.	07/22/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Thomas Strumpf, Branch Chief, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE,



Washington, DC 20549, Phone: 202 227–0576.  
RIN: 3235–AN34

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

372. Enhanced Disclosures by Certain Investment Advisers and Investment Companies About Environmental, Social, and Governance Investment Practices [3235–AM96]

Legal Authority: 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w; 15 U.S.C. 78ll; 15 U.S.C. 80a–8; 15 U.S.C. 80a–24; 15 U.S.C. 80a–29; 15 U.S.C. 80a–37; 15 U.S.C. 80b–3; 15 U.S.C. 80b–4; 15 U.S.C. 80b–11; 44 U.S.C. 3506 and 3507; . . .

Abstract: The Division is considering recommending that the Commission adopt requirements for investment companies and investment advisers related to environmental, social and governance (ESG) factors, including ESG claims and related disclosures. Among other things, the Commission proposed to amend rules and forms under both the Investment Advisers Act of 1940 and the Investment Company Act of 1940 to require registered investment advisers, certain advisers that are exempt from registration, registered investment companies, and business development companies, to provide additional information regarding their ESG investment practices. The proposed amendments to these forms and associated rules seek to facilitate enhanced disclosure of ESG issues to clients and shareholders. The proposed rules and form amendments are designed to create a consistent, comparable, and decision-useful regulatory framework for ESG advisory services and investment companies to inform and protect investors while facilitating further innovation in this evolving area of the asset management industry.

Timetable:

Action	Date	FR Cite
NPRM .....	06/17/22	87 FR 36654
NPRM Comment Period End.	08/16/22	
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
Final Action .....	10/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Zeena Abdul-Rahman, Branch Chief, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–4099, Email: [abdurahmanz@sec.gov](mailto:abdurahmanz@sec.gov).  
RIN: 3235–AM96

373. Cybersecurity Risk Management for Investment Advisers, Registered Investment Companies, and Business Development Companies [3235–AN08]

Legal Authority: 15 U.S.C. 80a–30(a); 15 U.S.C. 80a–37(a); 15 U.S.C. 80b–4; 15 U.S.C. 80b–11; 15 U.S.C. 80b–3(d); 15 U.S.C. 80b–6(4); 15 U.S.C. 80b–11(a); 15 U.S.C. 80b–11(h); 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–37; 15 U.S.C. 80b–3(c)(1)

Abstract: The Division is considering recommending that the Commission adopt rules to enhance fund and investment adviser disclosures and governance relating to cybersecurity risks. The Commission proposed new rules to require registered investment advisers (“advisers”) and investment companies (“funds”) to adopt and implement written cybersecurity policies and procedures reasonably designed to address cybersecurity risks. The Commission also proposed a new rule and form under the Advisers Act to require advisers to report significant cybersecurity incidents affecting the adviser, or its fund or private fund clients, to the Commission. With respect to disclosure, the Commission proposed amendments to various forms regarding the disclosure related to significant cybersecurity risks and cybersecurity incidents that affect advisers and funds and their clients and shareholders. Finally, the Commission proposed new recordkeeping requirements under the Advisers Act and Investment Company Act.

Timetable:

Action	Date	FR Cite
NPRM .....	03/09/22	87 FR 13524
NPRM Comment Period End.	04/11/22	
NPRM Comment Period Re-opened.	03/21/23	88 FR-16921
NPRM Comment Period End.	05/22/23	
Final Action .....	10/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Robert Holowka, Branch Chief, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE,

Washington, DC 20549, Phone: 202 714–0905, Email: [holowkar@sec.gov](mailto:holowkar@sec.gov).  
RIN: 3235–AN08

374. Outsourcing by Investment Advisers [3235–AN18]

Legal Authority: 15 U.S.C. 10b–3; 15 U.S.C. 10b–4; 15 U.S.C. 10b–11; 15 U.S.C. 77s(a); 15 U.S.C. 78w(a); 15 U.S.C. 78bb(e)(2); 15 U.S.C. 7sss(a); 15 U.S.C. 80a–37(a)

Abstract: The Division is considering recommending that the Commission adopt rules related to the oversight of third-party service providers. The Commission proposed a new rule under the Investment Advisers Act of 1940 to prohibit registered investment advisers (“advisers”) from outsourcing certain services or functions without first meeting minimum requirements. The proposed rule would require advisers to conduct due diligence prior to engaging a service provider to perform certain services or functions. It would further require advisers to periodically monitor the performance and reassess the retention of the service provider in accordance with due diligence requirements to reasonably determine that it is appropriate to continue to outsource those services or functions to that service provider. The Commission also proposed corresponding amendments to the investment adviser registration form to collect census-type information about the service providers defined in the proposed rule. In addition, the Commission proposed related amendments to the Advisers Act books and records rule, including a new provision requiring advisers that rely on a third party to make and/or keep books and records to conduct due diligence and monitoring of that third party and obtain certain reasonable assurances that the third party will meet certain standards.

Timetable:

Action	Date	FR Cite
NPRM .....	11/16/22	87 FR 68816
NPRM Comment Period End.	12/27/22	
Final Action .....	10/00/24	

Regulatory Flexibility Analysis Required: Yes.  
Agency Contact: Jennifer Porter, Senior Special Counsel, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6739, Email: [porterj@sec.gov](mailto:porterj@sec.gov).  
RIN: 3235–AN18

**SECURITIES AND EXCHANGE COMMISSION (SEC)***Division of Investment Management*

## Completed Actions

**375. Regulation S P: Privacy of Consumer Financial Information and Safeguarding Customer Information [3235-AN26]**

*Legal Authority:* 15 U.S.C. 78q; 15 U.S.C. 78q-1; 15 U.S.C. 78mm; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; 15 U.S.C. 80b-4; 15 U.S.C. 80b-4a; 15 U.S.C. 80b-11; 15 U.S.C. 1681w(a); 15 U.S.C. 6801; 15 U.S.C. 6804; 15 U.S.C. 6805; 15 U.S.C. 6825; 15 U.S.C. 78w

*Abstract:* The Commission adopted rule amendments that will require brokers and dealers (or “broker-dealers”), investment companies, investment advisers registered with the Commission (“registered investment advisers”), funding portals, and transfer agents registered with the Commission or another appropriate regulatory agency as defined in the Securities Exchange Act of 1934 (“transfer agents”) to adopt written policies and procedures for incident response programs to address unauthorized access to or use of customer information, including procedures for providing timely notification to individuals affected by an incident involving sensitive customer information with details about the incident and information designed to help affected individuals respond appropriately. In addition, the amendments extend the application of requirements to safeguard customer records and information to transfer agents; broaden the scope of information covered by the requirements for safeguarding customer records and information and for properly disposing of consumer report information; impose requirements to maintain written records documenting compliance with the amended rules; and conform annual privacy notice delivery provisions to the terms of an exception provided by a statutory amendment to the Gramm-Leach-Bliley Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/06/23	88 FR 20616
NPRM Comment Period End.	06/05/23	
Final Action .....	06/03/24	89 FR 47688
Final Action Effective.	08/02/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Bradley Gude, Branch Chief, Division of Investment Management, Securities and Exchange

Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-5590, *Email:* gudeb@sec.gov.  
*RIN:* 3235-AN26

**376. Exemption for Certain Investment Advisers Operating Through the Internet [3235-AN31]**

*Legal Authority:* 15 U.S.C. 80b-3a(c); 15 U.S.C. 80b-11(a)

*Abstract:* The Commission adopted amendments to the rule under the Investment Advisers Act of 1940 that exempts certain investment advisers that provide advisory services through the internet from the prohibition on Commission registration, as well as related amendments to Form ADV. The amendments are designed to modernize the rule's conditions to account for the evolution in technology and the investment advisory industry since the initial adoption of the rule in 2002.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/01/23	88 FR 50076
NPRM Comment Period End.	10/02/23	
Final Action .....	04/09/24	89 FR 24693

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Sirimal Mukerjee, Senior Special Counsel, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3340, *Email:* mukerjees@sec.gov.  
*RIN:* 3235-AN31

**SECURITIES AND EXCHANGE COMMISSION (SEC)***Division of Trading and Markets*

## Final Rule Stage

**377. Electronic Submission of Certain Materials Under the Securities Exchange Act of 1934; Amendments Regarding Focus Report [3235-AL85]**

*Legal Authority:* 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a); 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78o-3, 78o-8, 78q, 78q-1, 78s, 78w, 78dd and 78ll; 15 U.S.C. 77rrr; 15 U.S.C. 80a-8; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; Pub. L. 111-203, sec. 761(b)

*Abstract:* The Division is considering recommending that the Commission require electronic filing or submission of certain forms and other filings or submissions that are required to be filed with or submitted to the Commission under the Securities Exchange Act of 1934 and the rules and regulations under the Exchange Act. The Commission proposed to require the

electronic filing or submission on the Commission's Electronic Data Gathering, Analysis, and Retrieval (“EDGAR”) system, using structured data where appropriate, for certain forms filed or submitted by self-regulatory organizations (“SROs”). The proposal would require the information currently contained in Form 19b-4(e) to be publicly posted on the SRO's website and remove the manual signature requirements for SRO proposed rule change filings. The Commission also proposed that a clearing agency post supplemental material to its website. In addition, the proposal would amend rules under the Exchange Act and the Securities Act of 1933 to require the electronic filing or submission on EDGAR, using structured data where appropriate, of certain forms, reports and notices provided by broker-dealers, security-based swap dealers and major security-based swap participants. The proposed amendments also would require withdrawal in certain circumstances of notices filed in connection with an exception to counting certain dealing transactions toward determining whether a person is a security-based swap dealer. Finally, the Commission proposed to allow electronic signatures in certain broker-dealer filings, and proposed amendments regarding the Financial and Operational Combined Uniform Single Report (“FOCUS Report”) to harmonize with other rules, make technical corrections, and provide clarifications.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/18/23	88 FR 23920
NPRM Comment Period End.	05/22/23	
Final Action .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Raymond Lombardo, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-5755, *Email:* lombardor@sec.gov.  
*RIN:* 3235-AL85

**378. Amendments to Exchange Act Rule 3b-16 re Definition of “Exchange”; Regulation ATS and Regulation SCI for ATSS That Trade U.S. Government Securities, NMS Stocks and Other Securities [3235-AM45]**

*Legal Authority:* 15 U.S.C. 77g; 15 U.S.C. 78mm; 15 U.S.C. 78w(a); 15 U.S.C. 78q(h); 15 U.S.C. 77q(a); 15 U.S.C. 78n; 15 U.S.C. 78dd-1; 15 U.S.C.

78b; 15 U.S.C. 78o(c); 15 U.S.C. 80(a)–23; 15 U.S.C. 78c; 15 U.S.C. 78o(g); 15 U.S.C. 80a–29; 15 U.S.C. 78j; 15 U.S.C. 78o–4; 15 U.S.C. 80a–37; 15 U.S.C. 78k–1(c); 15 U.S.C. 78o–5; 15 U.S.C. 77s(a); 15 U.S.C. 781; 15 U.S.C. 78q(a); 15 U.S.C. 78i(a); 15 U.S.C. 78m; 15 U.S.C. 78q(b); 15 U.S.C. 78o(b)

**Abstract:** The Division is considering recommending that the Commission adopt proposed amendments to Exchange Act Rule 3b–16 to include systems that offer the use of non-firm trading interest and communication protocols to bring together buyers and sellers of securities.

The Division is considering recommending that the Commission adopt proposed amendments to Regulation ATS and Regulation SCI for ATSs that trade U.S. Government Securities, NMS stock, and other types of securities and to require the electronic filing of a modernized version of Form ATS and Form ATS–R.

**Timetable:**

Action	Date	FR Cite
NPRM .....	12/31/20	85 FR 87106
NPRM Comment Period End.	03/01/21	
Second NPRM ....	03/18/22	87 FR 15496
Second NPRM Comment Period End.	04/18/22	
NPRM Comment Period Re-opened.	05/12/22	87 FR 29059
NPRM Comment Period Re-opened End.	06/13/22	
NPRM Comment Period Re-opened.	05/05/23	88 FR 29448
NPRM Comment Period Re-opened End.	06/13/23	
Final Action .....	10/00/24	

**Regulatory Flexibility Analysis**

**Required:** Yes.

**Agency Contact:** Tyler Raimo, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6227, Email: [raimot@sec.gov](mailto:raimot@sec.gov).

RIN: 3235–AM45

**379. Cybersecurity Risk Management Rules for Broker-Dealers, Clearing Agencies, MSBSPS, the MSRB, National Securities Associations, National Securities Exchanges, SBSDRS, SBS Dealers, and Transfer Agents [3235–AN15]**

Legal Authority: 15 U.S.C. 77c; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 77z–3; 15 U.S.C. 77sss(a); 15 U.S.C.

78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o(d); 15 U.S.C. 78o–10; 15 U.S.C. 78w(a); 15 U.S.C. 78ll; 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80b–4; 15 U.S.C. 80b–10; 15 U.S.C. 80b–11; 15 U.S.C. 7201 *et seq.*; 18 U.S.C. 1350; . . .

**Abstract:** The Division is considering recommending that the Commission adopt amendments to require that market entities address cybersecurity risks, to improve the Commission’s ability to obtain information about significant cybersecurity incidents impacting market entities, and to improve transparency about cybersecurity risk in the U.S. securities markets. The Commission proposed a new rule and form and amendments to existing recordkeeping rules to require broker-dealers, clearing agencies, major security-based swap participants, the Municipal Securities Rulemaking Board, national securities associations, national securities exchanges, security-based swap data repositories, security-based swap dealers, and transfer agents to address cybersecurity risks through policies and procedures, immediate notification to the Commission of the occurrence of a significant cybersecurity incident and, as applicable, reporting detailed information to the Commission about a significant cybersecurity incident, and public disclosures that would improve transparency with respect to cybersecurity risks and significant cybersecurity incidents. In addition, the Commission proposed amendments to existing clearing agency exemption orders to require the retention of records that would need to be made under the proposed cybersecurity requirements. Finally, the Commission proposed amendments to address the potential availability to security-based swap dealers and major security-based swap participants of substituted compliance in connection with those requirements.

**Timetable:**

Action	Date	FR Cite
NPRM .....	04/05/23	88 FR 20212
NPRM Comment Period End.	06/05/23	
Final Action .....	10/00/24	

**Regulatory Flexibility Analysis**

**Required:** Yes.

**Agency Contact:** Nina Kostyukovsky, Attorney, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–8833, Email: [kostyukovskyn@sec.gov](mailto:kostyukovskyn@sec.gov).

RIN: 3235–AN15

**380. Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders [3235–AN23]**

Legal Authority: 15 U.S.C. 78b; 15 U.S.C. 78c; 15 U.S.C. 78e; 15 U.S.C. 78f; 15 U.S.C. 78k; 15 U.S.C. 78k–1; 15 U.S.C. 78o; 15 U.S.C. 78o–3; 15 U.S.C. 78q; 15 U.S.C. 78s; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

**Abstract:** The Division is considering recommending that the Commission amend certain rules of Regulation National Market System (Regulation NMS) under the Securities Exchange Act of 1934, as amended, to adopt variable minimum pricing increments for the quoting and trading of NMS stocks, reduce the access fee caps, and enhance the transparency of better priced orders.

**Timetable:**

Action	Date	FR Cite
NPRM .....	12/29/22	87 FR 80266
NPRM Comment Period End.	03/31/23	
Final Action .....	10/00/24	

**Regulatory Flexibility Analysis**

**Required:** Yes.

**Agency Contact:** Kelly Riley, Senior Special Counsel, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6772, Email: [reileyke@sec.gov](mailto:reileyke@sec.gov).

RIN: 3235–AN23

**381. Regulation Best Execution [3235–AN24]**

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 77q(a); 15 U.S.C. 77s(a); 15 U.S.C. 78b; 15 U.S.C. 78c(b); 15 U.S.C. 78e; 15 U.S.C. 78g(c)(2); 15 U.S.C. 78i(a); 15 U.S.C. 78j; 15 U.S.C. 78k–1; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o(b); 15 U.S.C. 78o(c); 15 U.S.C. 78o(g); 15 U.S.C. 78o–1; 15 U.S.C. 78q; 15 U.S.C. 78w(a); 15 U.S.C. 78x; 15 U.S.C. 78dd–1; 15 U.S.C. 78mm; 15 U.S.C. 80a–23; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; . . .

**Abstract:** The Division is considering recommending that the Commission adopt new rules under the Securities Exchange Act of 1934 relating to a broker-dealer’s duty of best execution. Proposed Regulation Best Execution would enhance the existing regulatory framework concerning the duty of best execution by requiring detailed policies and procedures for all broker-dealers and more robust policies and procedures for broker-dealers engaging in certain conflicted transactions with retail customers, as well as related review and documentation requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/27/23	88 FR 5440
NPRM Comment Period End.	03/31/23	
Final Action .....	10/00/24	

*Agency Contact:* David R. Dimitriou,  
Securities and Exchange Commission,  
100 F Street NE, Washington, DC 20549,  
*Phone:* 202 551-5131, *Email:*  
*dimitriou@sec.gov.*

*RIN:* 3235-AN24

[FR Doc. 2024-16470 Filed 8-15-24; 8:45 am]

**BILLING CODE 8011-01-P**

*Regulatory Flexibility Analysis  
Required: Yes.*





# FEDERAL REGISTER

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Friday,

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August 16, 2024

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Part XXVII

Surface Transportation Board

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Semiannual Regulatory Agenda

**SURFACE TRANSPORTATION BOARD**

**49 CFR Ch. X**

[STB Ex Parte No. 536 (Sub-No. 56)]

**Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board.  
**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for spring 2024.

**FOR FURTHER INFORMATION CONTACT:** A contact person is identified for each of the rules listed below.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, sets forth several requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is

likely to have a significant economic impact on a substantial number of small entities.

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings soon. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman’s best estimate of rules that may be considered over the next 12 months but does not necessarily reflect the views of

any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: “Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda.”

The Chairman is publishing the agency’s Regulatory Flexibility Agenda for spring 2024 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: May 8, 2024.  
By the Board, Martin J. Oberman.

**Jeffrey Herzig,**  
*Clearance Clerk.*

**SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
382 .....	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1) .....	2140–AB29

**SURFACE TRANSPORTATION BOARD (STB)**

**Long-Term Actions**

**382. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1) [2140–AB29]**

*Legal Authority:* 49 U.S.C. 10502; 49 U.S.C. 13301

*Abstract:* The Board proposed to revoke the class exemptions for the rail transportation of: (1) crushed or broken stone or riprap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings. On March 19, 2019, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding and providing a 90-day period for meetings with Board members. By decision served September 30, 2020 (published October 5, 2020), the Board invited public comment on a

new approach its Office of Economics has developed for possible use in considering class exemption and revocation issues. Board staff held technical conferences on the proposed approach on December 18, 2020, and January 15, 2021.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	85 FR 62689
Request for Further Comment in Rulemaking Proceeding.	10/05/20	
Comment Period End.	01/29/21	
Reply Comment Period End.	03/01/21	

Action	Date	FR Cite
Next Action Under-terminated.		

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy Ziehm, Branch Chief, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0391, *Email:* amy.ziehm@stb.gov.

Francis O’Connor, Deputy Director, Office of Economics, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0331, *Email:* francis.o’connor@stb.gov.

*RIN:* 2140–AB29

[FR Doc. 2024–16471 Filed 8–15–24; 8:45 am]

**BILLING CODE 4915–01–P**

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