



FEDERAL REGISTER

Vol. 89

Monday,

No. 174

September 9, 2024

Pages 72957–73248

OFFICE OF THE FEDERAL REGISTER



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

MERIT SYSTEMS PROTECTION BOARD

5 CFR Parts 1200, 1201, 1203, and 1209

Organization and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Interim final rule.

SUMMARY: This interim final rule updates adjudicatory and operational regulations of the Merit Systems Protection Board (MSPB or Board) to increase efficiency in processing of MSPB appeals, as well as to address potential flaws in its prior regulations.

DATES: This interim final rule is effective October 7, 2024. Comments must be received on or before November 8, 2024.

ADDRESSES: Submit your comments concerning this interim final rule by one of the following methods and in accordance with the relevant instructions:

Email: mspb@mspb.gov. Comments submitted by email can be contained in the body of the email or as an attachment in any common electronic format, including word processing applications, HTML, and PDF. If possible, commenters are asked to use a text format and not an image format for attachments. An email should contain a subject line indicating that the submission contains comments concerning the MSPB's interim final rule. The MSPB asks that commenters use email to submit comments if possible. Submission of comments by email will assist the MSPB to process comments and speed publication of a final rule.

Fax: (202) 653-7130. Comments submitted by fax should be addressed to Gina K. Grippando, Clerk of the Board, and contain a subject line indicating that the submission contains comments concerning the MSPB's interim final rule.

Mail or other commercial delivery: Comments submitted by mail should be addressed to Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419.

Hand delivery or courier: Comments submitted by hand delivery or courier should be addressed to Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419, and delivered to the 5th floor reception window at this street address. Such deliveries are only accepted Monday through Friday, 9 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: As noted above, the MSPB requests that commenters use email to submit comments, if possible. All comments received will be made available online at the Board's website, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information or other information the disclosure of which is restricted by law. Those desiring to submit anonymous comments must submit comments in a manner that does not reveal the commenter's identity, include a statement that the comment is being submitted anonymously, and include no personally identifiable information. The email address of a commenter who chooses to submit comments using email will not be disclosed unless it appears in comments attached to an email or in the body of a comment.

FOR FURTHER INFORMATION CONTACT: Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; phone: (202) 653-7200; fax: (202) 653-7130; or email: mspb@mspb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The MSPB commenced its last comprehensive review of its regulations in January 2011, which concluded with the issuance of a final rule amending its regulations in October 2012. In May 2019, the MSPB initiated a new review of its regulations to further improve its adjudications and operations. The MSPB's review process began with a solicitation for suggested revisions from its internal offices. The submissions were then reviewed by an internal working group, which worked to

develop draft amendments to existing regulations based on the submissions.

Following restoration of the Board's quorum of members in March 2022, the draft amendments prepared by the internal working group were then evaluated by the Board members, after which time they were revised in accordance with the processing goals of the Board and prepared for issuance.

Finally, while these amendments are being issued immediately as interim final rules, the Board still requests that all stakeholders or other interested individuals provide their views on the amendments. The Board also requests additional comments on any other aspect of its regulations that stakeholders or other interested individuals feel need amending. The Board will thoroughly consider all input and respond to all comments as necessary.

II. Summary of Changes

Set forth below is a summary of amendments being implemented by the MSPB

Part 1200—Board Organization

Subpart A—General

Section 1200.3 How the Board Members Make Decisions

This amendment modifies the authority of Board members or Board staff to take certain actions when the Board is unable to act due to vacancies, recusals, or other reasons. During the Board's inquorate status between 2017 and 2022, the Board encountered numerous scenarios which under existing regulation or policy required Board vote, but which were unable to be processed without a quorum. These included scenarios such as decisions finalizing settlements of appeals reached after an initial decision had issued, or requests for further development of the record by an administrative judge after an initial decision had issued. The Board is implementing this modification in order to expedite processing in certain scenarios in the event that it is again unable to act due to a loss of quorum in the future. Under the new regulation, a lone Board member may be able to perform certain of these tasks, and in the event the Board lacks any confirmed members, MSPB staff may be allowed to perform the tasks to the limited extent necessary to facilitate final decision-

making by a future quorum. Additionally, the new regulation addresses the Board's decision-making authority when members of the Board are unable to reach a majority decision due to vacancies, recusals, or other reasons.

Section 1200.5 Conduct Policy

This addition to the MSPB's Board Organization regulations reflects the Board's need to issue a policy prohibiting abusive conduct and filings from individuals during the pendency or after the conclusion of an appeal. This policy will benefit all parties by ensuring that appeals are adjudicated efficiently and respectfully.

Part 1201—Practices and Procedures

Subpart A—Jurisdiction and Definitions

Section 1201.3 Appellate Jurisdiction

This amendment corrects an errant reference to 5 CFR 1201.154. The regulation is intended to instead reference the Board's authority to review grievance decisions pursuant to 5 CFR 1201.155.

Subpart B—Procedures for Appellate Cases

Section 1201.22 Filing an Appeal and Responses to Appeals

This amendment clarifies that the examples listed within the regulation are not meant to be binding interpretations of the regulation, and they are instead only meant to be illustrative of potential applications of the regulation. The Board believes this change will provide flexibility in determinations regarding good cause to waive untimeliness.

Section 1201.23 Computation of Time

This amendment clarifies the Board's discretion to waive its filing deadlines due to events that broadly affect the ability of parties to file pleadings and/or the Board's ability to serve issuances. The amendment does not otherwise alter the Board's current ability to exercise discretion when determining when to waive filing deadlines in individual appeals, and instead only reflects the Board's intent to potentially alter deadlines for all pending appeals when events transpire that broadly affect the Board's filing systems, such as technical outages or government shutdowns.

Section 1201.33 Federal Witnesses

This amendment makes a small grammatical modification to the existing regulation.

Section 1201.41 Judges

This amendment clarifies that MSPB administrative judges may only hold a hearing if requested by an appellant. This modification reemphasizes that the right to request a hearing belongs solely to appellants, and that neither administrative judges nor agencies may order a hearing if the appellant does not wish to have a hearing.

Section 1201.56 Burden and Degree of Proof

This amendment clarifies which types of Office of Personnel Management decisions may be appealed. The prior version of the regulation incorrectly suggested that appeals may only come from reconsideration decisions from the Office of Personnel Management (OPM), and it did not recognize that pursuant to longstanding Board case law, initial decisions from OPM may also be considered final appealable decisions, when OPM refuses or improperly fails to issue a final decision. This modification reflects the Board's decision in *Okello v. Office of Personnel Management*, 120 M.S.P.R. 498 (2014).

Section 1201.72 Explanation and Scope of Discovery

The amendments to this section clarify that discovery during an MSPB appeal may involve individuals who are not parties to the appeal. The amendment further removes reference to the Federal Rules of Civil Procedure, reflecting the Board's desire to establish its own discovery rules and limitations to better align with its statutory and regulatory time limits for processing appeals.

Section 1201.73 Discovery Procedures

This amendment modifies the Board's discovery procedures with respect to how parties serve discovery requests and responses, as well as how parties resolve discovery disputes. The amendment eliminates the need to request permission to serve discovery responses electronically. It also provides parties with additional time before needing to file a motion to compel, in order to reduce the number of discovery disputes between parties. Finally, it puts limitations on the number of document requests and requests for admission that may be issued, which are also aimed at reducing discovery disputes and expediting the processing of appeals.

Section 1201.81 Requests for Subpoenas

This amendment provides notice of which requirements must be met to obtain a subpoena. The Board has

received multiple requests for the issuance of subpoenas from parties who have not complied with all requirements. The Board is making this amendment to ensure parties are aware of the requirements before making a subpoena request.

Section 1201.82 Motions To Quash Subpoenas

This amendment modifies the Board's procedures regarding the filing and service of motions to quash a subpoena. The Board is amending its procedures to facilitate the filing of such motions by nonparties, who are not able to otherwise access the Board's electronic filing system to file such motions themselves. Administrative judges will now have discretion to provide methods to nonparties to electronically file motions to quash subpoenas without needing to utilize the Board's electronic filing system.

Section 1201.83 Serving Subpoenas

This amendment clarifies that any party who desires a non-federal employee to serve as a witness must still comply with Federal statutes governing fees and expenses for the witness.

Section 1201.84 Proof of Service

This amendment modifies the Board's procedures regarding service of subpoenas to allow service by any method approved by applicable state law.

Section 1201.85 Enforcing Subpoenas

This amendment modifies the Board's procedures regarding how a party may enforce a subpoena for an individual who fails to comply with its terms. The amendment eliminates the ability to file an oral motion to enforce a subpoena, and it provides a mechanism for allegedly noncomplying parties to file a written response to a motion to enforce a subpoena. The amendment will further develop a written record regarding a subpoena, which will facilitate enforcement of subpoenas in Federal court against noncomplying individuals.

Section 1201.113 Finality of Decision

This amendment clarifies the finality date of initial decisions after a party requests an extension of the deadline to file a petition for review. Under the current statutory and regulatory scheme, the Board is authorized to extend the deadline for a party to file a petition for review of an initial decision past the 30-day deadline. However, after such a request for extension is granted, a petition for review is not always filed, leading to potential uncertainty as to

whether the finality date of an initial decision is the original 35-day date set by the initial decision, or the extended petition for review deadline date granted by the Board. Consistent with current Board practice, the regulation now reflects that, if no petition for review is filed by the granted extension date (assuming the extension request is granted), the initial decision of the judge will become the Board's final decision upon the expiration of the extended time limit, and judicial appeal deadlines likewise run from the date of expiration.

Subpart C—Petitions for Review of Initial Decisions

Section 1201.114 Petition for Review—Content and Procedure

This amendment sets forth multiple changes designed to simplify the processing of petitions for review. It eliminates the ability for parties to file cross petitions for review, which will simplify the petition for review process by encouraging parties to raise all issues that they wish to pursue by the initial petition for review deadline. The amendment also provides further explanation as to when and how parties may file submissions other than an initial petition for review, a response to a petition for review, or a reply to a response. Finally, the amendment imposes a requirement that the parties certify that their pleading lengths comply with the limits imposed in the regulation.

The amendments will facilitate the processing of petitions for review by ensuring that all possible issues are put forward for consideration before the Board in an expeditious fashion.

Section 1201.115 Criteria for Granting Petition for Review

This amendment reflects the elimination of cross petitions for review, referenced in the amended Section 1201.114.

Section 1201.116 Compliance With Orders for Interim Relief

This amendment simplifies the Board's procedures regarding interim relief. Under the prior version of the regulation, parties were frequently confused by the distinction between a challenge to an agency's certification of compliance with an interim relief order and an allegation of noncompliance with an initial decision that ordered interim relief. The amendment will further simplify the processing of challenges to interim relief by imposing a requirement that the agency provide evidence of interim relief when filing a petition for review. However, the amendment does not alter, contradict,

and/or overrule any requirements regarding when interim relief may be required, including, but not limited to, the Board's recent decision in *Stewart v. Department of Transportation*, 2023 MSPB 18.

Section 1201.117 Board Decisions; Procedures for Review or Reopening

This amendment reflects the clarification to Section 1201.118 that the Board retains sole discretion to reopen decisions (versus vesting in the parties a right to request reopening).

Section 1201.118 Board Reopening of Final Decisions

This amendment clarifies that parties do not have the right to request reopening an appeal under the Board's procedures, and further do not have the right to a response from the Board to any request for reopening. This amendment further clarifies that any response to a request for reopening from the Office of the Clerk of the Board does not constitute a final order or decision of the Board. The Board is making this modification in light of recent decisions from the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) that questioned whether letters from the Office of the Clerk of the Board in response to requests to reopen an appeal constituted a final order or decision of the Board subject to judicial review.

Subpart E—Procedures for Cases Involving Allegations of Discrimination

Section 1201.155 Requests for Review of Final Grievance or Arbitrator's Decisions

This amendment is primarily made to the title of the section and is made to clarify that requests for review of decisions arising out of negotiated grievance procedures are not limited to decisions issued by arbitrators.

Subpart F—Enforcement of Final Decisions and Orders

Section 1201.182 Petition for Enforcement

This amendment reflects the longstanding requirement that all submissions related to the issuance of a final Board decision or order issued pursuant to 5 CFR 1201.155 must be filed with the Office of the Clerk of the Board. On occasion, parties send such submissions to other offices within the Board, which can lead to processing delays for the submissions.

Section 1201.183 Procedures for Processing Petitions for Enforcement

This amendment makes multiple modifications to the Board's procedures

for petitions for enforcement to simplify and expedite the processing of petitions for enforcement. The amendment makes clear that only settlement agreements that have been entered into the record for purposes of enforcement will be enforceable by the Board, to dispel any notion that the Board can enforce the terms of a settlement agreement that was not entered into the record before the Board. The amendment also requires agencies to provide the Board with an email address where pleadings can be served, as the Board has been notified on occasion that agencies were not receiving submissions in petitions for enforcement due to the departure of staff.

The amendment also clarifies that discovery in petitions for enforcement is limited to issues regarding enforcement, by removing the phrase "regular discovery procedures," which led parties to believe that discovery on issues outside of enforcement could be conducted. The amendment further specifies what a noncomplying party must submit to demonstrate compliance after a finding of noncompliance. Under the prior version of the regulation, parties often submitted evidence of purported compliance without explaining why the evidence demonstrated compliance, making it difficult for the Board to determine whether compliance was reached. Finally, the amendment specifies that petitions seeking attorney fees for work on enforcement proceedings will be governed by the Board's regulation covering attorney fees at 5 CFR 1201.203(d).

Subpart H—Attorney Fees (Plus Costs, Expert Witness Fees, and Litigation Expenses, Where Applicable) and Damages (Consequential, Liquidated, and Compensatory)

Section 1201.204 Proceedings for Consequential, Liquidated, or Compensatory Damages

This amendment primarily rearranges the prior 1201.204 in order to make the process more easily understood. The amendment also eliminates the requirement that parties make a request for consequential, liquidated, or compensatory damages by the end of the pre-hearing conference. The prior requirement that the parties make requests for consequential, liquidated, or compensatory damages by the end of the pre-hearing conference unnecessarily risked precluding the parties from raising such claims, and it created potential confusion about their option to pursue them in addendum proceedings. Finally, the amendment

amends the regulation to remain consistent with the modification made to 5 CFR 1201.41 that only appellants may request a hearing for damages, and that an administrative judge cannot force an appellant to have a hearing for damages without the appellant's consent.

Part 1203—Procedures for Review of Rules and Regulations of the Office of Personnel Management

Section 1203.12 Granting or Denying the Request for Regulation Review

This amendment modifies the prior 1203.12 to better communicate what action the Board will take when it grants a request to review an OPM regulation. It is the Board's view that the prior version of the regulation focused too heavily on what the Board includes in its orders, and it did not sufficiently communicate the Board's role and functions during the regulation review process. The amended regulation explains that the Board's role is to determine whether any regulation would require, on its face or as implemented, an individual to commit a prohibited personnel practice.

Section 1203.13 Filing Pleadings

This amendment reduces the number of filings that must be sent to the Board to properly file a request to review an OPM regulation, and it allows requests to be filed with the Board electronically. Both modifications are being made in order to aid the Board's ongoing transition away from maintenance of paper files.

Section 1203.14 Serving Documents

This amendment modifies the Board's procedures to allow requests to review OPM regulations to be filed with the Board and served on other parties electronically, in order to aid the Board's ongoing transition away from maintenance of paper files.

Section 1203.21 Final Order of the Board

This amendment clarifies that, consistent with Federal Circuit case law, the Board's decision in a regulation review case will be considered a final decision of the Board subject to judicial review if the Board grants a request to review a regulation and considers the merits of the request. The Board previously relied on 5 CFR 1201.113 as its authority for the finality of decisions in regulation review matters, but upon further study of the matter, the Board believes that section 1201.113 should not serve as the authority for finality because that section applies to petitions for review in appellate cases, whereas

the Board's regulation review procedures arise under its original jurisdiction. The amendment will specify which decisions in regulation review matters can be considered final, appealable decisions of the Board, and will avoid confusion by not treating the matter like a case under the Board's appellate jurisdiction.

Part 1209—Practices and Procedures for Appeals and Stay Requests of Personnel Actions Allegedly Based on Whistleblowing or Other Protected Activity

Subpart A—Jurisdiction and Definitions

Section 1209.2 Jurisdiction

This amendment corrects an errant reference to the incorrect statutory section.

Section 1209.4 Definitions

This amendment corrects an errant reference to the incorrect regulatory definition.

III. Effective Date of Amendments

The amendments described above will go into effect on October 7, 2024.

IV. Procedural Requirements

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), MSPB has determined that good cause exists for waiving the general notice of proposed rulemaking and public comment procedures as to these technical amendments. The notice and comment requirements of section 553(b) do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice. The Board finds that use of an interim final rule instead of notice and comment rulemaking is appropriate here because the amendments contained herein apply solely to the Board's rules of agency organization, procedure, or practice. All of the amendments solely address how appeals proceed at the Board, and do not affect any substantive rights of parties before the Board or interested stakeholders. No substantive changes in existing law or policy are effected by these amendments. Under these circumstances, notice and comment rulemaking is unnecessary and not required by any public interest.

B. Regulatory Impact Analysis: Executive Order 12866

The MSPB has determined that this is not a significant regulatory action under E.O. 12866. Therefore, no regulatory impact analysis is required.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). As discussed above, notice and comment rulemaking is unnecessary for these changes due to the lack of substantive changes being made to existing law or policy. Thus, the RFA does not apply to this final rule.

D. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. Chapter 35).

E. 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 5 CFR Parts 1200, 1201, 1203, and 1209

Administrative practice and procedure.

For the reasons set forth above, 5 CFR parts 1200, 1201, 1203, and 1209 are amended as follows:

PART 1200—BOARD ORGANIZATION

■ 1. The authority citation for part 1200 continues to read as follows:

Authority: 5 U.S.C. 1201 *et seq.*, unless otherwise noted.

■ 2. Revise § 1200.3 to read as follows:

§ 1200.3 How the Board members make decisions.

(a) The three Board members make decisions in all cases by majority vote except in circumstances described in paragraph (b) of this section or as otherwise provided by law.

(b) When there are at least two Board members and, due to a vacancy, recusal or other reasons, the Board members are unable to decide any case by majority vote, the decision, recommendation, or other order under review may be deemed the final decision or order of the Board. The Chairman of the Board may direct the issuance of an order consistent with this paragraph (b).

(c) When due to vacancies, recusals, or other reasons, only one Board member is able to act, the Board

member may direct the following types of matters to an administrative judge or other official:

(1) A party's request to withdraw his/her appeal or petition for review for final disposition;

(2) A newly raised claim that was not previously adjudicated in the appeal currently under review for docketing and adjudication;

(3) A settlement for possible final disposition, including a determination of whether the parties actually reached a settlement, understood its terms, and agreed whether it is to be enforceable by the Board; or

(4) A matter for further development of the record.

(d) When due to vacancies, recusals, or other reasons no Board member is able to act, the Clerk of the Board may direct the following types of matters to an administrative judge or other official:

(1) A party's request to withdraw his/her appeal or petition for review for final disposition;

(2) A newly raised claim that was not previously adjudicated in the appeal currently under review for docketing and adjudication;

(3) A settlement for possible final disposition, including a determination of whether the parties actually reached a settlement, understood its terms, and agreed whether it is to be enforceable by the Board; or

(4) A matter for further development of the record.

(e) Decisions and orders issued pursuant to paragraph (b) of this section shall not be precedential.

■ 3. Add § 1200.5 to subpart A to read as follows:

§ 1200.5 Conduct policy.

The Board may issue a policy governing the conduct of the parties for all appeals before the Board and of parties and any other individuals in communications with the Board. Such policy may include rules regarding prohibited conduct and vexatious filing by a party, witness, representative, or other individual, as well as potential sanctions or other consequences for violations of the policy. Any policy established pursuant to this regulation will be made publicly available via the Board's website (www.mspb.gov).

PART 1201—PRACTICES AND PROCEDURES

■ 4. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

■ 5. In § 1201.3, revise the last sentence in paragraph (c)(3) to read as follows:

§ 1201.3 Appellate jurisdiction.

* * * * *

(c) * * *

(3) * * * The request must be filed with the Clerk of the Board in accordance with § 1201.155.

■ 6. In § 1201.22, revise the last sentence of paragraph (b)(3) introductory text to read as follows:

§ 1201.22 Filing an appeal and responses to appeals.

* * * * *

(b) * * *

(3) * * * The following examples, while not controlling, illustrate potential application of this rule:

* * * * *

■ 7. In § 1201.23, redesignate the introductory text as paragraph (a) introductory text and examples 1 and 2 as paragraphs (a)(1) and (2), respectively, add a paragraph (a) heading, and add paragraph (b).

The additions read as follows:

§ 1201.23 Computation of time.

(a) *Computation of deadlines.* * * *

* * * * *

(b) *Changes to the computation of deadlines.* At MSPB's discretion, the computation of deadlines may be changed due to events that broadly affect the ability of parties with appeals before MSPB to file pleadings and/or MSPB's ability to serve issuances, such as MSPB system outages or government shutdowns. In these circumstances, any information concerning changes to the computation of deadlines will be addressed by MSPB through a press release posted to MSPB's website.

■ 8. In § 1201.33, revise the third sentence of paragraph (a) to read as follows:

§ 1201.33 Federal witnesses.

(a) * * * When a desired witness is employed by an agency that is not a party to the Board proceeding, the requesting party may avail itself of the provisions of §§ 1201.81 through 1201.85 regarding subpoenas to ensure the attendance of the witness. * * *

* * * * *

■ 9. In § 1201.41, revise paragraph (b)(5) and amend paragraph (b)(6) by removing the words "as appropriate," and adding in their place "by appropriate method," and add paragraph (c)(2)(iii).

The revision and addition read as follows:

§ 1201.41 Judges.

* * * * *

(b) * * *

(5) Grant an appellant's request for a hearing;

* * * * *

(c) * * *

(2) * * *

(iii) The judge may rescind a settlement agreement and reinstate the underlying matter on appeal in accordance with § 1201.183(a)(8)(ii).

■ 10. In § 1201.56, revise paragraph (b)(2)(ii) to read as follows:

§ 1201.56 Burden and degree of proof.

* * * * *

(b) * * *

(2) * * *

(ii) In appeals from final decisions of the Office of Personnel Management (OPM) involving retirement benefits, if the appellant filed the application, the appellant has the burden of proving, by a preponderance of the evidence (as defined in § 1201.4(q)), entitlement to the benefits.

* * * * *

■ 11. In § 1201.72, revise the first sentence in paragraph (a), the first sentence in paragraph (c), and revise paragraph (d)(2) to read as follows:

§ 1201.72 Explanation and scope of discovery.

(a) * * * Discovery is the process, apart from the hearing, by which a party may obtain relevant information, including the identification of potential witnesses, from a party or nonparty, that the other party or nonparty has not otherwise provided. * * *

* * * * *

(c) * * * Parties may use one or more of the following methods for obtaining discovery from parties or nonparties: written interrogatories, depositions, requests for production of documents or things for inspection or copying, and requests for admission. * * *

(d) * * *

(2) The party seeking discovery has had sufficient opportunity through discovery in the action to obtain the information sought; or

* * * * *

■ 12. In § 1201.73:

■ a. Revise the last sentence of paragraph (b) and revise paragraph (d)(3);

■ b. Redesignate paragraphs (e)(2) and (3) as paragraphs (e)(4) and (5);

■ c. Add new paragraphs (e)(2) and (3); and

■ d. Revise the first sentence of the newly redesignated paragraph (e)(5).

The revisions and additions read as follows:

§ 1201.73 Discovery procedures.

* * * * *

(b) * * * Parties and nonparties may respond to discovery requests by electronic mail.

* * * * *

(d) * * *

(3)(i) Any motion for an order to compel or to issue a subpoena must be filed with the judge:

(A) Within 20 days of the date of service of objections or, if no response is received, within 10 days after the time limit for response has expired; or

(B) Within 10 days of notice that a nonmoving party or nonparty provided an evasive or incomplete answer or response to a discovery request.

(ii) A party may request an extension of the time limit to file a motion to compel with respect to any discovery dispute pursuant to § 1201.55. Any pleading in opposition to a motion to compel or subpoena discovery must be filed with the judge within 10 days of the date of service of the motion.

(e) * * *

(2) Absent prior approval by the judge, requests for documents served by parties upon another party or nonparty may not exceed 25 in number, including all discrete subparts.

(3) Absent prior approval by the judge, requests for admission served by parties upon another party or nonparty may not exceed 25 in number, including all discrete subparts.

* * * * *

(5) Requests to exceed the limitations set forth in paragraphs (e)(1) through (4) of this section may be granted at the discretion of the judge. * * *

■ 13. In § 1201.81, amend paragraph (a) by revising the first and last sentences and amend paragraph (b) by revising the last sentence to read as follows:

§ 1201.81 Requests for subpoenas.

(a) * * * Parties who have complied with 1201.73(c), as applicable, and wish to obtain subpoenas that would require the attendance and testimony of witnesses, or subpoenas that would require the production of documents or other evidence under 5 U.S.C. 1204(b)(2)(A), should file their motions for those subpoenas with the judge. * * * Subpoenas are not ordinarily required to obtain the attendance of Federal employees as witnesses because Federal agencies and their employees must comply with 5 CFR 5.4 and § 1201.33.

(b) * * * Each request must identify specifically the testimony, documents, or other evidence desired.

* * * * *

■ 14. Revise § 1201.82 to read as follows:

§ 1201.82 Motions to quash subpoenas.

Any person to whom a subpoena is directed, or any party, may file a motion to quash or limit the subpoena. The motion must include reasons why compliance with the subpoena should not be required or the subpoena's scope should be limited. A party must file the motion with the judge and serve it on the other parties. A non-party must file the motion with the judge, who will enter the motion into the record and serve the motion on all parties. For purposes of this section, judges may provide a method by which nonparties may file the motion electronically, including by email, notwithstanding § 1201.14(d). Any party may file a response to the motion within 10 days after the motion has been entered into the record, and the judge will specify the method of service of any such response upon a non-party.

■ 15. In § 1201.83, add paragraph (c) to read as follows:

§ 1201.83 Serving subpoenas.

* * * * *

(c) A party requesting the presence of a non-federal employee witness must pay that witness' fees and travel expenses in accordance with 5 U.S.C. 1204(b)(3) and 28 U.S.C. 1821. Those fees must be paid or offered to the witness at the time the subpoena is served.

■ 16. In § 1201.84, amend paragraph (b) by removing the word "or", amend paragraph (c) by removing the period at the end and adding in its place ", or", and add paragraph (d).

The addition reads as follows:

§ 1201.84 Proof of service.

* * * * *

(d) By any other method that is in accordance with applicable State law.

■ 17. Revise § 1201.85 to read as follows:

§ 1201.85 Enforcing subpoenas.

(a) If a person who has been served with a Board subpoena fails or refuses to comply with its terms, the party seeking compliance may file a written motion for enforcement with the judge. That party must present the document certifying that the subpoena was served and, except where the witness was required to appear before the judge, must submit an affidavit or sworn statement under 28 U.S.C. 1746 (see appendix IV) describing the failure or refusal to obey the subpoena. A written motion must be served upon the person who is alleged to be in noncompliance.

(b) The person who is alleged to be in noncompliance may file a response within 10 days. A party must file the

response with the judge and serve it on the other parties. Non-parties must file their response with the judge, who will enter the response into the record. The judge may waive § 1201.14(d) to accept a nonparty's response by email. Any party may file a reply to the response within 10 days after the response has been entered into the record.

(c) In ruling on a motion to quash, judges may rely on Fed.R.Civ.P. 45 and applicable case law. Upon a finding by the judge of failure to obey a subpoena, the Board, in accordance with 5 U.S.C. 1204(c), may then ask an appropriate U.S. district court to enforce the subpoena. If the person who has failed or refused to comply with a Board subpoena is located in a foreign country, the U.S. District Court for the District of Columbia will have jurisdiction to enforce compliance, to the extent that a U.S. court can assert jurisdiction over an individual in the foreign country.

(d) Upon application by the Special Counsel, the Board may seek court enforcement of a subpoena issued by the Special Counsel in the same manner in which it seeks enforcement of Board subpoenas, in accordance with 5 U.S.C. 1212(b)(3).

■ 18. In § 1201.113, revise paragraph (d) to read as follows:

§ 1201.113 Finality of decision.

* * * * *

(d) *Extensions.* The Board may extend the time limit for filing a petition for review for good cause shown as specified in § 1201.114. If no petition for review is filed within the extended time limit, the initial decision of the judge will become the Board's final decision upon the expiration of the extended time limit.

* * * * *

■ 19. In § 1201.114:

■ a. Revise the section heading and paragraph (a) introductory text;

■ b. Remove paragraph (a)(2);

■ c. Redesignate paragraph (a)(3) as paragraph (a)(2) and revise it;

■ d. Redesignate paragraphs (a)(4) and (5) as paragraphs (a)(3) and (4);

■ e. Revise newly redesignated paragraph (a)(4), paragraph (b), the first sentence of paragraph (c), and paragraphs (e), (g), (h), and (k).

The revisions read as follows:

§ 1201.114 Petition for review—content and procedure.

(a) *Pleadings allowed.* Pleadings allowed on review include a petition for review, which may be filed by either party, a response to a petition for review, and a reply to a response to a petition for review. Each party is limited to filing a single petition for review,

response to a petition for review, and reply to a response to a petition for review.

* * * * *

(2) A response to a petition for review may respond only to the arguments and assertions raised in the petition for review and does not contend that the initial decision was incorrectly decided in whole or in part. A response to another party's petition for review must be filed separately from a party's own petition for review.

* * * * *

(4) No pleading other than the ones described in this paragraph is permitted unless the party files a motion with and obtains leave from the Clerk of the Board. The motion must briefly describe the nature of and need for the requested pleading, *i.e.*, the motion must identify the requested pleading and briefly explain why the requested pleading is important. If the record is closed, as defined in paragraph (k) of this section, the motion must also show that the requested pleading is new and material, as defined in § 1201.115(a)(1) and (d), and that it was not readily available before the record closed. The party may not submit the requested pleading unless the Board issues an order granting the motion for leave. A filing characterized as a motion for leave that does not adhere to the above requirements will be rejected.

(b) *Contents of petition for review.* A petition for review states a party's objections to the initial decision, including all of the party's legal and factual arguments, and must be supported by references to applicable laws or regulations and by specific references to the record. Any petition for review that contains new evidence or argument must include an explanation of why the evidence or argument was not presented before the record below closed (see § 1201.59). A petition for review should not include documents that were part of the record below, as the entire administrative record will be available to the Board. A petition for review filed by an agency should address the agency's compliance with any interim relief requirements and should contain a certification, as set forth in § 1201.116(a).

(c) * * * Any party to the proceeding, the Director of the Office of Personnel Management (OPM), or the Special Counsel (under 5 U.S.C. 1212(c)) may file a petition for review. * * *

* * * * *

(e) *Time for filing.* Any petition for review must be filed within 35 days after the date of issuance of the initial decision or, if the petitioner shows that

the initial decision was received more than 5 days after the date of issuance, within 30 days after the date the petitioner received the initial decision. For purposes of this section, the date that the petitioner receives the initial decision is determined according to the standard set forth at § 1201.22(b)(3), pertaining to an appellant's receipt of an agency decision. If the petitioner is represented, the 30-day time period begins to run upon receipt of the initial decision by either the representative or the petitioner, whichever comes first. Any response to a petition for review must be filed within 25 days after the date of service of the petition. Any reply to a response to a petition for review must be filed within 10 days after the date of service of the response to the petition for review. For purposes of this section, § 1201.23 governs the computation of time.

* * * * *

(g) *Late filings.* Any pleading described in paragraph (a) of this section that is filed late must be accompanied by a motion that shows good cause for the untimely filing, unless the Board has specifically granted an extension of time under paragraph (f) of this section, or unless a motion for extension is pending before the Board. The motion must be accompanied by an affidavit or sworn statement under 28 U.S.C. 1746. (See appendix IV.) The affidavit or sworn statement must include: the reasons for failing to request an extension before the deadline for the submission, and a specific and detailed description of the circumstances causing the late filing, accompanied by supporting documentation or other evidence. Any response to the timeliness motion may be included in the response to the petition for review or may be filed separately. The response to the timeliness motion will not extend the time provided by paragraph (e) of this section to respond to the petition. In the absence of a motion, the Board may, in its discretion, determine on the basis of the existing record whether there was good cause for the untimely filing, or it may provide the party that submitted the pleading with an opportunity to show why it should not be dismissed or excluded as untimely.

(h) *Length limitations.* A petition for review, or a response to a petition for review, whether computer generated, typed, or handwritten, is limited to 30 pages or 7500 words. A reply to a response to a petition for review is limited to 15 pages or 3750 words. A party relying on word count to adhere to the length limitation must include

certification of the word count with their pleading. Argument formatted such that the length of the pleading cannot be determined may be rejected. Computer generated and typed pleadings must use no less than 12-point typeface and 1-inch margins and must be double spaced and only use one side of a page. The length limitation is exclusive of any table of contents, table of authorities, attachments, and certificate of service. Length limitations may not be circumvented by including argument in attachments. Failure to comply with the length limitations set forth in this regulation, after sufficient opportunity to comply, may lead to dismissal of the petition for review. A request for leave to file a pleading that exceeds the limitations prescribed in this paragraph must be received by the Clerk of the Board at least 3 days before the filing deadline. Such requests must give the reasons for a waiver as well as the desired length of the pleading and are granted only in exceptional circumstances. The page and word limits set forth above are maximum limits. Parties are not expected or required to submit pleadings of the maximum length.

* * * * *

(k) *Closing the record.* The record closes on expiration of the period for filing the last permissible pleading or the date on which the last permissible pleading is filed, whichever is earlier. Once the record closes, no additional argument or evidence may be filed without first requesting and receiving leave from the Clerk of the Board under paragraph (a)(4) of this section.

* * * * *

■ 20. In § 1201.115, revise the section heading and the introductory text to read as follows:

§ 1201.115 Criteria for granting petition for review.

The Board normally will consider only issues raised in a timely filed petition for review. Situations in which the Board may grant a petition for review include, but are not limited to, a showing that:

* * * * *

■ 21. Revise § 1201.116 to read as follows:

§ 1201.116 Compliance with orders for interim relief.

(a) *Certification of compliance.* (1) If the appellant was the prevailing party in the initial decision, and the decision granted the appellant interim relief, any petition for review filed by the agency must be accompanied by a certification

that the agency has complied with the interim relief order, either by:

(i) Providing the required interim relief; or

(ii) Satisfying the requirements of 5 U.S.C. 7701(b)(2)(A)(ii) and (B).

(2) Evidence of its compliance must accompany its petition for review. Failure by an agency to provide the certification and evidence required by this section with its petition for review may result in the dismissal of the agency's petition for review.

(b) *Allegation of noncompliance in petition for review.* If an appellant or an intervenor files a petition for review of an initial decision ordering interim relief and such petition includes a challenge to the agency's compliance with the interim relief order, the agency must submit evidence within 25 days of the date of service that it has provided the interim relief required or that it has satisfied the requirements of 5 U.S.C. 7701(b)(2)(A)(ii) and (B). The agency's evidence may be provided with any response to the petition for review or in a separate pleading.

(c) *Request for dismissal for noncompliance with interim relief order.* If the agency files a petition for review and the appellant believes the agency has not provided required interim relief, the appellant may request dismissal of the agency's petition. Any such request must be filed with the Clerk of the Board within 25 days of the date of service of the agency's petition, or within 25 days of the date upon which the appellant becomes aware that the agency has not provided, or has ceased to provide, interim relief. A copy of the request must be served on the agency at the same time it is filed with the Board. The agency may respond with evidence and argument to the appellant's request to dismiss within 15 days of the date of service of the request. If the appellant files a motion to dismiss beyond the time limit, the Board will dismiss the motion as untimely unless the appellant shows that it is based on information not readily available before the close of the time limit. Failure by an agency to provide the certification required by paragraph (a) of this section with its petition for review, or to provide evidence of compliance in response to a Board order, may result in the dismissal of the agency's petition for review.

(d) *Back pay and attorney fees.* Nothing in this section shall be construed to require any payment of back pay for the period preceding the date of the judge's initial decision or attorney fees before the decision of the Board becomes final.

■ 22. In § 1201.117, revise paragraph (a) introductory text to read as follows:

§ 1201.117 Board decisions; procedures for review or reopening.

(a) In any case that is reviewed, or reopened at the Board's discretion pursuant to § 1201.118, the Board may:

* * * * *

■ 23. Revise § 1201.118 to read as follows:

§ 1201.118 Board reopening of final decisions.

Regardless of any other provision of this part, the Board may at any time reopen any appeal in which it has issued a final order or in which an initial decision has become the Board's final decision by operation of law. The Board will exercise its discretion to reopen an appeal only in unusual or extraordinary circumstances and generally within a short period of time after the decision becomes final. The parties have no right to request reopening and no right to a response from the Board on a request for reopening. Any response to a request for reopening from the Office of the Clerk of the Board does not constitute a final order or decision of the Board, and thus is not subject to judicial review under 5 U.S.C. 7703 or § 1201.120.

■ 24. In § 1201.155, revise the section heading and add paragraph (g) to read as follows:

§ 1201.155 Requests for review of final grievance or arbitrator's decisions.

* * * * *

(g) *Petition for enforcement.* A petition for enforcement of a final Board decision or order that was issued pursuant to paragraphs (a) through (f) of this section, should be filed with the Office of the Clerk of the Board and should otherwise comply with the requirements set forth in § 1201.182(a).

■ 25. In § 1201.182, revise the second sentence of paragraph (a) to read as follows:

§ 1201.182 Petition for enforcement.

(a) * * * The petition must be filed promptly with the regional or field office that issued the initial decision, or with the Office of the Clerk of the Board if the party is requesting enforcement of a final Board decision or order that was issued pursuant to § 1201.155; a copy of it must be served on the other party and that party's representative; and it must describe specifically the reasons the petitioning party believes there is noncompliance. * * *

* * * * *

■ 26. In § 1201.183, revise paragraphs (a) and (b) and add paragraph (g) to read as follows:

§ 1201.183 Procedures for processing petitions for enforcement.

(a) *Initial processing of a petition for enforcement.* (1) When a party has filed a petition for enforcement of a final decision or order of the Board, or enforcement of a settlement agreement that has been entered into the Board's record for purposes of enforcement, the alleged noncomplying party must file one of the following within 15 days of the date of service of the petition:

(i) Evidence of compliance, including a narrative explanation of the calculation of back pay and other benefits, and supporting documents;

(ii) Evidence and/or a statement of the compliance actions that are in process and/or remain to be taken, along with a schedule for accomplishing full compliance within a reasonable period; or

(iii) A statement showing good cause for the failure to comply completely with the final decision or order of the Board, or with the terms of an applicable settlement agreement.

(2) The party that filed the petition may respond to the alleged noncomplying party's submission within 10 days after the date of service of the submission. The parties must serve copies of their pleadings on each other as required under § 1201.26(b)(2).

(3) If a party files a petition for enforcement seeking compliance with a final Board decision or order, the alleged noncomplying party generally has the burden of proving its compliance by a preponderance of the evidence. However, if any party files a petition for enforcement seeking compliance with the terms of a settlement agreement that has been entered into the Board's record for purposes of enforcement, that party has the burden of proving the other party's breach of the settlement agreement by a preponderance of the evidence.

(4) If the agency is the alleged noncomplying party, it shall submit the name, title, grade, and address of the agency official charged with complying with the Board's final decision or order, and inform such official in writing of the potential sanction for noncompliance as set forth in 5 U.S.C. 1204(a)(2) and (e)(2)(A), even if the agency asserts that it has fully complied. The agency must further submit a current initial contact email address that is regularly checked to ensure receipt of all information regarding the allegations of compliance. The agency must advise the Board of

any subsequent change to the identity and/or location of the designated agency official during the pendency of any compliance proceeding. In the absence of this information, the Board will presume that the highest-ranking agency official who is not appointed by the President by and with the consent of the Senate, is charged with compliance.

(5) Discovery may be pursued in accordance with the procedures set forth at §§ 1201.71 through 1201.75, except that unless otherwise directed by the judge, initial discovery requests must be served no later than 15 days after the alleged noncomplying party files a response to the petition for enforcement.

(6) The judge may convene a hearing to resolve compliance issues.

(7) If the judge finds that the alleged noncomplying party has fully complied with the final Board decision or order at issue, or with the applicable settlement agreement entered into the Board's record for purposes of enforcement, he or she will issue an initial decision to that effect. That decision will be subject to the procedures for petitions for review by the Board under subpart C of this part, and subject to judicial review under § 1201.120.

(8) If the judge finds that the alleged noncomplying party has not complied, in whole or in part, with the final Board decision or order at issue, or with the applicable settlement agreement entered into the Board's record for purposes of enforcement, he or she will issue an initial decision:

(i) Directing the noncomplying party to take the specific actions required by the final Board decision or order at issue, or required under the applicable settlement agreement entered into the Board's record for purposes of enforcement; or

(ii) Upon the request of the party seeking compliance where the judge finds a material breach, rescinding the applicable settlement agreement and reinstating the underlying matter on appeal.

(9) An initial decision issued under paragraph (a)(8) of this section will be subject to the procedures for petitions for review by the Board under subpart C of this part, but not subject to judicial review under § 1201.120.

(10) A copy of an initial decision finding full or partial noncompliance with a final Board decision or order, or a settlement agreement that has been entered into the Board's record for purposes of enforcement will be served on the designated agency official.

(b) *Processing after a finding of noncompliance that directs specific action.* (1) If an initial decision

described under paragraph (a)(8)(i) of this section is issued, the noncomplying party must do the following:

(i) To the extent that the noncomplying party agrees to take some or all of the actions required by the initial decision, the party must, within the time limit for filing a petition for review under § 1201.114(e), provide the Clerk of the Board with a statement of compliance certifying that the party has taken the actions identified in the initial decision, along with evidence establishing that the party has taken those actions. The narrative statement must explain in detail why the evidence of compliance satisfies the requirements set forth in the initial decision. The party seeking compliance may file evidence and argument in response to any statement of compliance within 20 days of the date of service of the statement of compliance.

(ii) To the extent that the noncomplying party declines to take some or all of the actions required by the initial decision, the party must file a petition for review under the provisions of §§ 1201.114 and 1201.115.

(iii) A statement of compliance and a petition for review, as described in the two preceding paragraphs, may be filed separately or as part of a single pleading.

(2) If an initial decision described under paragraph (a)(8)(i) of this section is issued, the party seeking compliance may also file a petition for review of an initial decision's finding of partial compliance with the Board's final decision or order, or with an applicable settlement agreement entered into the Board's record for purposes of enforcement.

* * * * *

(g) *Requests for attorney fees.* A request for attorney fees related to a petition for enforcement will be governed by § 1201.203 and must be made no later than 60 days after issuance of the Board's final decision issued under § 1201.183(c)(1).

■ 27. Revise § 1201.204 to read as follows:

§ 1201.204 Proceedings for consequential, liquidated, or compensatory damages.

(a) *Addendum proceeding.* (1) A request for consequential, liquidated, or compensatory damages will be decided in an addendum proceeding.

(2) A judge may, either on their own motion or on the motion of a party, consider a request for damages in a proceeding on the merits when the judge determines that such action is in the interest of the parties and will promote efficiency and economy in adjudication.

(b) *Initiation of addendum proceeding—(1) Time for making request.* A request for consequential, liquidated, or compensatory damages must be filed as soon as possible after a final decision of the Board on the merits of an appeal but no later than 60 days after the date on which such decision becomes final. The judge or the Board, as applicable, may waive the time limit for making such request for good cause shown, and upon a finding that a waiver would not result in undue prejudice to the opposing party.

(2) *Place of filing.* When the initial decision in the proceedings on the merits was issued by a judge in an MSPB regional or field office, the request must be filed with the applicable regional or field office. When the initial decision in the proceedings on the merits was issued by a judge at the Board's headquarters or when the only decision was a final decision issued by the Board itself, the request must be filed with the Clerk of the Board.

(3) *Form and content of request.* A request for consequential, liquidated, or compensatory damages must be made in writing and state the basis for entitlement to an award of such damages, and the amount of damages sought.

(4) *Service.* A copy of the request must be served on the other parties or their representatives at the time of the request. A party may respond to the request within the time limit established by the judge or the Board, as applicable.

(5) *Hearing; applicability of subpart B.* The judge may grant the appellant's request for a hearing on a request for consequential, liquidated, or compensatory damages and may apply appropriate provisions of subpart B of this part to the addendum proceeding.

(6) *Initial decision; review by the Board.* The judge will issue an initial decision in the addendum proceeding, adjudicating the request for damages. The initial decision shall then be subject to the provisions for a petition for review by the Board under subpart C of this part.

(7) *Request for damages made in proceeding before the Board.* Where a request for damages is made in a case which originates before the Board, the Board may:

(i) Consider both the merits of the case and the request for damages and issue a final decision; or

(ii) Remand the case to a judge for a new initial decision, either on the request for damages only or on both the merits and the request for damages.

(8) *EEOC review of decision on compensatory damages.* A final decision

of the Board on a request for compensatory damages pursuant to the Civil Rights Act of 1991 shall be subject to review by the Equal Employment Opportunity Commission as provided under subpart E of this part.

PART 1203—PROCEDURES FOR REVIEW OF RULES AND REGULATIONS OF THE OFFICE OF PERSONNEL MANAGEMENT

■ 28. The authority citation for part 1203 continues to read as follows:

Authority: 5 U.S.C. 1204(a), 1204(f), and 1204(h).

■ 29. In § 1203.12, revise paragraph (b) to read as follows:

§ 1203.12 Granting or denying the request for regulation review.

* * * * *

(b) If the Board grants a request, it will review the regulation to determine whether any provision, whether on its face or as implemented by the agency, would require any employee to violate 5 U.S.C. 2302(b).

■ 30. In § 1203.13:

- a. Revise the heading and the first and last sentences of paragraph (a); and
- b. Remove the first and second sentences of paragraph (d) and add one sentence in their place.

The revisions and addition read as follows:

§ 1203.13 Filing pleadings.

(a) *How to file.* A request for regulation review must be filed with the Office of the Clerk, U.S. Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419. * * * The Office of the Clerk will make all pleadings available for review by the public, including by posting the pleadings to the Board's website.

* * * * *

(d) * * * An initial filing in a request for review and other pleadings may be filed with the Office of the Clerk by mail, by commercial or personal delivery, by facsimile, or by e-filing in accordance with § 1201.14 of this chapter. * * *

* * * * *

■ 31. In § 1203.14, revise paragraph (c) to read as follows:

§ 1203.14 Serving documents.

* * * * *

(c) *Electronic filing.* An initial request for a regulation review and other pleadings in a regulation review proceeding may be filed with the Board and served upon other parties by electronic filing, provided the requirements of § 1201.14 of this chapter are satisfied.

■ 32. In § 1203.21, add paragraph (d) to read as follows:

§ 1203.21 Final order of the Board.

* * * * *

(d) *Final decision.* The decision of the Board is final and judicially appealable if the Board grants the request to review and addresses the merits of the request.

PART 1209—PRACTICES AND PROCEDURES FOR APPEALS AND STAY REQUESTS OF PERSONNEL ACTIONS ALLEGEDLY BASED ON WHISTLEBLOWING OR OTHER PROTECTED ACTIVITY

■ 33. The authority citation for part 1209 continues to read as follows:

Authority: 5 U.S.C. 1204, 1221, 2302(b)(8) and (b)(9)(A)(i), (B), (C), or (D), and 7701.

§ 1209.2 [Amended]

■ 34. In § 1209.2, remove “7121(d)” and add in its place “7121(b)” in paragraph (d)(1).

■ 35. In § 1209.4, revise the last sentence of paragraph (e) to read as follows:

§ 1209.4 Definitions.

* * * * *

(e) * * * It is a higher standard than “preponderance of the evidence” as defined in 5 CFR 1201.4(q).

* * * * *

Gina K. Grippando,
Clerk of the Board.

[FR Doc. 2024–19933 Filed 9–6–24; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0457; Project Identifier MCAI–2023–01207–T; Amendment 39–22790; AD 2024–14–09]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–02–10, which applied to certain Dassault Aviation Model FALCON 7X, FALCON 900EX, and FALCON 2000EX airplanes. AD 2022–02–10 required replacement of certain titanium screws. Since the FAA issued AD 2022–02–10, affected parts have been found in other areas of

certain Falcon 7X airplanes as well as in additional Falcon 7X airplanes. This AD continues to require the actions in AD 2022–02–10, adds other locations for screw replacement, and revises the applicability, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products. **DATES:** This AD is effective October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 15, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–0457; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

- For Dassault Aviation material identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; website dassaultfalcon.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–0457.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3226; email: tom.rodriguez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–02–10,

Amendment 39–21907 (87 FR 7025, February 8, 2022) (AD 2022–02–10). AD 2022–02–10 applied to certain Dassault Aviation Model FALCON 7X, FALCON 900EX, and FALCON 2000EX airplanes. AD 2022–02–10 was prompted by MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2021–0047, dated February 16, 2021 (EASA AD 2021–0047), to correct an unsafe condition. AD 2022–02–10 required replacement of certain titanium screws. The FAA issued AD 2022–02–10 to address failure of an affected screw installed in a critical location, possibly resulting in reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on March 6, 2024 (89 FR 15965). The NPRM was prompted by EASA AD 2023–0207, dated November 21, 2023 (also referred to as the MCAI). The MCAI states that since EASA issued AD 2021–0047, it was determined that affected parts have been installed in production in additional areas of certain Model FALCON 7X airplanes already included in the applicability of EASA AD 2021–0047. Additionally, it was determined that additional Model FALCON 7X airplanes were not

included in the applicability of EASA AD 2021–0047.

In the NPRM, the FAA proposed to continue to require the actions in AD 2022–02–10, add other locations for screw replacement, and revise the applicability, as specified in EASA AD 2023–0207. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0457.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed.

Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2023–0207 specifies procedures for replacing certain Decomatic titanium screws (including an inspection of the bore dimension and corrective actions (oversizing or repair)). The EASA AD also restricts installation of certain Decomatic titanium screws.

Dassault Service Bulletin 7X–467, Revision 2, dated March 20, 2023, specifies procedures for additional work.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 44 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2022–02–10	Up to 90 work-hours × \$85 per hour = \$7,650.	\$0	Up to \$7,650 ..	Up to \$336,600.
New proposed requirements	Up to 110 work-hours × \$85 per hour = \$9,350.	0	Up to \$9,350 ..	Up to \$411,400.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

(1) Is not a “significant regulatory action” under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–02–10, Amendment 39–21907 (87 FR 7025, February 8, 2022); and

■ b. Adding the following new AD:

2024–14–09 Dassault Aviation:

Amendment 39–22790; Docket No. FAA–2024–0457; Project Identifier MCAI–2023–01207–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 15, 2024.

(b) Affected ADs

This AD replaces AD 2022–02–10, Amendment 39–21907 (87 FR 7025, February 8, 2022) (AD 2022–02–10).

(c) Applicability

This AD applies to Dassault Aviation airplanes identified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2023–0207, dated November 21, 2023 (EASA AD 2023–0207).

- (1) Model FALCON 7X airplanes.
- (2) Model FALCON 900EX airplanes.
- (3) Model FALCON 2000EX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 51, Standard Practices/Structures.

(e) Unsafe Condition

This AD was prompted by a report of an improper heat treatment process applied during the manufacturing of certain Decomatic titanium screws, and by the determination that affected parts in additional areas on certain airplanes, as well as additional airplanes, are subject to the unsafe condition. The FAA is issuing this AD to address failure of an affected screw installed in a critical location, possibly resulting in reduced structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2023–0207.

(h) Exceptions to EASA AD 2023–0207

(1) Where EASA AD 2023–0207 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the “Remarks” section of EASA AD 2023–0207.

(3) Where the “Ref Publications” section of EASA AD 2023–0207 specifies “Dassault SB 7X–467 original issue dated 16 November 2020, Rev. 1 dated 12 December 2022 or Rev. 2 dated 20 March 2023,” this AD requires replacing that text with “Dassault Service Bulletin 7X–467, Revision 2, dated March 20, 2023.”

(i) Credit for Previous Actions

For Model FALCON 7X airplanes: This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Dassault Service Bulletin 7X–467, dated November 16, 2020, provided the additional work specified in Dassault Service Bulletin 7X–467, Revision 2, dated March 20, 2023, is accomplished within the applicable compliance time specified in EASA AD 2023–0207.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k)(1) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Dassault Aviation’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Additional Information

(1) For more information about this AD, contact Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3226; email: tom.rodriguez@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (l)(4) of this AD.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2023–0207, dated November 21, 2023.

(ii) Dassault Service Bulletin 7X–467, Revision 2, dated March 20, 2023.

(3) For EASA AD 2023–0207, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

(4) For Dassault Aviation material identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; website dassaultfalcon.com.

(5) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(6) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on September 3, 2024.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024–20163 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2024–1010; Project Identifier MCAI–2024–00079–T; Amendment 39–22792; AD 2024–15–01]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023–18–09, which applied to certain Dassault Aviation Model FALCON 900EX airplanes. AD 2023–18–09 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023–18–09, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2023–18–09 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is

issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 2, 2023 (88 FR 66683, September 28, 2023).

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1010; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website ad.easa.europa.eu.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1010.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3226; email tom.rodriguez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–18–09, Amendment 39–22550 (88 FR 66683, September 28, 2023) (AD 2023–18–09). AD 2023–18–09 applied to certain Dassault Aviation Model FALCON 900EX airplanes. AD 2023–18–09 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–18–09 to address among other things, fatigue

cracking and damage in principal structural elements.

The NPRM published in the **Federal Register** on April 25, 2024 (89 FR 31663). The NPRM was prompted by AD 2024–0034, dated January 31, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0034) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2023–18–09 and to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2024–0034. The FAA is issuing this AD to address among other things, fatigue cracking and damage in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1010.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0034 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2023–0047, dated March 2, 2023, which the Director of the Federal Register approved for incorporation by reference

as of November 2, 2023 (88 FR 66683, September 28, 2023).

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 158 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–18–09 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 2023–18–09, Amendment 39–22550 (88 FR 66683, September 28, 2023); and
 - b. Adding the following new airworthiness directive:

2024–15–01 Dassault Aviation:

Amendment 39–22792; Docket No. FAA–2024–1010; Project Identifier MCAI–2024–00079–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 15, 2024.

(b) Affected ADs

This AD replaces AD 2023–18–09, Amendment 39–22550 (88 FR 66683, September 28, 2023) (AD 2023–18–09).

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 900EX airplanes, serial number (S/N) 97 and S/Ns 120 and higher, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 15, 2023.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address among other things, fatigue cracking and damage in principal structural elements. The unsafe condition, if

not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2023–18–09, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 15, 2022: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0047, dated March 2, 2023 (EASA AD 2023–0047). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2023–0047, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–18–09, with no changes.

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2023–0047 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2023–0047 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after November 2, 2023 (the effective date of AD 2023–18–09).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0047 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2023–0047, or within 90 days after November 2, 2023 (the effective date of AD 2023–18–09), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2023–0047 do not apply to this AD.

(5) The “Remarks” section of EASA AD 2023–0047 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–18–09, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2023–0047.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in

accordance with, EASA AD 2024–0034, dated January 31, 2024 (EASA AD 2024–0034). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2024–0034

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0034.

(2) Paragraph (3) of EASA AD 2024–0034 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0034 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0034, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0034.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0034.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0034.

(m) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (n) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Dassault Aviation’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Additional Information

For more information about this AD, contact Tom Rodriguez, Aviation Safety

Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206-231-3226; email tom.rodriquez@faa.gov.

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following material was approved for IBR on October 15, 2024.

(i) European Union Aviation Safety Agency (EASA) AD 2024-0034, dated January 31, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on November 2, 2023 (88 FR 66683, September 28, 2023).

(i) EASA AD 2023-0047, dated March 2, 2023.

(ii) [Reserved]

(5) For EASA AD 2024-0034 and AD 2023-0047, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu; website easa.europa.eu. You may find these EASA ADs on the EASA website at ad.easa.europa.eu.

(6) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(7) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on July 16, 2024.

James D. Foltz,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024-20109 Filed 9-6-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-1891; Project Identifier MCAI-2024-00161-T; Amendment 39-22791; AD 2024-14-10]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A350-1041 airplanes. This AD was prompted by a

report of a production quality escape that could lead to deficiencies in surface protection on several left-hand and right-hand flap support structures. This AD requires a one-time detailed inspection of the affected parts at certain locations for evidence of corrosion or damage to the surface protection, repetitive detailed inspections of the affected parts at certain other locations for evidence of corrosion, and the accomplishment of applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 24, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 24, 2024.

The FAA must receive comments on this AD by October 24, 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-2024-1891; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this

material at the FAA, call 206-231-3195. It is also available at regulations.gov under Docket No. FAA-2024-1891.

FOR FURTHER INFORMATION CONTACT: Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7317; email dat.v.le@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2024-1891; Project Identifier MCAI-2024-00161-T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule 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 final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7317; email dat.v.le@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0061, dated March 6, 2024 (EASA AD 2024–0061) (also referred to as the MCAI), to address an unsafe condition for certain Airbus SAS Model A350–1041 airplanes. The MCAI states that a production quality escape has been identified that could lead to deficiencies in surface protection on the left-hand and right-hand flap support structures. These deficiencies include insufficient edge sealing around bushing installations and missing overpaint of the sealant (missing over-coating with elastic varnish to protect against hydraulic fluids). Insufficient surface treatment of areas of aluminum parts could result in corrosion initiation at the bushing location and reduced capability for all impacted areas of the affected parts to sustain ultimate load. This condition, if not addressed, could lead to in-flight detachment of the flap assembly, resulting in reduced control of the airplane.

The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1891.

Related Material Under 1 CFR Part 51

EASA AD 2024–0061 specifies procedures for a one-time detailed inspection of the affected parts at certain locations for evidence of corrosion or damage to the surface protection, repetitive detailed inspections of the affected parts at certain other locations for evidence of corrosion, and the accomplishment of applicable corrective actions. Corrective actions include restoration of anti-corrosion surface protection and repair. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2024–0061 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2024–0061 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2024–0061 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0061 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2024–0061. Material required by EASA AD 2024–

0061 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1891 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the forgoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product
One-time inspection	299 work-hours × \$85 per hour = \$25,415	\$7,160	\$32,575
Repetitive inspections	199 work-hours × \$85 per hour = \$16,915	7,170	24,085

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this AD.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby

reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2024–14–10 Airbus SAS: Amendment 39–22791; Docket No. FAA–2024–1891; Project Identifier MCAI–2024–00161–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 24, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0061, dated March 6, 2024 (EASA AD 2024–0061).

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of a production quality escape that could lead to deficiencies in surface protection on several left-hand and right-hand flap support structures. The FAA is issuing this AD to address insufficient surface treatment of areas of aluminum parts. This condition, if not addressed, could result in corrosion at the bushing location and reduced capability for all impacted areas of the affected parts to sustain ultimate load, which could lead to in-flight detachment of the flap assembly, resulting in reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0061.

(h) Exceptions to EASA AD 2024–0061

- (1) This AD does not adopt the "Remarks" section of EASA AD 2024–0061.
- (2) Where paragraph (1) of EASA AD 2024–0061 specifies to "accomplish a DET for evidence of corrosion," this AD requires replacing that text with "accomplish a DET for evidence of corrosion and for damage to the surface protection."
- (3) Where paragraph (4) of EASA AD 2024–0061 specifies if "any deficiency (as defined in the SB) is found," this AD requires replacing that text with if "any corrosion is found."

(i) Additional AD Provisions

The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.
- (2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved

by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

- (3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7317; email dat.v.le@faa.gov.

(k) Material Incorporated by Reference

- (1) The Director of the Federal Register approved the incorporation by reference (IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

- (i) European Union Aviation Safety Agency (EASA) AD 2024–0061, dated March 6, 2024.

(ii) [Reserved]

- (3) For EASA AD 2024–0061, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

- (4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

- (5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on July 12, 2024.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–20108 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2024–1300; Project Identifier MCAI–2024–00081–T; Amendment 39–22793; AD 2024–15–02]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023–25–07, which applied to all Dassault Aviation Model MYSTERE–FALCON 900 airplanes. AD 2023–25–07 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2023–25–07 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of February 7, 2024 (89 FR 244, January 3, 2024; corrected January 18, 2024 (89 FR 3342); corrected January 26, 2024 (89 FR 5088)).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1300; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1300.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3226; email *tom.rodriguez@faa.gov*.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–25–07, Amendment 39–22634 (89 FR 244, January 3, 2024; corrected January 18, 2024 (89 FR 3342); corrected January 26, 2024 (89 FR 5088)) (AD 2023–25–07). AD 2023–25–07 applied to all Dassault Aviation Model MYSTERE–FALCON 900 airplanes. AD 2023–25–07 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–25–07 to address reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on May 17, 2024 (89 FR 43339). The NPRM was prompted by AD 2024–0036, dated January 31, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0036) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2023–25–07 and to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2024–0036. The FAA is issuing this AD to address reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1300.

Discussion of Final Airworthiness Directive**Comments**

The FAA received comments from one individual who supported the NPRM without change.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0036 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2023–0046, dated March 2, 2023, which the Director of the Federal Register approved for incorporation by reference as of February 7, 2024 (89 FR 244, January 3, 2024; corrected January 18, 2024 (89 FR 3342); corrected January 26, 2024 (89 FR 5088)).

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 151 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–25–07 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive (AD) 2023–25–07, Amendment 39–22634 (89 FR 244, January 3, 2024; corrected January 18, 2024 (89 FR 3342); corrected January 26, 2024 (89 FR 5088)); and
- b. Adding the following new AD:

2024–15–02 Dassault Aviation:

Amendment 39–22793; Docket No. FAA–2024–1300; Project Identifier MCAI–2024–00081–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 15, 2024.

(b) Affected ADs

This AD replaces AD 2023–25–07, Amendment 39–22634 (89 FR 244, January 3, 2024; corrected January 18, 2024 (89 FR 3342); corrected January 26, 2024 (89 FR 5088)) (AD 2023–25–07).

(c) Applicability

This AD applies to all Dassault Aviation Model MYSTERE–FALCON 900 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Exception

This paragraph restates the requirements of paragraph (j) of AD 2023–25–07, with a new exception. Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0046, dated March 2, 2023 (EASA AD 2023–0046). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2023–0046, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–25–07, with no changes.

- (1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0046.
- (2) Paragraph (3) of EASA AD 2023–0046 specifies revising "the approved AMP" within 12 months after its effective date, but

this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after February 7, 2024 (the effective date of AD 2023–25–07).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0046 is at the applicable "limitations" and "associated thresholds" as incorporated by the requirements of paragraph (3) of EASA AD 2023–0046, or within 90 days after February 7, 2024 (the effective date of AD 2023–25–07), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0046.

(5) This AD does not adopt the "Remarks" section of EASA AD 2023–0046.

(i) Retained Restrictions on Alternative Actions or Intervals, With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–25–07, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals are allowed unless they are approved as specified in the provisions of the "Ref. Publications" section of EASA AD 2023–0046.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0036, dated January 31, 2024 (EASA AD 2024–0036). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2024–0036

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0036.

(2) Paragraph (3) of EASA AD 2024–0036 specifies revising "the approved AMP" within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0036 is at the applicable "limitations" and "associated thresholds" as incorporated by the requirements of paragraph (3) of EASA AD 2024–0036, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0036.

(5) This AD does not adopt the "Remarks" section of EASA AD 2024–0036.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections) or intervals are allowed unless they are

approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0036.

(m) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (n) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Dassault Aviation’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Additional Information

For more information about this AD, contact Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3226; email tom.rodriguez@faa.gov.

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following material was approved for IBR on October 15, 2024.

(i) European Union Aviation Safety Agency (EASA) AD 2024–0036, dated January 31, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on February 7, 2024 (89 FR 244, January 3, 2024; corrected January 18, 2024 (89 FR 3342); corrected January 26, 2024 (89 FR 5088)).

(i) EASA AD 2023–0046, dated March 2, 2023.

(ii) [Reserved]

(5) For EASA ADs 2023–0046 and 2024–0036, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find these EASA ADs on the EASA website at ad.easa.europa.eu.

(6) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(7) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on July 16, 2024.

James D. Foltz,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024–20113 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1879; Project Identifier AD–2023–00286–T; Amendment 39–22794; AD 2024–15–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–16–05, which applied to all The Boeing Company Model 777 airplanes. AD 2019–16–05 required identifying the part number, and the serial number if applicable, of the Captain’s and First Officer’s seats, and applicable on-condition actions for affected seats. This AD was prompted by reports of uncommanded fore/aft movement of the Captain’s and First Officer’s seats. This AD retains the requirements of AD 2019–16–05 and adds an inspection of previously omitted part numbers. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 15, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 8, 2019 (84 FR 45895, September 3, 2019).

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2023–1879; 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 final rule, any comments received, and other information. The

address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at regulations.gov under Docket No. FAA–2023–1879.

FOR FURTHER INFORMATION CONTACT:

Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3986; email: courtney.k.tuck@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–16–05, Amendment 39–19708 (84 FR 45895, September 23, 2019) (AD 2019–16–05). AD 2019–16–05 applied to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes. The NPRM published in the **Federal Register** on September 27, 2023 (88 FR 66310). The NPRM was prompted by reports of uncommanded fore/aft movement of the Captain’s and First Officer’s seats. In the NPRM, the FAA proposed to continue to require the actions of AD 2019–16–05 and add an inspection of previously omitted part numbers. The FAA is issuing this AD to address uncommanded fore/aft movement of the Captain’s and First Officer’s seats. Uncommanded fore/aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Boeing in support of the NPRM without change.

The FAA received additional comments from American Airlines and an individual commenter. The following

presents the comments received on the NPRM and the FAA's response.

Request for Credit for Previous Actions

American Airlines and an individual requested credit for the accomplishment of actions required by the previous revision of the service information if it can be shown through maintenance records that the required actions have already been accomplished.

The FAA agrees that credit may be granted, under specific conditions. Paragraph (j) of this AD has been added to identify these conditions.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 777–25–0607, Revision 2, dated January 27, 2023. The material describes procedures for identification of the part number, and the serial number if applicable, of the Captain's and First Officer's seats, and for applicable on-condition actions for affected seats including an inspection of each seat's fore/aft and vertical manual control levers for looseness, installation of serviceable seats, and a seat functional test after any cable adjustment.

The FAA also reviewed Boeing Special Attention Service Bulletin 777–25–0619, Revision 2, dated January 27, 2023. This material describes procedures for a detailed inspection and repetitive checks of the horizontal movement system for the Captain's and First Officer's seats for findings (e.g., evidence of cracks, scores, corrosion, dents, deformation, or visible wear; and incorrectly assembled microswitch assemblies, actuators, and limit switches), and applicable on-condition

actions. The on-condition actions include clearing the seat tracks of foreign object debris (FOD), overhauling the horizontal movement system, and replacing the horizontal actuator. This material also describes procedures for an optional terminating action for the repetitive checks by installing a serviceable Captain's or First Officer's seat.

This AD also requires Boeing Special Attention Service Bulletin 777–25–0619, Revision 1, dated August 8, 2018, which the Director of the Federal Register approved for incorporation by reference as of October 8, 2019 (84 FR 45895, September 3, 2019).

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**.

Costs of Compliance

The FAA estimates that this AD affects 327 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS PER SEAT

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Identification, seat (retained actions from AD 2019–16–05).	1 work-hour × \$85 per hour = \$85 ..	\$0	\$85	\$27,795.
Detailed inspection, horizontal movement system (retained actions from AD 2019–16–05).	1 work-hour × \$85 per hour = \$85 ..	0	\$85	\$27,795.
Checks, horizontal movement system (retained actions).	2 work-hours × 85 per hour = 170 per check cycle.	0	\$170 per check cycle	\$55,590 per check cycle.

The FAA estimates the following costs to do any on-condition actions that would be required. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS PER SEAT *

Action	Labor cost	Parts cost	Cost per product
Adjustment, control lever cable	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Overhaul, horizontal movement system	11 work-hours × \$85 per hour = \$935	Up to \$5,824	Up to \$6,759.
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Installation of serviceable seats	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Clearing FOD	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Replacement of the horizontal actuator	1 work-hour × \$85 per hour = \$85, per actuator.	\$7,937 per actuator	\$8,022 per actuator.
Functional test, adjusted control lever cable	1 work-hour × \$85 per hour = \$85	\$0	\$85.

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to \$46,064.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this 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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2019–16–05, Amendment 39–19708 (84 FR 45895, September 3, 2019); and
 - b. Adding the following new AD:

2024–15–03 The Boeing Company:
Amendment 39–22794; Docket No. FAA–2023–1879; Project Identifier AD–2023–00286–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 15, 2024.

(b) Affected ADs

This AD replaces AD 2019–16–05, Amendment 39–19708 (84 FR 45895, September 3, 2019) (AD 2019–16–05).

(c) Applicability

This AD applies to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded fore/aft movement of the Captain’s and First Officer’s seats. The FAA is issuing this AD to address uncommanded fore/aft movement of the Captain’s and First Officer’s seats. Uncommanded fore/aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Seat Part Number Identification and On-Condition Actions

Except as specified in paragraphs (i) and (j) of this AD: At the applicable time specified in paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 777–25–0607, Revision 2, dated January 27, 2023, do an inspection to determine the part number, and serial number as applicable, of the Captain’s and First Officer’s seats, and do all applicable on-condition actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0607, Revision 2, dated January 27, 2023. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain’s and First Officer’s seats can be conclusively determined from that review.

(h) Detailed Inspection and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified in paragraphs (i) and (j) of this AD: At the applicable times specified in paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 777–25–0619, Revision 2, dated January 27, 2023, do all applicable actions identified as “RC” (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0619, Revision 1, dated August 8, 2018, or Revision 2, dated January 27, 2023. As of the effective date of this AD, only Boeing Special Attention Service Bulletin 777–25–0619, Revision 2, dated January 27, 2023, may be used. Actions identified as terminating action in Boeing Special Attention Service Bulletin 777–25–0619, Revision 1, dated August 8, 2018, or Revision 2, dated January 27, 2023, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0619, Revision 1, dated August 8, 2018, or Revision 2, dated January 27, 2023.

(i) Exceptions to Service Bulletin Specifications

(1) Where Boeing Special Attention Service Bulletin 777–25–0619, Revision 2, dated January 27, 2023, uses the phrase “the Original issue date of this service bulletin,” this AD requires replacing those words with “October 8, 2019 (the effective date of AD 2019–16–05).”

(2) Where Boeing Special Attention Service Bulletin 777–25–0607, Revision 2, dated January 27, 2023, specifies compliance for certain actions “within 72 months after the Original issue date of this service bulletin,” this AD requires replacing those words with “within 36 months after October 8, 2019 (the effective date of AD 2019–16–05).”

(3) Where Boeing Special Attention Service Bulletin 777–25–0607, Revision 2, dated January 27, 2023, specifies compliance for certain actions “within 36 months after the Revision 2 date of this service bulletin,” this AD requires compliance within 36 months after the effective date of this AD.

(j) Acceptable Conditions for Compliance

If the airplane records show that an Ipeco Captain’s or First Officer’s seat meets any condition in figure 1 to paragraph (j) of this AD, the actions specified in this AD are not required for that seat.

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Figure 1 to Paragraph (j)—Alternative Acceptable Seats

Installation per Boeing Special Attention Service Bulletin –	And installation per Ipeco Service Bulletin –	Having Ipeco Part Number –	And additional required conditions –
777-25-0607, Revision 1, dated July 17, 2018	None	3A258-0041-01-2 or 3A258-0042-01-2	No additional conditions required.
	201-25-04, Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020; or Issue 4, dated January 28, 2021	3A201-0007-01-1 or 3A201-0008-01-1	The manual override cable maintenance has been completed on the seat in accordance with Ipeco Component Maintenance Manual 25-10-87, Revision 28, dated December 13, 2013, or subsequent revisions up to and including Revision 53, dated November 30, 2023.
	201-25-04, Issue 4, dated January 28, 2021	3A201-0007-01-1Z or 3A201-0008-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with Ipeco Component Maintenance Manual 25-10-87, Revision 28, dated December 13, 2013, or subsequent revisions up to and including Revision 53, dated November 30, 2023.
	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Does not have a serial number identified by the effectivity of the referenced Ipeco service bulletins.
	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	The manual override cable maintenance has been completed on the seat in accordance with Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 53, dated December 4, 2023.
	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	Does not have a serial number identified by the effectivity of the referenced Ipeco service bulletin.
	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 53, dated December 4, 2023.
Installation per Boeing Special Attention Service Bulletin –	And installation per Ipeco Service Bulletin –	Having Ipeco Part Number –	And additional required conditions –

777-25-0619, Revision 1, dated August 8, 2018	None	3A201-0007-01-1Z, 3A201-0008-01-1Z, 3A258-0041-01-2, 3A258-0041-01-1Z, 3A258-0042-01-2, or 3A258-0042-01-1Z	No additional conditions required.
	201-25-07, Issue 3, dated January 9, 2018; or Issue 4, dated April 20, 2020	3A201-0007-01-1 or 3A201-0008-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.
	201-25-08, Issue 4, dated January 29, 2018; or Issue 5, dated April 20, 2020; or Issue 6, dated April 6, 2021	3A201-0007-01-1 or 3A201-0008-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.
	258-25-13, Issue 3, dated November 27, 2017; or Issue 4, dated April 28, 2020; or Issue 5, dated November 1, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.
	258-25-14, Issue 4, dated January 29, 2018; or Issue 5, dated April 28, 2020	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.

BILLING CODE 4910-13-C**(k) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, AIR-520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR-520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2019-16-05 are approved as AMOCs for the corresponding provisions of this AD.

(5) For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled "RC Exempt," then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

(1) For more information about this AD, contact Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3986; email: *courtney.k.tuck@faa.gov*.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (m)(5) of this AD.

(m) 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.

(3) The following material was approved for IBR on October 15, 2024.

(i) Boeing Special Attention Service Bulletin 777-25-0607, Revision 2, dated January 27, 2023.

(ii) Boeing Special Attention Service Bulletin 777-25-0619, Revision 2, dated January 27, 2023.

(4) The following material was approved for IBR on October 8, 2019 (84 FR 45895, September 3, 2019).

(i) Boeing Special Attention Service Bulletin 777-25-0619, Revision 1, dated August 8, 2018.

(ii) [Reserved]

(5) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website *myboeingfleet.com*.

(6) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(7) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA,

visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on August 23, 2024.

Suzanne Masterson,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–20110 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–0184; Airspace Docket No. 23–AWP–69]

RIN 2120–AA66

Modification of Class D Airspace and Establishment of Class E Airspace; Sacramento Mather Airport, Sacramento, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D airspace extending upward from the surface to and including 2,600 feet mean sea level (MSL) and establishes Class E airspace extending upward from 700 feet above the surface at Sacramento Mather Airport, Sacramento, CA. Additionally, this action makes administrative modifications to update the airport's Class D airspace legal description. These actions support the safety and management of instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport.

DATES: Effective date 0901 UTC, December 26, 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: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence

Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published an NPRM for Docket No. FAA–2024–0184 in the **Federal Register** (89 FR 27695; April 18, 2024), proposing to modify Class D and establish Class E airspace at Sacramento Mather Airport, Sacramento, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

The Operations Support Group discovered that the proposed Class E5 northeast extension, as described in the NPRM, was from a different measurement point than the airport reference point (ARP). The Class E5 airspace area dimension remain the same. The amended legal description originated from the Mather's airport reference point to avoid misinterpretation of the distance. The amended text will read, “within 6 miles northwest and 9 miles southeast of the 054° bearing extending from 12.7 miles northeast to 37 miles northeast of the airport.”

Incorporation by Reference

Class D and Class E5 airspace designations are published in paragraphs 5000 and 6005, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points,

which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This action amends 14 CFR part 71 by modifying the Class D airspace and establishing Class E airspace extending upward from 700 feet above the surface at Sacramento Mather Airport, Sacramento, CA.

The Class D surface area is comprised of a 4.5-mile radius of the airport, up to and including 2,600 feet MSL. This airspace is modified to include an extension centered on the 061° bearing from the airport, extending 1.8 miles beyond the existing radius. This extension will better contain departing IFR operations while utilizing the Runway (RWY) 4 Left (L) and RWY 4 Right (R) obstacle departure procedures (ODP) until reaching the base of adjacent controlled airspace.

Class E airspace extending upward from 700 feet above the surface is established to appropriately contain arriving IFR operations below 1,500 feet above the surface and departing IFR operations until reaching 1,200 feet above the surface at Sacramento Mather Airport. The airport utilizes the Sacramento very high frequency omnidirectional range/tactical air navigation (VORTAC) Class E airspace for some of its procedure containment, but that airspace is not sufficient in containing the Area Navigation (RNAV) (Global Positioning System [GPS]) RWY 22L approach at Sacramento Mather Airport. On the same approach, the point at which an arriving aircraft is expected to descend below 1,500 feet above the surface lies within the hold-in-lieu of procedure turn holding pattern. By rule, that location requires the entirety of the holding area also be contained within Class E airspace extending upward from 700 feet above the surface.

Finally, the FAA makes administrative modifications to the airport's Class D airspace legal description. The location of the airspace is incorrect and is changed to read “Sacramento, CA” instead of

“Sacramento Mather Airport, CA.” The geographic coordinates of the airport are updated to match the FAA’s database. Lastly, Sacramento Mather Airport has part-time Class D airspace but does not include a part-time statement within the legal description. Part-time verbiage is added to the legal description to properly describe the airspace.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H,

Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 5000 Class D Airspace
* * * * *

AWP CA D Sacramento, CA [Amended]

Sacramento Mather Airport, CA
(Lat. 38°33′19″ N, long 121°17′50″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.5-mile radius of the airport, and within 1.9 miles each side of the 061° bearing from the airport, extending from the 4.5-mile radius to 6.3 miles northeast of the airport. 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.

* * * * *

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

AWP CA E5 Sacramento, CA [New]

Sacramento Mather Airport, CA
(Lat. 38°33′19″ N, long. 121°17′50″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the airport from the 075° bearing clockwise to the 210° bearing, and within 2.8 miles northwest and 2.4 miles southeast of the 054° bearing extending from the airport to 12.7 miles northeast, and within 6 miles northwest and 9 miles southeast of the 054° bearing extending from 12.7 miles northeast of the airport to 37 miles northeast, and within 2.8 miles either side of the 234° bearing extending from the airport to 10.9 miles southwest.

* * * * *

Issued in Des Moines, Washington, on September 3, 2024.

B.G. Chew,

*Group Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2024–20198 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. FDA–2024–N–4086]

Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Blood Collection Device for Cell-Free Nucleic Acids

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is classifying the blood collection device for cell-free nucleic acids 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 blood collection device for cell-free nucleic acids’ 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, in part by reducing regulatory burdens.

DATES: This order is effective September 9, 2024. The classification was applicable on August 7, 2020.

FOR FURTHER INFORMATION CONTACT:

Lindsey Coe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3556, Silver Spring, MD 20993–0002, 240–402–5267, Lindsey.Coe@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the blood collection device for cell-free nucleic acids as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness.

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 (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 510(k) process, when necessary, to market their device.

II. De Novo Classification

On January 10, 2020, FDA received Streck, Inc.’s request for De Novo classification of the Cell-Free DNA BCT. 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 August 7, 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 862.1676.¹ We have named the generic type of device blood collection device for cell-free nucleic acids, and it is identified as intended for medical purposes to collect, store, transport, and handle blood specimens and to stabilize and isolate cell-free nucleic acid components prior to further testing.

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—BLOOD COLLECTION DEVICE FOR CELL-FREE NUCLEIC ACIDS RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Blood pathogen exposure/injury.	Certain design verification and validation.
Failure to collect and transport sample.	Certain design verification and validation.
Insufficient sample quantity and quality.	Certain design verification and validation.

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

¹ 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.

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 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 862

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 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for part 862 continues to read as follows:

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

■ 2. Add § 862.1676 to subpart B to read as follows:

§ 862.1676 Blood collection device for cell-free nucleic acids.

(a) *Identification.* A blood collection device for cell-free nucleic acids is a device intended for medical purposes to collect, store, transport, and handle blood specimens and to stabilize and isolate cell-free nucleic acid components prior to further testing.

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

(1) Design verification and validation documentation must include appropriate design inputs and design outputs that are essential for the proper functioning of the device for its intended use, including all of its indications for use, and must include the following:

(i) Documentation demonstrating that appropriate, as determined by FDA, measures are in place (e.g., validated device design features and specifications) to ensure that users of blood collection device for cell-free nucleic acids devices are not exposed to undue risk of bloodborne pathogen exposure and operator injury during use of the device, including blood collection, transportation, and centrifugation processes.

(ii) Documentation demonstrating that appropriate, as determined by FDA, measures are in place (e.g., validated device design features and specifications) to ensure that the device reproducibly and reliably collects, transports, stabilizes, and isolates cell-free nucleic acids of sufficient yield and quality suitable for downstream applications as appropriate for its intended use. At a minimum, these measures must include:

(A) Data demonstrating that blood samples collected in the device have reproducible cell-free nucleic acid yields that are suitable, as determined by FDA, for downstream testing as appropriate for the intended use, including estimates of within-lot, within-device, and lot-to-lot variability;

(B) Data demonstrating that cell-free nucleic acid yields isolated from blood specimens collected into the device do not add clinically significant bias to test results obtained using the downstream application(s) described in the intended use. For devices indicated for use with multiple downstream applications, data demonstrating acceptable performance for each type of claimed use or, alternatively, an appropriate, as determined by FDA, clinical justification for why such data are not needed;

(C) Data demonstrating that the device appropriately stabilizes cell-free nucleic acids after sample collection, during

storage, and during transport over the claimed shelf life of the device;

(D) Data demonstrating that samples collected in the device have minimal levels of contamination with other types of nucleic acids present in cells or cellular components, and that these levels of contamination do not interfere with downstream testing;

(E) Data from analytical or clinical studies that demonstrate that, when used as intended, the device consistently draws a blood sample volume that is within the indicated fill range;

(F) Data from analytical or clinical studies that demonstrate that, when used as intended, cell-free nucleic acid yield, stability, and quality are not significantly impacted by interference due to other parts of the device (such as reduced or excess active ingredient) or specimen collection and processing procedures (such as hemolysis, centrifugation, or mixing of blood with anticoagulant or additives); and

(G) Data from analytical studies that demonstrate that the device is suitable for its intended use across all storage and sample handling conditions described in the device labeling, including device shelf life and shipping conditions (e.g., temperature, humidity, duration).

(iii) A protocol, reviewed and determined acceptable by FDA, that specifies the verification and validation activities that will be performed for anticipated device modifications to reevaluate performance claims or performance specifications. This protocol must include a process for assessing whether a modification to technology, engineering, performance, materials, specifications, or indications for use, or any combination thereof, could significantly affect the safety or effectiveness of the device. The protocol must include assessment metrics, acceptance criteria, and analytical methods for the performance testing of changes.

Dated: September 4, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20254 Filed 9–6–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 876**

[Docket No. FDA–2024–N–4059]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Endoscopic Pancreatic Debridement Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the endoscopic pancreatic debridement 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 endoscopic pancreatic debridement 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 September 9, 2024. The classification was applicable on December 23, 2020.

FOR FURTHER INFORMATION CONTACT:

Thelma Valdes, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2610, Silver Spring, MD 20993–0002, 301–796–9621, Thelma.Valdes@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Upon request, FDA has classified the endoscopic pancreatic debridement device as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness.

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 part 860, subpart D (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 510(k) process, when necessary, to market their device.

II. De Novo Classification

On March 16, 2020, FDA received Interscope, Inc.’s request for De Novo classification of the EndoRotor. 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 December 23, 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 876.4330.¹ We have named the generic type of device endoscopic pancreatic debridement device, and it is identified as a device intended to be inserted via an endoscope and placed through a cystogastrostomy fistula into the pancreatic cavity. It is intended for removal of necrotic tissue from a walled off pancreatic necrosis (WOPN) cavity.

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—ENDOSCOPIC PANCREATIC DEBRIDEMENT DEVICE RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Adverse tissue reaction	Biocompatibility evaluation, and Pyrogenicity testing.
Infection	Sterilization validation, Pyrogenicity testing, Shelf life testing, Package integrity testing, and Labeling.
Electrical shock/electromagnetic interference	Electrical safety testing, and Electromagnetic compatibility testing.
Injury due to device malfunction or device misuse:	Clinical performance testing; Software validation, verification, and hazard analysis;
• Injury to pancreas or other non-target tissue.	Non-clinical performance testing; Labeling; and Training.
• Stent dislodgement.	
Injury due to procedure or device:	Clinical performance testing, Labeling, and Training.
• Hemorrhage/gastrointestinal (GI) bleeding.	
• Pneumoperitoneum.	
• Sepsis/multiorgan failure.	
• Morcellation of malignant tissue.	

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.

¹ 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.

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 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 876

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 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

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

■ 2. Add § 876.4330 to subpart E to read as follows:

§ 876.4330 Endoscopic pancreatic debridement device.

(a) *Identification.* An endoscopic pancreatic debridement device is inserted via an endoscope and placed through a cystogastrostomy fistula into the pancreatic cavity. It is intended for removal of necrotic tissue from a walled off pancreatic necrosis (WOPN) cavity.

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

(1) Clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use, including evaluation of debridement of walled off pancreatic necrosis and all adverse events.

(2) The patient-contacting components of the device must be demonstrated to be biocompatible.

(3) Performance data must demonstrate the sterility of the patient-contacting components of the device.

(4) The patient-contacting components of the device must be demonstrated to be non-pyrogenic.

(5) Performance testing must support the shelf life of device components provided sterile by demonstrating continued sterility, package integrity, and device functionality over the labeled shelf life.

(6) 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) Testing of rotational speeds and vacuum pressure;

(ii) Functional testing including testing with all device components and the ability to torque the device; and

(iii) Functional testing in a relevant tissue model to demonstrate the ability to resect and remove tissue.

(7) Performance data must demonstrate the electromagnetic compatibility (EMC) and electrical safety of the device.

(8) Software verification, validation, and hazard analysis must be performed.

(9) Training must be provided so that upon completion of the training program, the user can resect and remove tissue of interest while preserving non-target tissue.

(10) Labeling must include the following:

(i) A summary of the clinical performance testing conducted with the device;

(ii) Instructions for use, including the creation of a conduit for passage of endoscope and device into a walled off pancreatic necrotic cavity;

(iii) Unless clinical performance data demonstrates that it can be removed or modified, a boxed warning stating that the device should not be used in patients with known or suspected pancreatic cancer;

(iv) The recommended training for safe use of the device; and

(v) A shelf life for any sterile components.

Dated: September 4, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–20248 Filed 9–6–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Sanctions Regulations Web General License 5P

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one general license (GL) issued pursuant to the Venezuela Sanctions Regulations: GL 5P, which was previously made available on OFAC's website.

DATES: GL 5P was issued on August 12, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On August 12, 2024, OFAC issued GL 5P to authorize certain transactions otherwise prohibited by the Venezuela Sanctions Regulations (VSR), 31 CFR part 591. GL 5P was made available on OFAC's website (<https://ofac.treasury.gov>) when it was issued. GL 5P supersedes GL 5O, which was issued on April 15, 2024. The text of GL 5P is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 5P

Authorizing Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After November 12, 2024

(a) Except as provided in paragraph (b) of this general license, on or after

November 12, 2024, all transactions related to, the provision of financing for, and other dealings in the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond that would be prohibited by subsection l(a)(iii) of Executive Order (E.O.) 13835 of May 21, 2018, as amended by E.O. 13857 of January 25, 2019, and incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), are authorized.

(b) This general license does not authorize any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V.

(c) Effective August 12, 2024, General License No. 5O, dated April 15, 2024, is replaced and superseded in its entirety by this General License No. 5P.

Lisa M. Palluconi,

Acting Director Office of Foreign Assets Control.

Dated: August 12, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–20224 Filed 9–6–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0741]

RIN 1625–AA00

Safety Zone; Missouri River Mile Markers 19–20 Florissant, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Missouri River at mile markers (MM) 19 through 20. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a power line wire crossing near Florissant, MO. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Upper Mississippi River.

DATES: For the purposes of enforcement, actual notice will be used from September 5, 2024, until September 9, 2024. This rule is effective without actual notice from September 9, 2024 through September 20, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–

0741 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MST1 Benjamin Conger, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2573, email Benjamin.D.Conger@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
MM Mile marker
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because of potential hazards created by the power line crossing over the Missouri River that need to be addressed. As such, the Coast Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It is impracticable to publish an NPRM because we must establish this safety zone by September 5, 2024.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the power line crossing starting September 5, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Upper Mississippi (COTP) has determined that potential hazards associated with the power line crossing starting September 5, 2024, will be a safety concern for anyone operating in or transiting the Missouri River from or between MM 19–20. This rule is needed to protect

personnel, vessels, and the marine environment in the navigable waters within the safety zone while the power line crossing is being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone during a power line crossing project over the Missouri River on September 5, 2024 through September 20, 2024. The safety zone will cover all navigable waters from MM 19–20. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the power line crosses the Missouri River. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative. The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in the size of the safety zone as conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Safety Marine Information Broadcast (SMIB), as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on a safety zone located on the Missouri River between MM 19–20 near Florissant, MO. The safety zone will be active only while work associated with the power line crossing is being

conducted, from September 5, 2024, until September 20, 2024.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship

between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone encompassing the width of the Missouri River between MM 19 through 20. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER**

INFORMATION CONTACT section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0741 to read as follows:

§ 165.T08–0741 Safety Zone; Missouri River, Mile Markers 19–20, Florissant, MO.

(a) *Location.* The following area is a safety zone: all navigable waters within the Missouri River, Mile Markers (MM) 19–20.

(b) *Enforcement period.* This section is subject to enforcement from September 5, 2024, through September 20, 2024.

(c) *Regulations.* (1) In accordance with the general safety zone regulations in subpart C of this part, entry of persons or vessels into this safety zone described in paragraph (a) of this section is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size or scope of the safety zone as ice or flood conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs),

and/or Safety Marine Information Broadcast (SMIB) as appropriate.

Dated: September 3, 2024.

A.R. Bender,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2024–20206 Filed 9–6–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0768]

RIN 1625–AA00

Safety Zone; Bay St. Louis, MS

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters at the opening of St. Louis Bay, extending the entire width of the channel, approximately 1 mile south of the Hwy 90 Bridge in Bay St. Louis, MS. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the 2024 Swim Across the Bay on September 15, 2024, from 7 to 9:30 a.m. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Mobile.

DATES: This rule is effective on September 15, 2024, from 7 until 9:30 a.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0768 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Lawrence J. Schad, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone: 251–441–5678, email: sectormobilewaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to publish an NPRM because we must establish this safety zone by September 15, 2024.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with the 2024 Swim Across the Bay.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Mobile (COTP) has determined that potential hazards associated with the 2024 Swim Across the Bay on September 15, 2024, will be a safety concern for anyone within one mile south of the Hwy 90 Bridge in Bay St. Louis, MS. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the 2024 Swim Across the Bay.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 until 9:30 a.m. on September 15, 2024. The safety zone will cover all navigable waters at the opening of St. Louis Bay, extending the entire width of the channel, approximately one mile south of the Hwy 90 Bridge in Bay St. Louis, MS. The duration of the zone is intended to ensure the safety of life for the maritime public and event participants from potential hazards created by a swim event crossing the navigable channel. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration, of the safety zone. This safety zone will only restrict navigation for approximately two and a half hours near the opening of St. Louis Bay, approximately one mile south of the Hwy 90 Bridge in Bay St. Louis, MS, extending the entire width of the channel. Moreover, the Coast Guard will issue a Local Notice to Mariners (LNM) about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit mariners and the public near the opening of St. Louis Bay, extending the entire width of the channel approximately 1 mile south of the Hwy 90 Bridge in Bay St. Louis, MS. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T08-0768 to read as follows:

§ 165.T08-0768 Safety Zone; Bay St. Louis, MS.

(a) *Location.* The following area is a safety zone: All navigable waters of St. Louis Bay, Bay St. Louis, MS, bound by a line connecting the following

coordinates beginning at 30°19.133' N, 89°19.317' W, thence to 30°18.967' N, 89°17.417' W, thence to 30°18.367' N, 89°19.650' W, thence to 30°18.300' N, 89°17.567' W, then back to the point of origin.

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

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. No person may anchor, dredge, or trawl in the safety zone unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's designated representative on VHF-CH 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced September 15, 2024, from 7 to 9:30 a.m. The enforcement period will be announced via marine broadcast, local notice to mariners, or by an on-scene oral notice as appropriate.

Dated: September 3, 2024.

M.O. Vega,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2024-20211 Filed 9-6-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 214 and 251

RIN 0596-AD56

Special Uses; Land Use Fees; Temporary Land Use Fee Reductions for Recreation Residence Permits

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service (Forest Service or Agency), United States Department of Agriculture, is issuing this final rule to update its special uses regulations, consistent with the requirement in the Cabin Fee Act, to provide for suspension or temporary

reduction of the land use fee for a recreation residence permit if access to or occupancy of the recreation residence is significantly restricted.

DATES: The final rule is effective October 9, 2024.

FOR FURTHER INFORMATION CONTACT: Brandon Smith, Lands, Minerals, and Geology Management Staff, (406) 491-1605 or brandon.c.smith@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:

Background

The Forest Service administers the use and occupancy of National Forest System lands through issuance of special use authorizations. The Forest Service administers approximately 74,000 special use authorizations, including nearly 14,000 recreation residence permits for use and occupancy of National Forest System lands across 24 states and 114 national forests. Recreation residences are privately owned cabins that have been authorized on National Forest System lands since 1915. Like other types of special use authorizations, permits for recreation residences are subject to an annual land use fee, payable in advance at the beginning of the calendar year.

Need for the Final Rule

The Cabin Fee Act of 2014 (16 U.S.C. 6214) establishes a tiered fee structure for the use and occupancy of recreation residences on National Forest System lands. Section (f)(3)(A) of the Cabin Fee Act (16 U.S.C. 6214(f)(3)(A)) requires the Forest Service to establish criteria by which the annual land use fee for a recreation residence permit may be suspended or temporarily reduced if access to or occupancy of the recreation residence is significantly restricted. Section (f)(3)(B) of the Cabin Fee Act (16 U.S.C. 6214(f)(3)(B)) requires the determination of whether to suspend or temporarily reduce the annual land use fee for a recreation residence permit to be administratively appealable.

Revisions to 36 CFR Part 214

The final rule amends 36 CFR 214.4(c) by adding paragraph (6) to provide for appeal of a decision of whether to temporarily reduce the annual land use fee for a recreation residence permit during significantly restricted access to or occupancy of the recreation residence.

Revisions to 36 CFR Part 251, Subpart B

The final rule adds a definition to 36 CFR 251.51 for the term “significantly restricted access to or occupancy of a recreation residence,” which is defined as when access to or occupancy of a recreation residence is prohibited by law for a period of at least 30 consecutive calendar days (a) by an order issued under 36 CFR part 261, subpart B, closing an area including the National Forest System lands occupied by the recreation residence or closing a National Forest System road providing the sole access to the recreation residence to address public health or safety concerns, such as severe risk of fire or flooding, or (b) by a State or county department of transportation imposing a round-the-clock closure of a State or county road providing the sole access to a recreation residence. The objectivity and simplicity of this definition avoids the need for a detailed factual inquiry or exercise of discretion, thereby facilitating and enhancing consistency in implementation.

The definition for “significantly restricted access to or occupancy of a recreation residence” does not include other situations where access to or occupancy of the recreation residence is restricted, such as situations where the recreation residence cannot be accessed or occupied because a private access road or the recreation residence has not been adequately maintained or where a private access road or the recreation residence has been destroyed or substantially damaged. The Department believes these situations should be outside the scope of the temporary land use fee reduction, consistent with the risk of loss clause in the term special use permit for recreation residences, which is a standard clause in special use authorizations.

The final rule amends 36 CFR 251.57 by adding paragraph (i) to provide for temporarily reducing the annual land use fee for a recreation residence permit during significantly restricted access to or occupancy of the recreation residence. For consistency and ease of implementation, the final rule provides for temporarily reducing the land use fee proportionate to the number of days of significantly restricted access to or occupancy of the recreation residence, rather than for suspending the land use fee after significantly restricted access to or occupancy of the recreation residence has reached a specified number of days. A temporary land use fee reduction will be calculated by dividing the annual land use fee for the recreation residence by 365 to determine the daily land use

fee and then multiplying the daily land use fee by the number of days of significantly restricted access to or occupancy of the recreation residence. For ease of administration, if significantly restricted access to or occupancy of a recreation residence includes part of one day, that day would be counted as a whole day. A temporary land use fee reduction during significantly restricted access to or occupancy of a recreation residence will be applied to the annual land use fee for the recreation residence permit for the following year.

The final rule has no effect on the risk of loss clause in term special use permits for recreation residences, other than by temporarily reducing the annual land use fee for a recreation residence permit in accordance with the terms of the final rule, consistent with the Cabin Fee Act. The final rule has no effect on any other type of special use or special use authorization.

This final rule is entirely within the scope of section (f)(3)(A) and (B) of the Cabin Fee Act (16 U.S.C. 6214(f)(3)(A) and (B)), which is unambiguous. Section (f)(3)(A) requires the Department to promulgate regulations that “establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily if access to, or the occupancy of, the recreational residence is significantly restricted.” Section (f)(3)(A) thus gives the Department discretion to determine the criteria for suspending or temporarily reducing the annual land use fee if access to or occupancy of a recreation residence is significantly restricted. The final rule establishes those criteria as provided by the Cabin Fee Act. Section (f)(3)(B) of the Cabin Fee Act requires the Department to promulgate regulations that “grant the cabin owner the right of an administrative appeal of the determination made in accordance with subparagraph (A) whether to suspend or reduce temporarily the annual fee.” The final rule provides for such an administrative appeal right as required by the Cabin Fee Act.

Summary of Comments and Responses

Overview

The proposed rule was published in the **Federal Register** on October 2, 2023 (88 FR 67694). The **Federal Register** notice provided for a 60-day comment period that closed December 1, 2023. The Forest Service received 29 comments during the comment period. One comment was from an organization, and the other comments, which were from individuals, referenced the

comment from the organization or incorporated text from that comment with slight modifications. Most of the comments addressed the scope of the criteria for determining when a recreation residence would qualify for a suspension or temporary reduction of the annual land use fee for a recreation residence and the calculation for determining a temporary reduction in the annual land use fee.

The comments on the proposed rule and the Department's responses follow.

General Comments

Comment: Several commenters believed that the requirement in the Cabin Fee Act to provide for suspension or temporary reduction of the annual land use fee for a recreation residence permit if access to or occupancy of the recreation residence is significantly restricted should be interpreted broadly to encompass a wide range of scenarios. These commenters believed that additional scenarios, such as when a recreation residence is destroyed or partially damaged, should trigger a suspension or temporary reduction of the annual land use fee for a recreation residence because of significantly restricted access to or occupancy of the recreation residence.

Response: As required by the Cabin Fee Act, the proposed and final rules specify the criteria for when the annual land use fee for a recreation residence permit will be temporarily reduced if access to or occupancy of the recreation residence is significantly restricted.

Recreation residence permits contain standard terms to provide for legal and programmatic sufficiency and that are included in special use authorizations for a wide range of uses and activities on National Forest System lands. Comments regarding standard terms in recreation residence permits, including the risk of loss clause, are outside the scope of the proposed and final rules. The **Federal Register** notices for the proposed and final rules reference the standard risk of loss clause in the recreation residence permit strictly in connection with scenarios that will not trigger a temporary reduction in the annual land use fee because they are risks assumed by the holder under the standard risk of loss clause, and to limit the effect of the rule on the standard risk of loss clause to providing for temporarily reducing the annual land use fee for a recreation residence permit in accordance with the terms of the proposed and final rules, consistent with the Cabin Fee Act.

This final rule implements a statutory requirement in the Cabin Fee Act to provide for suspension or temporary

reduction of the annual land use fee for a recreation residence because of significantly restricted access to or occupancy of the recreation residence. The Cabin Fee Act requires the rule to specify the criteria for when this requirement is met. The specific criteria in the rule are when access to or occupancy of a recreation residence is prohibited by law for a period of at least 30 consecutive calendar days either (a) by an order issued under 36 CFR part 261, subpart B, closing an area including the National Forest System lands occupied by the recreation residence or closing a National Forest System road providing the sole access to the recreation residence to address public health or safety concerns, such as severe risk of fire or flooding, or (b) by a State or county department of transportation imposing a round-the-clock closure of a State or county road providing the sole access to a recreation residence.

The Department does not believe it is appropriate to include other situations where access to or occupancy of a recreation residence is restricted, such as situations where the recreation residence cannot be accessed or occupied because a private access road or the recreation residence has not been adequately maintained or where a private access road or the recreation residence has been destroyed or substantially damaged. The Department believes these situations fall outside the scope of the temporary annual land use fee reduction for a recreation residence because they are risks assumed by the holder of a recreation residence permit under the standard risk of loss clause in form FS-2700-5a, Term Special Use Permit for Recreation Residences.

Comment: Commenters expressed interest in factoring in seasonal and weather-related limitations on access to a recreation residence in calculating a temporary reduction in the annual land use fee for a recreation residence based on significantly restricted access to or occupancy of the recreation residence.

Response: Access to recreation residences was considered in and influenced the valuation process that was used to establish the 11 land use fee tiers in the Cabin Fee Act. The methodology in the final rule for calculating the temporary reduction in the annual land use fee for significantly restricted access to or occupancy of a recreation residence allows for a simplified, consistent, and national approach that avoids additional processes and analysis. Annual land use fees for recreation residences are charged for the entire year, and there is nothing in form FS-2700-5a, Term

Special Use Permit for Recreation Residences, that limits the use and occupancy for any season. Recreation residences may be used any month of the year and depending on the circumstances may be accessed on foot or by over-snow vehicle, snowshoes, or watercraft, as well as by car. The No Warranty of Access, Site Suitability, or Services clause in Form FS-2700-5a states that the Forest Service does not make any express or implied warranty of access to the permit area, of the suitability of the permit area for the authorized uses, or for the furnishing of road or trail maintenance, water, fire protection services, search and rescue services, or any other services by a government agency, utility, association, or individual.

Regulatory Certifications

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will determine whether a regulatory action is significant and will review significant regulatory actions. The Office of Information and Regulatory Affairs has determined that this final rule is not significant. Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability; to reduce uncertainty; and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Department has developed the final rule consistent with Executive Order 13563.

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 has designated this final rule as not a major rule as defined by 5 U.S.C. 804(2).

National Environmental Policy Act

The final rule updates the Department's regulations consistent with the requirement in the Cabin Fee Act to provide for a suspension or temporary reduction in the annual land use fee for a recreation residence permit if access to or occupancy of the recreational residence is significantly restricted. Forest Service regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or environmental impact statement "rules, regulations, or policies

to establish servicewide administrative procedures, program processes, or instructions.” The Department’s assessment is that this final rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Regulatory Flexibility Act Analysis

The Department has considered the final rule under the requirements of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). The final rule updates the Department’s regulations consistent with the requirement in the Cabin Fee Act to provide for a suspension or temporary reduction in the annual land use fee for a recreation residence permit if access to or occupancy of the recreational residence is significantly restricted. This final rule will not have any direct effect on small entities as defined by the Regulatory Flexibility Act. The final rule will not impose recordkeeping requirements on small entities; will not affect their competitive position in relation to large entities; and will not affect their cash flow, liquidity, or ability to remain in the market. Therefore, the Department has determined that this final rule will not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act.

Federalism

The Department has considered the final rule under the requirements of Executive Order 13132, *Federalism*. The Department has determined that the final rule conforms with the federalism principles set out in this executive order; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has concluded that the final rule does not have federalism implications.

Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or

more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. The final rule updates the Department’s regulations consistent with the requirement in the Cabin Fee Act to provide for a suspension or temporary reduction in the annual land use fee for a recreation residence permit if access to or occupancy of the recreational residence is significantly restricted. The Department has reviewed this final rule in accordance with the requirements of Executive Order 13175 and has determined that this final rule will not have substantial direct effects on 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. Therefore, consultation and coordination with Indian Tribal governments is not required for this final rule.

Environmental Justice

The Department has considered the final rule under the requirements of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. The Department has determined that the final rule is not expected to result in disproportionately high and adverse impacts on minority or low-income populations or the exclusion of minority and low-income populations from meaningful involvement in decision-making.

Family Policymaking Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for a rule that may affect family well-being. The final rule will have no impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment for the final rule.

No Takings Implications

The Department has analyzed the final rule in accordance with the principles and criteria in Executive Order 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights*. The Department has determined that the final rule will not pose the risk of a taking of private property.

Energy Effects

The Department has reviewed the final rule under Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*. The Department has determined that the final rule will not constitute a significant energy action as defined in Executive Order 13211.

Civil Justice Reform

The Department has analyzed the final rule in accordance with the principles and criteria in Executive Order 12988, *Civil Justice Reform*. After adoption of the final rule, (1) all State and local laws and regulations that conflict with the final rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to the final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of the final rule on State, local, and Tribal governments and the private sector. The final rule will not compel the expenditure of \$100 million or more by any State, local, or Tribal government or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Controlling Paperwork Burdens on the Public

The final rule does not contain recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

List of Subjects

36 CFR Part 214

Administrative practice and procedure, National forests.

36 CFR Part 251

Administrative practice and procedure, Alaska, Electric power, Mineral resources, National forests, Public lands—rights-of-way, Reporting and recordkeeping requirements, Water resources.

Therefore, for the reasons set forth in the preamble, the Forest Service amends chapter II of title 36 of the Code of Federal Regulations as follows:

PART 214—POSTDECISIONAL ADMINISTRATIVE REVIEW PROCESS FOR OCCUPANCY OR USE OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 472, 551.

■ 2. Amend § 214.4(c) by adding paragraph (c)(6) to read as follows:

§ 214.4 Decisions that are appealable.

(c) * * *

(6) A decision of whether to temporarily reduce the annual land use fee for a recreation residence permit during a period of significantly restricted access to or occupancy of the recreation residence.

PART 251—LAND USES

Subpart B—Special Uses

■ 3. The authority citation for part 251, subpart B, continues to read as follows:

Authority: 16 U.S.C. 460l–6a, 460l–6d, 472, 497b, 497c, 551, 580d, 1134, 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761–1772.

■ 4. Amend § 251.51 by adding in alphabetical order a definition for “significantly restricted access to or occupancy of a recreation residence” to read as follows:

§ 251.51 Definitions.

Significantly restricted access to or occupancy of a recreation residence— When access to or occupancy of a recreation residence is prohibited by law for a period of at least 30 consecutive calendar days:

(1) By an order issued under 36 CFR part 261, subpart B, closing an area including the National Forest System lands occupied by the recreation residence or closing a National Forest System road providing the sole access to the recreation residence to address public health or safety concerns, such as severe risk of fire or flooding, or

(2) By a State or county department of transportation imposing a round-the-clock closure of a State or county road providing the sole access to a recreation residence.

■ 5. Amend § 251.57 by adding paragraph (i) to read as follows:

§ 251.57 Land use fees.

(i) The annual land use fee for a recreation residence permit shall be

temporarily reduced during periods of significantly restricted access to or occupancy of the recreation residence. A temporary land use fee reduction for significantly restricted access to or occupancy of a recreation residence shall be calculated by dividing the annual land use fee for the recreation residence permit by 365 to determine the daily land use fee and then multiplying the daily land use fee by the number of days of significantly restricted access to or occupancy of the recreation residence. If significantly restricted access to or occupancy of the recreation residence includes part of one day, that day shall be counted as a whole day. A temporary land use fee reduction during significantly restricted access to or occupancy of a recreation residence shall be applied as a credit to the annual land use fee for the recreation residence permit for the following year.

Homer Wilkes,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2024–20239 Filed 9–6–24; 8:45 am]

BILLING CODE 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0080; FRL–12040–01–OCSP]

Saflufenacil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes new tolerances for residues of saflufenacil in or on Mint, dried leaves and Mint, fresh leaves and crop group expansions for Fruit, citrus, group 10–10; Fruit, pome, group 11–10; Fruit, stone, group 12–12; and Nut, tree, group 14–12. The Interregional Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 9, 2024. Objections and requests for hearings must be received on or before November 8, 2024, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0080, is available at <https://www.regulations.gov> or in-person at the Office of Pesticide

Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. For the latest status information on EPA/DC services, docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA’s tolerance regulations at 40 CFR part 180 through the Office of the Federal Register’s e-CFR site at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180>.

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–

OPP–2023–0080, in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before November 8, 2024. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

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

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2023–0080, by one of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about

dockets generally, is available at <https://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 5, 2023 (88 FR 42935) (FRL–10579–05–OCSP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E9045) by Interregional Project Number 4 (IR–4), North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The petition requested that 40 CFR 180.649 be amended to establish tolerances for residues of the herbicide saflufenacil, including its metabolites and degradates, in or on Barley subgroup 15–22B at 1 parts per million (ppm); Edible-podded bean subgroup 6–22A at 0.03 ppm; Edible-podded pea subgroup 6–22B at 0.03 ppm; Field corn subgroup 15–22C at 0.03 ppm; Forage and hay of legumes vegetable group 7–22 (except pea, hay) at 0.1 ppm; Forage, hay, stover, and straw of cereal grains group 16–22 (except barley and wheat and chia straw) at 0.1 ppm; Fruit, citrus group 10–10 at 0.03 ppm; Fruit, pome group 11–10 at 0.03 ppm; Fruit, stone group 12–12 at 0.03 ppm; Grain sorghum and millet subgroup 15–22E at 0.03 ppm; Mint, dried leaves at 0.04 ppm; Mint, fresh leaves at 0.04 ppm; Nut, tree, group 14–12 at 0.03 ppm; Pulses, dried shelled bean, except soybean, subgroup 6–22E at 0.3 ppm; Pulses, dried shelled pea subgroup 6–22F at 0.3 ppm; Rapeseed 20A at 0.6 ppm; Rice subgroup 15–22F at 0.03 ppm; Succulent shelled bean subgroup 6–22C at 0.03 ppm; Succulent shelled pea subgroup 6–22D at 0.03 ppm; Sweet corn subgroup 15–22D at 0.03 ppm; and Wheat subgroup 15–22A at 0.7 ppm.

Upon the establishment of the tolerances requested above, the petitioner requested that EPA amend 40 CFR 180.649 by removing the tolerances for residues of saflufenacil in or on Barley, grain at 1.0 ppm; Chia, seed at 0.6 ppm; Rapeseed subgroup 20A at 0.45 ppm (identified in the July 5, 2023, **Federal Register** as "crop subgroup 20A; rapeseed subgroup at 0.45 ppm); Fruit, citrus, group 10 at 0.03 ppm (identified in the July 5, 2023, **Federal Register** as "Fruit, pome, group 10 at 0.03 ppm); Fruit, pome, group 11 at 0.03 ppm; Fruit, stone, group 12 at 0.03 ppm; Grain, cereal, group 15 (except barley and wheat grain) at 0.03 ppm; Nut, tree, group 14 at 0.03 ppm; Pea and bean, dried shelled, except soybean, subgroup 6C at 0.30 ppm; Pea and bean, succulent shelled, subgroup 6B at 0.03 ppm; Pistachio at 0.03 ppm; Vegetable, foliage

of legume, group 7 (except pea, hay) at 0.10 ppm; Vegetable, legume, edible podded, subgroup 6A at 0.03 ppm; and Wheat, grain at 0.60 ppm. That document referenced a summary of the petition prepared by IR–4, the petitioner, which is available in the docket, <https://www.regulations.gov>. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing the tolerance for residues of saflufenacil in or on mint at a different level than requested by the petitioner. Additionally, EPA is not establishing some of the petitioned-for tolerances because the request was subsequently withdrawn by the petitioner. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for saflufenacil including exposure resulting from the tolerance established by this action. EPA's assessment of exposures and risks associated with saflufenacil follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings for

the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination of the new rulemaking.

EPA has previously published a tolerance rulemaking in 2015, for saflufenacil in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to saflufenacil and established a tolerance for residues of that chemical. EPA is incorporating previously published sections from that rulemaking as described further in this rulemaking, as they remain unchanged.

Toxicological profile. For a discussion of the toxicological profile for saflufenacil, see Unit III.A. of the saflufenacil tolerance rulemaking published in the **Federal Register** of November 25, 2015 (80 FR 73663) (FRL–9936–71).

Toxicological points of departure/Levels of concern. For a summary of the Toxicological Points of Departure/Levels of Concern for saflufenacil used for human health risk assessment, see Unit III.B. of the November 25, 2015, rulemaking.

Exposure assessment. Much of the exposure assessment remains unchanged from the November 2015, rulemaking, except as described below. The updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C of the November 25, 2015, rulemaking.

EPA's dietary exposure assessments have been updated to include the additional exposures from the uses associated with the tolerances established since the November 25, 2015, rulemaking and the additional exposure from the new use of saflufenacil on mint and the crop group conversions to fruit, citrus, group 10–10; fruit, pome, group 11–10; fruit, stone, group 12–12; and nut, tree, group 14–12. The dietary exposure assessments were conducted with Dietary Exposure Evaluation Model software using the Food Commodity Intake Database (DEEM–FCID), Version 4.02, which uses the 2005–2010 food consumption data from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The assessment used the same assumptions as the November 25, 2015, final rule

concerning tolerance-level residues, default processing factors for all processed commodities, and 100 percent crop treated.

Drinking water exposure. The drinking water numbers have not changed since the November 25, 2015, rulemaking.

Non-occupational exposure. There are no residential (non-occupational) uses proposed or currently registered for saflufenacil. Therefore, a residential risk assessment was not conducted.

Cumulative exposure. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide's residues and “other substances that have a common mechanism of toxicity.” Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to saflufenacil and any other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that saflufenacil has a common mechanism of toxicity with other substances.

Safety factor for infants and children. EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor from 10X to 1X. See Unit III.D. of the November 25, 2015, rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate risks and Determination of safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute population-adjusted dose (aPAD) and the chronic population-adjusted dose (cPAD). Short-, intermediate-, and chronic term aggregate risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD; they are less than 1% of the aPAD for all infants (less than 1 year old), the population subgroup with the highest exposure estimate. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 26% of the cPAD for all infants (less than 1 year old), the population group with the highest exposure estimate. There is no short- or intermediate-term residential exposure

expected since there are no proposed or previously registered residential uses of saflufenacil. Therefore, the acute and chronic aggregate risks consist only of the dietary risks from food and water, and as stated above, these are below the Agency's level of concern. Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, saflufenacil is not expected to pose a cancer risk to humans.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to saflufenacil residues, including its metabolites and degradates. More detailed information about the Agency's analysis can be found at <https://www.regulations.gov> in the document titled “Saflufenacil. Section 3 Human Health Risk Assessment for Proposed New Uses on Mint (Peppermint and Spearmint) and Crop Group Conversions and Expansions” in docket ID number EPA–HQ–OPP–2023–0080.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the February 2, 2024, rulemaking (89 FR 7291) (FRL–11673–01–OCSPPI).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for residues of saflufenacil in or on mint. The Codex has established MRLs for saflufenacil in or on Fruit, citrus, group 10–10 at 0.01 ppm; Fruit, pome, group 11–10 at 0.01 ppm; Fruit, stone,

group 12–12 at 0.01 ppm; and Nut, tree, group 14–12 at 0.01 ppm. The U.S. tolerance levels are not harmonized with these Codex commodity MRLs. Based on available residue data, use by U.S. growers consistent with approved label instructions would result in residues that exceed the Codex MRL. Harmonizing with these Codex MRLs could put U.S. growers at risk of violative residues despite legal use of saflufenacil according to the label.

C. Revisions to Petitioned-For Tolerances

EPA is establishing the tolerance for residues of saflufenacil in or on mint at 0.03 ppm instead of the petitioner-proposed 0.04 ppm. As discussed in the Human Health Risk Assessment, the petitioner's proposed tolerance of 0.04 ppm includes the parent compound and three metabolites. However, since EPA determined that the tolerance expression should only include the parent compound and two metabolites, the residue calculation was corrected to reflect these residues.

EPA is not establishing some of the petitioned-for tolerances because the petitioner withdrew the requests for tolerances of residues of saflufenacil in or on Barley subgroup 15–22B; Edible-podded bean subgroup 6–22A; Edible-podded pea subgroup 6–22B; Field corn subgroup 15–22C; Forage and hay of legume vegetable group 7–22 (except pea, hay); Forage, hay, stover and straw of cereal grain group 6–22 (except barley, chia, and wheat straw); Grain sorghum and millet subgroup 15–22E; Pulses, dried shelled bean, except soybean, subgroup 6–22E; Pulses, dried shelled pea, subgroup 6–22F; Rapeseed subgroup 20A; Rice subgroup 15–22F; Succulent shelled pea subgroup 6–22C; Succulent shelled pea subgroup 6–22D; Sweet corn subgroup 15–22D and Wheat subgroup 15–22A. Therefore, EPA is not establishing these tolerances or removing the related tolerances as requested by IR–4.

V. Conclusion

Therefore, tolerances are established for residues of saflufenacil, including its metabolites and degradates, in or on Fruit, citrus, group 10–10 at 0.03 ppm; Fruit, pome, group 11–10 at 0.03 ppm; Fruit, stone, group 12–12 at 0.03 ppm; Mint, dried leaves at 0.03 ppm; Mint fresh leaves at 0.03 ppm; and Nut, tree, group 14–12 at 0.03 ppm. Upon the establishment of these tolerances, EPA is removing tolerances for residues of saflufenacil, including its metabolites and degradates, in or on fruit, citrus, group 10; fruit, pome, group 11; fruit,

stone, group 12; nut, tree, group 14; and pistachio.

VI. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal governments, on the relationship between the National Government and the States or Tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), do not apply to this action. In

addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: September 3, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

■ 2. In § 180.649, amend the table in paragraph (a)(1) by:

- a. Removing the entry for “Fruit, citrus, group 10”.
- b. Adding in alphabetical order the entry “Fruit, citrus, group 10–10”.
- c. Removing the entry for “Fruit, pome, group 11”.
- d. Adding in alphabetical order the entry “Fruit, pome, group 11–10”.
- e. Removing the entry for “Fruit, stone, group 12”.
- f. Adding in alphabetical order the entries “Fruit, stone, group 12–12”, “Mint, dried leaves”, and “Mint, fresh leaves”.
- g. Removing the entry for “Nut, tree, group 14”.
- h. Adding in alphabetical order the entry “Nut, tree, group 14–12”.
- i. Removing the entry for “Pistachio.”

The additions read as follows:

§ 180.649 Saflufenacil; tolerances for residues.

(a) * * *
(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * *	*
Fruit, citrus, group 10–10	0.03
Fruit, pome, group 11–10	0.03
Fruit, stone, group 12–12	0.03
* * * *	*
Mint, dried leaves	0.03
Mint, fresh leaves	0.03
Nut, tree, group 14–12	0.03
* * * *	*

* * * * *

[FR Doc. 2024–20256 Filed 9–6–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 423

Office of the Secretary

45 CFR Part 170

[CMS–4205–CN]

RINs 0938–AV24 and 0938–AU96

Medicare Program; Medicare Prescription Drug Benefit Program; Health Information Technology Standards and Implementation Specifications; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Office of the National Coordinator for Health Information Technology (ONC), Department of Health and Human Services (HHS).

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical and technical errors in the final rule that appeared in the June 17, 2024, **Federal Register**, titled “Medicare Program; Medicare Prescription Drug Benefit Program; Health Information Technology Standards and Implementation Specifications.” The effective date of the final rule was July 17, 2024.

DATES:

Effective date: This correction is effective September 9, 2024.

Applicability date: This correcting document is applicable to the start of the transition period for use of the National Council for Prescription Drug Programs (NCPDP) SCRIPT standard and NCPDP Formulary and Benefit (F&B) standard versions beginning July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Maureen Connors, (410) 786–4132—Part D Standards for Electronic Prescribing. Alexander Baker, (202) 260–2048—Health IT Standards.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. FR 2024–12842 of June 17, 2024 (89 FR 51238), the final rule titled “Medicare Program; Medicare Prescription Drug Benefit Program; Health Information Technology Standards and Implementation Specifications,” there were a few typographical and technical errors that are identified and corrected in this correction. The corrections are applicable to the start of the transition period for use of the National Council for Prescription Drug Programs (NCPDP) SCRIPT standard and NCPDP (Formulary and Benefit) F&B standard versions beginning July 17, 2024, as if they had been included in the document that appeared in the June 17, 2024 **Federal Register**.

II. Summary of Errors

On page 51252, we made typographical errors in our discussion of the start dates for the transition periods for use of the NCPDP SCRIPT standard and NCPDP F&B standard versions, and in section IV of this document we correct these errors.

On page 51255, we made errors in our discussion of how non-NCPDP members may review and inspect NCPDP standards that have been incorporated by reference, and in section IV of this document we correct this error.

III. Waivers of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (the APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Specifically, 5 U.S.C. 553 requires the agency to publish a notice of the proposed rule in the **Federal Register** that includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. Further, 5 U.S.C. 553 requires the agency to give interested

parties the opportunity to participate in the rulemaking through public comment on a proposed rule. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment for rulemaking to carry out the administration of the Medicare program under title XVIII of the Act. In addition, section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment and delay in effective date requirements. In cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice, 60-day comment period, and delay in effective date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest. In addition, both section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and the agency includes a statement of support.

We believe that this correction does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements of the APA or section 1871 of the Act. This document corrects typographical and technical errors in the preamble of the final rule but does not make substantive changes to the policies that were adopted in the final rule. As a result, this correction is intended to ensure that the information in the final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the preamble corrections in this document into the final rule or delaying the effective date would be unnecessary, as we are not altering our policies or regulatory changes, but rather, we are simply implementing the policies and regulatory changes that we previously proposed, requested comment on, and subsequently

finalized. This final rule correction is intended solely to ensure that the final rule accurately reflects policies and regulatory changes that have been adopted through rulemaking. Furthermore, such notice and comment procedures would be contrary to the public interest because it is in the public's interest to ensure that the final rule accurately reflects our policies and regulatory changes. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Corrections

In FR Doc. FR 2024–12842 appearing on page 51238, in the **Federal Register** of Monday, June 17, 2024, make the following corrections:

- 1. On page 51252, third column, first full paragraph—
 - a. Lines 14 and 15, the date “July 7, 2024” is corrected to read “July 17, 2024”.
 - b. Line 29, the date “July 7, 2024” is corrected to read “July 17, 2024.”
- 2. On page 51255, second column, sixth full paragraph, lines 4 through 6, the phrase “Non-NCPDP members may obtain these materials for information purposes by contacting” is corrected to read “Non-NCPDP members may arrange to inspect these materials by contacting”.

Elizabeth J. Gramling,

*Executive Secretary to the Department,
Department of Health and Human Services.*

[FR Doc. 2024–20174 Filed 9–6–24; 8:45 am]

BILLING CODE 4120–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8360

[BLM_CO_FRN_MO4500179563]

Travel Management on Public Lands in Montrose, Delta, San Miguel, and Ouray Counties, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Final supplementary rule.

SUMMARY: The Bureau of Land Management (BLM) is finalizing a supplementary rule to regulate travel management decisions in the Dry Creek Travel Management Plan (TMP) issued December 1, 2009; the Ridgway TMP issued May 10, 2013; and the Norwood-Burn Canyon TMP issued November 14, 2014. The supplementary rule will apply to public lands in Montrose, Delta, San Miguel, and Ouray counties,

Colorado, administered by the BLM Uncompahgre Field Office.

DATES: The final supplementary rule is effective on October 9, 2024.

ADDRESSES: You may send inquiries by mail, electronic mail, or hand-delivery. Mail or hand delivery: Caroline Kilbane, Outdoor Recreation Planner, BLM Uncompahgre Field Office, 2505 S Townsend Ave., Montrose, CO 81401. Electronic mail: ckilbane@blm.gov.

FOR FURTHER INFORMATION CONTACT: Caroline Kilbane, Outdoor Recreation Planner, at (970) 240–5300 or by email at ckilbane@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The BLM is establishing this supplementary rule under the authority of 43 CFR 8365.1–6, which authorizes BLM State Directors to establish supplementary rules for the protection of persons, property, and public lands and resources.

In March 2007, the BLM published in the **Federal Register** a Notice of Intent to Amend the Uncompahgre Basin and San Juan/San Miguel Resource Management Plans (RMPs) and prepare the Dry Creek Comprehensive Travel Management Plan, Colorado (72 FR 10243). The RMP amendment, approved in June 2010, changed off-highway vehicle designations in identified areas from “Open or Limited” to “Limited to existing routes year-long or with seasonal restrictions” until further route-by-route planning could be completed. The BLM issued decision records for the Dry Creek TMP on December 1, 2009; the Ridgway TMP on May 13, 2013; and the Norwood-Burn Canyon TMP on November 14, 2014. The BLM approved the TMPs after multiple public comment opportunities and coordination with local government. On April 2, 2020, the BLM approved a revised Uncompahgre RMP that includes the Dry Creek, Ridgway, and Norwood-Burn Canyon travel management areas (TMAs) and brings forward from the TMPs the travel management decisions for these areas.

This rule will implement and enforce several key decisions in the TMPs to protect natural resources, enhance public safety, and help improve habitat

quality, big-game winter range, and migration corridors. The rule does not affect other existing rules. The rule applies to more than 121,000 acres of public land within the Dry Creek, Ridgway, and Norwood-Burn Canyon TMAs administered by the BLM Uncompahgre Field Office in Montrose, Delta, San Miguel, and Ouray counties, Colorado. This rule is necessary to regulate travel management decisions in the TMPs that restrict certain activities and define allowable uses intended to enhance public safety, protect natural and cultural resources, eliminate non-motorized impacts on sensitive species habitat, and reduce conflicts among public land users.

The rule makes enforceable restrictions limiting the operation of mechanized vehicles to designated travel routes identified in the TMPs, with the following exemptions: (1) big game hunters are permitted to use mechanized game carts off designated travel routes outside of designated wilderness and wilderness study areas only when necessary to retrieve big game animals during authorized hunting seasons; (2) mechanized vehicles are permitted to pull off designated travel routes up to one vehicle-width from the edge of a roadway to accommodate parking, dispersed camping, or general recreation; and (3) in the Dry Creek TMA, mechanized vehicles are permitted to pull off within 300 feet of a designated travel route in a designated camping area identified by a BLM sign or map.

The rule makes enforceable seasonal restrictions on travel in certain priority big game wintering habitats identified by the BLM Uncompahgre Field Office, in consultation with Colorado Parks and Wildlife, as the most important big game winter use areas within the TMAs. These seasonal restrictions allow for human access during non-restricted periods while closing key areas during critical seasons to preserve the health of big game herds.

The rule makes enforceable authorized dispersed camping in the Norwood-Burn Canyon and Dry Creek TMAs unless a BLM sign or map identifies an area as closed to such use, as well as authorized camping in designated campgrounds in the Dry Creek TMA identified by a BLM sign or map. The rule implements and makes enforceable the closure of the Ridgway TMA to overnight use. In the Ridgway TMA, the rule makes enforceable the requirement that pets be leashed in the Uncompahgre Riverway Area and at all trailheads, as identified by BLM signs or maps, and under audible or physical

control in all other areas. In the Norwood-Burn Canyon TMA, the rule makes enforceable the requirement that pets be leashed at trailheads, as identified by BLM signs or maps, and under audible or physical control in all other areas. In the Dry Creek TMA, the rule makes enforceable the requirement that pets be under audible or physical control.

II. Discussion of Public Comments and Final Supplementary Rule

The BLM published a proposed supplementary rule on November 28, 2022 (87 FR 72954), soliciting public comments for 60 days. During the comment period, the BLM received one submission from a conservation organization. The comment supported the proposed rule and expressed support for protecting big game wintering habitat. No changes were made to the final supplementary rule as a result of the public comment.

The final rule updates Rule No. 1 under the *Ridgway TMA Prohibited Acts* section to clarify that the big game seasonal closure applies to trail uses on designated routes only and is not an area closure.

III. Procedural Matters

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

E.O. 12866, as amended by E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. This rule is not significant under E.O. 12866. The rule will not have an effect of \$100 million or more on the economy. The rule does not adversely affect in a material way the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or Tribal governments or communities. The rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The rule will not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs, or the rights or obligations of their recipients; nor does it raise novel legal or policy issues. The rule will not affect legal commercial activity; it merely imposes limitations on certain recreational activities on certain public lands to protect natural resources and enhance public safety.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvement in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best,

most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended (5 U.S.C. 601–612), to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities.

This rule has no effect on business entities of any size and merely imposes reasonable restrictions on certain recreational activities on certain public lands to protect natural resources and the environment and human health and safety. Therefore, the BLM has determined under the RFA this rule does not have a significant economic impact on a substantial number of small entities.

Congressional Review Act

This supplementary rule does not constitute a “major rule” as defined at 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule will not:

- (a) Have an annual effect on the economy of \$100 million or more;
- (b) Cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local agencies; or geographic regions; or
- (c) Have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

This rule merely imposes reasonable restrictions on certain recreational activities on certain public lands to protect natural resources and the environment and human health and safety.

Unfunded Mandates Reform Act

The rule does not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or the private sector, of more than \$100 million per year; nor does it have a significant or unique effect on small governments. The rule merely imposes reasonable restrictions on certain recreational activities on certain public lands to protect natural resources and the environment and human health and safety. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (E.O. 12630)

The rule does not constitute a Government action capable of interfering with constitutionally protected property rights. The rule does not address property rights in any form and does not cause the impairment of constitutionally protected property rights. Therefore, the BLM has determined that the rule does not cause a “taking” of private property or require further discussion of takings implications under this Executive order.

Federalism (E.O. 13132)

The rule does 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. Therefore, in accordance with Executive Order 13132, the BLM has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty.

In accordance with Executive Order 13175, the BLM has found this rule does not include policies that have Tribal implications and will have no bearing on trust lands or lands for which title is held in fee status by Indian Tribes or U.S. Government-owned lands managed by the Bureau of Indian Affairs. Therefore, consultation under the Department's Tribal consultation policy is not required.

Paperwork Reduction Act

This final supplementary rule does not contain information collection requirements the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

National Environmental Policy Act (NEPA)

The supplementary rule implements key decisions in the TMPs. During the NEPA review for the TMPs, the BLM analyzed the substance of the supplementary rule in three different environmental assessments (EAs): DOI–BLM–CO–SO50–2008–033 EA for the Dry Creek TMP (decision record signed December 1, 2009); DOI–BLM–CO–SO50–2011–0011 EA for the Ridgway TMP (decision record signed May 13, 2013); and DOI–BLM–CO–SO50–2012–019 EA for the Norwood-Burn Canyon TMP (decision record signed November 14, 2014). Electronic copies of the decision records for each TMP are on file at the BLM office at the address specified in the **ADDRESSES** section above. The BLM completed a determination of NEPA adequacy (DOI–BLM–CO–SO50–2021–0045 DNA) confirming that the analyses in the TMP EAs, and the associated public involvement procedures, as well as the Uncompahgre Field Office RMP, are sufficient to support this rulemaking.

Effects on the Energy Supply (E.O. 13211)

This rule does not comprise a significant energy action and does not have an adverse effect on energy supply, production, or consumption and has no connection with energy policy.

Author

The principal author of this supplementary rule is Caroline Kilbane, Outdoor Recreation Planner, BLM, Uncompahgre Field Office.

IV. Final Rule

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740 and 43 CFR 8365.1–6, the Colorado State Director, Bureau of Land Management (BLM), establishes

supplementary rules for public lands managed by the BLM in the Dry Creek, Ridgway, and Norwood-Burn Canyon Travel Management Areas located in Montrose, Delta, San Miguel, and Ouray counties, Colorado, to read as follows:

Definitions

Camping means erecting a tent or a shelter of natural or synthetic materials; preparing a sleeping bag or other bedding material for use; or parking a motor vehicle, motor home, or trailer for the purpose or apparent purpose of overnight occupancy.

Designated travel routes means roads, primitive roads, and trails open or limited to specified modes of travel and identified on: (1) a BLM sign; or (2) a map of designated roads and trails that is maintained and available for public inspection at the BLM Uncompahgre Field Office, Colorado. Designated routes are open or limited to public use in accordance with any limits and restrictions as are specified in the Uncompahgre Resource Management Plan (RMP), the Dry Creek Travel Management Plan (TMP), the Ridgway TMP, the Norwood-Burn Canyon TMP, in future decisions implementing the RMP, or in this supplementary rule. Restrictions may include signs or physical barriers such as gates, fences, posts, branches, or rocks.

Mechanized vehicle means a vehicle using a mechanical device not powered by a motor, such as a bicycle.

Pet means any domesticated or tamed animal that is kept as a companion.

Prohibited Acts

Dry Creek Travel Management Area (TMA) Prohibited Acts

(1) You must not operate or possess a mechanized vehicle except on designated travel routes, unless:

(a) You are using a mechanized game cart for the purpose of retrieving a large game animal during authorized hunting seasons, outside of congressionally designated wilderness areas and wilderness study areas;

(b) You are using a mechanized vehicle for the purpose of parking within one vehicle-width of the edge of a designated travel route for dispersed camping, where allowed, or general recreation; or

(c) You are using a mechanized vehicle in a designated camping area as designated by a BLM sign or map and are within 300 feet of the designated travel route.

(2) You must not operate or possess a mechanized vehicle on specific routes that cross priority big game wintering habitat from December 1 to April 15 or

December 1 to March 31, as designated by a BLM sign or map, except to access private inholdings with proper authorization.

(3) Pets must be controlled by physical or audible means.

Ridgway TMA Prohibited Acts

(1) You must not operate or possess a mechanized vehicle except on designated travel routes, unless you are using a mechanized game cart for the purpose of retrieving a large game animal during authorized hunting seasons.

(2) You must not operate or possess a mechanized vehicle or travel by foot or horse on specific routes that cross priority big game wintering habitat from December 1 to April 30, as designated by a BLM sign or map, except to access private inholdings with proper authorization and within the Uncompahgre Riverway Area.

(3) Pets must remain on leashes within the Uncompahgre Riverway Area and at trailheads designated by a BLM sign or map. In all other areas, pets must be controlled by physical or audible means.

(4) Overnight use is not allowed.

(5) Mechanized vehicles must be parked within one vehicle-width of the edge of a designated travel route.

Norwood-Burn Canyon TMA Prohibited Acts

(1) You must not operate or possess a mechanized vehicle except on designated travel routes, unless:

(a) You are using a mechanized game cart for the purpose of retrieving a large game animal during authorized hunting seasons; or

(b) You are using a mechanized vehicle for the purpose of parking within one vehicle-width of the edge of a designated travel route for dispersed camping or general recreation.

(2) You must not operate or possess a mechanized vehicle on any route that crosses priority big game wintering habitat from December 1 to April 30, as designated by a BLM sign or map, except to access private inholdings with proper authorization.

(3) Dispersed camping is allowed unless closed by a BLM sign or map.

(4) Pets must remain on leashes at trailheads designated by BLM signs or maps. In all other areas, pets must be controlled by physical or audible means.

Exemptions

The following persons are exempt from this supplementary rule: any Federal, State, or local officers or employees acting within the scope of

their duties; members of any organized law enforcement, military, rescue, or fire-fighting force performing an official duty; and persons, agencies, municipalities, or companies holding an existing special-use permit and operating within the scope of their permit.

Enforcement

Any person who violates any part of the final supplementary rule may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Colorado and local law.

(Authority: 43 U.S.C. 1733, 43 U.S.C. 1740; 43 CFR 8365.1–6)

Douglas J. Vilsack,

BLM Colorado State Director.

[FR Doc. 2024–20154 Filed 9–6–24; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 240304–0068; RTID 0648–XD951]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2024 total allowable catch (TAC) of Pacific ocean perch in the WAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 4, 2024, through 2400 hours, A.l.t., December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan (FMP) for Groundfish of the BSAI prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the BSAI FMP appear at subpart H of 50 CFR parts 600 and 679.

The 2024 TAC of Pacific ocean perch in the WAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 223 metric tons by the final 2024 and 2025 harvest specifications for groundfish in the BSAI (89 FR 17287, March 11, 2024).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific

ocean perch in the WAI by vessels participating in the BSAI trawl limited access sector fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the closure of Pacific ocean perch directed fishery in the WAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 3, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 4, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–20223 Filed 9–4–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 174

Monday, September 9, 2024

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-2136; Project Identifier AD-2023-00296-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019-14-13, which applies to all The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes. AD 2019-14-13 was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. AD 2019-14-13 requires identifying the part number, and the serial number if applicable, of the Captain's and First Officer's seats, and applicable on-condition actions for affected seats. AD 2019-14-13 also requires a one-time detailed inspection and repetitive checks of the horizontal movement system (HMS) of the Captain's and First Officer's seats, and applicable on-condition actions. AD 2019-14-13 also provides an optional terminating action for the repetitive actions for certain seats. Since the FAA issued AD 2019-14-13, the FAA has determined that additional seats are affected by the unsafe condition. This proposed AD would retain the actions required by AD 2019-14-13 and adds an inspection of previously omitted part numbers. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 24, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA-2024-2136; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Boulevard, MC 110-SK57, Seal Beach, CA 90740-5600; phone 562-797-1717; website myboeingfleet.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA-2024-2136.

FOR FURTHER INFORMATION CONTACT:

Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206-231-3986; email Courtney.K.Tuck@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-2024-2136; Project Identifier AD-2023-00296-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider

all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.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 Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206-231-3986; email Courtney.K.Tuck@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2019-14-13, Amendment 39-19691 (84 FR 38855, August 8, 2019) (AD 2019-14-13), for all The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes. AD 2019-14-13 was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. AD 2019-14-13 requires an identification of the part number, and if applicable the serial number, of the Captain's and First Officer's seats, and applicable on-condition actions. AD 2019-14-13 also requires a one-time detailed inspection and repetitive checks of the HMS of the

Captain's and First Officer's seats, and applicable on-condition actions. AD 2019-14-13 also provides an optional terminating action for the repetitive checks of the HMS for certain airplanes. The FAA issued AD 2019-14-13 to address uncommanded fore and aft movement of the Captain's and First Officer's seats. An uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

Actions Since AD 2019-14-13 Was Issued

Since the FAA issued AD 2019-14-13, Boeing and the seat supplier (Ipeco) determined that certain seat part numbers were inadvertently omitted from the service information required by AD 2019-14-13. Ipeco subsequently updated their service information to include the additional part numbers, and Boeing updated their service information as well. Based on this, the FAA has determined that additional seats are affected by the unsafe condition.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 767-25-0539, Revision 2, dated January 27, 2023. This material describes procedures for identification of the part number, and the serial number if applicable, of the Captain's and First

Officer's seats, and applicable on-condition actions. On-condition actions include an inspection of each seat's fore and aft and vertical manual control levers for looseness, installation of serviceable seats, and a seat operational test after any cable adjustment. This material also adds Ipeco seat part numbers 3A258-0007-01-1Z, 3A258-0008-01-1Z, 3A258-0041-01-1Z, 3A258-0042-01-1Z, and 3A090-0078-04-1. This material also adds Ipeco seat part numbers 3A090-0078-03-1 and 3A090-0078-05-1, that were previously removed in Boeing Special Attention Service Bulletin 767-25-0539, Revision 1, dated January 9, 2014.

The FAA also reviewed Boeing Special Attention Service Bulletin 767-25-0549, Revision 2, dated January 27, 2023. This material describes procedures for a detailed inspection and repetitive checks of the HMS (including for any Artus part and amendment numbers of the horizontal actuator of the HMS) for the Captain's and First Officer's seats for findings (e.g., evidence of cracks, scores, corrosion, dents, deformation, or visible wear; and incorrectly assembled microswitch assemblies, actuators, and limit switches), and applicable on-condition actions. The on-condition actions include clearing the seat tracks of foreign object debris (FOD), overhauling the HMS, and replacing the horizontal actuator. The material also describes procedures for an optional terminating action for the repetitive checks by installing a serviceable Captain's or First Officer's seat. The service information adds Ipeco seat part number 3A090-0078-03-1, 3A090-0078-04-1, and 3A090-0078-05-1.

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 section.

Proposed AD Requirements in This NPRM

Although this proposed AD does not explicitly restate the requirements of AD 2019-14-13, this proposed AD would retain all of the requirements of AD 2019-14-13. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraphs (g) and (h) of this proposed AD.

This proposed AD would require accomplishing the actions specified in the service information already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at regulations.gov under Docket No. FAA-2024-2136.

Acceptable Methods of Compliance

The FAA has determined that the actions required by paragraphs (g) and (h) of this AD are not required, under specific conditions, e.g., if it can be shown through maintenance records that the required actions have already been accomplished by the previous revision of the service information and specific conditions have been met. Paragraph (j) of this AD identifies these conditions. Complying with these conditions adequately addresses the unsafe condition identified in this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 694 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS PER SEAT

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Identification, seat (retained actions from AD 2019-14-13).	1 work-hour × \$85 per hour = \$85.	\$0	\$85	\$117,980.
Detailed inspection, HMS (retained actions from AD 2019-14-13).	1 work-hour × \$85 per hour = \$85.	\$0	\$85	Up to \$117,980.
Checks, HMS (retained from AD 2019-14-13).	2 work-hours × \$85 per hour = \$170, per check cycle.	0	\$170, per check cycle	Up to \$235,960, per check cycle.
Identification, seat (new proposed actions).	1 work-hour × \$85 per hour = \$85.	0	\$85	Up to \$117,980.

The FAA estimates the following costs to do any necessary on-condition

actions that will be required. The FAA has no way of determining the number

of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Action	Labor cost	Parts cost	Cost per product
Adjustment, control lever cable	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Overhaul, HMS	11 work-hours × \$85 per hour = \$935.	Up to \$5,824	Up to \$6,759.
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.
Installation of serviceable seats	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.
Clearing FOD	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.
Replacement of the horizontal actuator.	1 work-hour × \$85 per hour = \$85 per actuator.	\$7,937 per actuator	\$8,022 per actuator.
Operational test, adjusted control lever cable.	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to \$46,064.

The FAA has received no definitive data that would enable the FAA to provide cost estimates for the optional terminating action for the repetitive checks specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive 2019–14–13, Amendment 39–19691 (84 FR 38855, August 8, 2019), and
 - b. Adding the following new Airworthiness Directive:

The Boeing Company: Docket No. FAA–2024–2136; Project Identifier AD–2023–00296–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 24, 2024.

(b) Affected ADs

This AD replaces AD 2019–14–13, Amendment 39–19691 (84 FR 38855, August 8, 2019) (AD 2019–14–13).

(c) Applicability

(1) This AD applies to all The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01920SE does not affect

the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a "change in product" alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. The unsafe condition, if not addressed, could result in an uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, and could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Seat Part Number Identification and On-Condition Actions

Except as specified in paragraphs (i) and (j) of this AD: At the applicable time specified in the "Compliance," paragraph of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023, do an inspection to determine the part number, and serial number as applicable, of the Captain's and First Officer's seats, and all applicable on-condition actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain's and First Officer's seats can be conclusively determined from that review.

(h) Detailed Inspection, and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified by paragraphs (i) and (j) of this AD: At the applicable times specified in the “Compliance,” paragraph of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, do all applicable actions identified as “RC” (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023. Actions identified as terminating action in Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Special Attention

Service Bulletin 767–25–0549, Revision 2, dated January 27, 2023.

(i) Exceptions to Service Information Specifications

(1) Where the “Compliance” paragraph of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, refers to the original issue date of the service bulletin, this AD requires using September 12, 2019 (the effective date of AD 2019–14–13).

(2) Where the “Compliance” paragraph of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, refers to the Revision 2 date of the service bulletin, this AD requires using the effective date of this AD.

(3) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023, refers to within 72 months after the

original issue date of the service bulletin, this AD requires using within 36 months after September 12, 2019 (the effective date of AD 2019–14–13).

(4) Where the “Compliance” paragraph of Boeing Special Attention Bulletin 767–25–0539, Revision 2, dated January 27, 2023, refers to the Revision 2 date of the service bulletin, this AD requires using the effective date of this AD.

(j) Acceptable Conditions for Compliance

If the airplane records show that an Ipeco Captain’s or First Officer’s seat meets all criteria specified in any row in figure 1 to paragraph (j) of this AD, the actions specified in paragraphs (g) and (h) of this AD are not required for that seat.

Figure 1 to Paragraph (j)—Alternative Acceptable Seats

Installation per Boeing Special Attention Service Bulletin –	And installation per Ipeco Service Bulletin –	Having Ipeco P/N –	And additional required conditions –
767-25-0539, Revision 1, dated July 17, 2018	None	3A258-0041-01-2 or 3A258-0042-01-2	No additional conditions required.
767-25-0539, Revision 1, dated July 17, 2018	098-25-03, Issue 1, dated October 2, 2013; or Issue 2, dated March 28, 2014, or Issue 3, dated March 4, 2020	3A090-0025-01-1 or 3A090-0026-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-95, Revision 16, dated September 6, 2013, or subsequent revisions up to and including Revision 25, dated July 12, 2023.
767-25-0539, Revision 1, dated July 17, 2018	210-25-04, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 3, 2020	3A090-0077-01-1, 3A090-0077-02-1, 3A090-0078-01-1, 3A090-0078-02-1, 3A090-0078-03-1, 3A090-0078-04-1, or 3A090-0078-05-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-78, Revision 20, dated September 12, 2013, or subsequent revisions up to and including Revision 29, dated October 13, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0007-01-1 or 3A258-0008-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-26, Revision 16, dated September 12, 2013, or subsequent revisions up to and including Revision 40, dated December 4, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletins.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 38, dated December 2, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0007-01-1Z or 3A258-0008-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-26, Revision 16, dated September 12, 2013, or subsequent revisions up to and including Revision 40, dated December 4, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletin.

Installation per Boeing Special Attention Service Bulletin –	And installation per Ipeco Service Bulletin –	Having Ipeco P/N –	And additional required conditions –
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 38, dated December 2, 2023.
767-25-0549, Revision 1, dated August 10, 2018	None	3A258-0007-01-2, 3A258-0007-01-1Z, 3A258-0008-01-2, 3A258-0008-01-1Z, 3A258-0041-01-2, 3A258-0041-01-1Z, 3A258-0042-01-2, or 3A258-0042-01-1Z	No additional conditions required.
767-25-0549, Revision 1, dated August 10, 2018	258-25-13, Issue 3, dated November 27, 2017; or Issue 4, dated April 28, 2020; or Issue 5, dated November 1, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.
767-25-0549, Revision 1, dated August 10, 2018	258-25-14, Issue 4, dated January 9, 2018; or Issue 5, dated April 28, 2020	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.
767-25-0549, Revision 1, dated August 10, 2018	258-25-15, Issue 4, dated February 16, 2018; or Issue 5, dated April 29, 2020; or Issue 6, dated November 1, 2021	3A258-0007-01-1 or 3A258-0008-01-1	Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.
767-25-0549, Revision 1, dated August 10, 2018	258-25-16, Issue 4, dated September 11, 2017; or Issue 5, dated April 29, 2020	3A258-0007-01-1 or 3A258-0008-01-1	Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR-520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company

Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR-520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2019-14-13 are approved as AMOCs for the corresponding provisions of Boeing Special Attention Service Bulletin 767-25-0539, Revision 2, dated January 27, 2023, and Boeing Special Attention Service Bulletin 767-25-0549, Revision 2, dated January 27, 2023, that are required by paragraphs (g) and (h) of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled “RC Exempt,” then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

For more information about this AD, contact Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des

Moines, WA 98198; phone 206–231–3986; email Courtney.K.Tuck@faa.gov.

(m) 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) Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023.

(ii) Boeing Special Attention Service Bulletin 767–25–0549, Revision 2, dated January 27, 2023.

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; phone 562–797–1717; website myboeingfleet.com.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on August 26, 2024.

Suzanne Masterson,
Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–20160 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1896; Project Identifier MCAI–2023–00978–T]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 and 440), CL–600–2C10 (Regional Jet Series 700, 701, and 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24

(Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2023–10–02 was prompted by the determination that radio altimeters cannot be relied on to perform their intended function if they experience interference from wireless broadband operations in the 3.7–3.98 GHz frequency band (5G C-Band). This AD was prompted by the determination that this interference can also result in certain failure messages being inhibited longer than intended. This proposed AD would require installing a new radio frequency (RF) bandpass filter on the coaxial line between the radio altimeter and the receive antenna in the aft equipment compartment. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 24, 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–2024–1896; 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 MHI RJ material identified in this proposed AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email thd.crj@mhjrj.com; website mhjrj.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email 9-avs-nyaco-cos@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–2024–1896; Project Identifier MCAI–2023–00978–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2023–10–02, Amendment 39–22438 (88 FR 34065, May 26, 2023) (AD 2023–10–02) to address the effect of interference from wireless broadband operations in the 5G C-Band on all transport and commuter category airplanes equipped with a radio altimeter. AD 2023–10–02 was prompted by a determination that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 5G C-Band. AD 2023–10–02 requires revising the limitations section of the existing airplane flight manual to incorporate limitations prohibiting transport and commuter category airplanes from performing certain low-visibility landing operations at any airport unless they have upgraded their radio altimeters. Transport Canada, which is the aviation authority for Canada, issued corresponding Transport Canada AD CF–2023–46, dated June 30, 2023, to require similar limitations on flight operations requiring radio altimeter data in U.S. airspace affected by 5G C-Band wireless signals.

Additionally, Transport Canada has issued Transport Canada AD CF–2023–62R1, dated November 21, 2023 (referred to as “the MCAI”), for certain serial-numbered MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 and 440), CL–600–2C10 (Regional Jet Series 700, 701, and 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states that, in addition to the effects of 5G C-Band broadband interference identified in FAA AD 2023–10–02, MHI RJ has determined that 5G C-Band broadband interference can result in certain failure messages and aural alerts being inhibited longer than intended. Specifically, this can result in the inhibition of hydraulic system #3 and wing anti-ice overheat failure messages such that flightcrew are unable to perform appropriate airplane flight

manual (AFM) procedures in the time needed to prevent loss of elevator control due to hydraulic system overheat and wing structural damage due to wing anti-ice system overheat. This condition, if not corrected, could result in delayed flightcrew response leading to loss of continued safe flight and landing.

The MCAI requires the installation of a new RF bandpass filter on the coaxial line between the radio altimeter and the receive antenna in the aft equipment compartment. For airplanes with a dual radio altimeter configuration, the MCAI requires a filter to be installed on both systems or on one system provided the second system is deactivated. When the airplane is modified as specified in the MCAI, the configuration with the RF bandpass filter installed has been determined to be “radio altimeter tolerant.” The actions of the MCAI apply only to airplanes operating within the contiguous U.S. airspace.

The FAA is proposing this AD because radio altimeter anomalies can result in the inhibition of certain failure messages such that the flightcrew are unable to perform appropriate AFM procedures in the time needed to prevent loss of elevator control due to hydraulic system overheat and wing structural damage due to wing anti-ice system overheat, possibly resulting in delayed flightcrew response leading to loss of continued safe flight and landing.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1896.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed MHI RJ Service Bulletins 601R–34–152, Revision D, dated May 11, 2023, and 670BA–34–054, dated February 20, 2023. This material specifies procedures for installing a new RF bandpass filter on the coaxial line between the radio altimeter and the receive antenna in the aft equipment compartment. These documents are distinct since they apply to different airplane models. This material is reasonably available because

the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the material 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 the material already described. This AD would not apply to airplanes that have been modified to be a radio altimeter tolerant airplane under the requirements of AD 2023–10–02.

Differences Between the MCAI and This NPRM

Although the actions of the MCAI apply only to Canadian-registered airplanes operating within the contiguous U.S. airspace, this proposed AD would apply to U.S.-registered airplanes operating in any airspace. The FAA has determined that the expansion of 5G C-band has occurred in other countries, such as Canada and Brazil, in which 5G C-band interference is expected.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect up to 873 airplanes of U.S. registry. However, many of these airplanes may already have a bandpass filter installed in compliance with AD 2023–10–02 and would not have any costs because of this proposed AD. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS			
Labor cost	Parts cost	Cost per product	Cost on U.S. operators
58 work-hours × \$85 per hour = \$4,930	\$53,647	\$58,577	Up to \$51,137,721.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more

detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in

Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier Inc.):
Docket No. FAA–2024–1896; Project Identifier MCAI–2023–00978–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 24, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the MHI RJ Aviation ULC (Type Certificate previously held by Bombardier Inc.) airplanes identified in paragraphs (c)(1) through (6) of this AD, certificated in any category, that are equipped with a radio altimeter and not determined to be a radio altimeter tolerant airplane as defined in paragraph (g) of this AD.

(1) Model CL–600–2B19 (Regional Jet Series 100 and 440) airplanes, serial number (S/N) 7002 through 8113.

(2) Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) airplanes, S/N 10002 through 10999.

(3) Model CL–600–2C11 (Regional Jet Series 550) airplanes, S/N 10002 through 10999.

(4) Model CL–600–2D15 (Regional Jet Series 705) airplanes, S/N 15001 through 15990.

(5) Model CL–600–2D24 (Regional Jet Series 900) airplanes, S/N 15001 through 15990.

(6) Model CL–600–2E25 (Regional Jet Series 1000) airplanes, S/N 19013 through 19990.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Unsafe Condition

This AD was prompted by the determination that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 3.7–3.98 GHz frequency band (5G C-Band). The FAA is issuing this AD because radio altimeter anomalies can result in the inhibition of certain failure messages such that the flightcrew are unable to perform appropriate airplane flight manual procedures in the time needed to prevent loss of elevator control due to hydraulic system overheat and wing structural damage due to wing anti-ice system overheat, possibly resulting in delayed flightcrew response leading to loss of continued safe flight and landing.

(f) Compliance

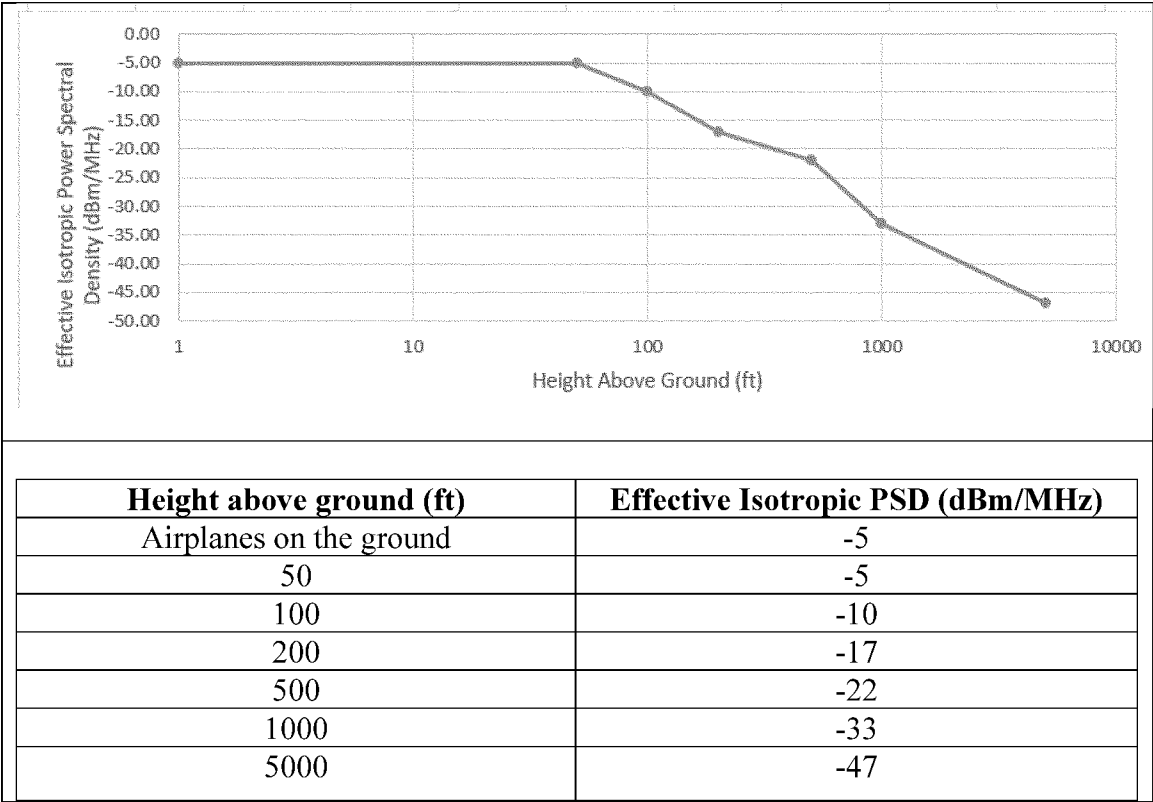
Comply with this AD within the compliance times specified, unless already done.

(g) Definitions

For purposes of this AD, a “radio altimeter tolerant airplane” is one for which the radio altimeter, as installed, demonstrates the tolerances specified in paragraphs (g)(1) and (2) of this AD, using a method approved by the FAA. No actions are required by this AD for radio altimeter tolerant airplanes.

(1) Tolerance to radio altimeter interference, for the fundamental emissions (3.7–3.98 GHz), at or above the power spectral density (PSD) curve threshold specified in figure 1 to paragraph (g)(1) of this AD.

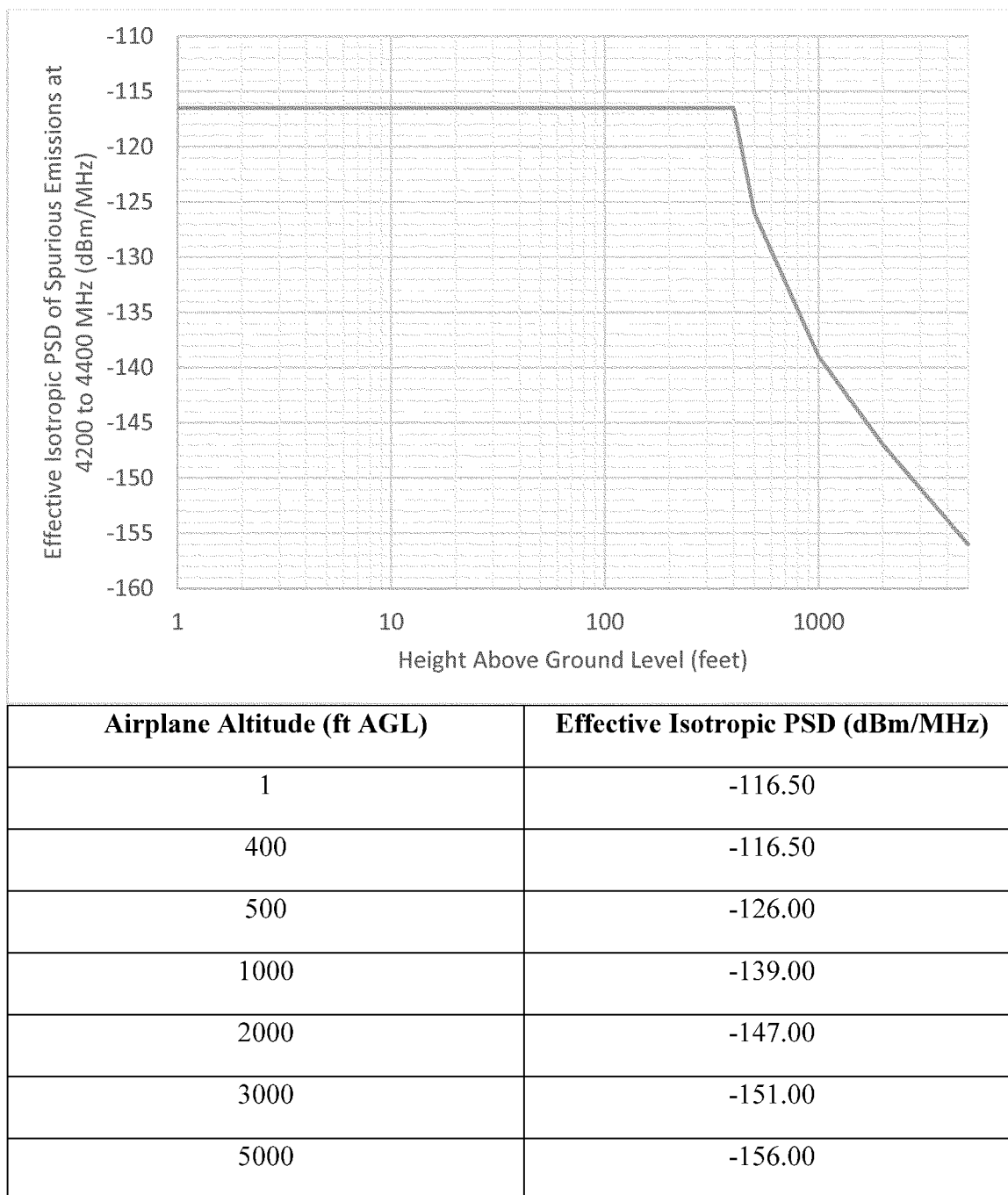
Figure 1 to Paragraph (g)(1)—Fundamental Effective Isotropic PSD at Outside Interface of Airplane Antenna



(2) Tolerance to radio altimeter interference, for the spurious emissions (4.2–4.4 GHz), at or above the PSD curve threshold

specified in figure 2 to paragraph (g)(2) of this AD.

Figure 2 to Paragraph (g)(2)—Spurious Effective Isotropic PSD at Outside Interface of Airplane Antenna

**(h) Filter Installation: Model CL-600-2B19**

For Model CL-600-2B19 airplanes: Within 2,300 flight hours or 12 months after the effective date of this AD, whichever occurs first, install a radio frequency (RF) bandpass filter on each radio altimeter in accordance with the applicable parts of the Accomplishment Instructions in MHI RJ Service Bulletin 601R-34-152, Revision D, dated May 11, 2023. Alternatively, airplanes with a dual radio altimeter configuration may comply with this paragraph by installing an RF bandpass filter on one radio altimeter and deactivating the second radio altimeter in accordance with the applicable parts of the Accomplishment Instructions in MHI RJ

Service Bulletin 601R-34-152, Revision D, dated May 11, 2023.

(i) Filter Installation: Model CL-600-2C10, CL-600-2C11, CL-600-2D15, and CL-600-2D24

For Model CL-600-2C10, CL-600-2C11, CL-600-2D15, and CL-600-2D24 airplanes: Within 2,100 flight hours or 12 months after the effective date of this AD, whichever occurs first, install an RF bandpass filter on each radio altimeter in accordance with the applicable parts of the Accomplishment Instructions in MHI RJ Service Bulletin 670BA-34-054, dated February 20, 2023. Alternatively, airplanes with a dual radio altimeter configuration may comply with this

paragraph by installing an RF bandpass filter on one radio altimeter and deactivating the second radio altimeter in accordance with the applicable parts of the Accomplishment Instructions in MHI RJ Service Bulletin 670BA-34-054, dated February 20, 2023.

(j) Filter Installation: Model CL-600-2E25

For Model CL-600-2E25 airplanes: Before the next flight in the contiguous U.S. airspace after the effective date of this AD, install an RF bandpass filter on each radio altimeter in accordance with the applicable parts of the Accomplishment Instructions in MHI RJ Service Bulletin 670BA-34-054, dated February 20, 2023.

(k) Credit for Previous Actions

For Model CL-600-2B19 airplanes: This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using the material in paragraphs (k)(1) through (4) of this AD, provided the electrical idents for coax cables are installed using Part G of the Accomplishment Instructions in MHI RJ Service Bulletin 601R-34-152, Revision D, dated May 11, 2023, within the compliance time specified in paragraph (h) of this AD.

(1) MHI RJ Service Bulletin 601R-34-152, dated February 14, 2023.

(2) MHI RJ Service Bulletin 601R-34-152, Revision A, dated February 28, 2023.

(3) MHI RJ Service Bulletin 601R-34-152, Revision B, dated March 28, 2023.

(4) MHI RJ Service Bulletin 601R-34-152, Revision C, dated April 20, 2023.

(l) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (m) of this AD. Information may be emailed to: 9-AVS-NYACO-COS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(m) Additional Information

For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email 9-avs-nyaco-cos@faa.gov.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) MHI RJ Service Bulletin 601R-34-152, Revision D, dated May 11, 2023.

(ii) MHI RJ Service Bulletin 670BA-34-054, dated February 20, 2023.

(3) For MHI RJ material identified in this AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand,

Québec J7H 0E2 Canada; North America toll-free telephone 833-990-7272 or direct-dial telephone 450-990-7272; fax 514-855-8501; email thd.crj@mhjrj.com; website mhjrj.com.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(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-locationsoremailfr.inspection@nara.gov.

Issued on August 28, 2024.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024-20244 Filed 9-5-24; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2024-2137; Project Identifier AD-2023-00297-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019-22-02, which applies to all The Boeing Company Model 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747-8F, and 747-8 series airplanes. AD 2019-22-02 was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. AD 2019-22-02 requires identifying the part number, and the serial number if applicable, of the Captain's and First Officer's seats, and applicable on-condition actions for affected seats. AD 2019-22-02 also requires a one-time detailed inspection and repetitive checks of the horizontal movement system (HMS) of the Captain's and First Officer's seats, and applicable on-condition actions. AD 2019-22-02 also provides an optional terminating action for the repetitive actions for certain seats. Since the FAA issued AD 2019-22-02, the FAA has determined that additional seats are affected by the unsafe condition. This proposed AD would retain the actions required by AD 2019-22-02 and adds an inspection of previously omitted part

numbers. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 24, 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-2024-2137; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Boulevard, MC 110-SK57, Seal Beach, CA 90740-5600; phone 562-797-1717; website myboeingfleet.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at regulations.gov by searching for and locating Docket No. FAA-2024-2137.

FOR FURTHER INFORMATION CONTACT:

Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206-231-3986; email Courtney.K.Tuck@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-2024-2137; Project Identifier AD-2023-00297-T" at the beginning of your comments. The most helpful comments

reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206-231-3986; email Courtney.K.Tuck@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2019-22-02, Amendment 39-19781 (84 FR 67854, December 12, 2019) (AD 2019-22-02), for all The Boeing Company Model 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747-8F, and 747-8 series airplanes. AD 2019-22-02 was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. AD 2019-22-02 requires an identification of the part number, and if applicable the serial number, of the Captain's and First Officer's seats, and applicable on-condition actions. AD 2019-22-02 also requires a one-time

detailed inspection and repetitive checks of the HMS of the Captain's and First Officer's seats, and applicable on-condition actions. AD 2019-22-02 also provides an optional terminating action for the repetitive checks of the HMS for certain airplanes. The FAA issued AD 2019-22-02 to address uncommanded fore and aft movement of the Captain's and First Officer's seats. An uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

Actions Since AD 2019-22-02 Was Issued

Since the FAA issued AD 2019-22-02, Boeing and the seat supplier (Ipeco) determined that certain seat part numbers were inadvertently omitted from the service information required by AD 2019-22-02. Ipeco subsequently updated their service information to include the additional part numbers, and Boeing updated their service information as well. Based on this, the FAA has determined that additional seats are affected by the unsafe condition.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 747-25-3644, Revision 2, dated January 27, 2023. The material describes procedures for identification of the part number, and the serial number if applicable, of the Captain's and First Officer's seats, and applicable on-condition actions. On-condition actions include an inspection of each seat's fore and aft and vertical manual control levers for looseness, installation of serviceable seats, and a seat operational test after any cable adjustment. This material also adds Ipeco seat part numbers 3A258-0041-01-1Z and 3A258-0042-01-1Z.

The FAA also reviewed Boeing Special Attention Service Bulletin 747-25-3653, Revision 2, dated January 27, 2023. This material describes procedures for a detailed inspection and repetitive checks of the HMS (including for any Artus part and amendment numbers of the horizontal actuator of

the HMS) for the Captain's and First Officer's seats for findings (e.g., evidence of cracks, scores, corrosion, dents, deformation, or visible wear; and incorrectly assembled microswitch assemblies, actuators, and limit switches), and applicable on-condition actions. The on-condition actions include clearing the seat tracks of foreign object debris (FOD), overhauling the HMS, and replacing the horizontal actuator. This material also describes procedures for an optional terminating action for the repetitive checks by installing a serviceable Captain's or First Officer's seat.

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** section.

Proposed AD Requirements in This NPRM

Although this proposed AD does not explicitly restate the requirements of AD 2019-22-02, this proposed AD would retain all of the requirements of AD 2019-22-02. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraphs (g) and (h) of this proposed AD.

This proposed AD would require accomplishing the actions specified in the service information already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *regulations.gov* under Docket No. FAA-2024-2137.

Acceptable Methods of Compliance

The FAA has determined that the actions required by paragraphs (g) and (h) of this AD are not required under specific conditions, e.g., if it can be shown through maintenance records that the required actions have already been accomplished by the previous revision of the service information and specific conditions have been met. Paragraph (j) of this AD identifies these conditions. Complying with these conditions adequately addresses the unsafe condition identified in this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 162 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS PER SEAT

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Identification, seat (retained actions from AD 2019-22-02).	1 work-hour × \$85 per hour = \$85.	\$0	\$85	\$27,540.
Detailed inspection, HMS (retained actions from AD 2019-22-02).	1 work-hour × \$85 per hour = \$85.	0	\$85	\$27,540.
Checks, HMS (retained actions from AD 2019-22-02).	2 work-hours × \$85 per hour = \$170 per check cycle.	0	\$170 per check cycle	\$55,080 per check cycle.
Identification, seat (new proposed actions).	1 work-hour × \$85 per hour = \$85.	0	\$85	Up to \$117,980.

The FAA estimates the following costs to do any necessary on-condition

actions that will be required. The FAA has no way of determining the number

of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Action	Labor cost	Parts cost	Cost per product
Adjustment, control lever cable	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Overhaul, HMS	11 work-hours × \$85 per hour = \$935	Up to \$5,824	Up to \$6,759.
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.
Installation of serviceable seats	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.
Clearing FOD	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.
Replacement of the horizontal actuator	1 work-hour × \$85 per hour = \$85 per actuator.	\$7,937 per actuator	\$8,022 per actuator.
Operational test, adjusted control lever cable.	1 work-hour × \$85 per hour = \$85 per seat.	\$0	\$85 per seat.

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to \$46,064.

The FAA has received no definitive data that would enable the FAA to provide cost estimates for the optional terminating action for the repetitive checks specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive 2019-22-02, Amendment 39-19781 (84 FR 67854, December 12, 2019), and
 - b. Adding the following new Airworthiness Directive:

The Boeing Company: Docket No. FAA-2024-2137; Project Identifier AD-2023-00297-T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 24, 2024.

(b) Affected ADs

This AD replaces AD 2019-22-02, Amendment 39-19781 (84 FR 67854, December 12, 2019) (AD 2019-22-02).

(c) Applicability

This AD applies to all The Boeing Company Model 747-200B, 747-200C, 747-

200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. The unsafe condition, if not addressed, could result in an uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, and could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Seat Part Number Identification and On-Condition Actions

Except as specified by paragraphs (i) and (j) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023, do an inspection to determine the part

number, and serial number as applicable, of the Captain's and First Officer's seats, and all applicable on-condition actions identified in, and in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain's and First Officer's seats can be conclusively determined from that review.

(h) Detailed Inspection, and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified by paragraph (i) and (j) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Bulletin 747–25–3653, Revision 2, dated January 27, 2023, do all applicable actions identified as "RC" (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Bulletin 747–25–3653, Revision 2, dated January 27, 2023. Actions identified as terminating action in Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023.

(i) Exceptions to Service Information Specifications

(1) Where the "Compliance" paragraph of Boeing Special Attention Bulletin 747–25–3653, Revision 2, dated January 27, 2023, refers to the original issue date of this bulletin, this AD requires using January 16, 2020 (the effective date of AD 2019–22–02).

(2) Where the "Compliance" paragraph of Boeing Special Attention Bulletin 747–25–3644, Revision 2, dated January 27, 2023, refers to 72 months after the original issue date of this service bulletin, this AD requires using 36 months after January 16, 2020 (the effective date of AD 2019–22–02).

(3) Where the "Compliance" paragraph of Boeing Special Attention Bulletin 747–25–3644, Revision 2, dated January 27, 2023, refers to the Revision 2 date of this service bulletin, this AD requires using the effective date of the AD.

(j) Acceptable Conditions for Compliance

If the airplane records show that an Ipeco Captain's or First Officer's seat meets all criteria specified in any row in figure 1 to paragraph (j) of this AD, the actions specified in paragraphs (g) and (h) of this AD are not required for that seat.

Figure 1 to Paragraph (j)—Alternative Acceptable Seats

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Installation per Boeing Special Attention Service Bulletin –	And installation per Ipeco Service Bulletin –	Having Ipeco P/N –	And additional required conditions –
747-25-3644, Revision 1, dated July 17, 2018	None	3A258-0041-01-2 or 3A258-0042-01-2	No additional conditions required.
747-25-3644, Revision 1, dated July 17, 2018	097-25-02, Issue 1, dated October 2, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020	3A090-0027-01-1 or 3A090-0028-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-94, Revision 10, dated September 13, 2019, or subsequent revisions up to and including Revision 15, dated August 10, 2021.
747-25-3644, Revision 1, dated July 17, 2018	107-25-03, Issue 1, dated October 2, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020	3A090-0055-01-1 or 3A090-0056-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-97, Revision 14, dated December 5, 2013, and subsequent revisions up to and including Revision 22, dated March 19, 2021.
747-25-3644, Revision 1, dated July 17, 2018	112-25-02, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 18, 2020; or Issue 4, dated May 7, 2021	3A090-0065-01-1 or 3A090-0066-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-01, Revision 9, dated September 20, 2013, and subsequent revisions up to and including Revision 18, dated December 19, 2021.
747-25-3644, Revision 1, dated July 17, 2018	209-25-02, Issue 1, dated November 13, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020	3A090-0075-01-1 or 3A090-0076-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-32, Revision 4, dated September 27, 2013, and subsequent revisions up to and including Revision 9, dated July 23, 2020.
747-25-3644, Revision 1, dated July 17, 2018	211-25-04, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020	3A090-0079-01-1 or 3A090-0080-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-79, Revision 23, dated September 5, 2013, and subsequent revisions up to and including Revision 31, dated July 23, 2020.

Installation per Boeing Special Attention Service Bulletin –	And installation per Ipeco Service Bulletin –	Having Ipeco P/N –	And additional required conditions –
747-25-3644, Revision 1, dated July 17, 2018	212-25-03, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020	3A090-0081-01-1 or 3A090-0082-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-80, Revision 9, dated September 27, 2013, and subsequent revisions up to and including Revision 15, dated July 23, 2020.
747-25-3644, Revision 1, dated July 17, 2018	258-25-08, Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletins.
747-25-3644, Revision 1, dated July 17, 2018	258-25-08, Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 53, dated December 4, 2023.
747-25-3644, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletin.
747-25-3644, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 53, dated December 4, 2023.
747-25-3653, Revision 1, dated October 18, 2018	None	3A258-0041-01-2, 3A258-0041-01-1Z, 3A258-0042-01-2 or 3A258-0042-01-1Z	No additional conditions required.
747-25-3653, Revision 1, dated October 18, 2018	258-25-13, Issue 3, dated November 27, 2017; or Issue 4, dated April 28, 2020, or Issue 5; dated November 1, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.
747-25-3653, Revision 1, dated October 18, 2018	258-25-14, Issue 4, dated January 29, 2018; or Issue 5, dated April 28, 2020	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.

BILLING CODE 4910-13-C**(k) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, AIR-520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly

to the manager of the certification office, send it to the attention of the person identified in paragraph (m) of this AD. Information may be emailed to: *AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair,

modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR-520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2019–22–02 are approved as AMOCs for the corresponding provisions of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023, and Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023, that are required by paragraphs (g) and (h) of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled “RC Exempt,” then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

For more information about this AD, contact Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206–231–3986; email Courtney.K.Tuck@faa.gov.

(m) 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) Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023.

(ii) Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023.

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; phone 562–797–1717; website myboeingfleet.com.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on August 26, 2024.

Suzanne Masterson,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–20159 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–1477; Airspace Docket No. 19–ANM–27]

RIN 2120–AA66

Modification of Class D Airspace; Revocation of Class E Airspace; Centennial Airport, Denver, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace and revoke Class E airspace designated as an extension to a Class D or Class E surface area at Centennial Airport (APA), Denver, CO. Additionally, this action would amend administrative texts with Centennial Airport's legal description. This action would support instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport.

DATES: Comments must be received on or before October 24, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2023–1477 and Airspace Docket No. 19–ANM–27 using any of the following methods:

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

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

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

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

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket

Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT:

Keith T. Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2428.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class D airspace and revoke Class E airspace designated as an extension to a Class D or Class E surface area to support IFR and VFR operations at Centennial Airport, Denver, CO.

Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class D airspace and Class E4 airspace designations are published in paragraph 5000 and 6004 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

Background

Centennial Airport's airspaces are concurrently being evaluated with the Class D and Class E airspaces associated with Buckley Space Force Base (BKF), Aurora, CO. APA and BKF Category D aircraft's instrument approach procedures (IAP)-approved radius for conducting a circling maneuver overlaps in Class E airspace. APA's Category D aircraft conducting a circling maneuver to Runway 17 Left flight pattern extends beyond the airport's Class D airspace lateral boundary. Additionally, APA and BKF Class D airspaces are separated by less than .30 nautical miles (NM). This narrow airspace area is comprised of controlled and uncontrolled airspaces; this creates an unfavorable passage as VFR aircraft navigate between the two airports' surface areas.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify the Class D airspace and revoke the Class E airspace designated as an extension to a Class D or Class E surface area at Centennial Airport, Denver, CO, to support IFR and VFR operations at the airport.

The airport's Class D airspace lateral boundary should be modified to extend 3.9 NM northwest and 4.6 NM southeast from the airport's 038° bearing extending 4.6 NM northeast. This expansion along with the proposed airspace modification associated with BKF would merge both airport's surface areas, which would require transiting VFR aircraft to utilize 500 feet of Class E airspace area between the tops of BKF Class D airspace and the floor of the Denver Class B airspace. Additionally, the Class D should be expanded from a 4.4 NM radius to a 6.4 NM radius between the airports 083° bearing clockwise to the 201° bearing. Due to rising terrain, this modification would better contain instrument departures as the aircraft reaches 700 feet above the surface of the earth. The Class D should also extend from a 4.4 NM radius to a 4.9 NM radius between the airport's 201° bearing clockwise to the 347° bearing to better contain aircraft conducting a circling maneuver at the airport.

The Class E airspace designated as an extension to a Class D or Class E surface area should be revoked. The airport's proposed Class D new lateral dimension would contain all obligated IFR requirements that would be necessary in the continuation of the airport's Class E airspace.

Lastly, the FAA is proposing a few administrative amendments to the airport's legal description. The city's name should be amended from Englewood to Denver. The airport's geographic coordinates should be amended to 39°34'12" N, long 104°50'57" W. The part-time language should be removed as the facility operates 24 hours daily.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and

effective September 15, 2023, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

ANM CO D Denver, CO [Amended]

Centennial Airport, CO

(Lat. 39°34'12" N, long. 104°50'57" W)

That airspace extending upward from the surface to but not including 8,000 feet MSL within 3.9 miles northwest and 4.6 miles southeast of the airport's 038° bearing extending to 4.6 miles northeast, within a 6.4-mile radius from the airport's 083° bearing clockwise to 201° bearing, and within a 4.9-mile radius from the airport's 201° bearing clockwise to the 347° bearing.

* * * * *

Paragraph 6004 Class E Airspace

Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM CO E4 Englewood, CO [Removed]

* * * * *

Issued in Des Moines, Washington, on September 3, 2024.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2024–20194 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1857; Airspace Docket No. 19–ANM–99]

RIN 2120–AA66

Modification of Class D and Class E Airspace; Revocation of Class E Airspace; Buckley Space Force Base, Aurora, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class D and Class E airspace designated as a surface area and revoke the Class E airspace designated as an extension to a Class D or Class E surface area at Buckley Space Force Base (BKF), Aurora, CO. Additionally, this action proposes administrative amendments to update the airport's legal description to match the FAA database. These actions would support the safety and management of instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport.

DATES: Comments must be received on or before October 24, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1857 and Airspace Docket No. 19–ANM–99 using any of the following methods:

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

Keith T. Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2428.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

scope of that authority as it would modify Class D and Class E airspace designated as a surface area and revoke Class E airspace designated as an extension to a Class D and Class E surface area to support IFR and VFR operations at Buckley Space Force Base, Aurora, CO.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of

operations). An informal docket may also be examined during normal business hours at the office at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class D, E2, and E4 airspace designations are published in paragraphs 5000, 6002, and 6004, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

Background

Buckley Space Force Base (BKF) is located south of Denver International Airport (DEN) and is separated by United States Interstate 70. Centennial Airport (APA) is located nearby, approximately 9.1 nautical miles (NM) southeast of BKF. APA and BKF airports have instrument approach procedures (IAP) that involve conflicting and overlapping circling maneuver patterns. The circling maneuver patterns of category D and E aircraft landing Runway (RWY) 32 at BKF extend beyond the airport's surface area to the west and northwest of the airport. Additionally, APA and BKF Class D airspace areas are separated by less than 0.30 NM. This area is comprised of controlled and uncontrolled airspace, which creates an unfavorable passage as VFR aircraft navigate between the two airports' surface areas. Lastly, IFR departures from BKF's RWY 14 occur underneath the floor of controlled airspace and outside the lateral boundaries of the BKF airport; this is due to rising terrain south-through-southeast of the airport, and the need to size the surface area airspace based on a climb rate of 200 feet per NM.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify Class D airspace, modify Class E airspace designated as a surface area, and revoke Class E airspace designated

as an extension to a Class D or surface area at Buckley Space Force Base, CO.

The lateral boundaries of the airport's Class D and Class E surface areas are insufficiently sized and should be modified to better contain IFR arrivals when less than 1,000 feet above the surface of the earth and departing IFR aircraft until reaching the next adjacent airspace. Additionally, an approximately 0.30 NM gap of Class E and Class G airspaces exists between the BKF and APA surface areas. As such, the airport's Class D and Class E surface areas should be re-sized to be within a 4.4-mile radius of the airport, within 2 miles northeast and 4 miles southwest of the airport's 151° bearing extending to 7.1 miles southeast, and within 4 miles south and 4.4 miles north of the airport's 270° bearing extending to 4.7 miles west, excluding that airspace within the DEN Class B and APA Class D airspace areas. Closing this gap would redirect some VFR aircraft to transition a 500-foot vertical Class E airspace area between the vertical limits of BKF's Class D airspace and the floor of DEN Class B Area E airspace.

The FAA is proposing to revoke BKF's Class E airspace, which is designated as an extension to the Class D and E surface area. The Class E airspace area extension is no longer required due to the proposed modification of BKF's surface area airspace.

Finally, the FAA is proposing administrative actions to BKF's airspace legal descriptions. The airport's name on line 2 of both legal descriptions should state "Buckley Space Force Base, CO." Additionally, line four of both surface area legal descriptions should include "Denver International Airport, CO" and "Centennial Airport, CO" as references, as they are used to define BKF's surface areas.

Regulatory Notices and Analyses

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

under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM CO D Aurora, CO [Amended]

Buckley Space Force Base, CO
(Lat. 39°42'06" N, long. 104°45'07" W)
Denver International Airport, CO
(Lat. 39°51'42" N, long. 104°40'23" W)
Centennial Airport, CO
(Lat. 39°34'12" N, long. 104°50'57" W)

That airspace extending upward from the surface to but not including 7,500 feet MSL within a 4.4-mile radius of the airport, within 2 miles northeast and 4 miles southwest of the airport's 151° bearing extending to 7.1 miles southeast, and within 4 miles south and 4.4 miles north of the airport's 270° bearing extending to 4.7 miles west, excluding that airspace within the Denver International Airport, CO, Class B and Centennial Airport, CO, Class D airspace areas. 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.

* * * * *

*Paragraph 6002 Class E Airspace
Areas Designated as a Surface Area.*

* * * * *

ANM CO E2 Aurora, CO [Amended]

Buckley Space Force Base, CO
(Lat. 39°42'06" N, long. 104°45'07" W)
Denver International Airport, CO
(Lat. 39°51'42" N, long. 104°40'23" W)
Centennial Airport, CO
(Lat. 39°34'12" N, long. 104°50'57" W)

That airspace extending upward from the surface to but not including 7,500 feet MSL within a 4.4-mile radius of the airport, within 2 miles northeast and 4 miles southwest of the airport's 151° bearing extending to 7.1 miles southeast, and within 4 miles south and 4.4 miles north of the airport's 270° bearing extending to 4.7 miles west, excluding that airspace within the Denver International Airport, CO, Class B and Centennial Airport, CO, Class D airspace areas. This Class E 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.

* * * * *

*Paragraph 6004 Class E Airspace
Areas Designated as an Extension to a
Class D or Class E Surface Area.*

* * * * *

ANM CO E4 Aurora, CO [Removed]

Aurora, Buckley ANG Base, CO
(Lat. 39°42'06" N, long. 104°45'07" W)

* * * * *

Issued in Des Moines, Washington, August 30, 2024.

B.G. Chew,

*Group Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2024–20197 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

**CONSUMER PRODUCT SAFETY
COMMISSION**

16 CFR Parts 1112 and 1250

[CPSC Docket No. CPSC–2024–0027]

**Safety Standard for Toys:
Requirements for Water Beads**

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Improvement Act of 2008 (CPSIA) mandates that ASTM F963 shall be a mandatory toy safety standard. This safety standard sets forth requirements

for water bead toys and toys that contain water beads. The U.S. Consumer Product Safety Commission (CPSC) proposes to establish additional performance and labeling requirements for these products. The Commission also proposes to amend CPSC's list of notice of requirements (NORs) to include water bead toys and toys that contain water beads.

DATES: Submit comments by November 8, 2024.

ADDRESSES: Submit all comments, identified by Docket No. CPSC–2024–0027, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to <https://www.regulations.gov>. Do not submit through this website: Confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC–2024–0027, into

the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT:

Matthew Kresse, Project Manager, Division of Mechanical Engineering, Directorate for Laboratory Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; Telephone 301–987–2222; email: mkresse@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

Section 106(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) made ASTM International's (ASTM) voluntary standard for toys, ASTM F963–07, *Standard Consumer Safety Specification for Toy Safety* (except section 4.2 and Annex 4), a mandatory safety standard for toys beginning 180 days after the enactment date of the CPSIA. 15 U.S.C. 2056b(a). The CPSIA states that ASTM F963 shall be considered a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Since 2009, CPSC has enforced ASTM F963 as a mandatory standard for toys.^{1 2} In 2017, the Commission established 16 CFR part 1250, *Safety Standard Mandating ASTM F963 for Toys*, and it incorporated by reference the newly revised ASTM standard at that time, ASTM F963–16. 82 FR 8989 (Feb. 2, 2017). Most recently, on January 18, 2024, the Commission updated part 1250 to incorporate by reference a 2023 revision, ASTM F963–23. 89 FR 3344.

Section 4.40 of ASTM F963–23 includes requirements for toys, including but not limited to water beads, that are made of “Expanding Materials.”³ However, the requirements currently in ASTM F963–23 for this category of toys appear insufficient to address all known water bead hazards. Potential hazards for “Expanding Materials” in general include gastrointestinal tract blockage if a child ingests a product comprised of expanding materials. Hazard mitigation provisions in ASTM F963–23 include performance requirements, but do not include warnings or instructional literature specifically tailored to the

¹ Since 2009, ASTM revised F963 five times: ASTM F963–08, ASTM F963–11, ASTM F963–16, ASTM F963–17, and ASTM F963–23 (approved August 1, 2023).

² Section 3.1.91 of ASTM F963–23 (Toy): “Any object designed, manufactured, or marketed as a plaything for children under 14 years of age.”

³ Under ASTM F963, “Expanding Materials” are defined as “any material used in a toy which expands greater than 50% in any dimension from its as-received state.”

“Expanding Materials” requirements. While sections 5, 6, and 7 of ASTM F963–23 provide “Labeling Requirements,” “Instructional Literature” requirements, and “Producer’s Markings” requirements generally for toys under the standard, none of these requirements is directed to water beads specifically. Thus, the generalized warnings and instructional literature requirements do not address all known hazards.

Incident data, described in section III of this preamble, demonstrate that children ingest water beads, aspirate and choke on them, or insert them into the nose or ear, and subsequently suffer injury or death. Staff’s testing of water beads, described in section IV of this preamble, further demonstrates that tested water beads that pass the performance requirements in ASTM F963–23 can still pose safety hazards. Accordingly, this notice of proposed rulemaking (NPR) under section 106 of the CPSIA proposes additional requirements in part 1250 to establish mandatory requirements specifically for water beads.⁴ Further, this NPR proposes revising the title of part 1250 from “Safety Standard Mandating ASTM F963 for Toys” to “Safety Standard for Toys,” to reflect the inclusion of proposed requirements that do not incorporate by reference existing requirements in ASTM F963.^{5 6}

The Commission is authorized to issue this NPR pursuant to both section 106(c) and (d) of the CPSIA, 15 U.S.C. 2056b(c) and (d). Section 106(c) requires

the Commission to periodically review and revise its mandatory toy safety standards to ensure that such standards provide the highest level of safety for toys that is feasible. Section 106(d) further requires the Commission to examine and assess the effectiveness of its mandatory toy safety standards in protecting children from safety hazards, and then it must promulgate consumer product safety rules that are more stringent than the existing standards if the Commission determines that more stringent standards would further reduce the risk of injury associated with such toys. Consistent with the consultation requirement in section 106(d)(1) of the CPSIA, staff has worked with the ASTM F15.22 subcommittee task group since 2009 to update the toy standard and discuss hazards associated with water beads. This consultation, including sharing staff’s assessment of hazards and suggested additional performance and labeling requirements, continued through revision and publication of ASTM F963–23.

Building on staff’s continued collaboration with ASTM and in consideration of the incident data, the Commission is issuing this NPR to address four identified hazard patterns associated with water beads that are not adequately addressed by the current mandatory standard provisions addressing Expanding Materials: (1) ingestion of water beads, (2) insertion of water beads into the nose or ear, (3) aspiration due to water beads, and (4) choking due to water beads. The Commission proposes adding additional performance requirements to part 1250 to better address these risks. The NPR also proposes establishing acrylamide level limits for water beads, which may contain this toxic chemical, and implementing new testing for water beads under part 1250 to limit acrylamide in water beads in response to toxicity hazards when they enter the body. Finally, the Commission proposes labeling requirements for water beads under part 1250, including mandating warnings on products and instructional literature within scope of the rule.

This NPR provides an overview of staff’s assessment and analysis, and it includes the Commission’s basis for issuing the proposed rule. For the

reasons explained here, the Commission preliminarily determines that the proposed water bead requirements comply with section 106 of the CPSIA because they are more stringent than the current requirements in ASTM F963–23, would further reduce the risk of injury and death associated with products within the scope of the NPR, and would provide the highest level of safety that is feasible for such products. The Commission seeks comment on these issues.

II. The Product

A. Description of the Product

Water beads are various shaped, multi-colored or clear beads composed of water absorbing polymers, such as polyacrylamides and polyacrylates, which expand when soaked in liquid such as water. When first purchased, water beads are small and dehydrated, typically no larger than 7.0 mm diameter. The beads are often sold in large quantity packages that may contain up to thousands of beads (depending on original size) in one package. While in the dehydrated state, with all water content removed, water beads are typically either hard, solid beads, or soft-gelled beads. Water beads are designed to be soaked in water, which allows the beads to absorb the water and expand. After being soaked in water for periods as short as a few hours for smaller water beads or two to three days for larger water beads, water beads multiply in size, as demonstrated in Figure 1. Some water beads can expand, for example, from 2.0 mm diameter in their dehydrated state to 16.0 mm diameter when fully expanded (shown on the left in Figure 1), or from 7.0 mm diameter in the dehydrated state to 50.0 mm diameter when fully expanded (shown on the right in Figure 1). Thus, water beads have the potential to expand up to 800 percent of their original size. Once expanded, water beads remain moist even if removed from water but do not appear to have any adhesive properties that would cause them to stick together. When broken apart by hand or squeezing, expanded water beads tend to break into small, fragmented pieces (shown in Figure 2).

⁴ <https://www.cpsc.gov/content/FY-2024-Operating-Plan>.

⁵ On August 21, 2024, the Commission voted unanimously (5–0) to publish this NPR.

⁶ The information in this proposed rule is based in part on information and analysis in the July 31, 2024 Memorandum, Staff’s Draft Proposed Rule for Safety Standard for Toys: Requirements for Water Beads, available at: https://www.bing.com/ck/a?!&=fcf3dfff1c5f81972JmltdHM9MTcyNDI4NDgwMCZpZ3VpZD0wMDIhOTVlYi01OTI3LTlywZDYtMzEzYy04MTY1NTg2ODYxNGMmaW5zaWQ9NTIwNA&ptn=3&ver=2&hsh=3&fclid=009a95eb592760d6313c81655868614c&psq=Staff%e2%80%99s+Draft+Proposed+Rule+for+Safety+Standard+for+Toys%3a+Requirements+for+Water+Beads&u=a1aHR0cHM6Ly93d3cuY3BzYy5nb3YvczNmcy1wdWJsZWVtMm90aWNILW9mLVByb3Bvc2VklVJ1bGVtYWtpbmctUmVxdWlyZW1lbnRzLWZvc1XYXRlci1CZWFKcy5wZGY_VmVyc2lvbkklPTNreHZNemVNcElSSEphS1Eza25BNEczNnFWWjZFeVNP&ntb=1.

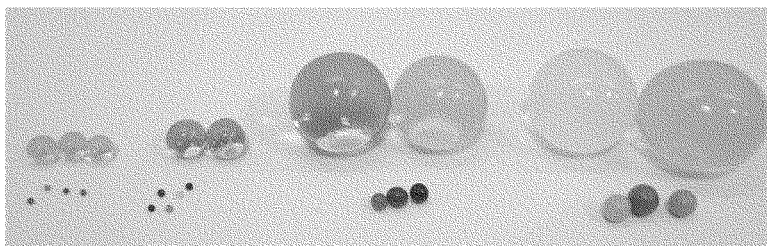


Figure 1: Water Beads, Before and After Expansion.

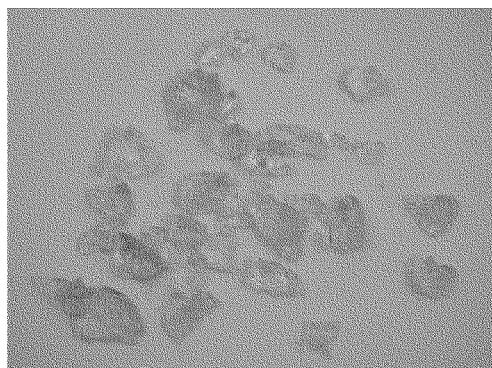


Figure 2: Water Beads, After Being Squeezed and Breaking.

Water beads are often sold in bulk or as part of other children's toys, such as experiment kits and sensory kits, or can be contained within toy squeeze balls or stress balls. Some water beads are not marketed as children's toys and are outside of the scope of this proposed rule.

As noted, CPSC currently regulates water beads under section 4.40 of ASTM F963–23, *Expanding Materials*, and 16 CFR 1250.2(a). ASTM F963–23 does not define the term “water beads,” but it defines an “Expanding Material” in section 3.1.28 as “any material used in a toy which expands greater than 50% in any dimension from its as-received state when tested in accordance with 8.30.” Section 8.30 directs that the toy must be submerged in deionized water maintained at $37\text{ °C} \pm 2\text{ °C}$ for a duration

of 72 hours, with the toy dimensions measured at 6-, 24-, 48- and 72-hour intervals in order to determine if the toy is an expanding material. CPSC proposes establishing a definition for “water bead(s)” under part 1250 as “various shaped, water absorbent polymers, such as, but not limited to polyacrylamides and polyacrylates, which expand when soaked in water.” CPSC proposes to incorporate ASTM's process for conditioning water bead in the proposed rule test procedures.

B. Scope of Products Within the NPR

This NPR would apply both to water bead toys and toys that contain water beads. A toy is “any object designed, manufactured, or marketed as a plaything for children under 14 years of age.” 16 CFR 1250.2(a); section 3.1.92 of

ASTM F963–23. Water bead toys therefore are water beads marketed as a plaything for children under 14 years of age (consistent with the definition of a “toy” in 16 CFR 1250.2(a)), while toys that contain water beads are toys that encompass water beads within the toy and the water beads are not intended to be accessed, such as a squeeze ball (Figure 5). Commonly, water beads are included in a variety of toy products, such as toy experiment kits (Figure 3), toy sensory kits (Figure 4), toy squeeze/sensory balls filled with water beads (Figure 5), and toy water pellet guns designed to shoot water bead projectiles (Figure 6). Each product would be subject to the proposed rule and would need to meet the requirements of a final rule.

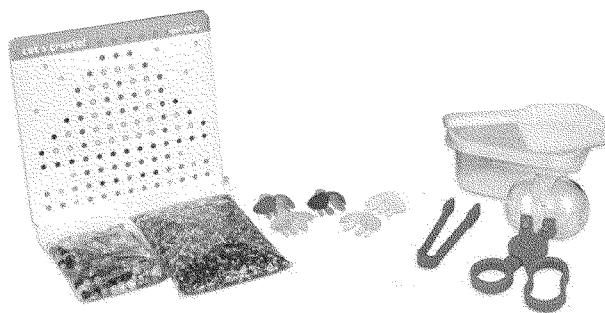


Figure 3: Toy Experiment Kit.

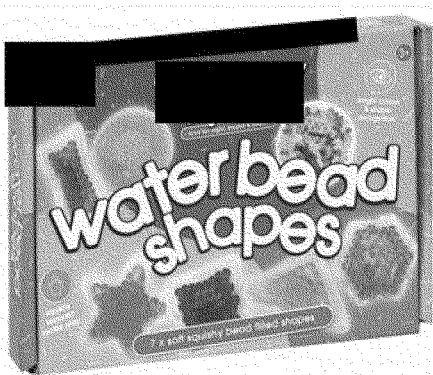


Figure 4: Toy Sensory Kit.

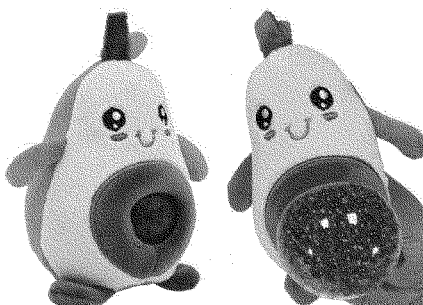


Figure 5: Toy Squeeze/Sensory Ball.



Figure 6: Toy Water Bead Pellet Gun.

Examples of products outside of the scope of this proposed rule are water beads that are not toys or are not contained in toys and are for various

non-toy uses, such as water beads used for decorative purposes (e.g., placement in candle holders), in vases or gardens for plant hydration, as air freshener

products or deodorizers for cat litter, and in first-aid cold packs.

III. Incident Data and Hazard Patterns

CPSC staff searched two CPSC-maintained databases to identify incidents and hazard patterns associated with water beads: the Consumer Product Safety Risk Management System (CPSRMS)⁷ and the National Electronic Injury Surveillance System (NEISS).^{8,9} Due to data availability, the CPSRMS incidents occurred between January 1, 2017, and December 31, 2023, while the NEISS incidents occurred between January 1, 2017, and December 31, 2022.

A. CPSRMS Data

From 2017 through 2023, CPSC identified 64 incidents in CPSRMS associated with the use of water beads. One incident resulted in a fatality, while 27 incidents led to hospitalization; 15 incidents led to emergency department (ED) treatment; and seven incidents led to care by a medical professional. The remaining 14 incident reports noted possible but uncertain medical treatment, or the level of care was unreported. Of the reported incidents that indicate a child's age, children's ages range from 9 months old to 11 years old, with one incident involving a 22-year-old woman with special needs.

⁷ CPSRMS includes data primarily from three groups of sources: incident reports, death certificates, and in-depth follow-up investigation reports. A large portion of CPSRMS consists of incident reports from consumer complaints, media reports, medical examiner or coroner reports, retailer or manufacturer reports (incident reports received from a retailer or manufacturer involving a product they sell or make), safety advocacy groups, law firms, and federal, state, or local authorities, among others. It also contains death certificates that CPSC purchases from all 50 states, based on selected external cause of death codes (ICD-10). The third major component of CPSRMS is the collection of in-depth follow-up investigation reports. Based on the incident reports, death certificates, or NEISS injury reports, CPSC field staff conduct in-depth investigations (on-site, telephone, or online) of incidents, deaths, and injuries, which are then stored in CPSRMS.

⁸ NEISS is the source of the injury estimates; it is a statistically valid injury surveillance system. NEISS injury data are gathered from emergency departments of a sample of hospitals, with 24-hour emergency departments and at least six beds, selected as a probability sample of all U.S. hospitals. The surveillance data gathered from the sample hospitals enable CPSC to make timely national estimates of the number of injuries associated with specific consumer products.

⁹ CPSC staff performed multiple searches consisting of a combination of product codes and narrative or manufacturer/model keyword searches to find water bead incidents. Staff extracted data coded under 1381 (Toys, not elsewhere classified), 1395 (Toys, not specified), 1413 (Greenhouse supplies or gardening supplies [excluding plant stands, tools, hoses, sprayers and chemicals]), 1616 (Jewelry [excluding watches]), 1682 (Hair curlers, curling irons, clips & hairpins), 5016 (Balls, other or not specified), 5020 (Pretend electronics, tools, housewares, and appliances), 9101 (No clerical coding—retailer report), and 9102 (No clerical coding—retailer report).

Staff identified the following incident data hazard patterns.

1. Ingestion

In 52 reported incidents, a child ingested or likely ingested at least one water bead.¹⁰ Of those reports, 47 incidents involved a child ingesting at least one water bead, while five incidents involved a likely ingestion. Where reported, children between the ages of 9 months old and 5 years old ingested or likely ingested the water beads. Incidents included one death, 23 hospitalizations, 12 ED treatments, four visits to a medical professional, and 12 instances where the level of care was uncertain. The fatality involved a child swallowing at least one water bead. Specifically, in CPSC In-Depth Investigation (IDI) ¹¹ 230727CBB1846, a 10-month-old female was discovered unresponsive after consuming at least one water bead. The medical examiner determined that the child died from complications after a water bead expanded and caused a small intestine obstruction.¹²

In 22 reported incidents, an ingested water bead caused a bowel obstruction because the water bead expanded to a size that did not naturally pass through the gastrointestinal tract. After ingestion, water beads do not remain in the stomach for an extended period, which limits the potential for the water bead to expand in the stomach. Water beads can expand fully once they pass from the stomach and into the small intestine because water beads remain in the small intestine for a longer period and are able to absorb liquid like the water in which they are designed to absorb and expand. After expansion, water beads can become too large to pass from the small intestine to the large intestine and instead form a bowel obstruction.

Swallowing a water bead presents different hazards than swallowing a smooth, solid object such as a marble because an object like a marble will not grow after being swallowed. Marbles and other smooth, solid objects can frequently also be located and identified

by x-ray due to their density, unlike water beads, as discussed further below. Once located, marbles can be removed endoscopically if reported early enough, especially if they appear to be too large to pass through the stomach or the remainder of the digestive track, whereas water beads can remain small within the stomach and then grow larger, then causing a small bowel obstruction.

Vomiting and coughing are commonly reported initial symptoms that occur after a water bead is first ingested.¹³ Lethargy, distress, dehydration, loss of appetite, fever, fatigue, and abdominal pain are also reported when an expanded water bead blocks the small intestine.

Medical providers may misdiagnose water bead ingestion symptoms because the symptoms are ambiguous and may be attributable to medical conditions or sources other than water bead ingestion, such as gastrointestinal illness. Further, caregivers may be unaware a child ingested a water bead and, therefore, are unable to report the ingestion. Children commonly visit medical care providers multiple times before diagnosis of a water bead ingestion. For example, in IDI 220511HCC3859, a 14-month-old female was initially diagnosed with gastrointestinal illness after episodes of vomiting. The child was taken first to a pediatrician and then to a local ED where she was treated with intravenous fluids and released. Only after the child was taken to a second ED once her condition worsened was it discovered that she had ingested a water bead.¹⁴

In some cases, small water beads pass naturally, as can be the case when other small foreign objects are ingested, such as coins and small toy parts.¹⁵ For example, in IDI 230707CBB1698, a 3-year-old female ingested approximately 1,200 small water beads (approximately 1 tablespoon before expansion). The child successfully passed all water beads through her digestive system with the aid of a mineral oil enema.¹⁶

Medical providers may also not know that ingested water beads can cause

¹³ Forrester MB. Pediatric Orbeez Ingestions Reported to Texas Poison Centers. *Pediatr Emerg Care*. 2019 Jun;35(6):426–427. doi: 10.1097/PEC.0000000000001227. PMID: 28697162.

¹⁴ Size of expanded water bead not provided. Samples of the product showed full expansion being between 45 mm and 50 mm in diameter.

¹⁵ Mehmetoglu F. A Retrospective 10-Year Analysis of Water Absorbent Bead Ingestion in Children. *Emerg Med Int*. 2018 May 6;2018:5910527. doi: 10.1155/2018/5910527. PMID: 29854461; PMCid: PMC5960561.

¹⁶ Size of expanded water beads not provided. However, samples of the product that staff collected for testing shows full expansion being between 9.32 mm and 15.20 mm in diameter.

¹⁰ In several cases where a child likely ingested water beads, a caregiver saw a child put a water bead in his or her mouth, yet the presumably ingested water bead was not found. The water bead could have passed naturally, or the child never swallowed the water bead. Still, medical intervention had been sought in some incidents.

¹¹ IDIs are CPSC-generated investigation summaries of events surrounding product-related injuries or incidents. Based on victim/witness interviews, the reports provide details about incident sequence, human behavior, and product involvement.

¹² Water bead obstruction was measured to be “approximately 2.8 x 2.8 x 2.8 cm [or 28 x 28 x 28 mm].”

bowel obstructions. Therefore, although a medical provider is aware that a child ingested a water bead, they may send a patient home to digest or naturally pass the water bead, not knowing that may be impossible and the ingestion may result in injury or death. Water beads that do not pass naturally through the digestive tract can sometimes be removed by endoscopy or colonoscopy. However, such medical procedures routinely require sedation or general anesthesia, which carry risks of side effects and complications. For example, in IDI 230613CBB1591, a 2-year-old male swallowed at least two water beads and was examined and released from an ED without intervention. The child was later admitted to a different hospital where a water bead was removed via endoscopy. The child required a third hospital visit to remove a second water bead via colonoscopy.¹⁷

Water beads that do not pass naturally or cannot be removed can result in small bowel obstructions. Children experiencing a small bowel obstruction have required invasive exploratory laparotomy with small intestine enterotomy¹⁸ under general anesthesia to remove any ingested water beads. For example, in IDI 170802CCC3140, a 13-month-old female became ill after ingesting a water bead. The water bead expanded in her small intestine, causing a blockage. She was transported to a hospital where the water bead was surgically removed under general anesthesia with an exploratory laparotomy and enterotomy.¹⁹

A delay between the time a caregiver or medical provider discovers that a child has ingested a water bead and when the child receives appropriate medical treatment may increase the risk of severe injury or death. Prompt recognition that a child has ingested a water bead enables swift medical treatment and removal of the water bead before the water bead expands, causing gastrointestinal blockages. However, due to the small size of individual water beads, caregivers may not know that a child has swallowed a water bead, so early intervention may not be possible. Even after a child begins to receive medical care, medical providers may have difficulty locating an ingested water bead inside the body because

water beads are radiolucent.²⁰ Radiolucent water beads are not easily identified using routine x-ray radiography because they are not dense, appearing dark or black and almost entirely transparent when the x-ray beam passes through the bead. Incident data and medical literature report children requiring serial x-rays, computer tomography (CT) scans, and ultrasounds to accurately diagnose a water bead bowel obstruction.²¹

Other possible medical outcomes that can occur from a child ingesting water beads include surgery site infection, sepsis, extended hospital stays, and follow up surgeries. For example:

- In IDI 221107CFE0002, a 9-month-old child required five surgeries to remove the small bowel obstruction and treat complications from the initial surgery.²²
- In IDI 220701HFE0002, a 14-month-old child required a second surgery and a small bowel resection at the site of the previous enterotomy after the initial surgery failed to remove all ingested water beads.²³

When reviewing the incident data and conducting laboratory testing, CPSC staff has not identified evidence of water beads sticking together once fully expanded within the gastrointestinal tract to form a congealed water bead mass that is more difficult to pass than individual beads. In an effort to diligently address all potential water bead ingestion hazards, though, CPSC is requesting comment on whether any toy water bead products present adhesive properties that would allow water beads to stick together.

2. Ear Insertion

CPSRMS contains five reports of victims presenting with water beads in the ear canal. All five of the incidents required medical intervention, while two of the five incidents required hospitalization. When reported, children's ages ranged from 3 years old to 9 years old. One incident involved a 22-year-old woman with special needs.

Ear canal insertions are not uncommon for healthcare providers to treat in hospital EDs. Common inserted objects include plastic beads, small toy parts, pebbles, and pieces of food. Many

such cases are evaluated, then treated with irrigation or suction of the ear canal, or using surgical instrumentation, such as forceps or hooks.²⁴ However, it is uniquely challenging to remove water beads from the ear canal.²⁵ For example, water beads should not be removed using irrigation because exposure to water may cause the beads to expand. Medical providers may attempt to remove water beads with tools, but water beads can break during a removal attempt or if a removal attempt fails. Under those circumstances, surgery under sedation or general anesthesia may be necessary to remove water bead fragments. Further, because water beads are radiolucent (*i.e.*, transparent to x-rays) and thus difficult for medical providers to locate and identify, confirmation that a water bead is in the ear canal before attempting removal is difficult. Although medical providers can typically see that something is in the ear canal, x-ray or other imaging technology such as a CT scan are often used to attempt to confirm the object in the ear canal is in fact a water bead, as opposed to a cyst or other object. Because water beads can be difficult to identify on x-rays and the symptoms are ambiguous, cases of insertions into the ear canal have been misdiagnosed as ear infections and treated with topical antibiotics, which can lead to enlargement of the bead and further damage to the ear canal. For similar reasons regarding enlargement, irrigation efforts should be avoided.

Early diagnosis of a suspected water bead insertion is critical for a good health outcome because water beads are highly damaging when they expand into middle ear structures.²⁶ Young children or patients with certain special needs may not be able to communicate well

²⁴ Lotterman S, Sohal M. Ear Foreign Body Removal. [Updated 2022 Nov 28]. In: StatPearls [internet]. Treasure Island (FL): StatPearls Publishing; 2024 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK459136/>; Svider PF, Vong A, Sheyn A, et al. What are we putting in our ears? a consumer product analysis of aural foreign bodies. *Laryngoscope*. 2015;125(3):709–714. doi:10.1002/lary.24935.PubMedGoogle ScholarCrossref.

²⁵ Ramgopal S, Ramprasad V, Manole M, Maguire R. Expansile Superabsorbent Polymer Ball Foreign Body in the Ear. *The Journal of Emergency Medicine*. ISSN: 0736-4679, Vol: 56, Issue: 6, Page: e115-e117. 2019; Sterling M, Murnick J, Mudd P. Destructive Otologic Foreign Body: Dangers of the Expanding Bead. *JAMA Otolaryngol Head Neck Surg*. 2016;142(9):919–920. doi:10.1001/jamaoto.2016.1870; Zalzal HG, Ryan M, Reilly B, Mudd P. Managing the Destructive Foreign Body: Water Beads in the Ear (A Case Series) and Literature Review. *Annals of Otolaryngology, Rhinology & Laryngology*. 2023;132(9):1090–1095. doi:10.1177/00034894221133768.

²⁶ The middle ear is the portion of the ear that is responsible for transferring acoustic energy to the inner ear.

¹⁷ Size of expanded water beads not provided.

¹⁸ An exploratory laparotomy is a general surgical operation where a surgeon opens the abdomen and examines the abdominal organs. This is coupled with a small intestine enterotomy, which is a surgical incision to the intestine wall to remove the foreign body.

¹⁹ Size of expanded water bead not provided. Samples of the product that staff collected for testing shows full expansion being between 13.0 mm and 17.50 mm in diameter.

²⁰ Radiolucent is defined as being transparent to x-rays.

²¹ Kim HB, Kim YB, Ko Y, Choi YJ, Lee J, Kim JH. A case of ingested water beads diagnosed with point-of-care ultrasound. *Clin Exp Emerg Med*. 2020 Dec;7(4):330–333. doi: 10.15441/ceem.20.041. Epub 2020 Dec 31. PMID: 33440112; PMCID: PMC7808832.

²² The IDI confirms that “[m]edical imaging revealed a 2.4 cm [or 24 mm] foreign object blockage.”

²³ Size of expanded water beads not provided.

enough to explain that a water bead is lodged in their ear, which leads to delayed diagnosis and a poor treatment outcome. For example, in I2410042A, a 22-year-old female with special needs visited multiple healthcare facilities before diagnosis of a water bead ear insertion.²⁷ Once a water bead expands into the middle ear structure, children can experience ear pain, damage to ear structures, and hearing loss. For example, in IDI 210421HCC1751, a 5-year-old female's ear drum was injured after a water bead expanded in her ear canal.²⁸ Similarly, a case report identifies a 4-year-old female who sustained a small ear drum perforation. The perforation was subsequently repaired during a follow up operation.²⁹

Long-term or permanent hearing loss is possible after a water bead is inserted into the ear canal. For example, in IDI 230613CBB1590, a 3-year-old female reported ear pain for several days. She was initially presumed to have an ear infection and was treated with antibiotics. Thereafter, she began having seizures and was hospitalized. A water bead was removed from her middle ear after it expanded and ruptured the right ear drum.³⁰ The child experienced ongoing seizures, hearing loss, and ear pain at least 14 months after the incident. Another case report describes a 10-year-old female who suffered permanent hearing loss after a water bead remained in her ear canal for at least 10 weeks.³¹

3. Nose Insertion

Four injury incident reports identify children presenting with water beads in the nasal passage. One incident involved a required hospitalization. When a child's age was reported, ages ranged from 3 years old to 11 years old.

Water beads can cause severe tissue damage to the nasal mucosa³² if left in the nasal cavity for prolonged periods of time, such as days or weeks.³³ While it is not uncommon for children to insert foreign bodies into nasal cavities,

children may display significant symptoms from water beads that are not experienced after inserting other objects, such as pieces of food, into the nose. Water bead nasal cavity insertion symptoms include nasal congestion, bleeding, fever, runny nose, and nasal swelling. Because these symptoms can be related to many other causes, caregivers or doctors may not realize that they are due to water beads.

While it may be possible to remove a water bead from a nasal cavity without professional medical intervention or for a water bead to pass naturally, children may still experience symptoms and negative side effects after water beads expand in the nose. For example, in I18C0277A, a 3-year-old male was eventually able to blow out a water bead that had been in his nose for up to two weeks.³⁴ The child had not told his parents he had inserted the water bead into his nose, but the parents later described the child as having had a nosebleed, trouble sleeping, congestion, a small tear in the nasal cavity, and a low-grade fever lasting three days.

Some water bead nose insertions require medical intervention to remove the water bead, sometimes using nasal endoscopy under general anesthesia or sedation.³⁵ For example, in IDI 180104CBB1236, a 4-year-old male was placed under general anesthesia at a local hospital and underwent a nasal endoscopy. The child inserted an unknown number of water beads into his nose. He was successful in blowing out most of the water beads, but a nasal endoscopy revealed a single water bead in the nasal passages. Removal was unsuccessful due to bleeding, so the child was placed under general anesthesia to remove the remaining water bead.³⁶

4. Aspiration

Aspiration is the entry of a foreign body, excess saliva, food, or stomach contents from the upper respiratory tract into the lower respiratory tract, which includes the trachea, bronchi, bronchioles, and lungs. Two reported incidents of aspiration involved a child swallowing and inhaling a water bead that then entered and blocked the child's airway. One incident required ED treatment and the other required hospitalization.

Sudden inhalation of small objects can cause aspiration into the respiratory tract.³⁷ Depending on the object's size,

aspirated foreign bodies tend to pass through the trachea and bronchi mainstream and lodge in areas of the tracheobronchial tree.³⁸ If a water bead becomes lodged in a child's upper airway, particularly after expansion, the child may experience airway obstruction or acute respiratory distress, which may be fatal. Examples of aspirations include:

- In I2310047A, a 20-month-old male aspirated a water bead, which obstructed his airway, necessitating medical intervention.³⁹

- In IDI 201130CCC3196, an 18-month-old male aspirated water beads, which led to an airway obstruction. The child was admitted to the hospital for a bronchoscopy⁴⁰ under general anesthesia, where several water beads were removed from his airway.⁴¹

When a child aspirates a water bead, the initial symptoms range from minor initial choking spells, coughing, or wheezing, to unconsciousness as the water bead obstructs more of the airway for a longer period of time, resulting in the child being unable to breathe and transmit oxygen to the brain. Death versus injury to the child after a water bead aspiration is dependent upon the degree of bronchial obstruction and the time interval between inhalation and extraction of the water bead. Early diagnosis of water bead aspiration allows for a greater likelihood of successful removal and better potential treatment outcome because the water bead may not have yet expanded. Because water beads are radiolucent, they can be difficult to locate within the body and thus difficult to remove,

tracheobronchial tree. *Thorax* 31:365–640, 1976; Aytac, A. Ikizler, C. Inhalation of foreign bodies in children. *J. Thoracic & Cardiovasc. Surgery* 74(1):145–151, 1977; Blazer, S. Naveh, Y., Friedman, A. Foreign body in the airway—a review of 200 cases. *Am. J. Diseases of Children* 134(1):68–71, 1980; Cohen, S.R., Herbert, W.I. Lewis, G.B. Geller, K.A. Foreign bodies in the airway—five-year retrospective study with special reference to management. *Ann. Otol.* 89:437–442, 1980.

³⁸ The tracheobronchial tree is composed of the trachea, the bronchi, and the bronchioles that transport air from the environment to the lungs for gas exchange.

³⁹ Size of expanded water bead not provided.

⁴⁰ A bronchoscopy is an endoscopic technique to visualize the inside of the airways for diagnostic and therapeutic purposes.

⁴¹ IDI included a photo of an expanded water bead from the toy alongside a dime coin to reflect the bead's approximate size. While the expanded sizes of the removed beads are unknown, the mother provided a photo of before and after expansion in water. The photo shows an expanded bead with a diameter about the size of a dime, and much larger than an unexpanded bead next to it. As discussed in section IV of this preamble below, limiting the expansion potential of water bead toys to no more than 50 percent of the original size will help reduce damage from aspiration.

²⁷ Size of expanded water bead not provided.

²⁸ Size of expanded water bead not provided.

²⁹ Ramgopal S, Ramprasad V, Manole M, Maguire R. Expansile Superabsorbent Polymer Ball Foreign Body in the Ear. *The Journal of Emergency Medicine*, ISSN: 0736–4679, Vol: 56, Issue: 6, Page: e115–e117. 2019.

³⁰ The IDI confirms that the “[g]randmother described the extracted water bead as being the size of a pea.”

³¹ Schulze SL, Kerschner J, Beste D. Pediatric external auditory canal foreign bodies: a review of 698 cases. *Otolaryngol Head Neck Surg.* 2002 Jul;127(1):73–8. doi: 10.1067/mhn.2002.126724. PMID: 12161734.

³² The tissue that lines the nasal cavity.

³³ Han S, Chen Y, Xian X, Teng Y. *BMC Pediatrics* (2021) 21:273 <https://doi.org/10.1186/s12887-021-02740-x>.

³⁴ Size of expanded water bead not provided.

³⁵ *Id.*

³⁶ Size of expanded water bead not provided.

³⁷ Abdulmajid, O., Ebeid, A.M, Motaweh, M.M., Kleibo, I.S. Aspirated foreign bodies in the

particularly when the airway obstruction is not complete.

5. Choking

One reported incident identified that a child had choked on a water bead. Choking occurs when a foreign body fully or partially obstructs the airway to compromise oxygen supply to the lungs.⁴² Physical characteristics of objects that pose a choking hazard include, for example, large size, round shape, and smooth texture.

The hazard pattern for choking does not depend upon expansion after the water bead enters the body. Caregivers commonly place water beads in water for prolonged periods of time so the beads can fully expand in advance of a child's playtime. For example, in IDI 180104CBB1236, the child's father placed a number of water beads in water so that they "would grow and be ready to use in the morning." Children may then attempt to swallow the expanded beads. Large, expanded water beads pose a significant choking hazard because they are spherical objects, which can easily roll to the back of the throat and form an air-tight seal with the elastic lining of the airway, thereby causing a complete blockage of the airway and inability to breathe.⁴³ The throat muscles can contract and tightly grip a water bead, which can make removal difficult without medical intervention. If an object completely obstructs the airway at or above the level of the trachea, the rapid loss of oxygen to body tissues can cause irreversible brain damage or death within minutes. If the airway is not completely blocked, the gag reflex will force the object to the back of the throat (the opposite of swallowing) and the cough reflex will bring in air to force the object from the airway in response to choking.

B. National Injury Estimates From NEISS

Based on NEISS data, CPSC estimates 6,300 injuries (sample size = 250, coefficient of variation = 0.27) related to water beads were treated in U.S. hospital EDs over the six-year period from 2017 through 2022.⁴⁴ Of the 250

sample NEISS cases, none were fatal. About 42 percent of the estimated injuries involved children ages 2 through 4 years old, while about 15 percent of the estimated injuries involved children under the age of 2 years old. The youngest child was 7 months old. Forty-one (41) percent of those injured were male, while 59 percent were female. Regarding patient disposition, 95 percent were treated at the hospital ED and released; 3 percent were held for observation; 2 percent were admitted for hospitalization; and less than 1 percent left the hospital without care. The following hazard patterns were identified:

- *Ingestion (48 percent)*: the reports stated that the child ingested or swallowed a water bead, possibly ingested a water bead, or had put a water bead in his or her mouth. In all sample cases, the youngest child was 7 months old. Three (3) percent of all estimated injuries due to water bead ingestion involved hospitalizations.
- *Ear insertion (36 percent)*: the reports stated that the child either inserted a water bead into their ear or presented with a water bead stuck in the ear with uncertainty as to how the water bead became inserted. In all sample cases, the child was between the ages of two and 15 years old.
- *Nose insertion (15 percent)*: the reports stated that the child either inserted the water bead into their nose or presented with the water bead stuck in the nose with uncertainty as to how the water bead became inserted. In all sample cases, the child was between the ages of two and 10 years old.
- *Other (<1 percent)*: the remaining reports identified one injury from aspiration and one from eye insertion.

C. Overview of Hazards in Relation to Child Supervision and Behavior

Water bead ingestion, nasal and ear insertion, choking and aspiration can occur in seconds. Many incidents are not witnessed because the caregiver was not directly looking at the child when the ingestion, insertion, initial choking or aspiration occurred. Research indicates that toddlers and preschoolers (ages 2 years old through 5 years old) are out of view of a supervisor for about 20 percent of their awake time at home and are not within visual or hearing

range for about 4 percent of awake time at home.⁴⁵ A study of 100 parents found that the mean amount of time parents were willing to leave a child unsupervised in low-risk areas, such as a living room, was six minutes before the child was old enough to crawl and four minutes after the child was old enough to crawl, before the child was 2 years old.⁴⁶ Consumers reasonably may not know water beads are hazardous, particularly because they are marketed for children's play.

Research demonstrates that infants and toddlers are likely to mouth objects within reach. Mouthing of non-food items is a normal part of children's exploratory behavior that contributes to incidents of choking and poisoning.⁴⁷ This behavior is part of the reason for the ban on small parts for toys intended for children younger than 3 years of age, for example, and the mandatory small-parts warning for toys and games intended for children ages 3 years old to 6 years old. 16 CFR part 1501. Mouthing non-food items tends to decrease as a child's age increases; however, it is not uncommon for children over the age of 3 years old to experience choking or ingestion episodes with objects other than food.⁴⁸ Children are prone to ingest or insert small, smooth, colorful objects, like water beads or toy parts.⁴⁹ Unintentional foreign body ingestion is a leading causes for nonfatal ED visits in children younger than 9 years old.⁵⁰

⁴⁵ Morriongiello, B. A., Corbett, M., McCourt, M., & Johnston, N. (2006). Understanding unintentional injury-risk in young children I. The nature and scope of caregiver supervision of children at home. *Journal of Pediatric Psychology*, 31(6): 529–539.

⁴⁶ Garzon, D.L., Lee, Dr. R.K., and Homan, S.M. (2007) "There's No Place Like Home: A Preliminary Study of Toddler Unintentional Injury." *Journal of Pediatric Nursing*, 22, 368–375.

⁴⁷ Tulve, N., Suggs, J., McCurdy, T., Cohen-Hubal, E., & Moya, J. (2002). Frequency of mouthing behavior in young children. *Journal of Exposure Analysis and Environmental Epidemiology*, 12, 259–264.

⁴⁸ A-Kader. (2010) Foreign body ingestion: children like to put objects in their mouth. *World J Pediatrics*, Vol 6 No 4 . November 15, 2010. www.wjpc.com; Orsagh-Yentis D, McAdams RJ, Roberts KJ, et al. (2019). Foreign-Body Ingestions of Young Children Treated in US Emergency Departments: 1995–2015. *Pediatrics*. 143(5):e20181988; Reilly, J. (1992, Fall). Airway Foreign Bodies: Update and Analysis. *Int Anesthesiol Clin*.30(4):49–55; Altman, A., Ozanne-Smith, J. (1997). Non-fatal asphyxiation and foreign body ingestion in children 0–14 years. *Injury Prevention*. 3:176–182.

⁴⁹ Svider, P.F., Vong, A., Sheyn, A., Bojrab, D.I., Hong, R. S., Eloy, J.A., and Folbe, A.J. (2015). What are we putting in our ears? A consumer product analysis of aural foreign bodies. *The Laryngoscope*. 125, 709–714; Heim, SW, & Maughan, K.L. (2007). Foreign Bodies in the ear, nose, and throat. *American Academy of Family Physicians*, 76, p.1186–1189.

⁵⁰ Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting

Continued

⁴² Baker, S.P. Childhood asphyxiation by choking or suffocation. *JAMA* 244(12):1343–1346, 1980.

⁴³ Chang DT, Abdo K, Bhatt JM, Huoh KC, Pham NS, Ahuja GS. Persistence of choking injuries in children. *Int J Pediatr Otorhinolaryngol*. 2021 May;144:110685. doi: 10.1016/j.ijporl.2021.110685. Epub 2021 Mar 21. PMID: 33819896; Hayes NM, Chidekel A. Pediatric choking. *Del Med J*. 2004 Sep;76(9):335–40. PMID: 15510972.

⁴⁴ The estimated injuries for this NPR are less than the estimate presented in the public guidance on water beads that can be found on the Commission's website at <https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Water->

Beads-Information-Center#~:text=CPSC%20urges%20parents%20and%20caregivers,seek%20medical%20treatment%20right%20away. The difference is mainly due to the NPR excluding incidents with hazard patterns related to rashes or other allergic reactions and incidents involving water bead gel blaster projectiles, which commonly involve eye injury and some of which may not involve children's toys in the scope of this proposed rule.

Management and treatment for childhood accidental ingestion is well documented in pediatric medical literature.⁵¹

D. Availability of Incident Data

Upon publication of this NPR in the **Federal Register**, CPSC staff will make available for review and comment the CPSC and NEISS incident reports relied upon and discussed in the NPR, to the extent allowed by applicable law, along with the associated IDIs. The data

will be made available by submitting a request to: <https://forms.office.com/g/SZi1gHic8>. You will then receive a website link to access the data at the email address you provided. If you do not receive a link within two business days, please contact mkresse@cpsc.gov.

E. Recalls

From December 2012 through March 2024, the Commission's Office of Compliance and Field Operations conducted five recalls and issued two

unilateral press release warnings⁵² regarding water bead products. Table 1 below summarizes the seven announcements, including the announcement date, firm/brand, hazard(s), approximate number of units affected, number of reported incidents/injuries, and press release number. The announcements involved one death and five reported injuries, and affected approximately 166,000 units.

TABLE 1—SUMMARY OF WATER BEAD ANNOUNCEMENTS

Announcement date	Firm/brand	Hazard	Number of affected units	Number of incidents (injuries & deaths) ⁵³	Press release No.
December 17, 2012	Dunecraft Inc	Serious Ingestion Hazard	94,799	1 incident (1 injury, 0 deaths)	⁵⁴ 13–071
July 31, 2013	Be Amazing! Toys	Serious Ingestion Hazard	14,200	None Reported	⁵⁵ 13–254
September 10, 2013	Eco-Novelty Corp	Serious Ingestion Hazard	3,500	None Reported	⁵⁶ 13–278
December 12, 2013	Doodlebutt	Serious Ingestion Hazard	1,500	None Reported	⁵⁷ 14–056
September 14, 2023 ...	Buffalo Games, Inc	Serious Ingestion, Choking and Obstruction Hazards.	52,000	2 incidents (1 injury, 1 death)	⁵⁸ 23–286
March 19, 2024	Jangostor Brand	Chemical Toxicity Hazard—Violation of Federal Ban of Hazardous Substances.	Unknown	2 incidents (2 injuries, 0 deaths) ..	⁵⁹ 24–163
March 19, 2024	Tuladuo Brand	Chemical Toxicity Hazard—Violation of Federal Ban of Hazardous Substances.	Unknown	1 incident (1 injury, 0 deaths)	⁶⁰ 24–162

IV. Review of Voluntary Standards—ASTM F963 and EN 71–1

ASTM F963 includes performance requirements and test methods for toys, as well as requirements for warning labels and instructional literature, to reduce or prevent injury to children or death of children from mechanical, chemical, and other hazards associated with toy use. Toys must comply with this standard pursuant to 16 CFR part 1250.

ASTM F963 defines “Expanding Materials” as “any material used in a toy which expands greater than 50% in any dimension from its as-received state.” Section 4.40 of ASTM F963–23 addresses potential hazards associated with expanding materials by requiring that toys and removable components of toys composed of expanding materials which, first, fit entirely within a small parts cylinder while in the toy's as-received size condition, then must, after

expansion, completely pass through a 20.0 mm diameter gauge while applying a force of up to 4.5 lbf (pound-force).

Water beads that expand up to 20.0 mm diameter would meet the ASTM F963–23 “Expanding Material” requirements because they would pass through the gauge, but water beads larger than 20.0 mm diameter would likely fail the requirements because the water beads would fragment once force is applied, as described below in more detail. Yet, as explained in section III of this preamble, incident data show that water beads both larger and smaller than 20.0 mm diameter are hazardous.

Another voluntary standard used primarily in the European Union, EN 71–1, *Safety of Toys—Part 1: Mechanical and Physical Properties*, also provides requirements for expanding materials. Section 3.24 of EN 71–1 defines an “expanding material” as a “material, the volume of which

expands when exposed to water.” Section 4.6 of EN 71–1 establishes performance requirements for expanding materials in toys or components of toys which fit entirely in a 31.7 mm diameter small parts cylinder, the same size as CPSC's small parts cylinder reflected in Figure 9 below, and states they shall not expand more than 50 percent in any dimension when measured after being submerged in demineralized water for 24, 48 and 72 hours. If the expansion in any dimension is more than 50 percent, then the toy does not comply with the expanding material requirement. For example, water beads with an unexpanded diameter of 2.0 mm and expand larger than 3.0 mm diameter would pass through the small parts cylinder in their dehydrated state but expand by more than 50 percent, thus failing the EN 71–1 requirements. Additionally, EN 71–9, *Safety of Toys—*

System (WISQARS) [Online]. (2003). National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Available from: <URL: www.cdc.gov/ncipc/wisqars>. [10/1/2022].

⁵¹ Kay, M., & Wyllie, R. (2005). Pediatric foreign bodies and their management. 7(3):212–8; Lee, J.H., (2018) Foreign Body Ingestion in Children. *Clinical Endoscopy*, 51:129–136; Kramer et al., 2015; Connors GP, & Mohseni M. Pediatric Foreign Body Ingestion. [Updated 2021 Jul 18]. In: StatPearls [internet]. Treasure Island (FL): StatPearls Publishing; 2022 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK430915/>—(accessed 4/12/22) Pediatric Foreign Body Ingestion—StatPearls—NCBI Bookshelf (nih.gov).

⁵² A unilateral press release is a product-related safety warning issued by CPSC that is not issued jointly with a recalling company.

⁵³ When the press release delineates the approximate number of recalled units, number of incidents, or number of injuries by country, this summary only includes the reported United States values.

⁵⁴ <https://www.cpsc.gov/Recalls/2012/dunecraft-recalls-water-balz-skulls-orbs-and-flower-toys-due-to-serious-ingestion>.

⁵⁵ <https://www.cpsc.gov/Recalls/2013/Be-Amazing-Toys-Recalls-Monster-Science-and-Super-Star-Science-Colossal-Water-Balls>.

⁵⁶ <https://www.cpsc.gov/Recalls/2013/Eco-Novelty-Recalls-Jumbo-Size-and-Jumbo-Multipurpose-Cosmo-Beads-Toys>.

⁵⁷ <https://www.cpsc.gov/Recalls/2014/Doodlebutt-Recalls-Jelly-BeadZ-Jumbo-BeadZ-and-Magic-Growing-Fruity-Fun-Toys>.

⁵⁸ <https://www.cpsc.gov/Recalls/2023/Buffalo-Games-Recalls-Chuckle-Roar-Ultimate-Water-Beads-Activity-Kits-Due-to-Serious-Ingestion-Choking-and-Obstruction-Hazards-One-Infant-Death-Reported-Sold-Exclusively-at-Target>.

⁵⁹ <https://www.cpsc.gov/Newsroom/News-Releases/2024/CPSC-Warns-Consumers-to-Immediately-Stop-Using-Jangostor-Water-Beads-Due-to-Chemical-Toxicity-Hazard-Violation-of-Federal-Ban-of-Hazardous-Substances-Sold-on-Amazon-com>.

⁶⁰ <https://www.cpsc.gov/Newsroom/News-Releases/2024/CPSC-Warns-Consumers-to-Immediately-Stop-Using-Tuladuo-Water-Bead-Sets-Due-to-Chemical-Toxicity-Hazard-Violation-of-Federal-Ban-of-Hazardous-Substances-Sold-on-Amazon-com>.

*Part 9: Organic Chemical Compounds—Requirement*⁶¹ provides a test method and a concentration limit for a potentially hazardous chemical, called acrylamide, in toys. The EN standard states that the acrylamide concentration limit has been “calculated based on long-term licking, sucking and chewing of toys that are intended or likely to be mouthed for a significant amount of time. Examples are teethingers, rattles and other hand-held soft plastic toys for young children.”

Acrylamide limitations in EN 71–9 were developed to address acrylamide exposure following long-term licking, sucking and chewing of toys that are

intended to be mouthed. In contrast, water bead toys addressed in this NPR are not intended to be mouthed, nor are they likely to be mouthed for a significant amount of time. The hazards this NPR works to address are ingestion, insertion, choking, and aspiration, not mouthing. Therefore, CPSC staff proposes mandating a different acrylamide limit and test method, intended to address the hazards outlined in the NPR, which is discussed in section V of this preamble.

A. Assessment of Current ASTM F963–23 Performance Requirements

The test method for “Expanding Materials” described in section 8.30,

Expanding Materials—Test Method of ASTM F963–23 requires that an expanding material, such as a water bead, first be submerged in deionized water for up to 72 hours in order to reach its largest expansion size. The product is then tested to check whether, at its largest expanded size, the water bead can pass through a gauge with a 20.0 mm (+0.0/–0.1 mm) diameter hole, as is seen in Figure 7, when applying a force of 4.5 lbf (pound-force) to the water bead in the direction of the hole via a rod having a hemispherical end diameter of 10.0 mm.

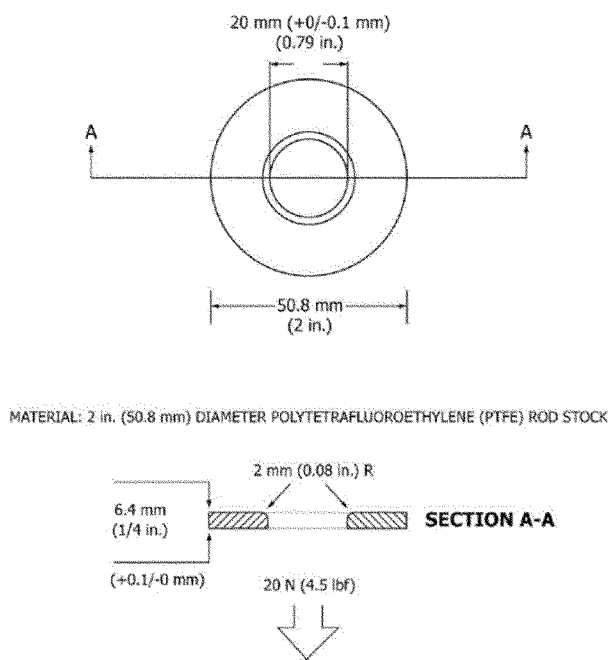


Figure 7: Section 4.40 of ASTM F963–23 Test Gauge and Force Application.⁶²

CPSC staff assessed the current ASTM test method in section 8.30 of ASTM F963–23 and found that using a rod to apply force to an expanded water bead to determine whether the water bead can fit through a test gauge does not realistically represent the compression forces exerted on a water bead when it

is swallowed. The use of a 10.0 mm diameter rod to apply a force when conducting the test causes fragmentation of the water bead (Figure 8), which would be considered a “pass” pursuant to the ASTM test standard. Yet, incident data confirms water beads remain whole after being swallowed,

thus creating a gastrointestinal tract blockage.⁶³ Because the force that the rod exerts can damage the expanded water bead and cause fragmentation, Commission staff has assessed that the current ASTM test method is inadequate to effectively test water beads for an ingestion hazard.

⁶¹ EN 71–9 provides requirements and test methods for organic chemical compounds, such as acrylamide. Previously cited EN 71–1 provides requirements and test methods for mechanical and physical properties, such as expansion limits. Both are part of the standard EN 71.

⁶² Reprinted, with permission, from ASTM F963–23 Standard Consumer Safety Specification for Toy Safety, copyright ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428. A copy of the complete standard may be obtained from ASTM International, www.astm.org. A free, read-only copy of the standard is available for

viewing on the ASTM website at <https://www.astm.org/READINGLIBRARY/>.

⁶³ Examples include the following IDs: 230727CBB1846, 230707CBB1698, 230613CBB1591, 170802CCC3140 and 221107CFE0002.



Figure 8: Expanded Water Bead After Being Fragmented by 10.0 mm Diameter Rod End.

Staff also analyzed the 20.0 mm (+0.0/–0.1 mm) diameter gauge specified in section 4.40 of ASTM F963–23 and determined that in light of incident data demonstrating how ingestion hazards occur, the gauge diameter should be reduced. The 20.0 mm diameter gauge used in ASTM F963 was selected based on the dimension of the pyloric sphincter⁶⁴ within the gastrointestinal tract of an 18-month-old child because, at the time the “Expanding Materials” requirements were created, the pyloric sphincter was thought by the drafters to be the most likely site where the gastrointestinal blockage would occur. As explained below, however, objects that can cause a gastrointestinal blockage are more likely to occur at either the gastric outlet part of the stomach or the ileocecal valve at the end of the small intestine.⁶⁵

Water beads, like other foreign bodies and food, do not remain in the stomach for long. Therefore, water beads generally do not expand fully in the stomach but pass through the pyloric sphincter and into the small intestine. Water beads continue to expand in the small intestine, where they spend more time and are exposed to liquid that facilitates expansion. After the water beads expand fully in the small intestine, they are unable to pass through the ileocecal valve and into the large intestine, therefore causing a gastrointestinal blockage. CPSC staff evaluated the relevant recent incident data and advises that because the ileocecal valve is often the site of the gastrointestinal blockage when a child ingests a water bead, the ileocecal valve is a more appropriate anatomical structure on which to base the diameter of the funnel test gauge than the pyloric sphincter. Literature on ileocecal valve size indicates valve size will vary based

on age and natural variation within the population,^{66,67} but the Commission has not identified reliable authorities providing ileocecal valve sizes for children between the ages of 9 months old and 3 years old. Accordingly, as explained in section V below, the Commission has based this proposed rule on incident data.

Section 4.40 of ASTM F963–23 also requires that “[t]oys, and removable components of toys, which fit entirely inside the small parts cylinder in their as-received condition, and which are composed of an expanding material, shall completely pass through the gauge when tested.” The referenced small parts cylinder is from 16 CFR 1501.4 and section 4.6.1, *Small Objects* of ASTM F963–23, which provides general safety requirements. Under section 4.6.1, toys intended for children under 36 months of age, “including removable [components], liberated components, or fragments of toys[,] shall [not] be small enough without being compressed to fit entirely within [the small parts cylinder].” This requirement is to minimize choking, ingestion, or inhalation hazards. Most water bead products are intended for children older than 36 months of age, however, and therefore are not subject to requirements in section 4.6.1 of ASTM F963–23.

Finally, to address the potential presence of toxic chemicals in toys, section 4.3 of ASTM F963–23 requires that all toys must comply with the Federal Hazardous Substances Act (FHSA) toxicity and hazardous substances standards. Though there is this generalized FHSA compliance requirement for all of ASTM F963–23, section 4.40, *Expanding Materials* of

ASTM F963–23 does not specifically mandate testing for hazardous chemicals. Water beads are composed of absorbent polymers, which can contain acrylamide monomer—a chemical that can be hazardous when ingested.⁶⁸ ASTM F963–23 does not have any test methods or limits for acrylamide monomer in water beads. Therefore, the current ASTM standard is inadequate to provide the highest level of safety feasible to ensure that the chemicals in water beads are non-toxic. Because water beads containing high levels of acrylamide monomer are toxic, the NPR proposes to establish content limits and test methods to address the toxicity hazard.

B. Assessment of Current EN 71–1 Expanding Materials Requirements

The test method for “Expanding Materials” described in section 8.14 of EN 71–1 requires that an expanding material, such as a water bead, that fits entirely in a small parts cylinder first be measured, using calipers,⁶⁹ to determine its original size in each dimension. Next, the expanding material must be submerged in demineralized water for up to 72 hours to reach its largest expansion size. After expansion, the water bead must be measured again to determine if it has expanded more than 50 percent of its original size in any dimension. If the water bead has expanded more than 50 percent, the expanding material requirements are not met.

The Commission preliminarily determines that the current EN 71–1 expanding material requirement is inadequate as a stand-alone requirement. Staff assesses that an additional maximum size requirement is

⁶⁴ The pyloric sphincter is the valve located at the bottom of the stomach which opens to allow food to pass from stomach to the small intestine.

⁶⁵ The ileocecal valve is a sphincter muscle situated at the junction of the ileum (last portion of the small intestine) and the colon (first portion of the large intestine).

⁶⁶ Tang SJ, Wu R. Ileocecum: A Comprehensive Review. *Can J Gastroenterol Hepatol*. 2019 Feb 3;2019:1451835. doi: 10.1155/2019/1451835. PMID: 30854348; PMCID: PMC6378086.

⁶⁷ Silva AC, Beaty SD, Hara AK, Fletcher JG, Fidler JL, Menias CO, Johnson CD. Spectrum of normal and abnormal CT appearances of the ileocecal valve and cecum with endoscopic and surgical correlation. *Radiographics*. 2007 Jul-Aug;27(4):1039–54. doi: 10.1148/rg.274065164. PMID: 17620466.

⁶⁸ Per the Federal Hazardous Substances Act (FHSA) (16 CFR 1500.3(c)(2)(i)(A)), a substance with a median lethal dose (LD₅₀) between 50 and 5000 mg/kg in rats is “toxic” for acute toxicity. The reported oral LD₅₀ values for undiluted acrylamide in rats range from 150 to 413 mg/kg. See ATSDR *Toxicological Profile for Acrylamide*, available at <https://www.atsdr.cdc.gov/ToxProfiles/tp203.pdf>.

⁶⁹ An instrument used to measure the dimensions of an object.

necessary because as currently written, for example, the standard would allow for a water bead having a diameter of 9.0 mm to expand to 13.5 mm diameter. While this expansion would not be more than 50 percent of the water bead's original size, therefore meeting the EN 71–1 expanding material requirements, the expanded water bead would likely cause a gastrointestinal block if a child ingested it. Indeed, as described in section III of this preamble,⁷⁰ a water bead with 13.0 mm diameter is known to have caused a gastrointestinal block in a 13-month-old female. If the only limitation on compliant water beads was that they do not expand more than 50 percent, the ingestion hazard would still be present.

The 50 percent expansion limit is, however, a beneficial additional safety provision when combined with staff's proposed diameter limit for fully expanded beads. In particular, requiring a reduction in the maximum expansion of water beads reduces the potential damage to inner ear structures or nasal tissue if a child inserts a water bead into their ear or nose because more damage occurs when the water beads are intended to expand to bigger sizes and therefore exert more pressure on the body parts that contain them. Reducing expansion potential will also reduce the degree of bronchial obstruction created when a water bead is aspirated.

C. Assessment of Current ASTM F963–23 Labeling Requirements

Section 5.0, *Labeling Requirements* of ASTM F963–23 contains general labeling requirements that apply to toys, including water beads or toys containing water beads. Still, the requirements in section 5.0 are not specifically referenced in section 4.40, *Expanding Materials*. Only broad warning statements for small part choking hazards and small ball hazards are required for “Expanding Materials.” While the warning statements address general choking hazards, they do not address or inform about injuries (e.g., gastrointestinal blockage and nasal tissue damage) and deaths that have occurred when water beads expand after being swallowed or inserted.

D. 2024 Proposed Draft Revisions to ASTM F963

On January 22, 2024, and March 25, 2024, CPSC staff met with the ASTM F15.22 Emerging Hazards Task Group to discuss a possible revision of ASTM F963 to include specific requirements for water beads. CPSC staff and ASTM discussed incident information and the

ASTM 20.0 mm diameter test gauge compared to CPSC's proposed funnel test gauge shown below in Figure 10 and Figure 11. On July 9, 2024, ASTM shared a draft proposal to revise section 4.40 of ASTM F963–23 to include water bead-specific requirements. On July 18, 2024, ASTM submitted a ballot for vote on the proposal, which is available until August 19, 2024.

CPSC staff has reviewed the 2024 draft proposal, finding that it is inadequate to address all known water bead hazards. In the proposed revision, the draft would define a water bead as a “spherical or spheroid water-absorbent object, intended to expand in size when immersed in a liquid.” This draft revision would apply to water beads intended to be accessible in dehydrated state and water beads in the expanded state. If the water bead is already expanded, the water bead would be given time to dehydrate before testing. These draft requirements would not apply to water beads that are not intended to be accessible, such as water beads within a squeeze ball.

ASTM's draft performance test proposal requires first measuring the diameter of a dehydrated water bead and then measuring the maximum amount of expansion after soaking the water bead in deionized water at 37 °C. If the maximum expansion is greater than 50 percent in diameter, then the water bead will be placed in a funnel gauge like that in Figure 10 to determine whether it can pass through the gauge under a certain external pressure. If the maximum expansion of the water bead is less than or equal to 50 percent in diameter, no further testing is required. Based on incident data, the ASTM draft proposes use of a funnel test gauge with a 12.0 mm diameter (+0.0/–0.1 mm) as a performance requirement. When attempting to pass an expanded water bead, the proposed test includes applying a force of 0.1 lbf to the water bead in the direction of the 12.0 mm diameter hole with a 10.0 mm diameter rod having a flat end. The ASTM draft states that “a water bead material which breaks or loses integrity during this test is considered to be acceptable,” and therefore if the fragmented pieces pass through the funnel, the product still would meet the draft requirement even if the unbroken water bead was larger than 12.0 mm. The draft does not include acrylamide limits or revised labeling requirements.

CPSC staff has reviewed the draft ASTM proposal and finds that a gauge size of 12.0 mm is inadequate to address known hazards from water beads. The draft proposes 12.0 mm in consideration

of one incident,⁷¹ which describes a 13-month-old female who was unable to pass a water bead presumed to be as small as 13.0 mm diameter. However, while staff knows a 13.0 mm sized bead can cause a blockage in a child, this incident does not establish the size of the largest water bead that can safely pass. Further, the draft ASTM requirements leave the potential for a dehydrated water bead of 13.0 mm diameter capable of expanding to 19.5 mm diameter without requiring testing because the water bead would not expand to more than 50 percent of its original size. As explained elsewhere in this preamble, fragmentation of the water bead during testing is not representative of incident data, and testing of water beads within toys, such as squeeze balls, appears necessary to address accessibility incidents. Therefore, while the draft ASTM proposal may be an improvement beyond the current “Expanding Materials” requirements, it would not adequately address known water bead hazards even if adopted.

V. NPR Description of Proposed Provisions and Justification

Based on incident data described in section III of this preamble and CPSC staff's engineering, health sciences, and human factors assessments, the NPR proposes creating a new section 1250.4 to 16 CFR part 1250, *Safety Standard Mandating ASTM F963 for Toys*, adding performance and labeling requirements for water beads to better address the known water bead hazards and to provide the highest level of safety feasible for such products. Further, this NPR proposes revising the title of part 1250 from “*Safety Standard Mandating ASTM F963 for Toys*” to “*Safety Standard for Toys*,” to reflect the inclusion of proposed requirements that do not incorporate by reference existing requirements in the ASTM F963 voluntary standard.

A. Performance Requirements To Address Ingestion, Choking, Aspiration, and Insertion Hazards

Under the proposed rule, water beads in the pre-expanded state that fit entirely inside the small part cylinder from 16 CFR 1501.4 (Figure 9) must then, after full expansion, not grow more than 50 percent in any dimension and must remain whole while completely passing through the funnel test gauge depicted in Figure 10 and Figure 11. Instead of using the rod test in ASTM F963–23, the NPR proposes requiring the water bead to pass through

⁷⁰ IDI 170802CC3140.

⁷¹ IDI 170802CCC3140.

a 9.0 mm (+0.0/−0.1 mm) diameter funnel test gauge under its own weight to better reflect the lower range of the compression forces a water bead would experience while passing through a child's gastrointestinal tract.

In the absence of conclusive anatomical evidence, the Commission relies on incident data and CPSC staff's analysis to propose that the funnel test gauge have a 9.0 mm diameter. IDI 170802CCC3140 describes a 13-month-old female who was unable to pass a water bead presumed to range from 13.0 mm to 17.5 mm diameter. Staff purchased a separate sample of the same product that the 13-month-old female ingested and tested the water beads according to the section 4.40 requirements. After testing, the water beads had a dehydrated, as-received diameter ranging between 2.0 mm and 2.50 mm. After hydration and expansion, the size ranged from between 13.0 mm to 17.5 mm diameter. IDI 230707CBB1698 describes a 3-year-old female who ingested but successfully passed approximately 1,200 water beads. The child successfully passed approximately 200 of the water beads naturally and then passed the remaining water beads with the aid of a mineral oil enema. Staff

purchased a separate sample of the same product that the 3-year-old female ingested and tested the water beads according to the requirements in section 4.40. After the testing was completed, the water beads had a dehydrated, as-received diameter ranging between 2.20 mm and 2.40 mm. After hydration and expansion, the diameter of the water beads ranged from between 9.32 mm and 15.20 mm diameter. Based on these investigations, the NPR proposes requiring the use of a 9.0 mm diameter funnel test gauge to ensure the test methods provide the highest level of safety feasible by limiting the gauge size to the size of the smallest water bead that was known to pass through the body without causing an intestinal obstruction.

The proposed 9.0 mm diameter funnel test gauge also would reduce the hazards associated with water beads that are inserted into children's noses and ears. While nose and ear insertion incident data do not indicate the expanded water bead sizes, larger beads can grow further into the nasal cavity and middle ear, causing severe injuries and requiring invasive surgery with sedation and/or general anesthesia to completely remove. The larger water beads are more likely to be removable

only in pieces, as opposed to as a whole, because the bead has expanded deeper into the nasal cavity or inner ear. Removal of smaller water beads tends to be less invasive because they can be removed in one piece by health care professionals, similar to removal efforts of other inserted small objects, like marbles, toy parts, and food.

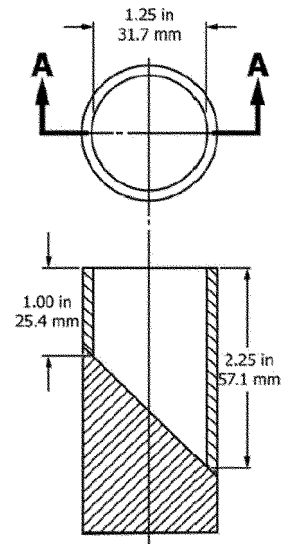


Figure 9: Small Parts Cylinder.

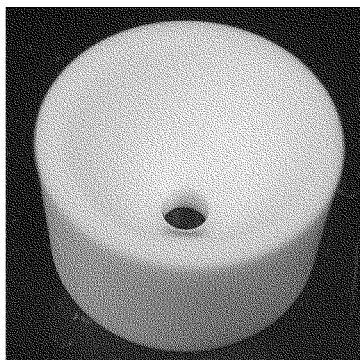


Figure 10: Funnel Test Gauge.

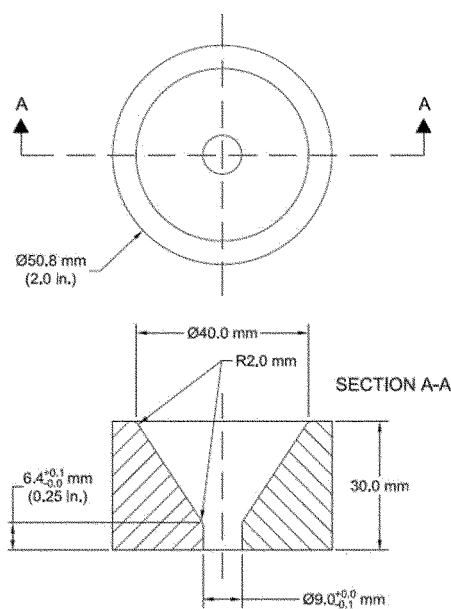


Figure 11: Funnel Test Gauge. Material: Polytetrafluorethylene (PTFE).

The NPR proposes including the “Expanding Materials” test method from section 8.30 of ASTM F963–23, with modifications, in the proposed rule for water beads under § 1250.4. The NPR proposes conditioning the water bead or toy containing the water bead at $20 \pm 5^\circ\text{C}$ ($68 \pm 9^\circ\text{F}$) and at a relative humidity of 40–65 percent for a minimum of seven hours prior to the test. This mirrors the ASTM test method but adds a requirement that if the water bead is partially expanded, or contained within a toy and partially expanded, the water bead should be removed and dehydrated before testing. This simulates the hazard that occurs when a water bead dislodges from the product and then dehydrates. Pursuant to the ASTM test method, the NPR proposes that the water bead should next be submerged in a test bath of deionized water maintained at $37^\circ\text{C} \pm 2^\circ\text{C}$ ($98.6^\circ\text{F} \pm 3.6^\circ\text{F}$) for the duration of immersion,

without agitation.⁷² For water beads that exhibit positive buoyancy, the test requires placing weight(s) with mass just sufficient to achieve complete submersion on top of the water bead. The test requires that test labs be careful to minimize contact of the test water bead with the sides or bottom of the container to minimize any interference with expansion. To ensure the water bead is fully expanded, the test requires submersion for 72 hours and to measure the bead’s expansion after 6 hours, 24 hours, 48 hours and then 72 hours. If the greatest expansion was observed at 72 hours, then the testing should proceed. If greatest expansion was observed at another time interval, then a new sample should be conditioned for

⁷² The largest expansion usually occurs in deionized water; therefore, the water bead can grow to its largest potential in deionized water when testing the product in a laboratory. This is a conservative approach, as beads may expand less in digestive fluids.

the time interval when greatest expansion was observed.

Next, the NPR proposes adding a test step based on the “Expanding Materials” requirement from section 4.6 of EN 71–1, which limits water bead expansion to no more than 50 percent in any dimension. After the required period of submersion to reach greatest expansion, the water bead will be measured with calipers to determine whether it has expanded more than 50 percent. Setting this expansion limit will address potential damage to nasal passages and ear cavities, as well as prevent choking or aspiration hazards by limiting water bead growth.

Thereafter, returning to the ASTM framework but instead of using the ASTM F963 rod test, the proposed test in the NPR would require placing the expanded water bead at the top surface of the 9.0 mm diameter gauge’s upper opening (Figure 11) in the orientation least likely to pass through, and releasing the bead to allow it to travel

down until it reaches the lower opening, then observing if the expanded water bead is able to remain whole and completely pass through the lower opening. By testing to observe if the water bead can completely pass through the 9.0 mm diameter funnel test gauge without external force, the test can simulate what occurs in a child's gastrointestinal tract to determine whether the bead will or will not cause a blockage in a child's gastrointestinal tract or, specifically, at the child's ileocecal valve located at the end of the small intestines.

B. Acrylamide Limits and Testing

Water beads are composed of absorbent polymers, such as polyacrylamide and/or polyacrylate polymers. Polyacrylamide is a chemical compound composed of acrylamide monomer units linked together. The polymer form, polyacrylamide, is relatively non-toxic; however, acrylamide monomer alone can be toxic.⁷³ Residual acrylamide monomer can remain after production of polyacrylamide, which can stay in water beads after manufacturing. Human exposure to acrylamide monomer is known to cause negative health effects depending on the amount and duration of exposure.⁷⁴ Chronic, long-term exposure can adversely affect the nervous, gastrointestinal, and reproductive systems and is suspected to be a human carcinogen. Even short-term or one-time exposures has caused acute negative effects in the nervous system.⁷⁵

The United States Food and Drug Administration (FDA) limits the amount of residual acrylamide monomer allowed in polyacrylamide used in food production (21 CFR 176.170, 176.180), processing (21 CFR 173.5, 173.10, 173.315), and packaging (21 CFR

176.110). The FDA has also published guidance on reducing the amount of acrylamide in foods.⁷⁶ Polyacrylamide is commonly used in water and wastewater treatment, and the EPA limits the amount of acrylamide permitted in drinking water.⁷⁷

No CPSC mandatory standard sets acrylamide limits for water beads or any other product; however, toys subject to ASTM F963, including water beads, are subject to the toxicology safety requirements in section 4.3.1, *Hazardous Substances* of ASTM F963–23. Section 4.3.1 stipulates that “[t]oys or materials used in toys shall conform to the FHSA and to the regulations promulgated under that act The regulations define limits for substances that are toxic, corrosive, [or] an irritant” Section 8.2, *Testing for Hazardous Substance Content* in ASTM F963–23 directs readers to review the FHSA to determine whether a product is comprised of hazardous substances. Depending on exposure, acrylamide could be a hazardous substance per 16 CFR 1500.3(b)(4)(i), which defines a hazardous substance as “any substance or mixture of substances which is toxic” Per 16 CFR 1500.3(b)(5), the term ‘toxic’ refers to “any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.”

While CPSC does not have incident data reflecting acrylamide poisoning from water beads,⁷⁸ the presence of acrylamide monomers in several water bead products that staff tested demonstrates a potential chemical hazard. CPSC has made efforts to address the potential chemical hazard outside of rulemaking. For example, in March 2024 CPSC announced unilateral warnings for two water bead products that contained levels of acrylamide in violation of the FHSA.⁷⁹ If one of those water beads was ingested, it could pose

a risk of acute toxicity to children from the acrylamide exposure.

Children's possible exposures to acrylamide after ingesting water beads would likely be a single, infrequent event (possibly including multiple beads in a single event). Therefore, the exposure scenario would be acute rather than chronic. The Agency for Toxic Substances and Disease Registry (ATSDR)⁸⁰ created and published an acute-duration oral minimal risk level (MRL) of 0.01 mg/kg-day for acrylamide.⁸¹ The MRL is an acute exposure level at which an exposed person (including a child) is unlikely to experience an adverse health effect.

The Commission proposes that acrylamide limits be set to ensure that if a child ingests multiple water beads, the child's exposure levels would not exceed the acute duration oral MRL for children aged 6 months old.⁸² The NPR proposes that the limit be set to 65 µg acrylamide extractable from 100 small water beads (defined as <4 mm across the smallest diameter of the bead prior to hydration) or one large water bead (defined as ≥4 mm across the smallest diameter of the bead prior to hydration). The quantities of small and large beads assumed to be ingested are based on water bead ingestion incidents and published case reports. Incident data indicate that children tend to ingest only one or two large beads. CPSC therefore proposes an exposure scenario in which a 6-month-old child ingests one large water bead.

Less information is available for incidents of children ingesting small beads. If small beads do not expand enough after ingestion to cause a blockage, a child may not receive medical care. However, two case reports describe a 12-month-old who ingested 12 small water beads⁸³ and a 2-year-old who ingested approximately 100 small beads.⁸⁴ A review of 21 water bead ingestion cases over a 10-year period

⁷³ Per FHSA (16 CFR 1500.3(c)(2)(i)(A)), a substance with a median lethal dose (LD₅₀) between 50 and 5000 mg/kg in rats is “toxic” for acute toxicity. The reported oral LD₅₀ values for undiluted acrylamide in rats range from 150 to 413 mg/kg (source: ATSDR *Toxicological Profile for Acrylamide*, available at <https://www.atsdr.cdc.gov/ToxProfiles/tp203.pdf>).

⁷⁴ ATSDR *Toxicological Profile for Acrylamide*, available at <https://www.atsdr.cdc.gov/ToxProfiles/tp203.pdf>; Internationally Peer Reviewed Chemical Safety Information (INCHEM) *Acrylamide Review*, available at <https://incchem.org/documents/pims/chemical/pim652.htm>; U.S. Environmental Protection Agency (EPA) *Hazard Summary of Acrylamide*, available at <https://www.epa.gov/sites/default/files/2016-09/documents/acrylamide.pdf>; U.S. FDA *Process Contaminants in Food—acrylamide*, available at <https://www.fda.gov/food/process-contaminants-food/acrylamide>.

⁷⁵ Agency for Toxic Substances and Disease Registry (ATSDR) *Toxicological Profile for Acrylamide*, available at <https://www.atsdr.cdc.gov/ToxProfiles/tp203.pdf>.

⁷⁶ U.S. FDA *Guidance for Industry Acrylamide in Foods*, available at <https://www.fda.gov/media/87150/download>.

⁷⁷ U.S. EPA *National Primary Drinking Water Regulations*, available at <https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations>.

⁷⁸ CPSC has not yet received data demonstrating chronic exposure to acrylamide from water beads.

⁷⁹ <https://www.cpsc.gov/Newsroom/News-Releases/2024/CPSC-Warns-Consumers-to-Immediately-Stop-Using-Jangstor-Water-Beads-Due-to-Chemical-Toxicity-Hazard-Violation-of-Federal-Ban-of-Hazardous-Substances-Sold-on-Amazon-com>; <https://www.cpsc.gov/Newsroom/News-Releases/2024/CPSC-Warns-Consumers-to-Immediately-Stop-Using-Tuladuo-Water-Bead-Sets-Due-to-Chemical-Toxicity-Hazard-Violation-of-Federal-Ban-of-Hazardous-Substances-Sold-on-Amazon-com>.

⁸⁰ ATSDR is a federal public health agency within the United States Department of Health and Human Services. More information about ATSDR is available at <https://www.atsdr.cdc.gov>.

⁸¹ ATSDR *Toxicological Profile for Acrylamide*, available at <https://www.atsdr.cdc.gov/ToxProfiles/tp203.pdf>.

⁸² Six months is the most sensitive age in this range by having the lowest body weights, so the proposed limit of extractable acrylamide from water beads is based on children of this age.

⁸³ Kim HB, Kim YB, Ko Y, Choi YJ, Lee J, Kim JH. A case of ingested water beads diagnosed with point-of-care ultrasound. *Clin Exp Emerg Med*. 2020 Dec;7(4):330–333. doi: 10.15441/ceem.20.041. Epub 2020 Dec 31. PMID: 33440112; PMCID: PMC7808832.

⁸⁴ Jackson J, Randell KA, Knapp JF. Two Year Old With Water Bead Ingestion. *Pediatr Emerg Care*. 2015 Aug;31(8):605–7. doi: 10.1097/PEC.0000000000000520. PMID: 26241717.

(2008 to 2017) reported that the number of water beads swallowed ranged from one to “a handful.”⁸⁵ Although IDI 230707CBB1698 describes a 3-year-old who ingested approximately 1,200 small water beads, this scenario appears to be an extreme occurrence. CPSC therefore proposes for this NPR an exposure scenario in which a 6-month-old child ingests 100 small water beads. The 100 count is within the range of documented ingestion incidents, and it is consistent with the number of small beads that staff uses in the acrylamide extraction test method described below.

An acrylamide exposure limit from ATSDR’s acute-duration oral MRL of 0.01 mg/kg would mean that a child should not be exposed to more than 0.01 mg of acrylamide for each kg of the child’s body weight. When assessing the appropriate limit, staff used the fifth percentile body weight for the youngest female child according to the National Center for Health Statistics.⁸⁶ The fifth percentile body weight of a 6- to 8-month-old female is 6.5 kg. By multiplying the acute-duration oral MRL by the body weight, staff recommends an exposure limit for acrylamide from water beads is 0.065 mg, which is equal to 65 µg of extractable acrylamide. The calculation are:

1. *Calculate Acrylamide Exposure Limit:*
 $0.01 \text{ mg/kg} \times 6.5 \text{ kg} = 0.065 \text{ mg}$
2. *Convert mg unit to µg:* $0.065 \text{ mg} \times 1000 \text{ µg/mg} = 65 \text{ µg}$

The amount of extractable acrylamide shall be tested in accordance with the test procedure specified in the proposed 16 CFR 1250.4(c)(2).⁸⁷ The proposed 65 µg acrylamide exposure limit applies to an assumed ingestion of one large bead (defined as ≥ 4 mm across the smallest diameter of the bead prior to hydration) or 100 small beads (defined as < 4 mm across the smallest diameter of the bead prior to hydration). Under the proposal, CPSC would consider less than 65 µg acrylamide extractable from water beads safe in children as young as 6 months old, while water beads containing more than 65 µg pose a risk of acute toxicity. Staff in CPSC’s Division of Chemistry and Directorate for Health Sciences

developed a test method to determine the levels of extractable acrylamide in water beads. The NPR proposes the following extraction method:

- Perform an extraction test on water beads to determine the amount of acrylamide that leaches from the water beads over a 24-hour period.
- Place dehydrated water beads in a container with pH neutral deionized water and place the container in a shaker bath that heats the water beads to 37 °C while shaking them at 30 RPM for 24 hours.
- For each water bead product, perform three separate extraction trials, or repetitions, concurrently to ensure that all results are reasonably consistent, given any bead-to-bead variation. For large water beads (defined as ≥ 4 mm across the smallest diameter of the bead prior to hydration), perform three trials using one large bead per trial. For small beads (defined as < 4 mm across the smallest diameter of the bead prior to hydration), perform three trials using 100 small beads per trial. If a product contains different sizes of water beads, perform extraction testing for each size.

- Use an appropriate extraction container and volume of deionized water so that all water beads remain covered by water for the duration of the extraction period. Because water beads absorb different volumes of water depending on their size, conduct additional tests before performing final acrylamide extractions, to determine what volume of water best allows for full bead growth without unnecessarily diluting the concentration of extracted acrylamide. Choose containers that will not compress the water beads at any point during the 24-hour extraction period. To prevent water evaporation during the extraction, cover the containers during the extraction.

- Following the extraction period, determine the volume of remaining water for each trial, then analyze the water to determine the mass of acrylamide present using an instrument that is able to quantitate acrylamide at levels equal to or less than the proposed limit. Staff used a liquid chromatography-tandem mass spectrometer (LC–MS/MS) system,⁸⁸ but other instruments may accurately quantify acrylamide at levels equal to or less than the proposed limit.

C. Marking, Labeling, and Instructional Literature Requirements

The ASTM F963–23 standard does not contain marking, warning, or

labeling requirements specifically for water beads. While the standard provides broad warning requirements under section 5 of ASTM F963–23, such warnings do not adequately address the hazards associated with water beads. The Commission proposes requiring the following marking, labeling, and instructional literature requirements for all products within scope of the NPR and seeks comment on format, location, and content requirements of proposed warnings.

1. Packaging and Container Marking and Labeling

Warning about a hazard is a less effective method of addressing the hazard, contrasted with either designing the hazard out of a product or guarding consumers from the hazard.⁸⁹ Therefore, when a standard relies on warnings to address a hazard, it is particularly important that the warning statements are noticeable, understandable, and motivational. The primary U.S. voluntary consensus standard for product safety signs and labels, ANSI Z535.4, *American National Standard for Product Safety Signs and Labels*,⁹⁰ recommends that on-product warnings include content that addresses the following three elements:

- a description of the hazard;
- information about the consequences of exposure to the hazard; and
- instructions regarding appropriate hazard-avoidance behaviors.

Providing explicit or detailed information in a warning can increase its effectiveness⁹¹ by enhancing perception of injury severity and perceived hazard.⁹² Vividness of

⁸⁹ Laughery, K.R., & Wogalter, M.S. (2011). The Hazard Control Hierarchy and its Utility in Safety Decisions about Consumer Products. In W. Karwowski, M.M. Soares, & N.A. Stanton (Eds.), *Human Factors and Ergonomics in Consumer Product Design: Uses and Applications* (pp. 33–39). Boca Raton, FL: CRC Press; Williams, D.J., & Noyes, J.M. (2011). Reducing the Risk to Consumers: Implications for Designing Safe Consumer Products. In W. Karwowski, M.M. Soares, & N.A. Stanton (Eds.), *Human Factors and Ergonomics in Consumer Product Design: Uses and Applications* (pp. 3–21). Boca Raton, FL: CRC Press; Vredenburg, A.G., & Zackowitz, I.B. (2006). Expectations. In M.S. Wogalter (Ed.), *Handbook of warnings* (pp. 345–354). Mahwah, NJ: Lawrence Erlbaum Associates.

⁹⁰ ANSI Z535.4, *American National Standard for Product Safety Signs and Labels* is the primary U.S. voluntary consensus standard for the design, application, use, and placement of on-product warning labels when developing or assessing the adequacy of warning labels.

⁹¹ Laughery, Sr., K.R., & Smith, D.P. (2006). Explicit Information in Warnings. In M.S. Wogalter (Ed.), *Handbook of Warnings* (pp. 419–428). Mahwah, NJ: Lawrence Erlbaum Associates.

⁹² DeJoy, D.M. (1999). Motivation. In M.S. Wogalter, D.M. DeJoy, & K.R. Laughery (Eds.),

⁸⁵ Mehmetoglu F. A Retrospective 10-Year Analysis of Water Absorbent Bead Ingestion in Children. *Emerg Med Int.* 2018 May 6;2018:5910527. doi: 10.1155/2018/5910527. PMID: 29854461; PMCID: PMC5960561.

⁸⁶ U.S. Centers for Disease Control and Prevention (CDC) *Anthropometric Reference Data for Children and Adults: United States, 2015–2018*, available at https://www.cdc.gov/nchs/data/series/sr_03/sr03-046-508.pdf.

⁸⁷ Because the volume of the extraction fluid may be variable, the 65 µg acrylamide limit is the total mass of acrylamide extracted in 24 hours and not a concentration.

⁸⁸ LC–MS/MS is an analytical chemistry technique that allows for the physical separation and subsequent identification and quantification of analytes of interest within a solution.

message content can increase message salience by triggering motivation to act in consideration of the warning.⁹³

The Commission proposes including the following warnings on water bead toys and packaging of toys that contain

water beads. Specifically, packaging would be required to include the warning as shown in Figure 12:

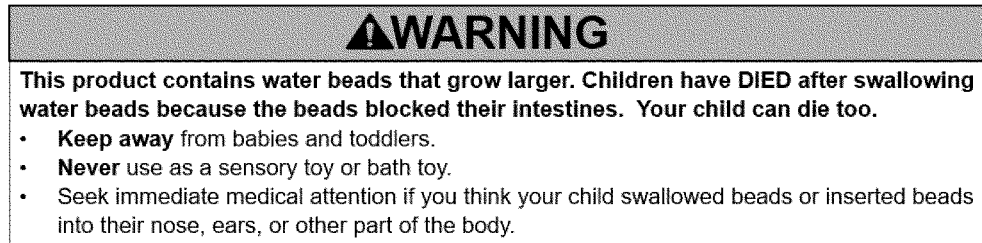


Figure 12. Warning for Water Bead Toys and Packaging of Toys Containing Water

Beads.

Packaging of toys with contained water beads, such as squeeze balls filled with water beads, would be required to

include the warnings as shown in Figure 13:

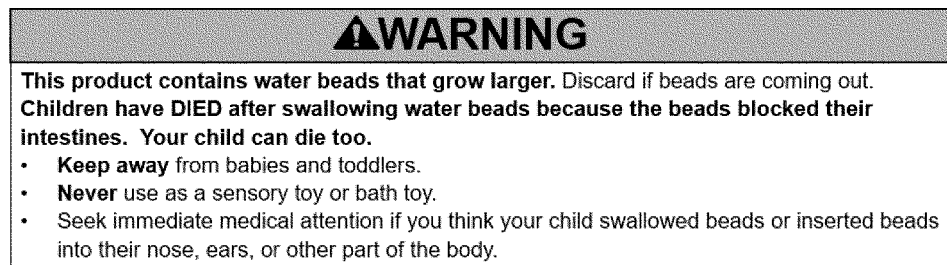


Figure 13. Warnings for Toys Containing Water Beads.

The Commission further proposes that toys containing water beads that are not individually packaged (e.g., multiple squeeze balls sold in a bin/box) would be required to have a hangtag or sticker label affixed on each individual product with the warning shown in Figure 13.

Because CPSC is aware of one death in the U.S. and additional deaths outside of the U.S.,⁹⁴ both warnings labels state, “Children have DIED after swallowing water beads because the beads blocked their intestines. Your child can die too.” The purpose of this statement is to communicate to consumers the consequences of swallowing water beads, as well as clarify that once a water bead enters the

body, water beads pose a danger by expanding inside the body. The additional statements advise consumers how to avoid hazards and what to do if the consumer suspects a child has swallowed or inserted a water bead. The warning for toys with contained water beads (Figure 13) includes the wording, “This product contains water beads that grow larger. Discard if beads are coming out[,]” to ensure consumers are aware that water beads are within the toy, and that exposed water beads are hazardous. Incident data confirm that caregivers may be unaware that toy products purchased contain hazardous water beads.⁹⁵

When developing or assessing the adequacy of a warning, one must consider not only the content of a warning, but also its design or form.⁹⁶ CPSC commonly uses ANSI Z535.4 as a reference for warning formatting requirements. Human factors experts and warnings literature regularly cite ANSI Z535.4 when discussing the design and evaluation of on-product warning labels and generally consider the ANSI Z535 series of requirements as the state-of-the-art, benchmark standards against which warning labels should be evaluated for adequacy.⁹⁷ The scope of ANSI Z535.4 is broad enough to encompass nearly all consumer

Warnings and Risk Communication (pp. 221–243). Philadelphia: Taylor & Francis.

⁹³ Murray-Johnson, L., & Witte, K. (2003). Looking Toward the Future: Health Message Design Strategies. In T.L. Thompson, A. Dorsey, K. I. Miller, & R. Parrott (Eds.), *Handbook of Health Communication* (pp. 473–495). New York: Routledge.

⁹⁴ <https://www.consumerreports.org/babies-kids/toys/water-beads-pose-a-serious-safety-risk-to-children-a6431187819/>.

⁹⁵ Such as incident 20230601–3657B–2147347238 found on [saferproducts.gov](https://www.saferproducts.gov). A 2-year-old child bit

into a stress ball and swallowed the contents requiring medical treatment. The consumer claims to have been unaware that there were water beads inside.

⁹⁶ Laughery, Sr., K.R., & Wogalter, M.S. (2006). The Warning Expert in Civil Litigation. In M.S. Wogalter (Ed.), *Handbook of Warnings* (pp. 605–615). Mahwah, NJ: Lawrence Erlbaum Associates; Madden, M.S. (1999). The Law Relating to Warnings. In M.S. Wogalter, D.M. DeJoy, & K.R. Laughery (Eds.), *Warnings and Risk Communication* (pp. 315–330). Philadelphia: Taylor & Francis; Madden, M.S. (2006). The Duty to Warn

in Products Liability. In M.S. Wogalter (Ed.), *Handbook of Warnings* (pp. 583–588). Mahwah, NJ: Lawrence Erlbaum Associates.

⁹⁷ Vredenburg, A.G., & Zackowitz, I.B. (2005). Human Factors Issues to be Considered by Product Liability Experts. In Y.I. Noy & W. Karwowski (Eds.), *Handbook of Human Factors in Litigation* (Chapter 26). Boca Raton, FL: CRC Press; Wogalter, M.S., & Laughery, K.R. (2005). Effectiveness of Consumer Product Warnings: Design and Forensic Considerations. In Y.I. Noy & W. Karwowski (Eds.), *Handbook of Human Factors in Litigation* (Chapter 31). Boca Raton, FL: CRC Press.

products, including children's products and toys.⁹⁸

Signal words, colors, graphics, and placement all increase conspicuity. The salience of a visual warning can be enhanced using large and bold print, high contrast, color, borders, pictorial symbols, and special effects like flashing lights. Therefore, the NPR proposes warning label design requirements for water bead toys and toys containing water beads that reflect the current recommendations from ASTM's Ad Hoc Language Task Group (Ad Hoc Task Group).⁹⁹ The recommendations provide permanent, conspicuous, and consistently formatted warning labels across juvenile products. Warnings that meet the recommendations address numerous format issues related to capturing consumer attention, improving readability, and increasing hazard perception and avoidance behavior. Such recommendations include requiring that the proposed warnings conform to ANSI NEMA Z535.4—2023, *American National Standard for Product Safety Signs and Labels*, sections 6.1–6.4, 7.2–7.6.3, and 8.1, with the following changes to the ANSI standard:

- In sections 6.2.2, 7.3, 7.5, and 8.1.2, replace the word “should” with “shall;”
- In section 7.6.3, replace the phrase “should (when feasible)” with the word “shall;” and
- Strike the word “safety” when used immediately before a color (e.g., replace “safety white” with “white”).

Further, certain text in the message panel must be in bold and in capital letters as shown in the example warning labels in Figure 12 and Figure 13, to provide emphasis and capture the reader's attention. The signal word “WARNING” must appear in sans serif letters in upper case only, be at least 1/8 inch (3.2 mm) in height, and be center- or left-aligned. The height of the exclamation point inside the safety alert

symbol must be at least half the height of the triangle and be centered vertically inside the triangle, as shown in the example warnings. The message panel text capital letters are no less than 1/16” (1.6mm)¹⁰⁰ and the message panel text is center- or left-aligned, in sans serif letters. Consistent with Ad Hoc, the text in each column should be arranged in list or outline format, with precautionary statements preceded by bullet points. Precautionary statements must be separated by bullet points if paragraph formatting is used.

Warnings that are placed directly on a product and/or the packaging have a higher noticeability rate¹⁰¹ because consumers are more likely to see such warnings when examining the product prior to purchase. ANSI Z535.4 provides general guidance on warning placement, stating that warnings must be “readily visible to the intended viewer” and will “alert the viewer to the hazard in time to take appropriate action.”¹⁰² Similarly, both the Ad Hoc Task Group and section 5.3.6 of ASTM F963–23 require conspicuous warnings. The NPR proposes warning labels be placed on the principal display panel as defined in section 3.1.62 of ASTM F963–23.

2. Instructional Literature

Some water bead toys or toys containing water beads provide instructional literature, such as manuals for use. Instructions or other literature accompanying a water bead product, when provided, shall include directions for use, including the relevant warnings from Figure 12 or Figure 13. The NPR proposes that instructional literature shall include the same warning labels that the NPR proposes for product packaging, with similar formatting requirements, though the literature does not need to be in color.¹⁰³ Still, the Commission proposes that the signal word and safety alert symbol shall contrast with the background of the signal word panel, and the warnings

shall contrast with the background of the instructional literature.¹⁰⁴

VI. Feasibility of Proposed Requirements

Pursuant to section 106(c) of the CPSIA, Congress directed the Commission to “periodically review and revise the rules set forth under this section to ensure that such rules provide the highest level of safety for such products that is feasible.” 15 U.S.C. 2056b(c). The Commission's statutory obligation is to ensure that toys have the highest level of safety that the producers are capable of achieving, considering technological and economic ability. Based on the staff's analysis provided in this NPR, the Commission preliminarily determines that the NPR is technically and economically feasible, and requests comment on this determination.

A. Technological Feasibility

A proposed rule is technically feasible if it is capable of being done. For example, compliant products might already be on the market; or the technology to comply with requirements might be commercially available; or existing products could be made compliant; or alternative practices, best practices, or operational changes would allow manufacturers to comply. *See, e.g.,* 15 U.S.C. 1278a(d) (discussing lead limits). The Commission believes the NPR's proposals meet technical feasibility criteria. For instance, products currently available on the market are within the proposed rule's 9.0 mm size limitation, and there should be multiple means of producing and packaging water bead toys that expand by less than 50 percent. With respect to demonstrating compliance, the proposed funnel test gauge test does not require tools, like a push rod, to determine whether a water bead can pass through the gauge. Further, several testing tools in the NPR (e.g., a small parts cylinder) are already included in CPSC mandatory standards or come from the ASTM F963 standard. Accordingly, much of the technology is already used when testing to section 4.40 of ASTM F963–23 and is commercially available.

B. Economic Feasibility

The draft proposed rule is economically feasible because non-compliant toy products can be redesigned to be compliant, or be repurposed for non-toy uses. Based on CPSC staff's analysis, the Commission expects manufacturers would, to comply with the proposed rule, incur

⁹⁸ Kalsher, M.J., & Wogalter, M.S. (2008). Warnings: Hazard Control Methods for Caregivers and Children. In R. Lueder & V.J.B. Rice (Eds.), *Ergonomics for Children: Designing Products and Places for Toddlers to Teens* (pp. 509–539). New York: Taylor & Francis; Rice, V.J.B. (2012). Designing for Children. In G. Salvendy (Ed.), *Handbook of Human Factors and Ergonomics* (4th ed.) (pp. 1472–1483). Hoboken, NJ: Wiley.

⁹⁹ ASTM Ad Hoc Wording Task Group (Ad Hoc TG) consists of members of various durable nursery product voluntary standards committees, including CPSC staff. The Ad Hoc TG's purpose is to harmonize the wording of common sections (e.g., introduction, scope, protective components) and warning label requirements across nursery product voluntary standards. The latest version of the Ad Hoc-approved recommended language is published in the “Committee Documents” section of the Committee F15 ASTM website.

¹⁰⁰ 1.6mm is the size dimension from the toy standard, 16 CFR part 1250, *Safety Standard Mandating ASTM F963 for Toys*, not from the Ad Hoc Task Group.

¹⁰¹ Wogalter, M.S., Godfrey, S.S., Fontenelle, G.A., Desaulniers, D.R., Rothstein, P., & Laughery, K.R. (1987). Effectiveness of warnings. *Human Factors* 29(5), 599–612; Frantz, J.P.; Rhoades, T.P. (1993). A Task-Analytic Approach to the Temporal and Spatial Placement of Product Warnings. *Human Factors: The Journal of the Human Factors and Ergonomics Society*, 35(4), pp. 719–730.

¹⁰² American National Standards Institute. (2011). *ANSI Z535.4. American national standard: Product safety signs and labels*. Rosslyn, VA: National Electrical Manufacturers Association, Section 9.1.

¹⁰³ ANSI Z535.6, *Product Safety Information in Product Manuals, Instructions and Other Collateral Materials*, allows warning labels to be black and white whereas the NPR mandates color for warning labels packaging.

¹⁰⁴ Ad Hoc section Y.6, Instructional Literature.

material costs to redesign their product and retool their manufacturing processes to produce a compliant product. Staff expect the redesign and retooling costs to be significant for small firms involved in the water bead toy market, with the exception of the labeling requirements, which are negligible (*i.e.*, less than \$0.01 per product). A decline in sales is expected, as many currently available water bead toys would not be compliant with the draft proposed rule. However, while the impact of the proposed rule may be significant, firms could sell compliant water bead toys or sell non-compliant water beads for non-toy purposes, such as agricultural purposes.

VII. Incorporation by Reference

Proposed § 1250.4 would incorporate by reference ANSI Z535.4—2023. The Office of the Federal Register (OFR) has regulations regarding incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to a final rule, ways in which the material the agency incorporates by reference is reasonably available to interested parties, and how interested parties can obtain the material. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b)(3).

In accordance with the OFR regulations, section V of this preamble summarizes the major provisions of ANSI Z535.4—2023 that the Commission proposes to incorporate by reference into proposed § 1250.4. The standard itself is reasonably available to interested parties. By permission of ANSI, the standard can be viewed as a read-only document during the comment period for this NPR, at: <https://ibr.ansi.org/Standards/nema.aspx>. Interested parties can also schedule an appointment to inspect a copy of the standard at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: (301) 504-7479; email: cpsc-os@cpsc.gov. Alternatively, interested parties can purchase a copy of the standard from ANSI, 1899 L Street NW, 11th Floor, Washington, DC 20036.

VIII. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The Commission proposes a 90-day effective date for this rule. The rule would apply to all water beads manufactured after the effective date. 15 U.S.C. 2058(g)(1).

Although the NPR proposes to add new requirements, most of the test methods and test equipment are not unique, in that the current ASTM toy standard utilizes several similar methods and equipment. For example, as of July 12, 2024, 81 third-party laboratories were already CPSC-accepted to test expanding materials as provided in section 4.40 of ASTM F963–23, as incorporated into part 1250 on January 18, 2024. Additionally, as of July 12, 2024, 153 third-party laboratories were CPSC-accepted to test expanding materials as provided in section 4.40 of ASTM F963–17. While these third-party laboratories may not yet be CPSC-accepted for testing for acrylamide, CPSC expects that these laboratories are competent to conduct the required testing and can have their International Organization for Standardization (ISO) accreditation and CPSC-acceptance updated quickly in the normal course. Additionally, a 90-day effective date allows the proposed standard to coincide with the third-party testing requirements for children's products under section 14(a)(3) of the CPSA, as an NOR date must be no later than 90 days before such rules or revisions take place. 15 U.S.C. 2063(a)(3). The Commission invites comments, particularly from small businesses, regarding the proposed testing and the amount of time needed to come into compliance with a final rule.

IX. Regulatory Flexibility Act (RFA)

The RFA requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make the analysis available to the public for comment when the agency publishes an NPR, unless the rule would not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603, 605(b). The IRFA must describe the impact of the proposed rule on small entities and identify significant alternatives that accomplish the statutory objectives and minimize any significant economic impact of the proposed rule on small entities.

This proposed rule would have a significant economic impact on a substantial number of small U.S. entities, primarily from redesign costs in the first year that the final rule would be effective. A significant impact would occur for small companies whose products do not meet the proposed requirements. Third-party testing costs

should not be a new significant cost for most small firms, given suppliers should already test to the current mandatory standard in part 1250.

A. Reason for Action, NPR Objectives, Product Description, and Market Description

Section I of this preamble explains why the Commission proposes to establish a mandatory rule for water bead toys and provides a statement of the objectives of, and legal basis for, the proposed rule. Section II of this preamble describes the types of products within the scope of the NPR, the market for water beads, and the use of water beads in the U.S. The proposed requirements in the NPR are more stringent than ASTM F963–23, which the Commission incorporated into the mandatory rule 16 CFR part 1250, Safety Standard Mandating ASTM F963 for Toys, as described in sections IV and V of this preamble. CPSC staff has not identified any other Federal rules that duplicate, overlap, or conflict with the draft proposed rule. The NPR addresses the known hazards presented by water beads, discussed in section III of this preamble, that the current rule does not adequately address.

B. Small Entities To Which the Rule Would Apply

Section II of this preamble describes the products within the scope of the rule and an overview of the market for water beads. This section provides additional details on the market for products within the scope of the rule.

CPSC staff has found that a majority of the firms that sell water bead toys are wholesalers of hobby goods, toys, and plastic products.¹⁰⁵ Retailers of water bead toy products are hobby and toy stores, department stores, and warehouse stores and supercenters.¹⁰⁶ Some of these products may be sold by convenience stores, but staff estimates the number of units sold from such stores is negligible. Water bead toys are

¹⁰⁵ The North American Industry Classification System (NAICS) defines product codes for U.S. firms. Firms advertise water bead products as toys and therefore water beads may be categorized under many NAICS product codes. These firms could be listed in NAICS code 339930 Doll, Toy, and Game Manufacturing but some may also be listed in code 326199 All Other Plastic Product Manufacturing. Importers of these products could also vary among different NAICS codes. A majority of the firms should be listed in the following NAICS codes as wholesalers: 423920 Toy and Hobby Goods and Supplies Merchant Wholesalers, and 424610 Plastics Materials and Basic Forms and Shapes Merchant Wholesalers.

¹⁰⁶ Retailers consist of NAICS codes 459120 Hobby, Toy, and Game Stores, 455110 Department Stores, and 455211 Warehouse Clubs and Supercenters.

small, novelty products which can easily be stored and sold in varying retail channels and, therefore, the described retailers, importers, and manufacturers are not all inclusive but represent the most prominent sources for water bead toys.

Currently, over 30 firms supply water bead toys to the U.S. market. Most of the U.S.-based manufacturers and importers are small companies based on Small Business Administration (SBA) size

standards.¹⁰⁷ The SBA size standards for small entities are based on the number of employees or the annual revenue of the firm, and there is a specific size standard for each 6-digit North American Industry Classification Series (NAICS) category.¹⁰⁸ The U.S. Census Bureau conducts an annual survey of small businesses in the U.S. and counts how many large and small businesses are in each NAICS category.¹⁰⁹ There is no NAICS category

specifically for water bead manufacturing or importing. Companies that manufacture water bead toy products may be categorized as doll, toy, and game manufacturing or under the category “All Other Plastic Product Manufacturing.” Importers are generally considered a type of merchant wholesaler. As seen in the tables below of applicable NAICS categories, the SBA small entity threshold for manufacturers is generally 150 to 750 employees.

TABLE 2—ESTIMATE OF NUMBER OF SMALL MANUFACTURERS AND IMPORTERS

NAICS code	Description	SBA size standard for firms (# of employees)	Number of firms that meet size standard (based on SUSB data)
339930	Doll, Toy, and Game Manufacturing	700	7
326199	All Other Plastic Product Manufacturing	750	1
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	150	4
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	175	19

TABLE 3—ESTIMATE OF NUMBER OF SMALL RETAILERS

NAICS code	Description	SBA size standard for firms (annual revenue) millions \$	Number of firms that meet size standard (based on SUSB data)
452210	Department Stores	\$40.0	15
452310	General Merchandise Stores, Including Warehouse Clubs and Supercenters ..	47.0	8,006
451120	Hobby, Toy, and Game Stores	35.0	4,660

Based on the Census Bureau’s 2021 Statistics of U.S. Businesses (SUSB) data and a review of publicly available data on annual revenues, staff estimates the number of firms classified as small for the aforementioned NAICS codes to be seven manufacturers, 23 importers, and 12,681 retailers. These firms could be considered small and supply water bead products.

C. Compliance, Reporting, Paperwork, and Recordkeeping Requirements of the Proposed Rule

The proposed rule would require suppliers (manufacturers and importers) of water bead toys to meet performance, warning label, and user instruction requirements, and to conduct third-party testing to demonstrate compliance. This section discusses the reporting and paperwork requirements. Compliance costs are analyzed in detail in section IX.E of this preamble.

Manufacturers must demonstrate that they have met the performance

requirements of the rule by providing a children’s product certificate. As specified in 16 CFR part 1109, suppliers who are not the original manufacturer, such as importers, may rely on the testing or certification suppliers provide, as long as the requirements in part 1109 are met. Manufacturers and importers are required to furnish certificates to retailers and distributors (section 14(g)(3) of the CPSA); retailers are not required to third-party test the children’s products that they sell unless they are also the manufacturer or importer. Under section 14 of the CPSA, manufacturers, importers, and private labelers of water bead products will be required to certify, based on a test of each product conducted by third-party conformity assessment body, that their products comply with the requirements of the proposed rule. Each children’s product certificate must identify the third-party conformity assessment body

that conducted the testing upon which the certificate depends.

D. Potential Impact on Small Entities

Water beads that expand to larger than 9.0 mm or to more than 50 percent greater than their original size in diameter when tested pursuant to section 8.30, *Expanding Materials Test Method* of ASTM F963–23, with modifications proposed in the NPR, would require modification to meet the proposed rule or be taken off the market. Additionally, water beads toys that do not meet the proposed acrylamide limit would require modification or discontinuation.

The Commission assesses it is likely that a substantial number of firms will incur significant costs from redesign, retooling, loss of sales, or the purchase and installation of new components. While some water bead toys are produced at sizes under the proposed maximum water bead diameter limit of 9.0 mm, CPSC staff has not identified

¹⁰⁷ Under SBA standards, a manufacturer, importer, and retailer of a product is categorized as a small entity based on their associated NAICS code. SBA uses the number of employees to determine if a manufacturer or importer is a small entity while SBA uses the amount of annual revenues for retailers.

¹⁰⁸ The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. For more information, see <https://www.census.gov/naics/>. Some programs

use 6-digit NAICS codes, which provide more specific information than programs that use more general 3- or 4-digit NAICS codes.

¹⁰⁹ <https://www.census.gov/programs-surveys/susb/data/tables.html>.

¹¹⁰ Duncraft Recalls Water Balz, Skulls, Orbs and Flower Toys Due to Serious Ingestion Hazard | CPSC.gov (2012) <https://www.cpsc.gov/Recalls/2012/duncraft-recalls-water-balz-skulls-orbs-and-flower-toys-due-to-serious-ingestion>; ACCC warns of dangers of water expanding balls to kids | ACCC (2015) <https://www.accc.gov.au/media-release/accc-warns-of-dangers-of-water-expanding-balls-to-kids>; Are Water Beads Toxic?—poisonhelp.org <https://www.poisonhelp.org/2024/03/26/water-beads-toxic/>; How High-Powered Magnetic Toys Can Harm Children—HealthyChildren.org (2023) <https://www.healthychildren.org/English/safety-prevention/at-home/Pages/Dangers-of-Magnetic-Toys-and-Fake-Piercings.aspx?ampnfstatus=401&ampnftoken=00000000-0000-0000-0000-000000000000&ampnfstatusdescription=ERROR%25252525252525253A%25252525252525252BNo%25252525252525252Blocal%25252525252525252Btoken>; Water Beads: A Danger to Young Children & Can Be Deadly if Swallowed | CPSC.gov (2023) <https://www.cpsc.gov/Safety-Education/Safety-Guides/Toys-Crafts-Water-Beads/Water-Beads-A-Danger-to-Young-Children->

incidents associated with water beads, CPSC assesses that information and education campaigns have limited effectiveness in adequately addressing the hazard. Therefore, the Commission preliminarily finds that while an information campaign might be helpful, it would be inadequate to address water bead toy hazards.

3. Later Effective Date

The Commission could propose a later effective date that would reduce the burden on entities of all sizes by allowing more time to remove products from the market, repackage, and test products. In addition, testing laboratories need to become accredited to the proposed rule before any product can be tested to the proposed rule. Smaller companies are less likely to have the resources to quickly come into compliance with the proposed rule than larger ones, and a minority of the small U.S. companies that have products in scope of this proposed rule have multiple products that do not appear to meet the new performance requirements. However, the Commission preliminarily finds that providing a longer effective date would allow the hazards of water bead toys to be unaddressed for a later period of time resulting in more deaths and injuries, and thus would unreasonably delay addressing the ingestion hazard associated with water beads.

X. Environmental Consideration

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, certain categories of CPSC actions normally have "little or no potential for affecting the human environment," and therefore do not require an environmental assessment or an environmental impact statement. Safety standards providing performance and labeling requirements for consumer products come under this categorical exclusion. 16 CFR 1021.5(c)(1). The NPR falls within the categorical exclusion.

XI. Paperwork Reduction Act

This proposed rule for water beads contains information collection requirements that are subject to public comment and review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- Title for the collection of information;
- Summary of the collection of information;
- Brief description of the need for the information and the proposed use of the information;

- Description of the likely respondents and proposed frequency of response to the collection of information;

- Estimate of the burden that shall result from the collection of information; and

- Notice that comments may be submitted to the OMB.

Title: Safety Standard for Toys: Requirements for Water Beads

Description: As described in section V of this preamble, the proposed rule would require new labeling for water bead toys. CPSC will seek a new OMB control number for this rule in the next PRA update for Third Party Testing of Children's Products. The NPR proposes that water bead toys meet the proposed requirements of § 1250.4, which are summarized in section V of this preamble. Section 5 of ASTM F963–23 contains requirements for marking, labeling, and instructional literature of children's toys in general. These requirements fall within the definition of "collection of information," as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import water bead toys or toys that contain water beads.

Estimated Burden: We estimate the burden of this collection of information as follows:

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN

Burden type	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
Labeling and instructions	30	1	30	2	60

This estimate is based on the following: CPSC estimates there are 30 suppliers that would respond to this collection annually, and that the majority of these entities would be considered small businesses. CPSC assumes that on average each respondent that reports annually would respond once, as product models for water beads are brought to market and new labeling and instruction materials are created, for a total of 30 responses annually (30 respondents × 1 responses per year). CPSC assumes that on average it will take 1 hour for each respondent to create the required label and one hour for them to create the required

instructions, for an average response burden of 2 hours per response. Therefore, the total burden hours for the collection are estimated to be 60 hours annually (30 responses × 2 hours per response = 60 total burden hours).

CPSC estimates the hourly compensation for the time required to create and update labeling and instructions is \$41.55.¹¹¹ Therefore, the estimated annual cost of the burden requirements is \$2,493 (\$41.55 per hour × 60 hours = \$2,493). No operating, maintenance, or capital costs are associated with the collection. Based on this analysis, the proposed revisions to the standard would impose a burden to

industry of 60 hours at a cost of \$2,493 annually.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), CPSC has requested OMB approval of new information collection and recordkeeping requirements related to this proposed rule. CPSC invites comments on this new information collection. All comments received on this information collection will be summarized and included in the final request for OMB approval. Interested persons are requested to submit comments regarding information collection by November 8, 2024 (see the **ADDRESSES** section at the beginning of

Can-Be-Deadly-if-Swallowed; Water Beads: Harmful if Swallowed, Put in Ears—HealthyChildren.org (2024) https://www.healthychildren.org/English/safety-prevention/at-home/Pages/Water-Beads-Harmful.aspx?gad_source=1; Water Beads |

CPSC.gov (2024) <https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Water-Beads-Information-Center?language=en>.

¹¹¹ U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September

2023, Table 4, total compensation for all sales and office workers in goods-producing private industries: https://www.bls.gov/news.release/archives/ecec_12152023.pdf.

this notice). Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- The accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, utility, and clarity of the information to be collected;
- Ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- The estimated burden hours to create and update labeling and instructions, including any alternative estimates.

XII. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), states that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of such product dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 106(f) of the CPSIA deems rules issued under that provision "consumer product safety standards." Therefore, once a rule issued under section 106 of the CPSIA takes effect, it will have preemptive effect in accordance with section 26(a) of the CPSA.

XIII. Certification and Notice of Requirements

Section 14(a) of the CPSA imposes the requirement that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Section 14(a)(2) of the CPSA requires that certification of children's products subject to a children's product safety rule be based on testing conducted by a CPSC-accepted third-party conformity assessment body. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third-party conformity assessment bodies (or laboratories) to assess conformity with a children's product

safety rule to which a children's product is subject. The proposed rule would create a new 16 CFR 1250.4 as part of 16 CFR part 1250. If issued as a final rule, the proposed rule would be a children's product safety rule that requires the issuance of an NOR.

16 CFR part 1112 establishes requirements for accreditation of third-party conformity assessment bodies to test for conformity with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies all of the NORs issued previously by the Commission. To meet the requirement that the Commission issue an NOR for the proposed standard, the Commission proposes to add water beads to the list of children's product safety rules for which CPSC has issued an NOR.

Testing laboratories applying for acceptance as a CPSC-accepted third-party conformity assessment body to test to the new standard for water beads would be required to meet the third-party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third-party conformity assessment body, the laboratory can apply to CPSC to have 16 CFR 1250.4, Safety Standard for Toys: Requirements for Water Beads, included within the laboratory's scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC website at: <https://www.cpsc.gov/cgi-bin/labsearch/>.

Testing laboratories should not be adversely impacted as a result of this rule. Approximately 67 third-party testing laboratories are CPSC-accepted to test compliance with ASTM F963–23. CPSC staff expects that these labs will become accredited and CPSC-accepted to test to this new standard in the normal course of business. CPSC expects that these laboratories will be able to test to a new rule in a short time period. Furthermore, no laboratory is required to provide testing services. The only laboratories that are expected to provide such services are those that anticipate receiving sufficient revenue from the mandated testing to justify procuring the testing equipment and obtaining accreditation.

XIV. Request for Comments

The Commission requests comments on the proposed rule to promulgate a mandatory standard for water beads under section 106 of the CPSIA. During the comment period, ASTM F963–23 is available as a read-only document at: <http://www.astm.org/cpsc.htm>. Comments should be submitted in accordance with the instructions in the

ADDRESSES section at the beginning of this document.

CPSC requests comments on all aspects of this rulemaking and specifically requests comment on the following topics:

A. Water Bead Definition

The proposed rule defines "water bead(s)" as "various shaped, water absorbent polymers, such as, but not limited to polyacrylamides and polyacrylates, which expand when soaked in water." Should the proposed rule use a different definition of water beads?

B. NPR Scope

1. Which, if any, water pellet guns designed to shoot water bead projectiles are not children's toys within the scope of the NPR? Please provide rationale supporting your comment.

2. How, if at all, should color(s) of the water beads factor into the determination of whether they are toys, and therefore within the scope of the proposed rule? Please provide support for your recommendation.

C. Proposed Requirements To Address Ingestion Hazards

1. Are the proposed 9.0 mm diameter funnel test gauge and the 50 percent expansion limit adequate to address the hazards associated with ingestion of the product? If 9.0 mm diameter is not adequate, what size is adequate and why? If a 50 percent expansion limit is not adequate, what expansion limit is adequate and why?

2. Are there any other performance requirements CPSC should consider to address the hazards associated with water bead ingestion?

D. Proposed Requirements To Address Ear Insertion Hazards

1. Is the proposed 9.0 mm diameter funnel test gauge along with the 50 percent expansion limit adequate to address the hazards associated with ear insertion? If 9.0 mm diameter is not adequate, what size is adequate and why? If a 50 percent expansion limit is not adequate, what percentage is adequate and why?

2. What size dehydrated bead is most attractive to children regarding the risk of ear insertions and why?

3. Are there any other performance requirements CPSC should consider to address the hazards associated with ear insertion?

E. Proposed Requirements To Address Nose Insertion Hazards

1. Is the proposed 9.0 mm diameter funnel test gauge along with the 50

percent expansion limit adequate to address the hazards associated with nose insertion? If 9.0 mm diameter is not adequate, what size is adequate and why? If a 50 percent expansion limit is not adequate, what percentage is adequate and why?

2. What size dehydrated bead is most attractive to children regarding the risk of nose insertions and why?

3. Are there any other performance requirements CPSC should consider to address the hazards associated with nose insertion?

F. Proposed Requirements To Address Aspiration Hazards

1. Is the proposed 9.0 mm diameter funnel test gauge along with the 50 percent expansion limit adequate to address the hazards associated with aspiration of the product? If the 9.0 mm diameter is not adequate, what size is adequate and why? If a limit of 50 percent expansion is not adequate, what percentage is adequate and why?

2. Are there any other performance requirements CPSC should consider to address the hazards associated with water bead aspiration?

G. Water Beads Sticking Together

1. Is there evidence of water beads sticking together or are there specific water bead products that have tendency to stick together before, during, or after expansion? If so, please provide further details.

2. Is there an environment or scenario that has successfully caused expanded water beads to aggregate with themselves and/or any other substances, like food or mucus, to cause an obstruction? If so, please provide details.

H. Proposed Acrylamide Limit and Test Method

1. Is the proposed limit of 65 µg extractable acrylamide monomer from 100 small water beads or from one large water bead appropriate to adequately address the hazard of acute toxicity for children who ingest water beads?

2. The 4.0 mm demarcation between the “small” and “large” designations for water beads was selected based on CPSC staff’s observations of water bead samples prior to hydration, which tended to have diameters of equal to or less than 3.0 mm, or equal to or greater than 5.0 mm. Is another metric or method more appropriate to distinguish small and large water beads?

3. Is there an alternative, more appropriate, acute oral toxicity reference value than ATSDR’s the acute-duration oral minimal risk level that is based on valid test methods, relevant health

endpoint(s), and appropriate safety factors?

4. The chosen test value of 100 small water beads when testing for extractable acrylamide was within the range noted in incident case reports of children ingesting water beads. Is another test value for small water beads more appropriate?

5. Is CPSC’s acrylamide limit test method sufficient to evaluate extractable acrylamide in water beads? Are there other tests methods that CPSC should consider?

I. Proposed Warning Label Requirements for Water Beads

1. Are the proposed warnings adequate to address hazards associated with water beads? Should other warnings be considered? Should other warning formats be considered?

2. Regarding the proposed warning for toys that contain water beads, will consumers know what “water beads” are when warned of the dangers of “water beads” that became dislodged from the toy? Is there another term aside from “water bead” that would help consumers better identify what part of the toy is a water bead?

3. Regarding the proposed warning for toys that contain water beads, will consumers know what the warning “Discard if beads are coming out” means? Is there another term aside from “coming out” that would help consumers understand the warning?

J. Initial Regulatory Flexibility Analysis and Other Topics

1. *Significant impact.* Is CPSC’s estimated cost of redesign to achieve compliance accurate? If not, please provide additional information and support for your proposed correction. Also, do the estimated costs represent more than one percent of annual revenue for individual small U.S. manufacturers and importers?

2. *Testing costs.* Will third-party testing costs for water beads increase as a result of the requirements in this NPR, and if so, by how much? Are test labs that are currently accredited to test for ASTM F963–23 equipped to use LC–MS–MS to test for acrylamide in water beads? What other analytical test methods and equipment are appropriate for quantifying acrylamide content in the levels discussed in the NPR?

3. *Effective date.* How much time is required to come into compliance with a final rule (including product compliance and third-party testing), particularly for small businesses? Please provide supporting data with your comment.

4. *Alternatives to reduce the impact on small businesses.* Are there any alternatives to the rule that could reduce the impact on small businesses without reducing safety? Please provide supporting data with your comment, particularly addressing small businesses.

K. Feasibility

Are the proposed requirements in this NPR feasible, both technically and economically?

L. Water Bead Manufacturing

Are manufacturers able to limit the growth of water beads to a specific diameter or specific percentage of growth? If so, what is the process of adjusting growth potential?

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third-party conformity assessment body.

16 CFR Part 1250

Consumer protection, Incorporation by reference, Infants and children, Labeling, Law enforcement, Toys.

For the reasons discussed in the preamble, the Commission proposes to amend 16 CFR parts 1112 and 1250 as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 is revised to read as follows:

Authority: 15 U.S.C. 2063.

■ 2. Amend § 1112.15 by adding paragraph (b)(32)(ii)(LL) to read as follows:

§ 1112.15 When can a third-party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) * * *

(32) * * *

(ii) * * *

(LL) 16 CFR 1250.4, Requirements for Water Beads.

* * * * *

PART 1250—SAFETY STANDARD FOR TOYS

■ 3. Revise the heading of part 1250 to read as set forth above.

■ 4. The authority citation for part 1250 is revised to read as follows:

Authority: 15 U.S.C. 2056b.

■ 5. Revise § 1250.1 to read as follows:

§ 1250.1 Scope.

This part establishes a consumer product safety standard for toys.

■ 6. Add § 1250.4 to read as follows:

§ 1250.4 Requirements for water beads.

(a) *Scope and purpose.* This section establishes performance and labeling requirements for water bead toys and toys containing water beads to minimize the risk of children ingesting, inserting, aspirating, and choking on water beads. The provisions of this part are intended to eliminate or adequately reduce the risk of injury and death to children from water bead toy hazards. This section adds requirements for water bead toys in addition to the requirements of § 1250.2.

(b) *Definitions.* In addition to the definitions incorporated by reference in § 1250.2(a), the following definitions apply for purposes of this section:

Aspiration hazard means a hazard caused by a child inhaling a water bead whereby the water bead can become lodged in the respiratory tract and can potentially cause death or injury.

Choking hazard means a hazard caused by a child attempting to swallow a water bead whereby the water bead can become lodged in the throat and can potentially cause death or injury.

Ingestion hazard means a hazard caused by a child swallowing a water bead whereby the water bead can become lodged in the digestive tract and can potentially cause death or injury.

Insertion hazard means a hazard caused by a child putting a water bead in the ear canal or nasal passage of the body and can potentially cause injury or death.

Water bead means a various shaped water absorbent polymer, such as, but not limited to, polyacrylamide and polyacrylate, which expands when soaked in water.

(c) *Performance requirements.* In addition to the requirements of § 1250.2, all water bead toys and toys containing water beads within the scope of the rule must meet the performance requirements in this section to minimize the risk of children ingesting, inserting, aspirating, and choking on water beads.

(1) Water beads as received or water beads removed from a toy, which fit entirely inside the small parts cylinder as shown in Figure 1 to paragraph (c)(1) (16 CFR 1501.4) shall not expand more than 50 percent in any dimension and shall remain whole while also completely passing through the funnel test gauge as shown in Figure 2 to paragraph (c)(1), under its own weight

after expansion, when tested in accordance with the following test procedure:

Figure 1 to Paragraph (c)(1)—Small Parts Cylinder.

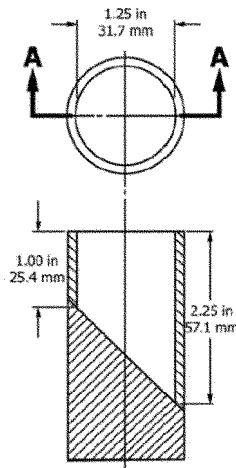
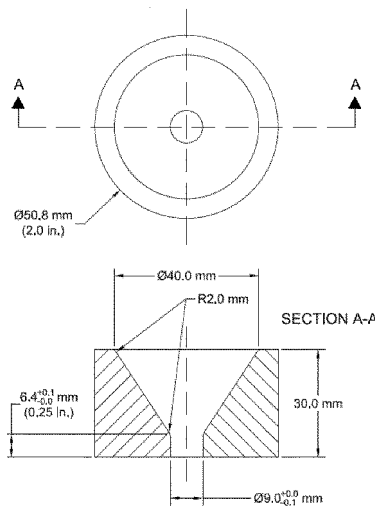


Figure 2 to Paragraph (c)(1)—Funnel Test Gauge. Material: Polytetrafluorethylene (PTFE).



(i) *Test method.* Condition the water bead or toy containing the water bead, at $20 \pm 5^\circ\text{C}$ ($68 \pm 9^\circ\text{F}$) and at a relative humidity of 40–65 percent for a minimum of seven hours prior to the test.

(ii) If the water bead is partially expanded, or contained within a toy and partially expanded, remove the water bead for testing and allow 120 hours to dehydrate.

(iii) Measure the bead using calipers to determine the dehydrated dimensions. If not spherical, measure in all dimensions. When measuring with calipers, do not compress the bead in a manner that will change its shape.

(iv) Submerge the water bead under a test bath of deionized water maintained at $37 \pm 2^\circ\text{C}$ ($98.6 \pm 3.6^\circ\text{F}$) for the

duration of immersion, without agitation. For water beads that exhibit positive buoyancy, place weight(s) (with mass just sufficient to achieve complete submersion) atop the water bead. Care should be taken to minimize contact of the test water bead with the sides or bottom of the container.

(v) Maintain submersion for 72 hours, measuring the water bead dimensions at 6 hours, 24 hours, 48 hours and 72 hours duration. If the greatest expansion was observed at 72 hours of submersion, proceed to immediately test the expanded water bead. If the greatest expansion was observed at another time interval, condition and submerge a new water bead per paragraph (c)(1)(i)–(iv) for the time interval at which the greatest expansion was observed. Then immediately test the expanded water bead.

(vi) Remove the expanded water bead and using calipers, calculate the expansion amount in all dimensions as a percentage of the dehydrated dimensions and determine whether the bead has expanded more than 50 percent in any dimension. When measuring with calipers, do not compress the bead in a manner that will change its expanded shape.

(vii) Place the expanded water bead at the top surface of the gauge's upper opening in the orientation least likely to pass through, and release allowing it to travel down until it reaches the lower opening. The expanded water bead shall remain whole and completely pass through the lower opening.

(2) *Acrylamide Limit Requirements.* Water beads shall not have more than 65 μg acrylamide extractable from 100 small water beads (defined as <4 mm across the smallest diameter of the bead prior to hydration) or from one large water bead (defined as ≥ 4 mm across the smallest diameter of the bead prior to hydration) in the test procedure described below:

(i) *Acrylamide test procedure.* To determine the amount of extractable acrylamide in water beads, first place the water beads (one large water bead or 100 small water beads) as received in a container with pH neutral deionized water.

(ii) Situate the container(s) in a shaker bath that can heat the water beads to 37°C and shake them at a rate of 30 RPM. Leave the water beads untouched for 24 hours.

(iii) Multiple concurrent trials, or sequential repetitions, must be performed to ensure that results are reasonably consistent, given any bead-to-bead variation. For large water beads, perform three trials with one large bead per trial. For small water beads, perform

three trials with 100 small beads per trial.

(iv) Use an extraction container and volume of deionized water so that all water beads remain covered by water for the duration of the extraction period. Because water beads absorb water differently depending on their various sizes, additional tests may need to be conducted before starting the extractions to determine a volume of water that allows for full growth and coverage of the water beads without unnecessarily diluting the concentration of extracted acrylamide. Select containers that will not compress the

water beads at any point during the 24-hour extraction period.

(v) Cover the containers to prevent evaporation of the water during the extraction.

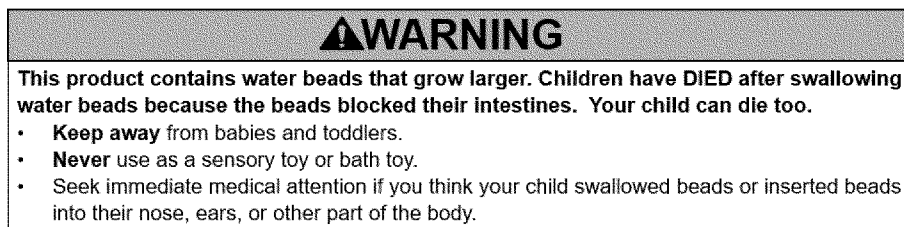
(vi) Following the extraction, determine the volume of remaining water for each trial. Analyze the remaining water to determine the mass of acrylamide present using an instrument that can quantitate acrylamide at levels equal to or less than the limit.

(d) *Labeling requirements.* All water bead toys and packaging of toys containing water beads within the scope

of the rule must meet the marking, labeling, and instructional literature requirements in this section to minimize the risk of children ingesting, inserting, aspirating, and choking on water beads.

(1) *Requirements for Marking and Labeling.* (i) Water bead toys, packaging of water bead toys, and the container of water beads, if provided, must include the safety alert symbol, signal word, and word message as shown in Figure 3 to paragraph (d)(1)(i).

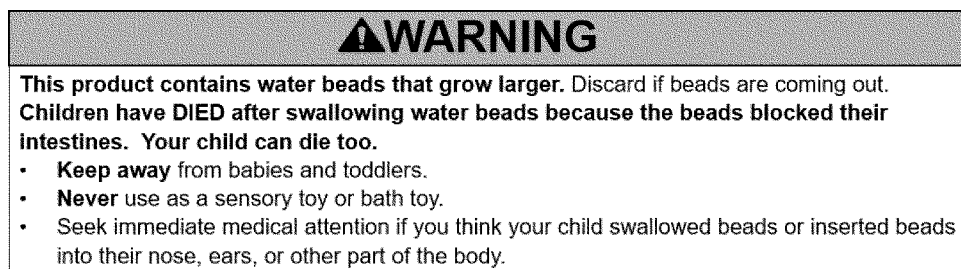
Figure 3 to Paragraph (d)(1)(i)—Warning for Water Bead Toys and Packaging.



(ii) Products with contained water beads, such as balls filled with water beads, and the packaging must include

the safety alert symbol, signal word, and word message as shown in Figure 4 to paragraph (d)(1)(ii):

Figure 4 to Paragraph (d)(1)(ii)—Toys That Contain Water Beads.



(iii) Products with contained water beads that do not have packaging must have a hangtag or sticker label with the full warnings. Multiple products sold in a package or bin must be individually labeled with a hangtag or sticker.

(iv) The warnings shall be in the English language at a minimum.

(v) The warnings shall be conspicuous and permanent on the principal display panel as defined in section 3.1.62 of the version of ASTM F963 incorporated by reference in § 1250.2(a) and in a distinct color contrasting to the background on which it appears.

(vi) The warnings shall conform to ANSI Z535.4–2023, sections 6.1–6.4, 7.2–7.6.3, and 8.1, with the following changes:

(A) In sections 6.2.2, 7.3, 7.5, and 8.1.2, of ANSI Z535.4–2023 replace the word “should” with the word “shall.”

(B) In section 7.6.3 of ANSI Z535.4–2023, replace the phrase “should (when feasible)” with the word “shall.”

(C) In section X of ANSI Z535.4–2023, strike the word “safety” when used immediately before a color (for example, replace safety white” with “white”).

(vii) Certain text in the message panel must be in bold and in capital letters as shown in the example warning labels in figures 3 and 4 to paragraph (d)(1)(ii). Text must use black lettering on a white background or white lettering on a black background.

(viii) The message panel text shall appear in sans serif letters and be center or left aligned. Text with precautionary (hazard avoidance) statements shall be preceded by bullet points.

(ix) Multiple precautionary statements shall be separated by bullet points if paragraph formatting is used.

(x) The safety alert symbol  and the signal word “WARNING” shall appear in sans serif letters and be at least 1/8” (3.2mm) high and be center or left aligned. The remainder of the text shall be in characters whose upper case shall be at least 1/16” (1.6mm) high.

(xi) The safety alert symbol, an exclamation mark in a triangle, when used with the signal word, must precede the signal word. The base of the safety alert symbol must be on the same horizontal line as the base of the letters of the signal word. The height of the safety alert symbol must equal or exceed the signal word letter height. The exclamation mark must be at least half the size of the triangle centered vertically.

(2) *Requirements for Instructional Literature.* Instructions shall have the same warning labels that must appear on the product packaging, with similar formatting requirements, but without the need to be in color. However, the signal word and safety alert symbol shall contrast with the background of the signal word panel, and the warnings shall contrast with the background of the instructional literature.

(e) *Incorporation by reference.* The Director of the Federal Register approves the incorporation by reference of ANSI Z535.4–23, *American National Standard for Product Safety Signs and Labels* (approved December 14, 2023) in paragraph (d) of this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504–7479, email: cpssc-os@cpssc.gov. For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html. A free, read-only copy of the standard is available for viewing on the ANSI website at <https://ibr.ansi.org/Standards/nema.aspx>. You may also obtain a copy from American National Standards Institute (ANSI), 1899 L Street NW, 11th Floor, Washington, DC 20036, www.ansi.org.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

[FR Doc. 2024–19286 Filed 9–6–24; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 4, 5, 19, 24, 26, and 27

[Docket No. TTB–2022–0004; Notice No. 210A, Ref: Notice No. 210]

RIN 1513–AC86

Standards of Fill for Wine and Distilled Spirits

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is reopening the comment period for a proposed rule (Notice No. 210) published on May 25, 2022, which proposed changes to the authorized standards of fill for wine and distilled spirits, to solicit comments on additional suggestions raised in public comments made in response to Notice No. 210 that go beyond the scope of the original proposal. In Notice No. 210, TTB proposed to add 10 authorized standards of fill to those already authorized for wine, and alternatively, eliminating all but a minimum standard of fill for wine containers and all but a minimum and maximum for distilled spirits containers. TTB did not propose any specific standards of fill for distilled spirits as an alternative to generally eliminating them. TTB received a number of comments in response to the notice of proposed rulemaking requesting that TTB add specific new standards of fill for distilled spirits, as well as for wine, and also requesting that TTB consider eliminating the distinction between the standards of fill for distilled spirits in cans and those for distilled spirits in containers other than cans. TTB is now reopening the public comment period based on these suggestions, to provide notice to stakeholders that TTB is considering these additional requests for potential inclusion in the final rule and to also provide an opportunity for stakeholders to submit additional information to assist TTB in assessing whether to incorporate some, all, or none of these proposals into the final rule.

DATES: The comment period for the proposed rule published on May 25, 2022 (87 FR 31787), is reopened. TTB must receive your comments on or before October 9, 2024.

ADDRESSES: You may electronically submit comments to TTB on this document, and view copies of this document, the original notice of proposed rulemaking, supporting materials, and any comments TTB receives on it within Docket No. TTB–2022–0004 as posted at <https://www.regulations.gov>. A direct link to that docket is available on the TTB website at <https://www.ttb.gov/laws-regulations-and-public-guidance/laws-and-regulations/all-rulemaking> under Notice No. 210A. Alternatively, you may submit comments via postal mail to the Director, Regulations and Ruling Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005. Please see the Public Participation section of this document for further information on the comments requested regarding this proposal and on the submission, confidentiality, and public disclosure of comments.

FOR FURTHER INFORMATION CONTACT: Caroline Hermann, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers regulations setting forth standards of fill for containers of beverage distilled spirits and wine products distributed within the United States.

The authority to establish these standards is based on two provisions of law: (1) Section 5301(a) of the Internal Revenue Code of 1986 (IRC), codified at 26 U.S.C. 5301(a) in the case of distilled spirits,¹ and (2) section 105(e) of the Federal Alcohol Administration Act (FAA Act), codified at 27 U.S.C. 205(e), for both distilled spirits and wine.

¹ Sections 5041(e) and 5368 of the IRC also provide the Secretary the authority to set forth tax tolerances for containers of wine products.

Section 5301(a) of the IRC authorizes the Secretary of the Treasury to prescribe regulations “to regulate the kind, size, branding, marking, sale, resale, possession, use, and reuse of containers (of a capacity of not more than 5 wine gallons) designed or intended for use for the sale of distilled spirits . . .” when the Secretary determines that such action is necessary to protect the revenue. The FAA Act at 27 U.S.C. 205(e) authorizes the Secretary of the Treasury to prescribe regulations relating to the “packaging, marking, branding, and labeling and size and fill” of alcohol beverage containers “as will prohibit deception of the consumer with respect to such products or the quantity thereof . . .” The FAA Act at 27 U.S.C. 206 generally prohibits the sale to consumers of distilled spirits in containers over one wine gallon.

TTB administers the IRC and FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, as codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury has delegated certain administrative and enforcement authorities to TTB through Treasury Department Order 120–01.

B. Current Standards of Fill for Distilled Spirits

The term “standard of fill” is used in the TTB regulations and in this document to refer to the authorized amount of liquid in the container, rather than the size or capacity of the container itself. For better readability, however, this document sometimes uses the terms “size” or “container size” and “standard of fill” interchangeably. The standards of fill for distilled spirits are contained in subpart K of part 5 of the TTB regulations (27 CFR part 5).

Within subpart K, paragraph (a)(1) of § 5.203 (27 CFR 5.203(a)(1)) specifies the following metric standards of fill for containers other than those described in paragraph (a)(2) of that section:

- 1.8 Liters.
- 1.75 Liters.
- 1 Liter.
- 900 mL.
- 750 mL.
- 720 mL.
- 700 mL.
- 375 mL.
- 200 mL.
- 100 mL.
- 50 mL.

In the case of distilled spirits in metal containers that have the general shape and design of a can, that have a closure which is an integral part of the container, and that cannot be readily reclosed after opening, paragraph (a)(2)

of § 5.203 authorizes the use of the following metric standards of fill:

- 355 mL.
- 200 mL.
- 100 mL.
- 50 mL.

For better readability this document will refer to the containers referenced in 27 CFR 5.203(a)(1) as “containers other than cans” and those referenced in § 5.203(a)(2) as “cans.”

In addition to the metric standards specified above, § 5.203 contains provisions regarding tolerances (discrepancies between actual and stated fill), unreasonable shortages in fill, and distilled spirits bottled or imported before January 1, 1980, and marketed or released from customs custody on or after that date (the date on which the U.S. volumetric standards were replaced by the § 5.203 metric standards).

C. Current Standards of Fill for Wine

The standards of fill for wine are contained in subpart H of part 4 of the TTB regulations (27 CFR part 4). Within subpart H, paragraph (a) of § 4.72 (27 CFR 4.72(a)) authorizes the use of the following metric standards of fill for containers, in addition to those described in paragraph (b) which are discussed further below:

- 3 liters;
- 1.5 liters;
- 1 liter;
- 750 milliliters;
- 500 milliliters;
- 375 milliliters;
- 355 milliliters;
- 250 milliliters;
- 200 milliliters;
- 187 milliliters;
- 100 milliliters; and
- 50 milliliters.

Paragraph (b) of § 4.72 states that wine may be bottled or packed in containers of 4 liters or larger if the containers are filled and labeled in quantities of even liters (4 liters, 5 liters, 6 liters, etc.).

II. Notice No. 210

On May 25, 2022, TTB published a notice of proposed rulemaking, Notice No. 210, in the **Federal Register** (87 FR 31787) proposing to add 10 authorized standards of fill for wine and, as an alternative, to eliminate all but a minimum standard of fill for wine containers and all but a minimum and maximum for distilled spirits containers. The 10 standards of fill proposed for wine are: 2.25 and 1.8 liters; and 720, 700, 620, 550, 360, 330, 300, and 180 milliliters.

The proposed rule followed, and took into consideration, a Department of the

Treasury report on competition in the markets for beer, wine, and distilled spirits that recommended rulemaking to “again consider eliminating the standards of fill requirements.” See Treasury Report on Competition in the Markets for Beer, Wine, and Spirits (February 9, 2022), available at <https://home.treasury.gov/system/files/136/Competition-Report.pdf>. That report, produced in response to Executive Order 14036, “Promoting Competition in the American Economy” (published in the **Federal Register** on July 9, 2021, at 86 FR 36987), noted that “[c]ontainer size requirements can be a barrier to innovation and competition, insofar as producers must conform their packaging to the Treasury-mandated sizes.” Further, TTB had received questions regarding standards of fill from industry members noting difficulty in sourcing compliant containers during certain periods.

In response to Notice No. 210, TTB received 76 comments. Commenters included national trade associations, the European Union (EU), congressional representatives, individuals, and alcohol beverage companies. Most of the comments addressed the proposals, providing support for or opposition to them. However, many commenters requested that TTB consider adding certain additional authorized standards of fill for distilled spirits and wine that were not included in Notice No. 210, as either a preferred alternative to generally eliminating the standards of fill or, even if their preference was to eliminate the standards of fill, as an option for consideration in the event that the standards of fill were not eliminated. Several commenters also suggested TTB eliminate the distinction between standards of fill that apply to distilled spirits in cans and those that apply to distilled spirits in containers other than cans, which was also not proposed in Notice No. 210.

III. Additional Proposals

TTB is still considering the proposed amendments contained in Notice No. 210 and all comments it received in response. However, because of the comments that TTB received that requested amendments beyond the scope of the original proposal and, recognizing that the requested amendments should be considered in the context of those already proposed, TTB is now requesting comments on whether to authorize additional standards of fill for distilled spirits and for wine and to eliminate the distinction between the standards of fill authorized for distilled spirits in cans and those for distilled spirits in containers other than

cans. TTB has grouped together and summarized the comments below. The grouping is merely for readability, and TTB may incorporate some, all, or none of the proposed sizes into the final rule, regardless of the groupings.

A. Additional Authorized Standards of Fill for Distilled Spirits

TTB received 17 comments requesting the approval of additional authorized standards of fill for distilled spirits, either as an alternative to TTB generally eliminating all standards of fill for distilled spirits or in the event that TTB did not eliminate standards of fill for distilled spirits.

Commenters requested that TTB authorize the following: For both cans and containers other than cans 3.75, 3, 2, and 1.5 liters and 500, 350, 250, and 187 milliliters; for cans, 945, 710, 700, 570, 475, and 331 milliliters; and for containers other than cans, 355 milliliters.

Some commenters requested approval of additional standards of fill above 3.785 liters, and TTB is not raising those requests for additional comment, as such standards would exceed sizes allowed by law. As noted above, the FAA Act at 27 U.S.C. 206 generally prohibits the sale to consumers of distilled spirits in containers over one wine gallon. One commenter also requested approval of a size below 50 milliliters, which we are also not specifically raising for additional comment at this time. The agency has previously opined that a minimum size of 50 milliliters is needed to ensure sufficient space on the container for required labeling,² and TTB explained in the Spring 2024 Unified Agenda of Federal Regulatory and Deregulatory Actions that it intends to continue its rulemaking work to obtain comment on additional required labeling on alcohol beverages, for disclosures of major food allergens, nutritional and alcohol content, and ingredients. TTB believes any further consideration of new minimum sizes should occur after the conclusion of rulemaking that may affect the amount or type of required information that must appear on labels.

1. Both Cans and Containers Other Than Cans—3.75, 3, 2, and 1.5 Liters and 500, 350, 250, and 187 Milliliters

- *3.75 and 3 Liters*

TTB received two comments, from the Distilled Spirits Council of the United

States (DISCUS) and Milestone Brands, requesting authorization of a size “such as a 3 L or 3.75 L standard or the maximum size prescribed by law” saying that it would enable producers to provide kegged cocktails and other consumer-desired formats to showcase their products and meet consumer demand.

- *2 Liters*

TTB received one comment, from the EU, suggesting that a size of 2 liters should be added, along with other authorized sizes (listed separately) that reflect the EU standards for spirit drinks.

- *1.5 Liters*

TTB received two comments, from the EU and DISCUS, requesting authorization of a 1.5-liter size. DISCUS stated it would allow industry members to further streamline and harmonize sizes for certain products across different global markets and increase operational efficiencies, such as waste reduction from producing multiple SKU sizes for different markets. The EU suggested adding a size of 1.5 liters to align with EU standards which also provide for that size.

- *500 Milliliters*

Six commenters requested that TTB authorize a 500-milliliter standard of fill. DISCUS and Milestone Brands noted that this size would fill a “large gap” “between the 375 and 700 milliliter authorized sizes, and Milestone Brands stated that its approval would provide size parity with wine and malt beverage-based ready-to-drink (RTD) products. DISCUS added that the 500-milliliter size would allow industry members to further streamline and harmonize sizes for certain products and increase operational efficiencies, such as waste reduction from producing multiple SKU sizes for different markets. One commenter, Soley Beverage, noted in support of authorizing a 500-milliliter standard of fill for distilled spirits that the wine standards of fill provide an authorized size of 500 milliliters. The EU also noted in support of this size that the EU standards for spirit drinks include the 500-milliliter size.

- *350 Milliliters*

Two commenters, the EU and DISCUS, suggested that TTB consider authorizing a 350-milliliter standard of fill. DISCUS suggested that TTB consider common sizes in markets around the world, such as 350 milliliters, to allow industry members to streamline and harmonize sizes for certain products and increase operational efficiencies, such as waste reduction from producing multiple SKU

sizes for different markets. The EU suggested that the 350-milliliter size should be added, noting that it is authorized as an EU standard for spirit drinks.

- *250 and 187 Milliliters*

TTB received comments—from the Glass Packaging Institute, O-I Glass, The Can Van, and an individual—requesting that TTB authorize a standard of fill of 250 milliliters for distilled spirits, the latter two referencing 250-milliliter cans. The commenters stated that the 250-milliliter can is one of the more popular can sizes for RTD spirit beverages, and not having it authorized limits experimentation with new brands. The Glass Packaging Institute and O-I Glass also supported authorizing a 187-milliliter size for containers other than cans. According to the commenters, the shift to smaller packaging formats continues to grow, so authorizing the 187-milliliter size and the 250-milliliter size would provide additional options for distillers and consumers within the market for smaller packaging sizes, reflect packaging options available to other beverage categories, and increase competition.

2. Cans—945, 710, 700, 570, 475, and 331 Milliliters

- *945, 710, 475, and 331 Milliliters*

DISCUS requested that TTB authorize sizes equivalent to 945, 710, 475, and 331 milliliters (equivalent to 32, 24, 16, and 11.2 ounces respectively) for cans, saying that large and small producers of RTD distilled spirits products, many of which are sold in cans, could benefit from greater competitive market access in this space by being able to provide their products in these sizes that consumers want and that are allowed for other products.

- *700 Milliliters*

TTB received one comment, from Suave Spirits Inc., requesting authorization of a 700-milliliter size for distilled spirits, saying it would help industry members establish uniformity in packaging sizes with European and worldwide customers that demand 700-milliliter sizes, and further reduce the number of SKUs to manage. Because 700 milliliters is already authorized for distilled spirits containers other than cans, we are considering this comment as a request for approval of that standard of fill for cans.

- *570 and 475 Milliliters*

TTB received one comment, from WISEACRE Brewing Co. (Wiseacre), requesting that TTB authorize 570 and 475 milliliters (19.2 and 16 ounces

² See T.D. TTB–165, Addition of New Standards of Fill for Wine and Distilled Spirits; Amendment of Distilled Spirits and Malt Beverage Net Contents Labeling Regulations, published on December 29, 2020, at 85 FR 85514.

respectively) for distilled spirits in cans. Wiseacre stated that the consumption of RTD spirits cocktails is growing, and most of the growth in the industry for RTD spirits cocktails is with 16-ounce and sometimes 19.2-ounce cans. The commenter suggested that most canning lines use a 12 ounce can diameter, and the 19.2-ounce size is the largest volume a can is safely able to hold using the 12 ounce can diameter.

Wiseacre also stated that “the rules only allow use of 12 oz and 24 oz cans.” TTB notes that the regulations at 27 CFR 5.203 do not currently authorize 24-ounce cans as a distilled spirits standard of fill; however, they do authorize 355-milliliter cans, which is equivalent to 12 ounces.

3. Containers Other Than Cans—355 Milliliters

Four commenters urged TTB to approve the 355-milliliter size for glass bottles (which would require TTB to amend the standards of fill for containers other than cans). These commenters were Representative Glenn “GT” Thompson, Representative Austin Scott, the Glass Packaging Institute, and O-I Glass. The commenters generally noted that the 355-milliliter size is currently approved for distilled spirits, but only for cans. Commenters expressed their views that this limitation restricts competition and customer choice in a growing market. One commenter stated that, given the ongoing shortage of 355-milliliter cans, having a 355-milliliter size for glass bottles would provide greater packaging flexibility to allow companies to react to supply issues while it would also support innovative packaging (including for environmental purposes). They further urged that other beverage categories have introduced new package formats and sizes, particularly in the non-alcoholic beverage market, and the shift to smaller packaging formats continues to grow. Two commenters expressed concern that glass bottle manufacturers are being harmed by their inability to use a 355-milliliter size, as they are unable to compete on a level playing field with other container manufacturers.

B. Harmonization of Authorized Standards of Fill Across Distilled Spirit Container Types

Three commenters representing glass manufacturers (Representative Austin Scott, Representative Glen “GT” Thompson, and O-I Glass) stated that removing the distinction between cans and other containers would result in greater competition, consumer choice,

and a consistency of regulation, without adding to consumer confusion.

The distinction between distilled spirits in cans and distilled spirits in containers other than cans resulted from rulemaking in the early 1990s. On September 27, 1991, TTB’s predecessor, the Bureau of Alcohol, Tobacco, and Firearms (ATF), proposed differentiating between cans and containers other than cans in ATF Notice No. 725 published in the **Federal Register** at 56 FR 49152). There, ATF explained its view at that time that approving both 375 and 355 milliliter containers for distilled spirits would be misleading for consumers because of how close together the sizes were. However, ATF also recognized that because 355 milliliters was not an approved size, it prevented utilization of one of the most common can sizes. ATF proposed to create mutually exclusive categories of distilled spirits containers, cans and containers other than cans, with separate standards of fill authorized for each, “. . . based on the belief that cans are sufficiently distinct from other types of [distilled spirits containers], in both shape and design, so that a different standard of fill would not be confusing to the consumer.” This proposal was adopted in the final rule published in the **Federal Register** on July 14, 1992, at 57 FR 31126.

TTB is soliciting comments on whether it should maintain a distinction between cans and containers other than cans. In particular, TTB is interested in comments on whether the distinction serves a purpose consistent with the conclusions drawn in the 1991 rulemaking, that is, that, in some instances, the size in combination with the type of container (can versus containers other than can) serves the purpose of preventing consumer deception, and the distinction is needed to prevent consumer deception regarding the product or quantity of the product in the container, consistent with TTB’s mandate under the FAA Act described above in the Authority section.

C. Additional Authorized Standards of Fill for Wine

TTB received several comments requesting the approval of six standards of fill for wine that were not proposed in Notice No. 210, including 600, 545.5, and 473 milliliter sizes. These standards of fill are discussed below.³

³ If any of these sizes are added, conforming edits would be made to the tax tolerances in 27 CFR 24.255(b) in line with the proposals made for other the wine sizes in Notice No. 210, as follows: 2 percent for 600 milliliters, 2 percent for 545.5 milliliters; and 2.5 percent for 473 milliliters. For

One commenter also asked for the approval of wine in 1/6-barrel, 50-liters, and 1/2-barrel sizes. Regarding these sizes, TTB notes that the TTB regulations do not define a specific volume for a “barrel” of wine and that wine containers exceeding 18 liters need not conform to the standards of fill. See 27 CFR 4.70(b)(2). Moreover, the regulations at 27 CFR 4.72(b) provide that wine may be packaged in containers of 4 liters or more if the containers are filled in quantities of even (or whole) liters (for example 4, 5, or 6 liters).

• 600 Milliliters

TTB received a comment from an individual winemaker noting that some wines produced in foreign countries are required to be exported in 600 [milliliter] containers and that “. . . consumers are missing out on exploring [these] wines. . .”

• 545 and 473 Milliliters

The American Cider Association (ACA) requested approval of 545 and 473 milliliter sizes (equivalent to 19.2 and 16 ounces respectively), noting that both are already commonly used for similar products that are not required to conform to TTB standards of fill. These include ciders under 7 percent alcohol by volume and apple-flavored malt beverages sold in cans. The ACA also noted that these additional sizes would increase packaging options for industry members faced with container sourcing challenges. The ACA also points to aspects of cider making that lead to levels of alcohol by volume very near to thresholds for determining compliance with the standards of fill (that is, very near the threshold of 7 percent alcohol by volume). That complication can affect planned packaging as a producer may not know whether their product will be under the 7 percent alcohol by volume threshold until it is ready to be bottled.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on the additional distilled spirits and wine standards of fill and the removal of the distinction between standards of fill for distilled spirits in cans and those in containers other than cans, as submitted through comments on Notice No. 210 and described in this document. TTB also

greater readability, TTB proposed in Notice No. 210 to provide the tax tolerances in ranges of sizes as opposed to discrete sizes, so these would appear in the regulations within those ranges, for example, 2 percent for 600 milliliters would appear within the range proposed in Notice No. 210 as “2.0 percent for 750 mL to 550 mL.”

welcomes comments on any other aspect of the proposals under consideration, including all amendments proposed in Notice No. 210. TTB would be particularly interested in any comments from consumers or others providing evidence of relevant consumer understanding in order to consider the extent of potential consumer deception with respect to distilled spirits and wine products and the quantities of the products, as contemplated by the statutory bases for the standards of fill. Please provide any specific information in support of your comments.

Please note that those who previously submitted comments to Notice No. 210 do not need to resubmit those comments for consideration. TTB is still considering all comments received in response to Notice No. 210, not only those summarized in this document, and will address all comments in any subsequent final rule.

Submitting Comments

You may submit comments on this proposal as an individual or on behalf of a business or other organization via the *Regulations.gov* website or via postal mail, as described in the **ADDRESSES** section of this document. Your comment must reference Notice No. 210A and must be submitted or postmarked by the closing date shown in the **DATES** section of this document. You may upload or include attachments with your comment. You also may submit a comment requesting a public hearing on this proposal. The TTB Administrator reserves the right to determine whether to hold a public hearing. If TTB schedules a public hearing, it will publish a notice of the date, time, and place for the hearing in the **Federal Register**.

Confidentiality and Disclosure of Comments

All submitted comments and attachments are part of the rulemaking record and are subject to public disclosure. Do not enclose any material in your comments that you consider confidential or that is inappropriate for disclosure.

TTB will post, and you may view, copies of this document, the original notice of proposed rulemaking, supporting materials, and any comments TTB receives about this proposal within the related *Regulations.gov* docket, TTB–2022–0004. In general, TTB will post comments as submitted, and it will not redact any identifying or contact information from the body of a comment or attachment.

Please contact TTB's Regulations and Rulings Division by email using the web form available at <https://www.ttb.gov/contact-rrd>, or by telephone at 202–453–2265, if you have any questions regarding how to comment on this proposal or to request copies of this document, its supporting materials, or the comments received in response.

Regulatory Analysis and Notices

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. If adopted, the amendments would provide bottlers and importers of wine and distilled spirits with additional flexibility to use new bottle sizes if they so choose. The proposed regulation would impose no new reporting, recordkeeping, or other administrative requirement. Therefore, no regulatory flexibility analysis is required.

Paperwork Reduction Act

The collection of information in this proposed rule has been previously approved by the Office of Management and Budget (OMB) under the title “Labeling and Advertising Requirements Under the Federal Alcohol Administration Act,” and assigned control number 1513–0087. This proposed regulation would not result in a substantive or material change in the previously approved collection action, since the nature of the mandatory information that must appear on labels affixed to the container remains unchanged.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, it requires no regulatory assessment.

Signed: August 29, 2024.

Mary G. Ryan,
Administrator.

Approved: September 3, 2024.

Aviva R. Aron-Dine,
Acting Assistant Secretary (Tax Policy).
[FR Doc. 2024–20237 Filed 9–6–24; 8:45 am]
BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0083]

Security Zone; Coast Guard Base Los Angeles-Long Beach on Terminal Island, San Pedro, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of inquiry; request for comments; notice of meeting.

SUMMARY: We are requesting your comments on the proposed establishment of a security zone for navigable waters within a 50-yard radius of Base Los Angeles-Long Beach on Terminal Island within the main channel of Los Angeles Harbor. This proposed action would provide for the security of Coast Guard personnel, vessels, and property. We seek your comments on the proposed security zone and consideration of the proposed radius. We also plan to host a public meeting on September 23, 2024.

DATES: Your comments and related material must reach the Coast Guard on or before October 4, 2024.

A public meeting will be held 10 a.m. September 23, 2024. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further details.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0083 using the Federal portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

The public meeting held on September 23, 2024, will be held virtually. Please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for call-in information.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of inquiry, call or email LCDR Kevin Kinsella, Waterways Management Division, U.S. Coast Guard; telephone 310–521–3860, email *D11-SMB-SectorLALB-WWM@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
U.S.C. United States Code

II. Background, and Purpose

In the past twelve months, there have been two suspicious activities that required immediate response actions to safeguard the personnel and property of the Base Los Angeles-Long Beach on Terminal Island within the main channel of Los Angeles Harbor (Coast Guard base). To help address this threat in a proactive manner, we are requesting comments on establishing a security zone. This proposed security zone could enable adequate response activities and limit unnecessary introduction of security hazards to U.S. Government property and personnel.

The Coast Guard is considering proposing a security zone extending alongside Terminal Island within the bounds of the Coast Guard Base with a 50-yard radius within the Los Angeles Main Channel in San Pedro Bay, CA. No vessels will be able to loiter or anchor within this area, if established.

IV. Information Requested

To appropriately secure the Coast Guard Base while considering public use of the surrounding area, we are requesting your comments prior to publishing a proposed rule. We request comments on the proposed establishment of a security zone for navigable waters within a 50-yard radius of Base Los Angeles-Long Beach on Terminal Island within the main channel of Los Angeles Harbor. This proposed action would provide for the security of Coast Guard personnel, vessels, and property. We seek your comments on establishment of a proposed security zone and the proposed 50-yard radius.

Do you agree or disagree with the proposed radius and location of the zone? If not, what is your proposed distance of the zone from shore? Do you have any suggested alternatives?

V. Public Participation and Request for Comments

We encourage you to submit comments in response to this notice of inquiry through the Federal Decision Making portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0083 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation. If your material cannot be submitted using <https://www.regulations.gov>, contact the person

in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We plan to hold one public meeting virtually. The public meeting will take place at 10 a.m. on September 23, 2024. For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact the person named in the **FOR FURTHER INFORMATION CONTACT** section, above.

This document is issued under authority of 5 U.S.C. 552(a).

Dated: August 21, 2024.

S.L. Crecy,

Captain, U.S. Coast Guard, Captain of the Port Los Angeles—Long Beach.

[FR Doc. 2024–20187 Filed 9–6–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0680]

RIN 1625–AA00

Safety Zone; Waterway Training Area, Delaware River, Near Eddystone, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a safety zone for certain waters of the Delaware River. This action is necessary to provide for the safety of life on the navigable waters on a portion of the Delaware River near Eddystone, PA, during non-lethal signaling and warning device training conducted from onboard U.S. Coast Guard vessels. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port (COTP), Sector Delaware Bay or a

designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before October 9, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0680 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Dylan Caikowski, Waterways Management Division, U.S. Coast Guard Sector Delaware Bay; (215) 271–4814, SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The U.S. Coast Guard is charged with numerous responsibilities to protect inland and coastal waterways. Missions include maritime law enforcement, search and rescue, marine environmental response, protection of marine sanctuaries, alien migration interdiction, drug interdiction, boating safety, port safety and security, and military support. One of the tools the Coast Guard uses to help execute these missions when encountering a non-compliant vessel is the LA51.

The LA51 is a non-lethal signaling and warning device Coast Guard personnel use during law enforcement operations for getting the attention of vessels which do not respond to orders from the Coast Guard. The LA51 is a two-part (flash bang) ammunition round fired from a 12-gauge military shotgun to produce a visible signal at a range of 100 meters. The explosive pyrotechnic flash is a bright, white light lasting less than one second with a loud report (170 decibels at the source).

To maintain ports, waterways, and coastal security mission readiness, Coast Guard personnel within the Sector

Delaware Bay COTP Zone must conduct LA51 device training. At the present time, Coast Guard personnel within the Sector Delaware Bay COTP Zone must transit beyond the 12 NM baseline to conduct LA51 device training. This is a logistical and financial burden for the units within Sector Delaware Bay COTP Zone and it limits training opportunities. To better accommodate the Sector's training needs, the COTP Sector Delaware Bay is proposing to establish a safety zone shoreward of the 12 nautical miles (NM) baseline for use as a waterway training area.

Although the LA51 has a low risk of significant injury, there is some risk of injury or death resulting from near or actual contact among training vessels and waterway users. This risk would increase if normal vessel traffic were to interfere with a training event. As training vessels would be operating near designated navigation channels, as well near approaches to local public boat ramps, private marinas and yacht clubs, and waterfront businesses, the chance of such contact cannot be discounted. The COTP Sector Delaware Bay has therefore determined that potential hazards associated with the LA51 device trainings would be a safety concern for anyone within the waterway training areas.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the waterway training area before, during, and after the training events. The proposed safety zone waterway training area would only be used to conduct LA51 device training as needed for Coast Guard Law Enforcement training requirements. And the COTP Sector Delaware Bay would only activate the safety zone, making subject to enforcement, during periods when training was being conducted. If this permanent Coast Guard waterway training area safety zone was not established, the COTP Sector Delaware Bay would need to establish a temporary safety zone multiple times for LA51 training. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP Sector Delaware Bay is proposing to establish a safety zone for use as a waterway training area. The safety zone would only be subject to enforcement for periods when training was to take place.

The waterway training area includes all navigable waters, on a portion of the Delaware River, encompassed by a line connecting the following points beginning at latitude 39°51'05.4" N, longitude 075°20'17.4" W; thence east to

latitude 39°51'42.0" N, longitude 075°18'39.6" W; thence south to latitude 39°50'38.4" N, longitude 075°18'09.0" W; thence west to latitude 39°50'05.4" N, longitude 075°19'37.2" W; and thence north back to the beginning point. These coordinates are based on Datum WGS 84. The waterway training area is located near Eddystone, PA, west of Little Tinicum Island and east of Chester Island. The safety zone is a square in shape measuring approximately 2,500 yards in length and approximately 2,500 yards in width.

The proposed waterway training area would be located within a portion of the main navigable channel in the Delaware River. Although this safety zone encompasses a portion of the main navigational channel in the Delaware River that is used by the commercial and recreational vessels, vessel traffic in this area would be able to safely transit through the safety zone, after obtaining permission from the COTP Sector Delaware Bay or a designated representative. The Coast Guard would ensure appropriate monitoring of the waterway while the safety zone is activated.

The Coast Guard anticipates that the proposed safety zone would be activated for approximately two hours on six separate occasions annually—a total of approximately 12 annual enforcement hours for the zone. The Coast Guard anticipates that it would activate the zone at various times of the year during daylight hours only. Whenever a LA51 device training event is planned, the COTP Sector Delaware Bay would notify the maritime community of the enforcement dates and times of the safety zone as the training event dictates. Such notification would be made by broadcast or local notice to mariners, on-scene oral notice, or other appropriate means in accordance with 33 CFR 165.7.

The duration and enforcement of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after these training events. Except for training participants, no vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP Sector Delaware Bay or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, and location of the safety zone. It is anticipated that the safety zone will be activated for six separate events annually. Vessel traffic will be able to safely transit through the safety zone while being enforced, with permission from the COTP Sector Delaware Bay or a designated representative by telephone at (215) 271-4807 or on VHF-FM radio channel 16. The impact to the Delaware River would be for approximately 2 hours or less. Moreover, the Coast Guard will release the details of the zone via a Broadcast Notice to Mariners on VHF-FM radio channel 16 and publish in the Local Notice to Mariners.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it

qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this

proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting approximately two hours on six separate occasions annually for LA51 device training. Normally such actions are categorically excluded from further review under paragraph L60(a) of appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0680 in the search box and

click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.523 to read as follows:

§ 165.523 Safety Zone; Waterway Training Area, Sector Delaware Bay Captain of the Port Zone

(a) *Location.* All navigable waters, on a portion of the Delaware River, encompassed by a line connecting the following points beginning at latitude

39°51'05.4" N, longitude 075°20'17.4" W; thence east to latitude 39°51'42.0" N, longitude 075°18'39.6" W; thence south to latitude 39°50'38.4" N, longitude 075°18'09.0" W; thence west to latitude 39°50'05.4" N, 075°19'37.2" W; and thence north back to the beginning point. (WGS 84)

(b) *Definitions.* As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer onboard a Coast Guard vessel or onboard a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Sector Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter or remain

in the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF-FM channel 16 or (215) 271-4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) No vessel authorized to enter or remain in the zone may take on bunkers or conduct lightering operations within the safety zone during its enforcement period.

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation

servicing, and emergency response operations.

(d) *Enforcement.* (1) The safety zone created by this section will be enforced only upon issuance of a Broadcast Notice to Mariners (BNM) by the COTP or the COTP's representative, as well as on-scene notice or other appropriate means in accordance with § 165.7.

(2) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

Dated: September 3, 2024.

Kate F. Higgins-Bloom,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2024-20358 Filed 9-6-24; 8:45 am]

BILLING CODE 9110-04-P

Notices

Federal Register

Vol. 89, No. 174

Monday, September 9, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Advisory Committee Charter Re-Establishment

AGENCY: U.S. Agency for International Development (USAID).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), the U.S. Agency for International Development is hereby giving notice that the Advisory Committee on Voluntary Foreign Aid (ACVFA) is being re-established.

ADDRESSES: To view additional information related to ACVFA please visit <http://www.usaid.gov/who-we-are/organization/advisory-committee>.

FOR FURTHER INFORMATION CONTACT:

Karen Vargas, Designated Federal Officer for ACVFA, at kvargas@usaid.gov or 202-705-5769.

SUPPLEMENTARY INFORMATION: ACVFA brings together USAID and representatives from private voluntary organizations (PVO), universities, nongovernmental organizations (NGOs), and multilateral and private organizations to foster understanding, communication, and cooperation in the area of foreign aid. The Administrator of USAID is re-establishing the committee for two years, effective on the date of filing of its renewed charter.

Karen Vargas,

ACVFA Designated Federal Officer.

[FR Doc. 2024-20178 Filed 9-6-24; 8:45 am]

BILLING CODE 6116-01-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2024-0017]

Notice of Request To Renew an Approved Information Collection: Records To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to renew an approved information collection regarding records to be kept by official establishments and retail stores that grind raw beef products. There are no changes to the existing information collection. The approval for this information collection will expire on February 28, 2025.

DATES: Submit comments on or before November 8, 2024.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- **Federal eRulemaking Portal:** This website provides commenters the ability to type short comments directly into the comment field on the web page or to 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-2024-0017. 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: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250-3700; 202-720-5046.

SUPPLEMENTARY INFORMATION:

Title: Records to be Kept by Official Establishments and Retail Stores that Grind Raw Beef Products.

OMB Number: 0583-0165.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). This statute mandates that FSIS protect the public by verifying that meat products are safe, wholesome, and properly labeled.

FSIS is requesting renewal of an approved information collection regarding records to be kept by official establishments and retail stores that grind raw beef products. There are no changes to the existing information collection. The approval for this information collection will expire on February 28, 2025.

All official establishments and retail stores that grind raw beef products for sale in commerce, including products ground at a customer's request, are required to maintain certain records. The required records include the following information: (A) the establishment numbers of the establishments supplying the materials used to prepare each lot of raw ground beef product; (B) all supplier lot numbers and production dates; (C) the names of the supplied materials, including beef components and any materials carried over from one production lot to the next; (D) the date and time each lot of raw ground beef product is produced; and (E) the date and time when grinding equipment and other related food contact surfaces are cleaned and sanitized (9 CFR 320.1(b)(4)(i)).

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it would take about 25 hours per respondent annually.

Respondents: Official establishments and retail stores that grind raw beef products.

Estimated Number of Respondents: 65,911.

Estimated Total Annual Recordkeeping Burden on Respondents: 1,658,650 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online 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 that provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. The available information ranges 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, USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.usda.gov/forms/electronic-forms>, from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email:* program.intake@usda.gov
USDA is an equal opportunity provider, employer, and lender.

Paul Kiecker,
Administrator.

[FR Doc. 2024–20238 Filed 9–6–24; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Forest Service

Land Between the Lakes Advisory Board

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Land Between the Lakes Advisory Board will hold a public meeting according to the details shown below. The board is authorized under the Charter for the Land Between the Lakes Advisory Board and operates in compliance with the Federal Advisory Committee Act. The purpose of the board is to advise the Secretary of Agriculture on means of promoting public participation for the land and resource management plan for the Land Between the Lakes National Recreation Area; environmental education; an annual work plan for recreation and environmental education areas in the recreation area, including the heritage program, with the non-appropriated amounts in the Land Between the Lakes Management Fund; an annual forest management and harvest plan for the recreation area; and the Land Between the Lakes Management Fund.

DATES: An in-person and virtual meeting will be held on September 24, 2024, 9 a.m. to 4 p.m., Central Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person oral comments must pre-register by 11:59 p.m., Central Daylight Time, on September 16, 2024. Written public comments will be accepted by 11:59 p.m., Central Daylight Time, September 17, 2024. Comments submitted after this date will be provided by the Forest Service to the board, but the board members may not have adequate time to consider those comments prior to the meeting.

All board meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the

person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in-person at the Administration Building, located at 100 Van Morgan Drive, Golden Pond, Kentucky 42211. The public may also join the meeting virtually via webcast at: <https://landbetweenthelakes.us/upcominmeetinginfo>. Board information and meeting details can be found online at <https://landbetweenthelakes.us/advisoryboard> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to sm.fs.lbl_AdBoard@usda.gov or via mail (postmarked) to Land Between the Lakes National Recreation Area, Christine Bombard, 100 Van Morgan Drive, Golden Pond, Kentucky 42211. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m., Central Daylight Time, September 16, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to sm.fs.lbl_AdBoard@usda.gov via mail (postmarked) to Land Between the Lakes National Recreation Area, Christine Bombard, 100 Van Morgan Drive, Golden Pond, Kentucky 42211.

FOR FURTHER INFORMATION CONTACT: James McCoy, Designated Federal Officer, by phone at 870-214-0934 or email at sm.fs.lbl_AdBoard@usda.gov; or Christine Bombard, Board Coordinator, by phone at 270-540-1889 or email at sm.fs.lbl_AdBoard@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss old business/updates
2. Discuss environmental education
3. Discuss natural resource management

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least 7 days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 7 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at 202-720-2600 (voice and TTY) or USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

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.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the board. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, 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. USDA is an equal opportunity provider, employer, and lender.

Dated: August 1, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-17444 Filed 9-6-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies With Foreign Persons

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 (PRA) 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 June 6, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Economic Analysis, Department of Commerce.

Title: Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons.

OMB Control Number: 0608-0066.

Form Number(s): BE-45.

Type of Request: Regular submission.

Estimated Number of Respondents: 2,200 annually (550 filed each quarter; 515 reporting mandatory data, and 35 that would file exemption claims or voluntary responses).

Estimated Time Per Response: 9 hours is the average for the 515 respondents filing mandatory data and 1 hour for those filing an exemption claim or other response. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 18,680.

Needs and Uses: The data are needed to monitor U.S. trade in insurance services, to analyze the impact of these cross-border services on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the trade in insurance services component of the U.S. international transactions accounts

(ITAs) and national income and product accounts (NIPAs).

Affected Public: Business or other for-profit organizations.

Frequency: Quarterly.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94-472, 22 U.S.C. 3101-3108, as amended).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0608-0066.

Sheleen Dumas,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-20263 Filed 9-6-24; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE-125, Quarterly Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons

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 (PRA) 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 June 6, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Economic Analysis, Department of Commerce.

Title: Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons.

OMB Control Number: 0608-0067.

Form Number(s): BE-125.

Type of Request: Regular submission.

Estimated Number of Respondents: 11,200 annually (2,800 filed each quarter; 2,200 reporting mandatory data by country and affiliation, and 600 that would file exemption claims or voluntary responses).

Estimated Time per Response: 21 hours is the average for the 2,200 respondents filing data by country and affiliation and 1 hour for those filing an exemption claim or voluntary response. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 187,200.

Needs and Uses: The data are needed to monitor U.S. trade in services and intellectual property, to analyze the impact of these cross-border services on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the trade in services and intellectual property component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

Affected Public: Business or other for-profit organizations.

Frequency: Quarterly.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94-472, 22 U.S.C. 3101-3108, as amended).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and

entering either the title of the collection or the OMB Control Number 0608-0067.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary of Economic Affairs, Commerce Department.

[FR Doc. 2024-20262 Filed 9-6-24; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE-180, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons

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 (PRA) 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 29, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Economic Analysis, Department of Commerce.

Title: Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons.

OMB Control Number: 0608-0062.

Form Number(s): BE-180.

Type of Request: Regular submission.

Estimated Number of Respondents: 6,000 annually (4,500 reporting mandatory data and 1,500 that would file exemption claims or voluntary responses).

Estimated Time per Response: 11 hours is the average for the 2,000 respondents filing data by country and affiliation; 2 hours for the 2,500 respondents filing data by transaction type only, and 1 hour for those filing an exemption claim or other response. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 28,500.

Needs and Uses: The data are needed to monitor U.S. trade in financial services, to analyze the impact of these cross-border services on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the trade in financial services component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

Affected Public: Business or other for-profit organizations.

Frequency: Every fifth year, for reporting years ending in “4” and “9”.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended) and Section 5408 of the Omnibus Trade and Competitiveness Act of 1988.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0608–0062.

Sheleen Dumas,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–20261 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–127]

Certain Non-Refillable Steel Cylinders From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty order on certain non-refillable steel cylinders (non-refillable cylinders) from the People's Republic of China (China), covering the period of review (POR) January 1, 2023, though December 31, 2023, because, as explained below, there are no reviewable suspended entries for the company subject to this review.

DATES: Applicable September 9, 2024.

FOR FURTHER INFORMATION CONTACT: Peter Zukowski, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0189.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the countervailing duty order on non-refillable cylinders from China, covering the period January 1, 2023, though December 31, 2023.¹ On May 28, 2024, Sanjian Kai Yuan Co., Ltd. (SKY) timely requested that Commerce conduct an administrative review.² We received no other requests for review.

On July 5, 2024, Commerce published in the **Federal Register** a notice of initiation of an administrative review with respect to SKY, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).³ On July 10, 2024, Commerce released a memorandum indicating that there were no entries of subject merchandise during the POR based on a U.S. Customs and Border Protection (CBP) entry data query.⁴ Commerce provided parties an opportunity to submit comments on the data query results.⁵ No party submitted comments to Commerce.

On August 8, 2024, Commerce issued a notice of intent to rescind the 2023 administrative review and provided parties with an opportunity to

comment.⁶ No party submitted comments to Commerce.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a countervailing duty order where it concludes that there were no reviewable entries of subject merchandise during the POR for an exporter or producer.⁷ Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate for the review period.⁸ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated countervailing duty assessment rate for the review period.⁹ As noted above, there were no entries of subject merchandise from SKY during the POR. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are rescinding this administrative review, in its entirety, in accordance with 19 CFR 351.213(d)(3).

Cash Deposit Requirements

As Commerce has proceeded to a final rescission of this administrative review, no cash deposit rates will change. Accordingly, the current cash deposit requirements shall remain in effect until further notice.

Assessment Rates

Commerce will instruct CBP to assess countervailing duties on all appropriate entries. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Administrative Protective Order

This notice serves as a final reminder to parties subject to an administrative

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 89 FR 35778, 35780 (May 2, 2024).

² See SKY's Letter, “Request for Administrative Review,” dated May 28, 2024.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 55567, 55578 (July 5, 2024).

⁴ See Memorandum, “Release of U.S. Customs and Border Protection Query,” dated July 10, 2024.

⁵ *Id.*

⁶ See Memorandum, “Notice of Intent to Rescind the 2023 Administrative Review,” dated August 8, 2024.

⁷ See, e.g., *Certain Softwood Lumber Products from Canada: Final Results and Final Rescission, in Part, of the Countervailing Duty Administrative Review*, 2020, 87 FR 48455 (August 9, 2022); see also *Certain Non-Refillable Steel Cylinders from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2020–2021*, 87 FR 64008 (October 21, 2022).

⁸ See 19 CFR 351.212(b)(2).

⁹ See 19 CFR 351.213(d)(3).

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 the APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Act, and 19 CFR 351.213(d)(4).

Dated: September 3, 2024.

Scot Fullerton,
Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.

[FR Doc. 2024–20204 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration
[C–570–911]

Circular Welded Carbon Quality Steel
Pipe From the People’s Republic of
China: Final Results of the Expedited
Third Sunset Review of the
Countervailing Duty Order

AGENCY: Enforcement and Compliance,
International Trade Administration,
Department of Commerce.

SUMMARY: The U.S. Department of
Commerce (Commerce) finds that
revocation of the countervailing duty
(CVD) order on circular welded carbon
quality steel pipe from the People’s
Republic of China (China) would be
likely to lead to the continuation or
recurrence of countervailable subsidies
at the levels indicated in the “Final
Results of Sunset Review” section of
this notice.

DATES: Applicable September 9, 2024.

FOR FURTHER INFORMATION CONTACT:
Christopher Hargett 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) 481–4161.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2008, Commerce
published in the Federal Register the

CVD order on circular welded carbon
quality steel pipe from China.¹ On
August 21, 2012, Commerce
implemented its revised countervailable
subsidy rates pursuant to the findings in
the section 129 proceeding of the
Uruguay Round Agreements Act.² On
May 1, 2024, Commerce published the
notice of initiation of the third sunset
review of the Order, pursuant to section
751(c) of the Tariff Act of 1930, as
amended, (the Act).³

On May 16, 2024, within the deadline
specified in 19 CFR 351.218(d)(1)(i) and
section 771(9)(C) of the Act, Commerce
received timely notices of intent to
participate from Bull Moose Tube
Company, Maruichi American
Corporation, and Zekelman Industries,⁴
and from Nucor Tubular Products Inc.⁵
(collectively, the domestic interested
parties). Each of the companies claimed
to be a domestic interested party as
producers of a domestic like product
(circular welded carbon quality steel
pipe) in the United States.

On May 31, 2024, the domestic
interested parties submitted a timely
substantive response within the 30-day
deadline specified in 19 CFR
351.218(d)(3)(i).⁶ Commerce did not
receive a substantive response from the
Government of China, a respondent, or
any other interested party to this
proceeding. As a result, pursuant to
section 751(c)(3)(B) of the Act and 19
CFR 351.218(e)(1)(ii)(C)(2), Commerce
conducted an expedited (120-day)
sunset review of the Order. On July 22,
2024, Commerce tolled certain
deadlines in this administrative
proceeding by seven days.⁷ The
deadline for the final results is now
September 5, 2024.

¹ See Circular Welded Carbon Quality Steel Pipe
from the People’s Republic of China: Notice of
Amended Final Affirmative Countervailing Duty
Determination and Notice of Countervailing Duty
Order, 73 FR 42545 (July 22, 2008) (Order).

² See Implementation of Determinations Under
Section 129 of the Uruguay Round Agreements Act:
Certain New Pneumatic Off-the-Road Tires; Circular
Welded Carbon Quality Steel Pipe; Laminated
Woven Sacks; and Light-Walled Rectangular Pipe
and Tube from the People’s Republic of China, 77
FR 52683 (August 30, 2012) (Section 129
Implementation).

³ See Initiation of Five-Year (Sunset) Reviews, 89
FR 35073 (May 1, 2024).

⁴ See Bull Moose Tube Company, Maruichi
American Corporation, and Zekelman Industries’
Letter, “Notice of Intent to Participate,” dated May
16, 2024.

⁵ See Nucor Tubular Products Inc.’s Letter,
“Notice of Intent to Participate in Sunset Review,”
dated May 16, 2024.

⁶ See Domestic Interested Parties’ Letter,
“Substantive Response to Notice of Initiation,”
dated May 31, 2024.

⁷ See Memorandum, “Tolling of Deadlines for
Antidumping and Countervailing Duty
Proceedings,” dated July 22, 2024.

On June 21, 2024, Commerce notified
the U.S. International Trade
Commission that it did not receive an
adequate substantive response from
respondent interested parties.⁸

Scope of the Order

The scope of this Order covers certain
welded carbon quality steel pipes and
tubes, of circular cross-section. For a
full description of the scope of this
Order, see the Issues and Decision
Memorandum.⁹

Analysis of Comments Received

All issues raised in this sunset review
are addressed in the Issues and Decision
Memorandum.¹⁰ A list of topics
discussed in the Issues and Decision
Memorandum is included as an
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](https://access.trade.gov). A complete version of the
Issues and Decision Memorandum can
be accessed directly at [https://access.
trade.gov/public/FRNotices/List
Layout.aspx](https://access.trade.gov/public/FRNotices/ListLayout.aspx).

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and
752(b) of the Act, Commerce determines
that revocation of the Order would
likely lead to the continuation or
recurrence of countervailable subsidies
at the rates listed below:

Exporter/manufacture	Subsidy rate (percent <i>ad valorem</i>)
Weifang East Steel Pipe Co., Ltd. (East Pipe)	29.83
Zhejiang Kingland Pipeline and Technologies Co., Ltd.; Kingland Group Co., Ltd; Beijing Kingland Cen- tury Technologies Co.; Zhejiang Kingland Pipeline Industry Co., Ltd.; and Shanxi Kingland Pipeline Co., Ltd. (collectively, Kingland Companies)	48.18

⁸ See Commerce’s Letter, “Sunset Reviews
Initiated on May 1, 2024,” dated May 1, 2024.

⁹ See Memorandum, “Decision Memorandum for
the Final Results of the Expedited Third Sunset
Review of the Countervailing Duty Order on
Circular Welded Carbon Quality Steel Pipe from the
People’s Republic of China,” dated concurrently
with, and hereby adopted by, this notice (Issues and
Decision Memorandum).

¹⁰ *Id.*

Exporter/manufacturer	Subsidy rate (percent <i>ad valorem</i>)
Tianjin Shuangjie Steel Pipe Co., Ltd.; Tianjin Shuangjie Steel Pipe Group Co., Ltd.; Tianjin Wa Song Imp. & Exp. Co., Ltd.; and Tianjin Shuanglian Galvanizing Products Co., Ltd. (collectively, Shuangjie)	620.08
All Others	39.01

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the return or destruction of APO materials or conversion to judicial protective orders 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

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: September 3, 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. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Countervailable Subsidies
 2. Net Countervailable Subsidy Rates Likely to Prevail
 3. Nature of the Subsidies
- VII. Final Results of Expedited Sunset Review
- VIII. Recommendation

[FR Doc. 2024–20205 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–900]

Granular Polytetrafluoroethylene Resin From India: Final Results of the Countervailing Duty Administrative Review; 2021–2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies were provided to Gujarat Fluorochemicals Limited (GFCL), a producer and exporter of granular polytetrafluoroethylene (PTFE) resin from India. The period of review (POR) is July 6, 2021, through December 31, 2022.

DATES: Applicable September 9, 2024.

FOR FURTHER INFORMATION CONTACT: Shane Subler or Bob Palmer, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6241 or (202) 482–9068, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 2024, Commerce published the *Preliminary Results*.¹ For a detailed description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.² On July 17, 2024, we extended the deadline for these final results to August 27, 2024.³ On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.⁴ The deadline for these final results is now September 3, 2024.

¹ See *Granular Polytetrafluoroethylene Resin from India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2021–2022*, 89 FR 24428 (April 8, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Issues and Decision Memorandum for the Final Results of the Administrative Review of the Countervailing Duty Order on Granular Polytetrafluoroethylene Resin from India; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, “Extension of Deadline for Final Results of Countervailing Duty Administrative Review,” dated July 17, 2024; see also 19 CFR 351.213(h)(2).

⁴ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

Scope of the Order⁵

The product covered by this *Order* is granular PTFE resin. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our analysis of comments from interested parties and the evidence on the record, we have not made any changes to the *Preliminary Results*. The reasons for this conclusion are explained in the Issues and Decision Memorandum. Accordingly, we made no changes to the countervailable subsidy rate calculations from the *Preliminary Results* for mandatory respondent GFCL.⁶

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we find 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.⁷ The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce’s conclusions,

⁵ See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Countervailing Duty Orders*, 87 FR 14509 (March 15, 2022) (*Order*), as amended in *Granular Polytetrafluoroethylene Resin from India: Notice of Court Decision Not in Harmony With the Final Determination of Countervailing Duty Investigation; Notice of Amended Final Determination and Amended Countervailing Duty Order*, 88 FR 74153 (October 30, 2023) (*Amended Final Determination and Order*).

⁶ See *Preliminary Results*, 89 FR at 24428.

⁷ 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.

including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

Final Results of Review
As a result of this review, we determine the following net

countervailable subsidy rates for the POR of July 6, 2021, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i>) 2021 ⁸	Subsidy rate (percent <i>ad valorem</i>) 2022 ⁹
Gujarat Fluorochemicals Limited ¹⁰	4.89	4.70

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed company at the applicable *ad valorem* assessment rates listed for the corresponding time periods (*i.e.*, July 6, 2021, to December 31, 2021, and January 1, 2022, to December 31, 2022). For entries made during the gap period (*i.e.*, on or after November 3, 2021, through March 10, 2022), we will continue to instruct CBP to liquidate the entries without regard to countervailing duties pursuant to section 703(d) of the Act. 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

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown for GFCL (and its cross-owned affiliate) listed above for 2022, the second year covered by the period of review, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific, or all others rate (*i.e.*, 5.39 percent),¹¹ applicable to the company. These cash

deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(2).

Dated: September 3, 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. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Subsidies Valuation Information
- VI. Interest Rate Benchmarks and Benchmarks for Measuring the Adequacy of Remuneration
- VII. Analysis of Programs
- VIII. Discussion of the Issues
 - Comment 1: Whether the Remission of Duties and Taxes on Export Products (RODTEP) Program Provides a Countervailable Benefit

Comment 2: Whether GFCL Received a Benefit Under the RODTEP Program Prior to September 6, 2021
Comment 3: Whether Commerce Should Rely on the Petitioner's Proposed Benchmark for the Gujarat Industrial Development Corporation's (GIDC) Provision of Land for Less Than Adequate Remuneration (LTAR)
IX. Recommendation
[FR Doc. 2024–20267 Filed 9–6–24; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Institute for Standards and Technology NIST Center for Neutron Research (NCNR) Information Management System (IMS) and Summer School Application

AGENCY: National Institute of Standards and Technology (NIST), 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 November 8, 2024.

ADDRESSES: Interested persons are invited to submit written comments by

⁸ This subsidy rate applies to the period July 6, 2021, to December 31, 2021.

⁹ This subsidy rate applies to the period January 1, 2022, to December 31, 2022.

¹⁰ As stated in the *Preliminary Results*, Commerce found Inox Leasing and Finance Limited to be cross-owned with GFCL. *See Preliminary Results*, 89 FR at 24428.

¹¹ *See Amended Final Determination and Order*, 88 FR at 74154.

mail to Maureen O'Reilly, Management Analyst, NIST, at PRANIST@nist.gov. Please reference OMB Control Number 0693-0081 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Siddharth Khosla, IT Specialist, NIST, 100 Bureau Drive, Stop 6100, Gaithersburg, MD 20899, 301-975-4640, siddharth.khosla@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The NIST Center for Neutron Research (NCNR) Information Management System (IMS) is a public facing, web-based application to collect, manage and report operational data related to NCNR's role as a unique national user facility which was chartered to serve the nation's scientific community by providing unique experimental apparatus for scientific studies using neutron scattering. In order to fulfill that mission, NCNR established a complex business process to fairly distribute available scientific resources to prospective external users, outlined by the following steps:

- Registration of NCNR users
- Collection of scientific experiment proposals
- Regularly scheduled peer review of said proposals
- Merit-based award of available experimental resources
- Experiment date scheduling for selected projects (instrument scheduling)
- Collection and management of data required by the NCNR site access protocol
- Managing the Health Physics training of arriving scientists
- Coordination of administrative data
- Collection of data in support of related activities such as NCNR Summer School for facility users
- Management of the research results such as collected data, and subsequent publications
- Numerous reporting functions used to evaluate and manage the NCNR activities.

II. Method of Collection

Information will be collected electronically through the internet.

III. Data

OMB Control Number: 0693-0081.
Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Time Per Response: 1 hour.

Estimated Total Annual Burden Hours: 2,000 hours.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Voluntary.

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,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-20217 Filed 9-6-24; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturing Extension Partnership Management Information Reporting

AGENCY: National Institute of Standards and Technology (NIST), 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 November 8, 2024.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST, by email to PRANIST@nist.gov. Please reference OMB Control Number 0693-0032 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Melissa Davis, NIST, Manufacturing Extension Partnership, 100 Bureau Drive, Gaithersburg, MD 20899, MS4800, 240-277-0269, melissa.davis@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Manufacturing Extension Partnership (assist a national network of locally based manufacturing extension centers that assists small- and medium-sized manufacturers to improve their productivity, improve profitability, and enhance their economic competitiveness. The information collected will provide the MEP with information regarding MEP Center performance regarding the delivery of technology, and business solutions to U.S.-based manufacturers. The collected

information will assist in determining the performance of the MEP Centers at both local and national levels, provide information critical to monitoring and reporting on MEP programmatic performance and assist management in policy decisions. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2). The information collected will include center inputs and activities including services delivered, clients served, center staff, expenses and revenues that are reported annually, semi-annually, and quarterly, partners, strategic plans, operation plans, and client success stories. No confidentiality for information submitted is promised or provided. In order to reflect new initiatives and new data needs, NIST MEP has identified a need to revise its existing reporting processes by modifying existing reporting elements that will enable NIST MEP to better monitor and assess the extent to which the Centers are meeting program goals and milestones.

II. Method of Collection

The information will be collected from the MEP Centers through the MEP Enterprise Information System (MEIS), <https://meis.nist.gov>.

III. Data

OMB Control Number: 0693–0032.
Form Number(s): None.
Type of Review: Regular submission, extension of a current information collection.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 51.
Estimated Time Per Response: Recipients of NIST MEP Base awards should anticipate an additional burden based on the requirements of the cooperative agreement as follows, 22 Hours for Quarterly Review, 6 Hours for Semi-Annual Review, 30 hours for the Annual Review; 80 hours for Panel Review. Estimated Total Annual Burden Hours: 6,120 hours for quarterly, semi-annual, and annual Review; and 1,360 hours for Panel Review.
Estimated Total Annual Cost to Public: \$0.
Respondent's Obligation: Mandatory.

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. 2024–20266 Filed 9–6–24; 8:45 am]
BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
[RTID 0648–XE257]
Magnuson-Stevens Act Provisions; Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits
AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.
ACTION: Notice; request for comments.
SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow federally permitted fishing vessels to fish outside fishery regulations in support of exempted fishing activities proposed by the Maine Department of Marine Resources (ME DMR). Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.
DATES: Comments must be received on or before September 24, 2024.
ADDRESSES: You may submit written comments by email to nmfs.gar.efp@noaa.gov. Include in the subject line “ME DMR Ventless Trap EFP.”
FOR FURTHER INFORMATION CONTACT: Christine Ford, Fishery Management Specialist, Christine.Ford@noaa.gov, (978) 281–9185.
SUPPLEMENTARY INFORMATION: ME DMR submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would provide distribution, abundance, and biological data on juvenile lobsters and Jonah crabs from times and areas with low coverage from traditional surveys. This EFP would exempt the participating vessels from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR citation	Regulation	Need for exemption
50 CFR 697.21(c)	Gear specification requirements	To allow for closed escape vents and smaller trap mesh and entrance heads.
§ 697.19	Trap limit requirements	To allow for 3 additional traps per fishing vessel, for a total of up to 60 additional traps.

TABLE 1—REQUESTED EXEMPTIONS—Continued

CFR citation	Regulation	Need for exemption
§ 697.19(j)	Trap tag requirements	To allow for the use of untagged traps (though each modified trap will have the participating fisherman's identification attached).
§§ 697.20(a), 697.20(d), 697.20(g), and 697.20(h)(1)–(2).	Possession restrictions	To allow for onboard biological sampling of undersized, v-notched, and egg-bearing lobsters and undersized and egg-bearing Jonah crabs.

TABLE 2—PROJECT SUMMARY

Project title	Maine lobster fishery dependent offshore ventless and commercial trap research program.
Project start	11/04/2024.
Project end	11/03/2025.
Project objectives	To develop a new survey, in partnership with Commercial Fisheries Research Foundation (CFRF), to provide distribution, abundance, and biological data on juvenile lobsters and Jonah crabs from times and areas in Federal waters with low coverage from traditional surveys.
Project location	Gulf of Maine: Statistical Areas 511, 512, and 513.
Number of vessels	Up to 20.
Number of trips	Up to 36 per vessel; up to 720 total.
Trip duration (days)	Up to 3.
Total number of days	Up to 108 per vessel; up to 2,160 total.
Gear type(s)	Trap.
Number of tows or sets	1 per trip.
Duration of tows or sets	7–10 days.

Project Narrative

This project would contribute to the ongoing effort by the CFRF to collect data on juvenile lobster and Jonah crab abundance and distribution in areas and times of the year with low or no coverage by traditional surveys.

This project would include up to 20 federally permitted Maine lobster vessels. Each vessel would fish with 3 modified, ventless traps designed to catch juvenile lobsters, totaling up to 60 modified traps. The ventless trap configuration is as follows: 40-inch length x 21-inch width x 14-inch height (101.6-centimeter (cm) length x 53.34-cm width x 35.56-cm height), single parlor, 1-inch (2.54-cm) square rubber-coated 12-gauge wire, standard shrimp mesh netting, cement runners, and 4- by 6-inch (10.16- by 15.24-cm) disabling door. The modified traps would adhere to the standard coastwide survey gear for lobster and Jonah crab set by the Atlantic States Marine Fisheries Commission and would be fished with standard Atlantic Large Whale Take Reduction Plan-compliant trawls.

This study would take place during regular fishing activity of the participating vessels, but catch from the modified traps would remain separate from that of standard gear. Operators would collect data on size, sex, presence of eggs, and shell hardness for lobsters and Jonah crabs, and v-notch and shell disease for lobsters. Operators would return all specimens from modified gear to the ocean once sampling is complete.

The study is designed to inform management by addressing questions

about changing reproduction and recruitment dynamics of lobster and to develop a foundation of knowledge for the data-deficient Jonah crab fishery. All data collected by the participants using the CFRF data collection app would be sent to ME DMR for processing. ME DMR would then share final datasets with CFRF, to further share with the Atlantic Coastal Cooperative Statistics Program, the Northeast Fisheries Science Center, and the Atlantic States Marine Fisheries Commission.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

All comments received are a part of the public record and may be posted for public viewing without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “anonymous” as the signature if you wish to remain anonymous).

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

Dated: September 3, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–20156 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE268]

Endangered Species; File No. 28262

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Kori Johnsen, 1792 Harrison Avenue, Melbourne, FL 32935, has applied in due form for a permit to take green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles for purposes of scientific research.

DATES: Written comments must be received on or before October 9, 2024.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 28262 from the list of available applications. These documents are also

available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 28262 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin, Ph.D., or Malcolm Mohead, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant proposes research on juvenile, subadult, and adult sea turtle populations in southeast Florida, including Indian River, St. Lucie, Martin, Palm Beach, Broward, Miami-Dade, and Monroe counties. Researchers would investigate population abundance, distribution, health, habitat use, and behavioral ecology of sea turtles. Up to 50 green, 50 hawksbill, and 30 Kemp ridley sea turtles may be located by unmanned aircraft systems (UAS) or vessels and captured by hand or dip net, marked (flipper and passive integrated transponder tag), measured, weighed, and photographed/videoed, annually. A subset of 10 turtles of each species may receive a video tag attached via a suction cup. Additionally, green sea turtles may be biologically sampled (blood, skin biopsy). Annually, up to 750 green, 250 hawksbill, and 250 Kemp's ridley may be harassed by vessel and UAS surveys. The permit would be valid for 5 years.

Dated: September 4, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-20229 Filed 9-6-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE255]

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 87 Assessment Webinar I for Gulf of Mexico White, Pink, and Brown Shrimp.

SUMMARY: The SEDAR 87 assessment process of Gulf of Mexico white, pink, and brown shrimp will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 87 Assessment Webinar I will be held September 26, 2024, from 9 a.m. to 1 p.m., Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions,

and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar I are as follows:

Participants will review the assessment modeling work to date and provide recommendations to the analytic team.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 4, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024-20273 Filed 9-6-24; 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; Seafood Inspection and Certification Requirements**

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 November 8, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at Adrienne.thomas@noaa.gov. Please reference OMB Control Number 0648–0266 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 Jeff Weir, Director, Operations and Administration Division (OMI), Office of International Affairs and Seafood Inspection, 1315 East West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282, (301) 427–8377 or Jeff.Weir@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

This request is for a revision and extension of an approved information collection. The National Marine Fisheries Service (NMFS) operates a voluntary fee-for-service seafood inspection program (Program) under the authorities of the Agricultural Marketing Act of 1946, as amended, the Fish and

Wildlife Act of 1956, and the Reorganization Plan No. 4 of 1970. The regulations for the Program are contained in 50 CFR part 260. The program offers inspection grading and certification services, including the use of official quality grade marks which indicate that specific products have been federally inspected. Those wishing to participate in the program must request the services and submit specific compliance information.

This collection is being revised to include the Surety Bond form, which has been in use for decades, but was inadvertently omitted in previous information collection requests.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email and online portal submission of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0266.

Form Numbers: 89–800, 89–801, 89–814.

Type of Review: Regular submission (revision and extension of a current information collection).

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Estimated Number of Respondents: 1,012.

Estimated Time per Response: Contract Request, 5 minutes; Surety Bond, 5 minutes; Inspection Request, 5 minutes.

Estimated Total Annual Burden Hours: 23,067.

Estimated Total Annual Cost to Public: \$4,809 in recordkeeping/reporting costs.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Agricultural Marketing Act of 1946, as amended, the Fish and Wildlife Act of 1956, and the Reorganization Plan No. 4 of 1970.

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 Information Collection Request. 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,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–20219 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE262]

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops will be held in October, November, and December of 2024. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted in 2025 and will be announced in a future notice. In

addition, NMFS has implemented online recertification workshops for persons who have already taken an in-person training.

DATES: The Atlantic Shark Identification Workshops will be held on October 17, 2024, and November 14, 2024. The Safe Handling, Release, and Identification Workshops will be held on October 11, 2024, November 11, 2024, and December 6, 2024.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Mount Pleasant, SC and Largo, FL. The Safe Handling, Release, and Identification Workshops will be held in Providence, RI, Kitty Hawk, NC, and Manahawkin, NJ.

FOR FURTHER INFORMATION CONTACT: Elsa Gutierrez by email at elsa.gutierrez@noaa.gov or by phone at 301-427-8503.

SUPPLEMENTARY INFORMATION: Atlantic highly migratory species (HMS) fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments 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 (16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.8 describes the requirements for the Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops. The workshop schedules, registration information, and a list of frequently asked questions regarding the Atlantic Shark Identification and Safe Handling, Release, and Identification workshops are available online at: <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops> and <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops>.

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057, October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Thus, certificates that were initially issued in 2021 will expire in 2024.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit that first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate must be in any trucks or other conveyances that are extensions of a dealer's place of business.

Workshop Dates, Times, and Locations

- October 17, 2024, 12 p.m.–4 p.m. (local time), Holiday Inn Express Mount Pleasant, 1104 Stockade Lane, Mount Pleasant, SC 29466.
- November 14, 2024, 12 p.m.–4 p.m. (local time), Hampton Inn Largo, 100 E Bay Drive, Largo, FL 33770.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at ericssharkguide@yahoo.com or at 386-852-8588. Pre-registration is highly recommended, but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification; and
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited access and swordfish limited access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057, October 2, 2006). These certificate(s) are valid for 3 years. Certificates issued in 2021 will expire in 2024. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited access permits. Additionally, new shark and swordfish limited access permit applicants who intend to fish with longline or gillnet gear must attend a Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued.

In addition to vessel owners, at least one operator on board vessels issued a limited access swordfish or shark permit that uses longline or gillnet gear is required to attend a Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates on board at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited access permits on which longline or gillnet gear is used.

Workshop Dates, Times, and Locations

- October 11, 2024, 9 a.m.–2 p.m. (local time), Hilton Garden Inn, 1 Thunder Street, Warwick, RI 02886.
- November 11, 2024, 9 a.m.–2 p.m. (local time), Hilton Garden Inn/Outer Banks-Kitty Hawk, 5353 North Virginia Dare Trail, Kitty Hawk, NC 27949.
- December 6, 2024, 9 a.m.–2 p.m. (local time), The Mainland/Holiday Inn, 151 Route 72, East Manahawkin, NJ 08050.

Registration

To register for a scheduled Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at 386–682–0158. Pre-registration is highly recommended, but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification;
- Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification; and
- Vessel operators must bring proof of identification.

Workshop Objectives

The Safe Handling, Release, and Identification Workshops are designed to teach the owner and operator of a vessel that fishes with longline or gillnet gear the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, smalltooth sawfish, Atlantic sturgeon, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

Online Recertification Workshops

NMFS implemented an online option for shark dealers and owners and operators of vessels that fish with longline and gillnet gear to renew their certificates in December 2021. To be eligible for online recertification workshops, dealers and vessel owners and operators need to have previously attended an in-person workshop. Information about the courses is available online at <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops> and <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops>. To access the course please visit: <https://hmsworkshop.fisheries.noaa.gov/start>. Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 4, 2024.

Lindsay Fullenkamp,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2024–20230 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE155]

Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on October 21–23, 2024. Meeting topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the PAC will be held on October 21, 22, and 23, 2024 from 10 a.m. to 1 p.m. Hawaii standard time (HST) (or until business is concluded). Members of the public may submit written comments on meeting topics or materials; comments must be received by October 7, 2024.

ADDRESSES: The public meeting will be conducted via web conference. For details on how to call in to the web

conference or to submit comments, please contact Katrina Poremba, NMFS Pacific Islands Regional Office; telephone: (808) 725–5096; email: katrina.poremba@noaa.gov. Documents to be considered by the PAC will be sent out via email in advance of the meeting. Please submit contact information to Katrina Poremba (808) 725–5096; email: katrina.poremba@noaa.gov at least 4 days in advance of the meeting to receive documents via email. This meeting may be audio recorded for the purposes of generating notes of the meeting. As public comments will be made publicly available, participants and public commenters are urged not to provide personally identifiable information (PII) at this meeting. Participation in the meeting by web conference or by telephone constitutes consent to the audio recording.

FOR FURTHER INFORMATION CONTACT:

Katrina Poremba, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; (808) 725–5096; email: katrina.poremba@noaa.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the PAC has been formed to advise the U.S. Commissioners to the WCPFC. The PAC is composed of: (i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC; (ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee (or the chair's designee); and (iii) officials from the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners and the Department of State. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC website: <http://www.wcpfc.int>.

Meeting Topics

The PAC meeting topics may include the following: (1) outcomes of the 2024 WCPFC subsidiary body meetings; (2) outcomes of WCPFC working groups

and other meetings, (3) issues to be considered in the WCPFC 2024 annual session and (4) input and advice from the PAC on issues that may arise at the WCPFC 2024 annual session.

Special Accommodations

The meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katrina Poremba at (808) 725-5096 or katrina.poremba@noaa.gov by October 7, 2024.

Authority: 16 U.S.C. 6902 *et seq.*

Dated: September 4, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024-20231 Filed 9-6-24; 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 for Review and Approval; Comment Request; Southeast Region Vessel and Gear Identification Requirements

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 9th, 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: Southeast Region Vessel and Gear Identification Requirements.

OMB Control Number: 0648-0358.

Form Number(s): None.

Type of Request: Regular submission—extension of a current information collection.

Number of Respondents: 10,031.

Estimated Time per Response: Vessel marking: 75 minutes. Gear marking: aquacultured live rocks, 10 seconds each; golden crab traps, 2 minutes each;

spiny lobster traps and buoys, 7 minutes each; black sea bass pots, buoys, and buoy lines, 16 minutes each; and Spanish mackerel gillnet buoys, 20 minutes each; and buoy gear, 10 minutes each.

Total Annual Burden Hours: 40,335.

Needs and Uses: The NMFS Southeast Region manages domestic fisheries in the U.S. exclusive economic zone of the Caribbean, Gulf of Mexico, and South Atlantic regions under multiple fishery management plans (FMPs). The regional fishery management councils prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS implements the FMPs through located at 50 CFR part 622.

The regulations located at 50 CFR part 622 form the basis for the information collection requirements that are currently approved under OMB Control Number 0648-0358, Southeast Region Vessel and Gear Identification Requirements. NMFS has no immediate plans to change identification requirements for fishing vessels or gear in 50 CFR part 622. Accordingly, NMFS proposes to extend to the information collections under OMB Control Number 0648-0358 without change.

Regulations at 50 CFR part 622 require that all federally permitted fishing vessels must be marked with some form of identification. A vessel's official number, under most regulations, must be displayed on the port and starboard sides of the deckhouse or hull, and on the weather deck. In addition, regulations for certain fisheries also require the display of the assigned color code for the vessel. The official number and color code identify each vessel and should be visible at distance from the sea and in the air. These markings provide law enforcement personnel with a means to monitor fishing, at-sea processing, and other related activities, and to determine whether observed activities on the vessel are in accordance with those authorized for that vessel. NMFS, the United States Coast Guard, and other marine agencies use the identifying official number in monitoring compliance, issuing violations, prosecutions, and other enforcement actions. Vessels that are permitted for particular fisheries are readily identified and gear violations are more readily prosecuted, thereby enabling for more cost-effective enforcement.

In addition to vessel marking, requirements that fishing gear be marked are essential to facilitate enforcement. The ability to link fishing gear to the vessel owner is crucial to enforcement of regulations issued under

the authority of the Magnuson-Stevens Act. The marking of fishing gear is also valuable in actions concerning damage, loss, and civil proceedings. The requirements imposed on U.S. fisheries in the southeast region apply to aquacultured live rock; golden crab traps; spiny lobster traps and buoys; black sea bass pots, buoys, and buoy lines; Spanish mackerel gillnet buoys; and buoy gear.

Affected Public: Business or other for-profit organizations.

Frequency: As needed.

Respondent's Obligation: Mandatory.

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

This information collection request may be viewed at <https://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 must be submitted within 30 days of the publication of this notice on the following website <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments," or by using the search function and entering either the title of the information collection or the OMB Control Number 0648-0358.

Sheleen Dumas,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-20269 Filed 9-6-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Interagency Marine Debris Coordinating Committee Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a virtual public meeting of the Interagency Marine Debris Coordinating Committee (IMDCC). IMDCC members will discuss Federal marine debris activities, with a particular emphasis on the topics identified in the section on *Matters to Be Considered*.

DATES: The virtual public meeting will be held on September 24, 2024, from 2 p.m. to 3 p.m. eastern time (ET).

ADDRESSES: The meeting will be held virtually using GoTo Webinar. Registration is required to attend the meeting. You can register for the meeting using the link provided: <https://attendee.gotowebinar.com/register/3855954734540627291>.

Attendance will be limited to the first 500 individuals to join the virtual meeting room. Refer to the IMDCC website at <https://marinedebris.noaa.gov/our-work/IMDCC> for the most up-to-date information on the agenda and how to participate.

FOR FURTHER INFORMATION CONTACT:

Ya'el Seid-Green, Executive Secretariat, IMDCC, Marine Debris Program; Phone 240–622–5910; Email yael.seid-green@noaa.gov or visit the IMDCC website at <https://marinedebris.noaa.gov/our-work/IMDCC>.

SUPPLEMENTARY INFORMATION: The IMDCC is a multi-agency body responsible for coordinating a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, academia, States, Tribes, and other nations, as appropriate. Representatives meet to share information, assess and promote best management practices, and coordinate the Federal Government's efforts to address marine debris.

The Marine Debris Act establishes the IMDCC (33 U.S.C. 1954). The IMDCC submits biennial progress reports to Congress with updates on activities, achievements, strategies, and recommendations. NOAA serves as the Chairperson of the IMDCC.

The meeting will be open to public attendance on September 24, 2024, from 2 p.m. to 3 p.m. ET. There will not be a public comment period. The meeting will not be recorded.

Matters To Be Considered

The open meeting will include a presentation from the Executive Director of the Marine Debris Foundation and a presentation from a National Aeronautics and Space Administration summer intern on relevant marine debris research. The agenda topics described are subject to change. The latest version of the agenda will be posted at <https://marinedebris.noaa.gov/our-work/IMDCC>.

Special Accommodations

The meeting is accessible to people with disabilities. Closed captioning will be available. Requests for other auxiliary aids should be directed to Ya'el Seid-Green, Executive Secretariat at

yael.seid-green@noaa.gov or 240–622–5910 by September 10, 2024.

Scott Lundgren,

Director, Office of Response and Restoration, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–20240 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID NOAA–NOS–2024–0104]

Request for Information; Data for Marine Spatial Studies in Guam

AGENCY: National Centers for Coastal Ocean Science (NCCOS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice; Request for information.

SUMMARY: NOAA's National Ocean Service (NOS) National Centers for Coastal Ocean Science (NCCOS), hereafter NOAA, in partnership with the Bureau of Ocean Energy Management (BOEM), is working to build spatial planning capacity in Guam. Through this Request for Information, NOAA is seeking public input to identify coastal and marine spatial data or other critical information to inform marine spatial analyses in Guam. The input we receive from the data development workshop meeting, as well as the responses to the items listed in the **SUPPLEMENTARY INFORMATION** section of this document, will be used to inform potential coastal and ocean development activities in Guam, such as renewable energy development.

DATES: Interested persons are invited to provide input in response to this Request for Information through September 30, 2024. Late-filed input will be considered to the extent practicable.

Verbal input will be accepted during a public meeting to be held in Guam on September 12–13, 2024.

ADDRESSES: Interested persons are invited to provide input using one of the following methods:

- **Electronic Submission:** Submit electronic written public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NOS–2024–0104 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments. All comments received are a part of the public record

and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

- **Verbal submission:** NOAA will accept verbal input at a data development workshop. The meeting will be held at The Guam Museum on Thursday September 12, 2024 from 8:30 a.m. to 4 p.m. Chamorro Standard Time (ChST) and Friday, September 13, 2024 from 8:30 a.m. to 4 p.m. (ChST). There will be a registration window from 8:30 a.m. to 9 a.m. (ChST) each day before the start of the meeting. Advanced registration is required for the meeting by completing the registration form at <https://forms.gle/rRSUervCfyZXkyeG7> or by providing an RSVP to Jessica Carlton at jessica.carlton@noaa.gov. The registration deadline is Friday, August 30, 2024.

Reports of meeting results will also be published and made available to the public in the weeks following the meeting. If you are unable to provide electronic written comments or participate in the meeting, please contact Jessica Carlton at jessica.carlton@noaa.gov or (919) 219–5960 for alternative submission methods.

FOR FURTHER INFORMATION CONTACT:

James Morris (james.morris@noaa.gov), (252) 666–7433.

SUPPLEMENTARY INFORMATION:

I. Background

NOAA is an agency of the United States Federal Government that works to conserve and manage coastal and marine ecosystems and resources. NOAA works to make fisheries sustainable and productive, provide safe seafood to consumers, conserve threatened and endangered species and other protected resources, and maintain healthy ecosystems. NOAA has jurisdiction and responsibility for its marine trust resources in the Pacific as well as significant interest in supporting the resilience of coastal and marine-dependent communities and promoting equity and environmental justice. For these reasons, it is important for NOAA to invest in research that informs marine spatial studies in the Pacific region, including socioeconomic research that ensures meaningful participation of local communities and supports equitable processes for planning and

siting of new and existing marine industries and conservation areas.

NOAA has been engaged with the Bureau of Ocean Energy Management (BOEM) to support siting and environmental review for offshore wind energy areas in U.S. Federal waters (<https://www.boem.gov/renewable-energy>) to ensure protection of trust resources in any offshore development activities.

II. Purpose of This Request for Information

The purpose of this Request for Information is to promote data development to inform marine spatial studies in Guam, with an emphasis on data needs for offshore wind energy. In addition to input received from the public through the electronic and verbal submissions, NOAA aims to inform the public about its coastal and ocean planning processes and capabilities, discuss the current data available for each ocean sector (e.g., national security, fisheries, industry, natural resources, cultural and historical resources), and gather ideas for other data sources. NOAA hopes to come out of the meetings with a strengthened relationship with the public and a list of best available data and data gaps.

III. Specific Information Requested To Inform Marine Spatial Studies in Guam

Through this Request for Information, NOAA seeks written public input to inform marine spatial studies in Guam. NOAA is particularly interested in receiving input concerning the items listed below. Responses to this Request for Information are voluntary, and respondents need not reply to items listed. When providing input, please specify if you are providing general feedback on marine spatial studies and/or if you are responding to one of the specific item number(s) below:

(1) Specific datasets related to ocean sectors, natural resources, and/or human activities you recommend NOAA use in marine spatial studies.

(2) Major concerns you have related to use of any specific datasets that may be used in marine spatial studies.

(3) Major concerns you have related to gaps in scientific knowledge or data that could impact marine spatial planning efforts.

(4) Specific data or information you recommend NOAA or other partners collect, if it is not currently available or has not been previously collected.

(5) Ways in which NOAA can better engage and collaborate with the public and local communities to promote economic, social, and ecological

resilience as well as protect trust resources.

Dated: September 3, 2024.

Sean Corson,

Director, National Centers for Coastal Ocean Science, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024-20196 Filed 9-6-24; 8:45 am]

BILLING CODE 3510-JE-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE261]

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, NEFMC) will hold a three-day hybrid meeting with both in-person and remote participation to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, September 24, 2024 through Thursday, September 26, 2024, beginning at 9 a.m. all three days.

ADDRESSES:

Meeting address: The meeting will take place at the Beauport Hotel, 55 Commercial Street, Gloucester, MA 01930; telephone: (978) 282-0008; online at <https://www.beauporthotel.com>. Join the webinar at <https://attendee.gotowebinar.com/register/244255849872817749>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492; www.nefmc.org.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, September 24, 2024

After brief announcements, a representative from the Greater Atlantic Regional Fisheries Office (GARFO) will swear in new and reappointed Council members. Then, the Council will hold its annual election of officers before receiving reports on recent activities

from its Chair and Executive Director, the GARFO Regional Administrator's representative, the Northeast Fisheries Science Center (NEFSC) Director, the NOAA Office of General Counsel, the Mid-Atlantic Fishery Management Council liaison, and representatives from the Atlantic States Marine Fisheries Commission (ASMFC), the U.S. Coast Guard, NOAA's Office of Law Enforcement, and the NMFS Highly Migratory Species Advisory Panel. Next, the Council will receive three 2024 monitoring reports, which will be plan development team (PDT) overviews of the 2023 skate, small-mesh multispecies (whiting), and monkfish fisheries respectively. Following the monkfish monitoring report, the Council will receive a presentation on improvements to the Monkfish Research Set-Aside (RSA) Program as recommended by 2023 Monkfish RSA Working Group. The Council then will engage in a discussion and determine how it intends to address future monitoring and/or fishery performance reports.

Following the lunch break, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3-5 minutes. These comments will be received both in person and through the webinar. A guide for how to publicly comment through the webinar is available on the Council website at https://s3.amazonaws.com/nefmc.org/NEFMC-meeting-remote-participation_generic.pdf. Next, the chair of a subpanel of the Council's Scientific and Statistical Committee (SSC) will present the subpanel's review of a potential new method for determining scallop dredge survey sampling design and strata. Following this presentation, the Scallop Committee will provide a progress report on Framework Adjustment 39 to the Atlantic Sea Scallop Fishery Management Plan, including a preliminary overview of the 2024 scallop survey season. Framework 39 is being developed to set 2025 scallop fishing year specifications and 2026 default specifications, revise flatfish accountability measures (AMs), and provide measures to allow Northern Gulf of Maine (NGOM) permit holders fishing on directed scallop trips in the NGOM Management Area to possess scallops south of 42° 20'. The Council also will receive an update on 2024 scallop work priorities. Lastly, the Northeast Trawl Advisory Panel (NTAP) will report on NTAP's full panel meeting in July and an August working

group meeting covering industry-based trawl surveys, including contingency plans for the *NOAA Ship Henry B. Bigelow*, as well as restrictor rope and offshore wind issues. Following the adjournment of official business, the Council will host a public outreach session to foster open lines of communication among Council members, staff, industry, and all meeting attendees. This event will be held in the same hotel as the meeting itself—the Beauport Hotel in Gloucester, MA.

Wednesday, September 25, 2024

The Council will begin the second day of its meeting with a report from its Risk Policy Working Group. The Council is scheduled to approve a revised Risk Policy statement and concept at this meeting. The Northeast Fisheries Science Center then will provide an overview of the June 2024 Management Track Stock Assessments for Atlantic herring, four Atlantic cod stock units, Georges Bank yellowtail flounder, black sea bass, surfclams, butterfish, and tilefish.

Following the lunch break, the Scientific and Statistical Committee (SSC) chair will provide the SSC's overfishing limit (OFL) and acceptable biological catch (ABC) recommendations for Atlantic herring, the four new Atlantic cod stock units, and Georges Bank yellowtail flounder. The report also will cover the SSC's review of methods for apportioning the biomass of Georges Bank cod and Georges Bank haddock into the Eastern Georges Bank Management Area. The Groundfish Committee report will follow with four items. The Council first will take final action on Amendment 25, which was developed to incorporate the four new cod stock units into the Northeast Multispecies (Groundfish) Fishery Management Plan. Then, the Council will receive a progress report on Framework Adjustment 69, which is an action to set specifications for several groundfish stocks for fishing years 2025–2027, U.S./Canada total allowable catches (TACs) for shared resources on Georges Bank for 2025–2026, incorporate revisions to flatfish sub-annual catch limits (sub-ACLs) and accountability measures (AMs), and address other measures. The Council next will receive updates on its Atlantic Cod Management Transition Plan and 2024 groundfish work priorities before adjourning for the day.

Thursday, June 26, 2024

The Council will lead off the third day of its meeting with the Atlantic Herring Committee report. The Council

will either take final action on 2025–2027 specifications for the Atlantic herring fishery or provide direction on the development of additional measures, which may include the potential initiation of a framework adjustment or consideration of in-season adjustments. A report from the Council's On-Demand Fishing Gear Conflict Working Group will follow. This report contains three components: (1) a GARFO update on the status of Atlantic Large Whale Take Reduction Plan modifications; (2) a NEFSC summary of on-demand fishing gear trials; and (3) Council review and discussion of the On-Demand Fishing Gear Conflict Working Group's input on its terms of reference, as well as a gear marking/gear interaction white paper and possible regulatory and management measures.

Following the lunch break, the Council will discuss ecosystem, climate, and Inflation Reduction Act (IRA) initiatives, which will cover: (1) a report on the establishment of the Council's new Climate and Ecosystem Steering Committee and a decision on the status of the Council's existing Ecosystem-Based Fishery Management Committee (EBFM) and EBFM Plan Development Team; (2) a report on the August 2024 Climate, Ecosystems, and Fisheries Initiative coordination meeting, which was hosted by the East Coast Climate Coordination Group; and (3) an update on the status of the Council's IRA-funded projects. The Council then will engage in its initial discussion on 2025 Council Priorities before closing out the meeting with other business.

Although non-emergency issues not contained on this agenda may come before the 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 Fishery Conservation and Management 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 Executive Director Cate O'Keefe (see

ADDRESSES) at least 5 days prior to the meeting date.

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

Dated: September 4, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–20274 Filed 9–6–24; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m. EDT, Friday, September 13, 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: September 4, 2024.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2024–20339 Filed 9–4–24; 4:15 pm]

BILLING CODE 6351–01–P

CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No: CFPB–2024–0042]

Privacy Act of 1974; System of Records

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Consumer Financial Protection Bureau (CFPB) proposes to modify, rename, and reissue a current Privacy Act System of Records titled “CFPB.002—Depository Institution Supervision Database.” In the course of its supervisory work, the CFPB collects, uses, and maintains information on covered individuals associated with depository institutions (e.g., banks, savings associations, credit unions) and non-depository institutions (herein collectively referred to as supervised institutions), and their affiliates and service providers subject to the authority of the CFPB. This SORN

addresses information collected through the CFPB's supervisory and examination authorities under Federal consumer financial law. The CFPB is updating the name of this system of records and expanding the scope of the categories of individuals and records to account for the incorporation of information collected and maintained under another system of records, "CFPB.003—Non-Depository Supervision Database." Upon publication of this modified System of Records Notice (SORN), the CFPB.003—Non-Depository Supervision Database SORN will be rescinded.

DATES: Comments must be received no later than October 9, 2024. The new system of records will be effective October 9, 2024 unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments, identified by the title and docket number (see above Docket No. CFPB–2024–0042), by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* privacy@cfpb.gov. Include Docket No. CFPB–2024–0042 in the subject line of the email.

- *Mail/Hand Delivery/Courier:* Kathryn Fong, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552. Because paper mail in the Washington, DC area and at CFPB is subject to delay, commenters are encouraged to submit comments electronically.

All submissions must include the agency name and docket number for this notice. In general, all comments received will be posted without change to <https://www.regulations.gov>. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT:

Kathryn Fong, Chief Privacy Officer, (202) 435–7058. If you require this document in an alternative electronic format, please contact CFPB Accessibility@cfpb.gov. Please do not submit comments to this email box.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the CFPB is modifying, renaming, and reissuing a CFPB system of records titled, "CFPB.002—Depository Institution

Supervision Database," to "CFPB.002—Supervision and Examination Records." The CFPB update to CFPB.002—Depository Institution Supervision Database, now CFPB.002—Supervision and Examination Records, includes several changes.

First, the system of records is being renamed to account for the incorporation of information collected and maintained under another system of records titled, "CFPB.003—Non-Depository Supervision Database," and better align with the purpose(s) of the system(s). "CFPB.003—Non-Depository Supervision Database" will be rescinded under separate notice.

Second, the legal authorities for this system of records has been updated to clarify that it covers the CFPB's supervisory work pursuant to Federal consumer financial law.

Third, the categories of individuals and categories of records has been expanded to account for the information collected on covered individuals associated with non-depository institutions and their affiliates and services providers subject to the authority of the CFPB.

Fourth, this update seeks to clarify the types of individuals whose information is contained in this system of records and sources of records contained in the system of records. Some items in these sections have been reorganized and edited to more clearly identify the individuals whose records may be present in this system of records, including contact information for Federal, State, local and other government regulators associated with an action or matter.

Finally, the CFPB will be making non-substantive revisions to this SORN to align with the Office of Management and Budget's recommended model in Circular A–108, appendix II. The report of the revised system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), in accordance with to OMB Circular A–108, "Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act" (Dec. 2016), and the Privacy Act of 1974, 5 U.S.C. 552a(r).

SYSTEM NAME AND NUMBER:

CFPB.002—Supervision and Examination Records.

SECURITY CLASSIFICATION:

This information system does not contain any classified information or data.

SYSTEM LOCATION:

Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

SYSTEM MANAGER(S):

Program Director, Systems and Registrations, Office of Supervision, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552; (202) 435–9633.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 111–203, title X, sections 1011, 1012, 1021, 1024, 1025, 1026, and 1061, codified at 12 U.S.C. 5491, 5492, 5511, 5514, 5515, 5516, and 5581.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to enable the CFPB to carry out its responsibilities with respect to supervised entities to ensure compliance with Federal consumer protection laws and identify unfair, deceptive, or abusive acts and practices in connection with consumer financial products and services. The CFPB's use of records covered by this system of records are for the following purposes: (1) To conduct and coordinate examinations and reports, supervisory evaluations and analyses, and enforcement actions (including both CFPB activities and collaborations with other financial regulatory agencies); (2) To track and store examination and inspection documents created during the performance of CFPB's statutory duties; and (3) For administrative purposes to ensure quality control, performance, and improving management processes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The CFPB collects and maintains information on the following categories of individuals: (1) Individuals who are current or former directors, officers, employees, agents, shareholders, and independent contractors of covered persons or service providers subject to the supervision of the CFPB; (2) Customers, prospective customers, or similar individuals who have been contacted by covered persons or service providers or are the subject of a consumer financial product or service; (3) Federal, State, local and other government regulators involved in an action or matter; and (4) CFPB staff assigned to monitor supervised institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system may include: (1) Information regarding customers, prospective customers, or similar individuals who have been contacted by covered persons or service providers or are the subject of a consumer financial product or service, including but not limited to full name, date of birth (DOB); contact information (e.g., address, phone number, email address), and account information (e.g., account numbers, information collected regarding consumer products and services) and demographic information (e.g., gender) associated with an individual; (2) Contact information for officials of institutions including, without limitation, name, address, phone number, and email address; (3) Contact information for staff of Federal, State, local and other government regulators, including, without limitation, name, address, phone number, and email address; (4) Information about CFPB employees assigned to supervision tasks, including, without limitation, name, address, phone number, and email address, and other employment information; and (5) Confidential Supervision Information or Personal Information, including information relating to individuals that is derived from Confidential Supervisory Information or from consumer complaints.

RECORD SOURCE CATEGORIES:

Information maintained in records is obtained directly from individuals; from Federal, State, local and other regulatory authorities, including State regulatory associations acting on behalf of State regulators, from entities subject to the CFPB's authority, and from CFPB staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, and consistent with the CFPB's Disclosure of Records and Information Rules, promulgated at 12 CFR part 1070, all or a portion of the records or information contained in this system may be disclosed outside of the CFPB as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To appropriate agencies, entities, and persons when (a) the CFPB suspects or has confirmed that there has been a breach of the system of records; (b) the CFPB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the CFPB (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 CFPB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(2) Another Federal agency or Federal entity, when the CFPB 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.

(3) Another Federal or State agency to: (a) permit a decision as to access, amendment, or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records.

(4) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf.

(5) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains.

(6) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities.

(7) The DOJ for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components.

(8) Appropriate Federal, State, local, foreign, Tribal, or self-regulatory

organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy, or license;

(9) To the National Archives and Records Administration (NARA) or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(10) Any authorized agency or component of the Department of Treasury, the Department of Justice (DOJ), the Federal Reserve System, the Federal Deposit Insurance Corporation or other law enforcement authorities including disclosure by such authorities: (a) To the extent relevant and necessary in connection with litigation in proceedings before a court or other adjudicative body, where (i) The United States is a party to or has an interest in the litigation, including where the agency, or an agency component, or an agency official or employee in his or her official capacity, or an individual agency official or employee whom the DOJ or the CFPB has agreed to represent, is or may likely become a party, and (ii) the litigation is likely to affect the agency or any component thereof; or (b) To outside experts or consultants when considered appropriate by CFPB staff to assist in the conduct of agency matters.

(11) A grand jury pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court. In those cases where the Federal Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

(12) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings.

(13) Appropriate agencies, entities, and persons, including but not limited to potential expert witnesses or witnesses in the course of investigations, to the extent necessary to secure information relevant to the investigation; and

(14) An entity or person that is the subject of supervision or enforcement activities including examinations, investigations, administrative proceedings, and litigation, and the attorney or non-attorney representative for that entity or person.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic records.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by a variety of fields including, but not limited to, the individual's name, complaint/inquiry case number, address, account number, transaction number, phone number, date of birth, or by some combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The CFPB manages and dispositions records identified in this SORN in accordance with the NARA approved records schedule DAA-0587-2013-0011 and the corresponding items provided within.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RECORD ACCESS PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records may inquire in writing in accordance with instructions in 12 CFR 1070.50 *et seq.* Address such requests to: Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552. Instructions are also provided on the CFPB website: <https://www.consumerfinance.gov/foia-requests/submit-request/>.

CONTESTING RECORD PROCEDURES:

See "Access Procedures" above.

NOTIFICATION PROCEDURES:

See "Access Procedures" above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Portions of the records in this system are compiled for law enforcement purposes and are exempt from disclosure under CFPB's Privacy Act regulations and 5 U.S.C. 552a(k)(2). Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of

exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

HISTORY: 7

6 FR 45761 (Aug. 1, 2011); 76 FR 45765 (Aug. 1, 2011); 83 FR 23435 (May 21, 2018); 85 FR 3649 (Jan. 22, 2020); 85 FR 3659 (Jan. 22, 2020).

Kathryn Fong,

Chief Privacy Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2024-20222 Filed 9-6-24; 8:45 am]

BILLING CODE 4810-AM-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 12140-01-OW]

Notice of Funding Availability for Credit Assistance Under the State Infrastructure Financing Authority Water Infrastructure Finance and Innovation Act Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective state infrastructure financing authority borrowers seeking credit assistance from the U.S. Environmental Protection Agency (EPA) under the State Infrastructure Financing Authority Water Infrastructure Finance and Innovation Act (SWIFIA) program. EPA estimates that it may lend approximately \$1 billion to help finance approximately \$2 billion in water infrastructure investment.

DATES: LOIs submitted on or after October 1, 2024, will be reviewed using the scoring criteria outlined in this NOFA.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact wifia@epa.gov and request a link to the SharePoint site, where they can securely upload their LOIs and then email wifia@epa.gov once the complete LOI package has been uploaded to the SharePoint site. EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: <https://www.epa.gov/wifia>.

FOR FURTHER INFORMATION CONTACT: Amelia Letnes, Office of Water,

Environmental Protection Agency; telephone number: (202) 564-5627; or email: letnes.amelia@epa.gov (preferred).

SUPPLEMENTARY INFORMATION:

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- V. Types and Amount of Credit Assistance
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- VIII. Selection Criteria
- IX. Federal Requirements

I. Background

Congress enacted the Water Infrastructure Finance and Innovation Act (WIFIA) as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901-3915, WIFIA authorizes a Federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide Federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

Congress amended WIFIA in America's Water Infrastructure Act of 2018 (AWIA) to authorize Federal credit assistance exclusively for state infrastructure financing authority borrowers.

The WIFIA program's mission is to accelerate investment in our nation's water, wastewater, and stormwater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water infrastructure projects of national and regional significance. Additionally, the WIFIA program is implementing five key Administration priorities in this 2024 NOFA:

A. Increasing Investment in Economically Stressed Communities

EPA encourages the submission of projects that address the ever-increasing needs of economically stressed and disadvantaged communities to ensure they benefit from investments in water infrastructure, and therefore improve the public health and livability of these communities.

B. Making Rapid Progress on Lead Service Line Replacement

Many drinking water systems still have lead service lines. EPA encourages the submission of drinking water infrastructure projects that will help make rapid progress on replacing lead service lines to reduce exposure to lead and improve public health. There is no safe level of lead in drinking water. Full

lead service line replacement can be an effective method to reduce drinking water lead levels. Because of this, WIFIA-funded projects involving lead service line replacement should include a plan to conduct full lead service line replacement.

C. Addressing PFAS and Emerging Contaminants

EPA encourages the submission of projects that focus on reducing exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants through drinking water and/or projects that help address discharges of emerging contaminants from wastewater and/or stormwater systems.

D. Strengthening Climate Resilience in the Water Sector

EPA supports long-term strategies to create a more resilient water infrastructure to address the increasing impacts of extreme weather. This includes projects that protect against drought through conserving water, promoting water efficiency and reuse, and protecting and diversifying communities' sources of water. Additionally, this includes projects that address areas seeing sustained or intermittent increases in water flow, such as projects that address flood risks due to stormwater, projects that address the impacts of combined sewer overflows, and septic to sewer efforts where septic systems are undermined by rising groundwater. Taken together, these efforts can help communities address water quantity and quality concerns.

E. Supporting One Water Innovation and Resilience

One of the defining features of WIFIA is the broad range of eligible projects that EPA can fund to flexibly support priority needs. EPA encourages borrowers to submit applications for water infrastructure projects that are new and innovative in regard to energy efficiency, such as onsite wind or solar energy as well as methane digesters or similar projects that work to reduce overall greenhouse gas emissions and may also support energy independence at the system level. In addition, EPA encourages the submission of water infrastructure projects that are more resilient to all threats—whether they are natural disasters or threats such as bioterrorism and cyber-attacks.

II. Program Funding

A. WIFIA Program Appropriation

Congress appropriated \$5 million in funding to cover the subsidy cost of

providing SWIFIA credit assistance. The subsidy cost covers the Federal Government's risk that the loan may not be paid back. EPA anticipates that the average subsidy cost for SWIFIA-funded projects will be relatively low; therefore, this funding can be leveraged into a much larger amount of credit assistance. EPA estimates that this appropriation will allow it to provide approximately \$1 billion¹ in long-term, low-cost financing to water infrastructure projects and accelerate approximately \$2 billion in infrastructure investment around the country.

B. Funding Availability Period

LOIs may be submitted by prospective borrowers and will be received by EPA on a rolling basis. LOIs shall be submitted using the SWIFIA LOI form found at <https://www.epa.gov/wifia>. Under the rolling process, LOIs will continually be reviewed and selected based on available funds. The publication of this NOFA does not impact LOIs previously submitted to EPA, which continue to be reviewed based on the applicable requirements at the time of submission.

LOIs received on or after October 1, 2024, will be evaluated as described in section VIII of this document. This NOFA provides guidance on all SWIFIA funding authority available including funding from previous years. Any funding authority not obligated in the fiscal year for which it is authorized remains available for obligation in subsequent years.

III. Eligibility Requirements

The WIFIA statute and implementing rules set forth eligibility requirements for prospective borrowers, projects, and project costs. The requirements outlined below are described in greater detail in the WIFIA program handbook found at <https://www.epa.gov/wifia/wifia-program-handbook>.

A. Eligible Applicants

Prospective borrowers must be a state infrastructure financing authority to be eligible for SWIFIA credit assistance. EPA defines state infrastructure financing authority as the state entity established or designated by the governor of a state to receive a capitalization grant provided by, or otherwise carry out the requirements of,

¹ This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

B. Eligible Projects

To be eligible for SWIFIA credit assistance, the SWIFIA project must be a combination of projects, each of which is eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)), for which a state infrastructure financing authority submits to the Administrator a single application.

C. Eligible Costs

As defined under 33 U.S.C. 3906 and described in the WIFIA program handbook, eligible project costs are costs for the SWIFIA project associated with the following activities:

(i) Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(ii) Construction, reconstruction, rehabilitation, and replacement activities;

(iii) The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to 33 U.S.C. 3905(8)), construction contingencies, and acquisition of equipment; and

(iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

IV. Budgetary Scoring Determination for Non-Federal Projects

To comply with Public Law 116–260, a project selected for WIFIA financing using funding appropriated in FY2024 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget (OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in the **Federal Register** publication titled "Water Infrastructure Finance and Innovation Act Program (WIFIA)

Criteria Pursuant to the Further Consolidated Appropriations Act, 2020” (85 FR 39189, June 30, 2020). These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project considering the scoring criteria.

V. Types and Amount of Credit Assistance

Under SWIFIA, EPA is offering senior loans, on parity with a state infrastructure financing authority’s other senior capital market debt of the same credit quality, to help the state infrastructure financing authority lend to multiple projects throughout the state.

A. Minimum Project Costs

A SWIFIA project must have eligible project costs that are reasonably anticipated to equal or exceed \$20 million.

B. Maximum Amount of SWIFIA Credit Assistance

The maximum amount of SWIFIA credit assistance to a state infrastructure financing authority is 49 percent of estimated eligible total costs of the eligible projects that are included in the SWIFIA project.

C. SWIFIA Loan Structures

Prospective SWIFIA borrowers may request one the following loan structures:

- (i) EPA accepts the state infrastructure financing authority’s existing capital market debt indenture (to the extent the terms are permissible under Federal law and regulation and WIFIA program policies); or
- (ii) The state infrastructure financing authority accepts EPA’s standard terms. More information on EPA’s standard terms is available at www.epa.gov/wifia.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit an LOI and, if invited, an application to EPA to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest (LOI)

Prospective borrowers seeking a SWIFIA loan must submit an LOI describing the SWIFIA project fundamentals and addressing the SWIFIA selection criteria.

The primary purpose of the LOI is to provide adequate information to EPA to validate the eligibility and creditworthiness of the prospective borrower and the prospective SWIFIA project and determine the extent to which the SWIFIA project meets the statutory selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects. Prospective borrowers are encouraged to review the WIFIA program handbook to help create the best justification possible for the project and a cohesive and comprehensive LOI submittal.

Prospective borrowers should utilize the LOI form on the WIFIA website and ensure that sufficient detail about the project is provided for EPA’s review. EPA will notify a prospective borrower if its SWIFIA project is deemed ineligible as described in section IV of this document.

Below is guidance on what EPA recommends be included in the LOI.

1. *Loan Information:* The prospective borrower provides information about its legal name, business address, program website, employer/taxpayer identification number, Unique Entity ID from SAM.gov, requested SWIFIA loan amount and SWIFIA project cost amount, type of SRF loans (clean water, drinking water, or both), and requested loan structure.

2. *Supporting Documents:* The prospective borrower provides the most recent version of the following documents: Intended Use Plan (IUP), SRF Operating Agreements with EPA Regional Office, documentation of the priority setting system, and bond indenture (if applicable).

3. *Contact Information:* The prospective borrower identifies the points of contact with whom the WIFIA program should communicate regarding the LOI. To complete EPA’s evaluation, the WIFIA program staff may contact a prospective borrower regarding specific information in the LOI.

4. *Certifications:* The prospective borrower certifies that it will abide by all applicable laws and regulations, if selected to receive funding.

B. Application

After EPA concludes its evaluation of a complete LOI package, a selection committee will invite the prospective borrower to apply based on satisfaction of the eligibility requirements. So long as budget authority remains available, EPA expects that all eligible state infrastructure financing authority prospective borrowers will be invited to apply for a SWIFIA loan.

An invitation to apply for WIFIA credit assistance does not guarantee EPA’s approval, which remains subject to a project’s continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA’s LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite prospective borrowers to apply if it anticipates that those prospective borrowers are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit an LOI. For information about application and post-closing costs, please refer to the WIFIA fee rule, “Fees for Water Infrastructure Project Applications under WIFIA” (40 CFR 35.10080).

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for SWIFIA assistance.

The selection criteria described are the statutory selection criteria for state infrastructure financing authority borrowers. Following its eligibility determination, EPA will determine the extent to which the SWIFIA project meets the statutory selection criteria. They are as follows:

- (i) The extent to which the project financing plan includes public or private financing in addition to assistance under [WIFIA]. 33 U.S.C. 3907(b)(2)(B); 40 CFR 35.10055(a)(10).
- (ii) The likelihood that assistance under [WIFIA] would enable the project to proceed at an earlier date than the project would otherwise be able to proceed. 33 U.S.C. 3907(b)(2)(C); 40 CFR 35.10055(a)(2).
- (iii) The extent to which the project uses new or innovative approaches. 33 U.S.C. 3907(b)(2)(D); 40 CFR 35.10055(a)(3).
- (iv) The amount of budget authority required to fund the Federal credit instrument made available under [WIFIA]. 33 U.S.C. 3907(b)(2)(E).
- (v) The extent to which the project (1) protects against extreme weather events, such as floods or hurricanes; or (2) helps maintain or protect the environment. 33 U.S.C. 3907(b)(2)(F); 40 CFR 35.10055(a)(4); 40 CFR 35.10055(a)(5).

(vi) The extent to which the project serves regions with significant energy exploration, development, or production areas. 33 U.S.C. 3907(b)(2)(G); 40 CFR 35.10055(a)(6).

(vii) The extent to which a project serves regions with significant water resource challenges, including the need to address: (1) water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other water sources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance. 33 U.S.C. 3907(b)(2)(H); 40 CFR 35.10055(a)(7).

(viii) The extent to which the project addresses identified municipal, state, or regional priorities. 33 U.S.C. 3907(b)(2)(I); 40 CFR 35.10055(a)(8).

(ix) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under [WIFIA]. 33 U.S.C. 3907(b)(2)(J); 40 CFR 35.10055(a)(9).

(x) The extent to which assistance under [WIFIA] reduces the contribution of Federal assistance to the project. 33 U.S.C. 3907(b)(2)(K); 40 CFR 35.10055(a)(11).

IX. Federal Requirements

All projects receiving WIFIA assistance must comply with the applicable Federal requirements. Compliance with Federal requirements is not required for submitting a letter of interest, being invited to apply for a WIFIA loan, or submitting an application. The WIFIA program will review selected projects for compliance with Federal requirements once they have submitted an application. Additional information about Federal compliance requirements is available in the WIFIA program handbook and at <https://www.epa.gov/wifia/wifia-federal-compliance-requirements>.

Authority: 33 U.S.C. 3901–3915; 40 CFR part 35.

Michael S. Regan,
Administrator.

[FR Doc. 2024–20221 Filed 9–6–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 12139–01–OW]

Notice of Funding Availability for Credit Assistance Under the Water Infrastructure Finance and Innovation Act (WIFIA) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective borrowers seeking credit assistance from the U.S. Environmental Protection Agency (EPA) under the Water Infrastructure Finance and Innovation Act (WIFIA) program. EPA estimates that it may lend approximately \$6.5 billion to help finance approximately \$13 billion in water infrastructure investment.

DATES: LOIs submitted on or after October 1, 2024, will be reviewed using the scoring criteria outlined in this NOFA.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact wifia@epa.gov and request a link to the SharePoint site, where they can securely upload their LOIs and then email wifia@epa.gov once the complete LOI package has been uploaded to the SharePoint site. EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: <https://www.epa.gov/wifia/>.

FOR FURTHER INFORMATION CONTACT: Amelia Letnes, Office of Water, Environmental Protection Agency; telephone number: (202) 564–5627; or email: letnes.amelia@epa.gov (preferred).

SUPPLEMENTARY INFORMATION:

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- V. Type and Amount of Credit Assistance
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I. Background

Congress enacted the Water Infrastructure Finance and Innovation Act (WIFIA) as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901–3915, WIFIA authorizes a Federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide Federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

The WIFIA program's mission is to accelerate investment in our nation's water, wastewater, and stormwater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water infrastructure projects of national and regional significance. Additionally, the WIFIA program is implementing five key Administration priorities in this 2024 NOFA:

A. Increasing Investment in Economically Stressed Communities

EPA encourages the submission of projects that address the ever-increasing needs of economically stressed and disadvantaged communities to ensure they benefit from investments in water infrastructure, and therefore improve the public health and livability of these communities.

B. Making Rapid Progress on Lead Service Line Replacement

Many drinking water systems still have lead service lines. EPA encourages the submission of drinking water infrastructure projects that will help make rapid progress on replacing lead service lines to reduce exposure to lead and improve public health. There is no safe level of lead in drinking water. Full lead service line replacement can be an effective method to reduce drinking water lead levels. Because of this, WIFIA-funded projects involving lead service line replacement should include a plan to conduct full lead service line replacement.

C. Addressing PFAS and Emerging Contaminants

EPA encourages the submission of projects that focus on reducing exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants through drinking water and/or projects that help address discharges of emerging contaminants from wastewater and/or stormwater systems.

D. Strengthening Climate Resilience in the Water Sector

EPA supports long-term strategies to create a more resilient water infrastructure to address the increasing impacts of extreme weather. This includes projects that protect against drought through conserving water, promoting water efficiency and reuse, and protecting and diversifying communities' sources of water. Additionally, this includes projects that address areas seeing sustained or intermittent increases in water flow, such as projects that address flood risks due to stormwater, projects that address the impacts of combined sewer overflows, and septic to sewer efforts where septic systems are undermined by rising groundwater. Taken together, these efforts can help communities address water quantity and quality concerns.

E. Supporting One Water Innovation and Resilience

One of the defining features of WIFIA is the broad range of eligible projects that EPA can fund to flexibly support priority needs. EPA encourages borrowers to submit applications for water infrastructure projects that are new and innovative in regard to energy efficiency, such as onsite wind or solar energy as well as methane digesters or similar projects that work to reduce overall greenhouse gas emissions and may also support energy independence at the system level. In addition, EPA encourages the submission of water infrastructure projects that are more resilient to all threats—whether they are natural disasters or threats such as bioterrorism and cyber-attacks.

II. Program Funding

A. WIFIA Program Appropriation

In the Consolidated Appropriations Act, 2024, signed by the President on March 09, 2024, Congress appropriated \$64.6 million in funding to cover the subsidy cost of providing WIFIA credit assistance. EPA estimates that this appropriation will allow the Agency to provide approximately \$6.5 billion¹ in long-term, low-cost financing to water infrastructure projects and accelerate approximately \$13 billion in infrastructure investment around the country.

¹ This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

B. Funding Availability Period

LOIs may be submitted by prospective borrowers and will be reviewed by EPA on a rolling basis. LOIs shall be submitted using the LOI form found at <https://www.epa.gov/wifia>. LOIs will be reviewed based on the scoring guide applicable at the time of submission. The publication of this NOFA does not impact LOIs previously submitted to EPA, which continue to be reviewed based on the applicable requirements at the time of submission.

LOIs submitted on or after October 1, 2024, will be reviewed using the scoring criteria outlined in this NOFA. This NOFA provides guidance on all WIFIA funding authority available including funding from previous years. Any funding authority not obligated in the fiscal year for which it is authorized remains available for obligation in subsequent years.

III. Eligibility Requirements

The WIFIA statute and implementing rules provide eligibility requirements for prospective borrowers, projects, and project costs. In general, the WIFIA program can provide loans to public and private borrowers for a wide variety of water infrastructure projects. Detailed information on WIFIA eligibility requirements for prospective borrowers, projects, and project costs can be found in the WIFIA program handbook at <https://www.epa.gov/wifia/wifia-program-handbook>.

A. Eligible Applicants

Prospective borrowers must be an eligible entity to receive WIFIA credit assistance. Eligible entities include: corporations, partnerships, joint ventures and trusts; state, local, and Tribal governments; and state infrastructure financing authorities.

Public sponsorship is required for projects undertaken by an entity that is not a state or local government or agency or instrumentality of a state or local government, or a Tribal government or consortium of Tribal governments.

B. Eligible Projects

The WIFIA statute authorizes EPA to provide credit assistance for a wide variety of creditworthy drinking water, wastewater, and stormwater infrastructure projects. The non-exhaustive list below includes several examples of projects eligible for WIFIA credit assistance. For detailed project eligibility information, review the WIFIA program handbook at <https://www.epa.gov/wifia/wifia-program-handbook>.

- A wide range of wastewater, stormwater, and nonpoint source projects that are eligible under the Clean Water State Revolving Fund (CWSRF). More detailed CWSRF eligibility information can be found at <https://www.epa.gov/cwsrf>;

- A wide range of drinking water infrastructure projects—including treatment, transmission and distribution, source, storage, consolidation/partnerships, and the creation of new systems—that are eligible under the Drinking Water State Revolving Fund (DWSRF). More detailed DWSRF eligibility information can be found at <https://www.epa.gov/dwsrf>;

- Repair, rehabilitation, or replacement of drinking water, wastewater, or stormwater infrastructure;

- Energy efficiency enhancements for a public water system or publicly owned treatment works;

- Desalination, aquifer storage and recovery, water recycling, or other projects to provide an alternative water supply and reduce aquifer depletion;

- Drought prevention, reduction, or mitigation projects;

- Acquisition of real property or an interest in real property, in certain circumstances;

- A combination of drinking water and wastewater projects submitted by a state infrastructure financing authority; and

- A combination of eligible projects, secured by a common security pledge, for which a single entity, or a combination of eligible entities, submits a single application.

C. Eligible Costs

Eligible project costs are costs associated with the following activities:

(i) Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(ii) Construction, reconstruction, rehabilitation, and replacement activities;

(iii) The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation, construction contingencies and acquisition of equipment; and

(iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance

expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

IV. Budgetary Scoring Determination for Non-Federal Projects

To comply with Public Law 116–260, a project selected for WIFIA financing using funding appropriated in FY2024 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget (OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in **Federal Register** publication titled “Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to the Further Consolidated Appropriations Act, 2020” (85 FR 39189, June 30, 2020). These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project considering the scoring criteria.

V. Type and Amount of Credit Assistance

Under this NOFA, EPA will provide credit assistance in the form of direct loans or loan guarantees. Each prospective borrower should list the estimated total capital costs of the project broken down by activity type.

A. Minimum Project Costs

Projects must have eligible costs that are reasonably anticipated to be equal to or exceed \$20 million, or for small communities (serving not more than 25,000 individuals), project costs that are reasonably anticipated to equal or exceed \$5 million.

B. Maximum Amount of WIFIA Credit Assistance

The maximum amount of WIFIA credit assistance to a project is 49 percent of eligible project costs in almost all instances. EPA may offer small community prospective borrowers credit assistance up to 80 percent of the eligible project costs.

C. Appropriation Set-Aside for Small Communities

EPA will endeavor to use 15 percent of its budget authority for small communities. Recognizing the need that

exists in both small and large communities to invest in infrastructure, the WIFIA statute requires that EPA set aside 15 percent of the budget authority appropriated each year for small communities, defined as systems that serve a population of 25,000 or less. Of the funds set aside, any amount not obligated by June 1 of the fiscal year for which budget authority is set aside may be used for any size community.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit an LOI and, if invited, an application to EPA to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest (LOI)

Prospective borrowers seeking a WIFIA loan must submit an LOI describing the project fundamentals and addressing the WIFIA selection criteria. Prospective borrowers can find more information on the LOI at <https://www.epa.gov/wifia>.

The primary purpose of the LOI is to provide adequate information to EPA to: (i) determine the eligibility of the prospective borrower and the prospective project, (ii) perform a preliminary creditworthiness assessment, (iii) perform a preliminary engineering feasibility assessment, and (iv) evaluate the project against the selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects. Prospective borrowers are encouraged to review the WIFIA program handbook at <https://www.epa.gov/wifia/wifia-program-handbook> to help create the best justification possible for the project and a cohesive and comprehensive LOI submittal.

Prospective borrowers must utilize the WIFIA LOI form and follow the guidelines contained on the WIFIA program website: <https://www.epa.gov/wifia>. Prospective borrowers should provide the LOI and any attachments as Microsoft Word documents or searchable PDF files, whenever possible, to facilitate EPA's review. Additionally, prospective borrowers must ensure that financial information, including the pro forma financial statement, is in a formula-based Microsoft Excel document. Prospective borrowers should provide sufficient detail about the project for EPA's review. EPA will notify a prospective borrower if its project is deemed ineligible as described in section III of this document or if additional information is needed to assess the LOI package.

B. Application

After EPA concludes its evaluation of a complete LOI package, a selection committee will invite the prospective borrower to apply based on review and scoring, as applicable, of the selection criteria and satisfaction of the eligibility requirements. The selection committee may choose to combine multiple LOIs or separate projects from a prospective borrower based on the creditworthiness review and may offer an alternative amount of WIFIA assistance than requested in the LOI. Final applications should be received by EPA within 365 days of the invitation to apply, but EPA may extend the deadline on a case-by-case basis if the LOI schedule signals additional time may be needed.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite prospective borrowers to apply if it anticipates that those prospective borrowers are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form at <https://www.epa.gov/wifia> and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit an LOI. For information about application and post-closing costs, please refer to the WIFIA program handbook.

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for WIFIA assistance.

EPA will evaluate and select proposed projects described in the LOIs using the selection criteria established in the statute and regulation, and the Administration priorities identified in section I of this document. EPA's priorities reflect water sector challenges that require innovative tools to assist borrowers in managing and adapting to our most pressing public health and environmental challenges. These priorities are reflected in the scoring methodology of the selection criteria below and described in greater detail in the WIFIA program handbook.

The WIFIA selection criteria are divided into three categories: Project Readiness, Borrower Creditworthiness, and Project Impact. Each LOI will be evaluated for the extent to which the project satisfies the criteria listed below for each category. To satisfy the overall category review, it is not necessary to satisfy all criteria for each category. For the Project Impact category, WIFIA staff will score LOIs based on the points indicated below. All projects that satisfy category-level review for all three categories will be selected for funding, assuming sufficient funds are still available. The criteria are as follows:

Project Readiness:

(i) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under WIFIA.

(ii) Preliminary engineering feasibility analysis.

Borrower Creditworthiness:

(i) The likelihood that assistance under WIFIA would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(ii) The extent to which the project financing plan includes public or private financing in addition to assistance under WIFIA.

(iii) The extent to which assistance under WIFIA reduces the contribution of Federal assistance to the project.

(iv) The amount of budget authority required to fund the Federal credit instrument made available under WIFIA.

(v) Preliminary determination of prospective borrower and project creditworthiness.

Project Impact:

(i) *10 points:* The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as (1) the reduction of flood risk; (2) the improvement of water quality and quantity, including aquifer recharge; (3) the protection of drinking water, including source water protection; and (4) the support of international commerce.

(ii) *15 points:* The extent to which the project (1) protects against extreme weather events, such as floods, hurricanes or drought; or (2) helps maintain or protect the environment, including Priority D.

(iii) *5 points:* The extent to which the project serves regions with significant

energy exploration, development, or production areas.

(iv) *10 points:* The extent to which a project serves regions with significant water resource challenges, including the need to address: (1) water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other water sources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance.

(v) *5 points:* The extent to which the project addresses identified municipal, state, or regional priorities.

(vi) *10 points:* The extent to which the project addresses needs for repair, rehabilitation or replacement of a treatment works, community water system, or aging water distribution or wastewater collection system.

(vii) *15 points:* The extent to which the project serves economically stressed communities, or pockets of economically stressed rate payers within otherwise non-economically stressed communities, including Priority A.

(viii) *15 points:* The extent to which the project reduces exposure to lead in the nation's drinking water systems or addresses emergent contaminants, including Priorities B and C.

(ix) *15 points:* The extent to which the project uses new or innovative approaches, including Priority E.

The scoring scales and guidance used to evaluate each project against the selection criteria are available in the WIFIA program handbook. Prospective borrowers considering WIFIA should review the WIFIA program handbook and discuss how the project addresses each of the selection criteria in the LOI submission.

IX. Federal Requirements

All projects receiving WIFIA assistance must comply with the applicable Federal requirements. Compliance with Federal requirements is not required for submitting a letter of interest, being invited to apply for a WIFIA loan, or submitting an application. The WIFIA program will review selected projects for compliance with Federal requirements once they have submitted an application. Additional information about Federal compliance requirements is available in the WIFIA program handbook and at <https://www.epa.gov/wifia/wifia-federal-compliance-requirements>.

X. Opportunities To Learn More About the WIFIA Program

EPA hosts regular outreach events and monthly office hours to provide further information about submitting an LOI. The outreach schedule and registration instructions can be found on the WIFIA program website: www.epa.gov/wifia.

Prospective borrowers with questions about the program or interest in meeting with the WIFIA program staff may send a request to wifia@epa.gov. EPA will meet with all prospective borrowers interested in discussing the program prior to submission of an LOI.

Authority: 33 U.S.C. 3901–3915; 40 CFR part 35.

Michael S. Regan,
Administrator.

[FR Doc. 2024–20220 Filed 9–6–24; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2023–6093]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 92–79, Commissioned Broker Application Form

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 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 November 8, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 92–79), by email to Jennifer Krause, jennifer.krause@exim.gov, or by mail to Jennifer Krause, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Jennifer Krause, jennifer.krause@exim.gov, 305.586.2022.

SUPPLEMENTARY INFORMATION: This form is used by insurance brokers to register with EXIM and by EXIM to make a determination of the eligibility of the broker to receive commission payments under Export-Import Bank's credit insurance programs.

The form can be viewed at https://img.exim.gov/s3fs-public/pub/pending/eib92-79_2024_508.pdf.

Title and Form Number: EIB 92–79, Commissioned Broker Application Form.

OMB Number: 3048–0024.

Type of Review: Regular.

Need and Use: This form is used by insurance brokers to register with EXIM. The form provides EXIM staff with the information necessary to make a determination of the eligibility of the broker to receive commission payments under Export-Import Bank's credit insurance programs. Our customers will be able to submit this form on paper or electronically.

Affected Public: This form affects entities engaged in brokering export credit insurance policies.

Annual Number of Respondents: 3.

Estimated Time per Respondent: 15 minutes.

Frequency of Reporting or Use: As needed.

Andrew Smith,
Records Officer.

[FR Doc. 2024–20179 Filed 9–6–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6092]

Agency Information Collection

Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 92–27, Report of Overdue Accounts Under Short-Term Policies

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the 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 November 8, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 92–27), by

email to Tom Fitzpatrick tom.fitzpatrick@exim.gov, or by mail to Tom Fitzpatrick, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information please contact Edward Coppola 202–565–3717.

The form can be viewed at https://img.exim.gov/s3fs-public/pub/pending/Report_of_Overdue_Accounts_eib92-27_2024_508.pdf.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–27, Report of Overdue Accounts Under Short-Term Policies.

OMB Number: 3048–0027.

Type of Review: Regular.

Need and Use: The collection provides EXIM staff with the information necessary to monitor the borrower's payments for exported goods covered under its short- and medium term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 745.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 186.25 hours.

Frequency of Reporting or Use:

Monthly, until completed.

Andrew Smith,
Records Officer.

[FR Doc. 2024–20181 Filed 9–6–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6091]

Agency Information Collection

Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 92–37 Beneficiary Certificate and Agreement for Use With Bank Letter of Credit Short Term Export Credit Insurance Policy, or Financial Institution Buyer 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), as part of its continuing effort to reduce paperwork and respondent burden, 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 November 8, 2024, to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 92–37) or by email edward.coppola@exim.gov, or by mail to Edward Coppola, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Edward Coppola; edward.coppola@exim.gov; 202 565–3717.

SUPPLEMENTARY INFORMATION: The application tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib92-37.pdf>.

Title and Form Number: EIB 92–37 Beneficiary Certificate and Agreement for use with Bank Letter of Credit Short Term Export Credit Insurance Policy, or Financial Institution Buyer Credit Insurance Policy.

OMB Number: 3048–0022.

Type of Review: Regular.

Need and Use: This form is used when the beneficiary of the letter of credit, the recipient of a funding under a direct buyer credit loan, or the recipient of payment under a reimbursement loan or a payment under a supplier credit is not the exporter. If the need to use this form arises, the insured holds it in the event of a claim, at which time it would submit it to Export-Import Bank along with all other claim documentation. The form provides Export-Import Bank staff with the information necessary to determine the eligibility of the claimed export transaction for coverage.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 15.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 3.75 hours.

Frequency of Reporting or Use: As needed.

Andrew Smith,
Records Officer.

[FR Doc. 2024–20182 Filed 9–6–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK**[Public Notice: 2024–6094]****Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 92–41, Application for Financial Institution Short-Term, Single-Buyer Insurance****AGENCY:** Export-Import Bank of the United States.**ACTION:** Submission for OMB review and comments request.

SUMMARY: The Export-Import Banks of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the underlying export transaction for EXIM insurance coverage.

DATES: Comments must be received on or before November 8, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 10–02), by email edward.coppola@exim.gov; or by mail to Edward Coppola, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC. The application tool can be reviewed at: https://img.exim.gov/s3fs-public/pending/FIBC_Application_eib92-41_2024_FINAL_508.pdf.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Edward Coppola, edward.coppola@exim.gov; 202–565–3717.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–41, Application for Financial Institution Short-Term, Single-Buyer Insurance.

OMB Number: 3048–0019.

Type of Review: Regular.

Need and Use: The Application for Financial Institution Short-term Single-Buyer Insurance form will be used by financial institution applicants to provide EXIM with the information necessary to determine if the subject transaction is eligible for EXIM insurance coverage.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 215.

Estimated Time per Respondent: 1.6 hours.

Annual Burden Hours: 344.
Frequency of Reporting of Use: Annual.

Andrew Smith,
Records Officer.

[FR Doc. 2024–20180 Filed 9–6–24; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION**[GN Docket No. 24–248; DA 24–815; FR ID 240542]****Information Sought on Sharing in the 18 GHz Band in Connection With the National Spectrum Strategy Implementation Plan****AGENCY:** Federal Communications Commission.**ACTION:** Notice.

SUMMARY: In this document, the Federal Communications Commission's Space and Wireless Telecommunications Bureaus and the Offices of International Affairs and Engineering and Technology seek information on sharing in the 18 GHz band in connection with the National Spectrum Strategy Implementation Plan.

DATES: Comments are due by September 5, 2024. Reply comments are due by September 16, 2024.

ADDRESSES: You may submit comments, identified by GN Docket No. 24–248, by any of the following methods:

- *Federal Communications Commission's Website:* <https://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT:

Bahman Badipour, Office of Engineering and Technology, 202–418–7814, bahman.badipour@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 24–248, released August 16, 2024, by the Space and Wireless

Telecommunications Bureaus and the Offices of Engineering and Technology and International Affairs under delegated authority pursuant to 47 CFR 0.31, 0.131, 0.261, and 0.351. The full text of the document is available at <https://www.fcc.gov/document/fcc-seeks-information-sharing-18-ghz-band>.

Comment Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS, <http://apps.fcc.gov/ecfs>.

- *Paper Filers.* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

- *Persons with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice) or 202–418–0432 (TTY).

Synopsis

The Space Bureau, Wireless Telecommunications Bureau, the Office of International Affairs, and the Office of Engineering and Technology (collectively Bureaus/Offices) seek to further develop the record for the 18.1–18.6 GHz band (18 GHz band) with the goal of informing the forthcoming report

mandated by the National Spectrum Strategy (NSS) Implementation Plan. The NSS identified the 18 GHz band as a potential band for expanded Federal and non-Federal satellite operations, consistent with the U.S. position at the 2023 World Radiocommunication Conference (WRC–23), which would add space-to-space allocations to this band (among others). Fixed-Satellite Service (FSS) downlink operations are currently authorized in the band. In addition, non-Federal Fixed Service is authorized in the 18.1–18.3 GHz segment of the band. The final report with findings is to be completed by May 2025.

Background. In 2006, the Federal Communications Commission (Commission) released the Report and Order rechannelizing the 17.7–19.7 GHz band for Fixed Microwave Services under part 101 of the Commission's rules (71 FR 69039, Nov. 29, 2006) (*18 GHz R&O*). As part of the *18 GHz R&O*, the Commission adopted a revised band plan for the 17.7–18.3 and 19.3–19.7 GHz band, designated a contiguous 600 megahertz block of one way spectrum from 17.7–18.3 GHz for use by multichannel video programming distributors (MVPDs), and protected certain federal earth stations in the FSS (space-to-Earth) in the 17.7–17.8 GHz band. United States federal systems are authorized to operate in the 17.8–20.2 GHz band in accordance with footnote US334 in the United States Table of Frequency Allocations. Coordination between non-federal operations, both terrestrial and satellite, and these federal operations remain in effect.

WRC–23 and 18 GHz. Under Agenda Item 1.17 of WRC–23, the Conference considered appropriate regulatory actions for the provision of inter-satellite links in the frequency bands 11.7–12.7 GHz, 18.1–18.6 GHz, 18.8–20.2 GHz and 27.5–30.0 GHz. During the ITU–R study cycle leading up to the Conference, the United States and other administrations developed extensive sharing and compatibility studies to assess the feasibility of introducing satellite-to-satellite links in the 18 GHz band, among others. Based on these studies, at WRC–23 the United States and other member states of the Inter-American Telecommunication Commission (CITEL) supported a common regional proposal to add an inter-satellite service allocation in bands including the 18 GHz band, under certain conditions. WRC–23 ultimately adopted inter-satellite service allocations in the 18 GHz and other bands in the International Table of Frequency Allocations subject to a new Resolution and additional restrictions.

WRC–15 NPRM and 18.142–18.3 GHz. In April 2023, the Commission sought comment on whether it should raise the non-Federal secondary FSS (space-to-Earth) allocation in the 18.142–18.3 GHz band to primary status, *i.e.*, co-equal with the non-Federal primary fixed service allocation in the band (88 FR 67160, Sept. 29, 2023). If adopted, this upgrade of allocation status would provide receiving earth stations with interference protection from later-licensed fixed stations that are used for part 74 and part 101 Multichannel Video Programming Distributor (MVPD) and part 78 cable television relay service (CARS) operations that operate in accordance with the proposed rules in this section.

National Spectrum Strategy. The NSS identifies the 18 GHz band as a band for further study. The NSS Implementation Plan establishes a schedule under which a band study would be completed by February 2025 and a final report issued by May 2025. In order to aid the band study and report preparation, the Bureaus/Offices seek public input on various issues relating to current or potential uses of the 18 GHz band. Specifically, the Bureaus/Offices seek comment on whether the assumptions and analysis on which the WRC–23 decision was based are still valid. Commenters advocating that the NSS band study should be based on different assumptions or analysis should provide detailed technical information describing why they disagree with the previous work and what assumptions they favor and their preferred analysis method. The Bureaus/Offices also seek comment on the use cases operators in the 18 GHz band plan to support and what regulatory changes are needed to implement any allocation changes supported by the record. In addition, the Bureaus/Offices seek comment on whether the separately pending proposal to elevate the non-Federal FSS allocation in the 18.142–18.3 GHz band to primary status would affect a new space allocation in the 18 GHz band. The record developed in response to the *Public Notice* will be publicly available in GN Docket No. 24–248 and shared with the NTIA and other interested agencies.

Federal Communications Commission.

Troy Tanner,

Acting Chief, Office of International Affairs.

[FR Doc. 2024–19068 Filed 9–6–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0076, OMB 3060–1181; FR ID 242982]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before November 8, 2024. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0076.

Title: Common Carrier Annual Employment Report, FCC Form 395.

Form Number: FCC Form 395.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 491 respondents; 491 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 303, and 307–310 of the Communications Act of 1934, as amended.

Total Annual Burden: 491 hours.

Total Annual Cost: No cost.

Needs and Uses: FCC Report 395, Common Carrier Annual Employment Report, is a data collection mechanism to implement the FCC's Equal Employment Opportunity (EEO) rules. All common carrier licensees or permittees with sixteen (16) or more full-time employees are required to file the Annual Employment Report. Each common carrier is also obligated to file with this Commission copies of all exhibits, letters, and documents pertaining to all equal employment opportunity statements and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law. Section 22.321(f), 47 CFR, requires each licensee to maintain these documents for a period of two years. The Annual Employment Report identifies each filer's staff by gender, race, color, and/or national origin in each of ten major job categories. The report and all other EEOC documents are filed with the Commission to detail the applicant's compliance with the Commission's EEO rules. Data from these reports are available online so that users can easily locate data for a particular carrier and/or specific reporting years.

OMB Control Number: 3060–1181.

Title: Study Area Boundary Data Reporting in Esri Shapefile Format, DA 12–1777 and DA 13–282.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and State, Local or Tribal Government.

Number of Respondents and Responses: 36 respondents; 36 responses.

Estimated Time per Response: 24 hours for submitting updates; less than 1 hour for recertification.

Frequency of Response: On occasion and biennially reporting requirements.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 254(b) of the Communications Act of 1934, as amended.

Total Annual Burden: 576 hours.

Total Annual Cost: \$10,714.

Needs and Uses: The Commission uses the study area boundary data collected through 3060–1181 to implement certain universal service reforms. The Universal Service Fund supports the deployment of voice and broadband-capable infrastructure in rural, high cost areas. High-cost support is granted to a carrier based on the characteristics of its “study area,” the geographic area served by an incumbent local exchange carrier within a state. Therefore, complete and accurate study area boundary data are essential for calculating a carrier's costs and expenses, which in turn determine the amount of support that carrier can receive to serve high-cost areas. In December 2012, the Commission submitted a request for emergency preapproval of this collection, which the Office of Management and Budget (OMB) granted on January 23, 2013. On June 12, 2013, the Commission submitted a request for a three-year extension of the collection to July 31, 2016 (78 FR 34382), which OMB approved on July 31, 2013 (78 FR 76312). Initial study area boundaries were submitted in 2013. These maps were submitted via a secure internet-browser web interface developed and maintained by the Commission. If a study area boundary changes, filers are required to submit, via Box, revised boundary data incorporating such changes by March 15 of the year following the change. In addition, all filers are required to recertify their study area boundaries every two years.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–20177 Filed 9–6–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0162; –0179; –0195]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064–0162; –0179; and –0195).

DATES: Comments must be submitted on or before November 8, 2024.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Manny Cabeza, Regulatory Counsel, 202–898–3767, mcabeza@fdic.gov, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Large-Bank Deposit Insurance Programs.

OMB Number: 3064–0162.

Form Number: None.

Affected Public: Insured depository institutions having at least \$2 billion in deposits and at least either: (a) 250,000 Deposit accounts; or (b) \$20 billion in total assets, regardless of the number of deposit accounts (a “covered institution”).

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0162]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Posting and removing provisional holds—Implementation—§ 360.9(c)(1) and (2) (Mandatory).	Recordkeeping (One time).	8	1	150:00	1,200
2. Providing standard data format for deposit account and customer information—Implementation—§ 360.9(d)(1) (Mandatory).	Recordkeeping (One time).	8	1	110:00	880
3. Notification of identity of person responsible for producing standard data downloads—Implementation—§ 360.9(c)(3) (Mandatory).	Reporting (One time)	8	1	8:00	64
4. Provide deposit account and customer information in required standard format—Implementation—§ 360.9(d)(3) (Mandatory).	Reporting (On Occasion).	8	1	40:00	320
5. Request for exemption from provisional hold requirements—Implementation—§ 360.9(c)(9) (Voluntary).	Reporting (On Occasion).	1	1	20:00	20
6. Request for extension of compliance deadline—Implementation—§ 360.9(e)(7) (Voluntary).	Reporting (On Occasion).	1	1	20:00	20
7. Request for exemption—Implementation § 360.9(f) (Voluntary).	Reporting (On Occasion).	1	1	20:00	20
8. Notification of identity of person responsible for producing standard data downloads—Ongoing—§ 360.9(c)(3) (Mandatory).	Reporting (Annual)	123	1	8:00	984
9. Request for exemption from provisional hold requirements—Ongoing—§ 360.9(c)(9) (Voluntary).	Reporting (On Occasion).	1	1	20:00	20
10. Request for exemption—Ongoing—§ 360.9(f) (Voluntary).	Reporting (On Occasion).	1	1	20:00	20
11. Test compliance with § 360.9 (c) through (d) pursuant to § 360.9(h)—Ongoing—§ 360.9 (h) (Mandatory).	Reporting (Annual)	30	1	80:00	2,400
<i>Total Annual Burden (Hours):</i>					5,948

Source: FDIC.

General Description of Collection: Upon the failure of an FDIC-insured depository institution, the FDIC is required to pay insured deposits as soon as possible. To do so, the FDIC must be able to quickly determine the total insured amount for each depositor. To make this determination, the FDIC must ascertain the balances of all deposit accounts owned by the same depositor in the same ownership capacity at a failed institution as of the day of failure. The FDIC issued a regulation (12 CFR 360.9) to modernize the process of determining the insurance status of each depositor in the event of failure of a covered institution. The regulations

enable operations of a large insured depository institution to continue functioning on the day following failure, support the FDIC's efforts to fulfill its legal mandates regarding the resolution of failed insured deposit institutions, and apply to the largest institutions only (\$2 billion in domestic deposits or more). More specifically, the regulations require the largest insured depository institutions to adopt mechanisms that would, in the event of the institution's failure (1) provide the FDIC with standard deposit account and customer information, and (2) allow the FDIC to place and release holds on liability accounts, including deposits. There is

no change in the methodology or substance of this information collection. The decrease in total estimated annual burden from 6,464 hours in 2021 to 5,948 hours currently is due to a decrease in estimated number or respondents.

2. *Title:* Assessment Rate Adjustment Guidelines for Large and Highly Complex Institutions.

OMB Number: 3064–0179.

Form Number: None.

Affected Public: Large and highly complex depository institutions.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0179]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Assessment Rate Adjustment Guidelines for Large and Highly Complex Institutions, 12 CFR part 327 (Required to obtain or retain benefits).	Reporting (On occasion).	1	1	80:00	80

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued
[OMB No. 3064–0179]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
Total Annual Burden (Hours):					80

General Description of Collection: The FDIC's deposit insurance assessment authority is set forth in section 7 of the Federal Deposit Insurance Act, 12 U.S.C. 1817(b) and (c), and promulgated in regulations under 12 CFR part 327. These regulations also set out the process for making adjustments to the total score of these institutions used by the FDIC in making deposit insurance assessments. Depository institutions are permitted to make a written request to the FDIC for an assessment adjustment. An institution is able to request review of, or appeal, an upward adjustment, the magnitude of an upward adjustment,

removal of a previously implemented downward adjustment or an increase in a previously implemented upward adjustment through the FDIC's internal review process set forth at 12 CFR 327.4(c). An institution can similarly request review of or appeal a decision not to apply an adjustment following a request by the institution for an adjustment. An institution can submit its written request for an adjustment to the FDIC's Director of the Division of Insurance and Research in Washington, DC. In making such a request, the institution will provide support by including evidence of a material risk or

risk mitigating factor that it believes was not adequately considered. There is no change in the methodology or substance of this information collection. The decrease in total estimated annual burden from 160 hours in 2021 to 80 hours currently is due to a decrease in estimated number or respondents.

3. *Title:* Minimum Requirements for Appraisal Management Companies.

OMB Number: 3064–0195.

Form Number: None.

Affected Public: Individuals or households; business or other for profit.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0195]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Written Notice of Appraiser Removal from Network or Panel, 12 CFR 323.10 (Mandatory).	Disclosure (On occasion).	8,481	1	00:05	707
2. Develop and Maintain a State Licensing Program, 12 CFR 323.11(a) and (b) (Mandatory).	Recordkeeping (On occasion).	1	1	40:00	40
3. AMC Disclosure Requirements (State-regulated AMCs), 12 CFR 323.12 (Mandatory).	Disclosure (On occasion).	1,206	1	01:00	1,206
4. AMC Disclosure Requirements (Federally regulated AMCs), 12 CFR 323.13(c) (Mandatory).	Disclosure (On occasion).	38	1	01:00	38
Total Annual Burden (Hours):					1,991

Source: FDIC.

General Description of Collection: This information collection comprises recordkeeping and disclosure requirements under regulations issued by the FDIC, jointly with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the National Credit Union Administration, the Bureau of Consumer Financial Protection, and the Federal Home Finance Agency, that implement the minimum requirements in section 1473 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to be applied by States in the registration and supervision of appraisal management companies (AMCs). The regulations also implement the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council the information

required by the ASC to administer the new national registry of appraisal management companies (AMC National Registry or Registry). The information collection requirements are established in 12 CFR part 323 of the FDIC's codified regulations. There is no change in the methodology or substance of this information collection. The decrease in total estimated annual burden from 2,457 in 2021 to 1,991 currently is due to a change in the estimated number or respondents.

Request for Comment

Comments are invited on (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the

methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, September 3, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–20164 Filed 9–6–24; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM**Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities**

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 24, 2024.

A. Federal Reserve Bank of Cleveland (Nadine M. Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to

Comments.applications@clev.frb.org; 1. *The PNC Financial Services Group, Inc., Pittsburgh, Pennsylvania*; to engage in community development activities

up to 15 percent of total consolidated capital and surplus pursuant to section 225.28(b)(12) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Associate Secretary of the Board.

[FR Doc. 2024–20255 Filed 9–6–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[30Day–24–1430]

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 “*B. multivorans* Ice Machine Multistate Investigation” 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 April 12, 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. 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

B. Multivorans Ice Machine Multistate Investigation (OMB Control No. 0920–1430, Exp. 9/30/2024)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC has been assisting state and local jurisdictions investigate clusters of *Burkholderia multivorans* infections among patients admitted across four hospitals in two non-contiguous states. The outbreak strain of the bacteria has been identified in environmental samples from ice machines. Molecular analysis has shown that the bacterial strain identified in ice machines is genetically highly similar to the patient isolates. Further investigation revealed that the same brand of ice machine and the same filters, descaling/cleaning, and sanitizing products were used by the four hospitals. Epidemiologic and laboratory evidence suggest the possibility of contaminated nonsterile ice and water from the same brand of ice machines as a common source of exposure.

Further investigation is needed to identify the scope of the outbreak and the source of the ice machine contamination. CDC has deemed it necessary to conduct a national call for cases requesting that public health authorities report cases and clusters of *B. multivorans*. A case report form was developed by CDC to assist jurisdictions in this effort. Jurisdictions will gather information using this case report form to assist in determining epidemiologic characteristics and risk factors of patients with *B. multivorans* as well as

potential source(s) of *B. multivorans*, including ice machines and ice machine-related products (e.g., cleaning solutions). This data collection will enable CDC to better ascertain risk factors for transmission, potential source(s) of ice machine contamination,

and develop targeted infection prevention and control recommendations to stop the transmission of the bacteria. Since this non-research public health response remains active, CDC requests approval for continued information collection

activities for a period of three years. There are no proposed changes to the current information collection instrument. CDC requests OMB approval for an estimated 120 annualized burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Health department healthcare-associated infections/antimicrobial resistance (HAI/AR) program staff/epidemiologists.	<i>B. multivorans</i> outbreak investigation case report form.	40	1	3

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. 2024–20245 Filed 9–6–24; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Mine Safety and Health Research Advisory Committee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Mine Safety and Health Research Advisory Committee (MSHRAC). This is a hybrid meeting, accessible both in person and virtually. It is open to the public and limited only by the space available and the number of web conference lines available. Time will be available for public comment.

DATES: The meeting will be held on November 7, 2024, from 8:30 a.m. to 4:10 p.m., EST.

ADDRESSES: University of Kentucky, Mining and Minerals Resources Building, Room 102, 310 Columbia Avenue, Lexington, Kentucky 40508. The conference room accommodates approximately 100 people.

If you wish to attend the meeting either in person or virtually, please contact Ms. Berni Metzger by email at Metzger@cdc.gov or by phone at (412) 386–4541 at least 5 business days in

advance of the meeting. If you are attending virtually, she will provide you with the Zoom web conference access information (500 web conference lines are available).

FOR FURTHER INFORMATION CONTACT: Steven Mischler, Ph.D., Designated Federal Officer, Mine Safety and Health Research Advisory Committee, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 626 Cochran Mill Road, Pittsburgh, Pennsylvania 15236. Telephone: (412) 386–5688; Email: SMischler@cdc.gov.

SUPPLEMENTARY INFORMATION:
Purpose: The Mine Safety and Health Research Advisory Committee (MSHRAC) is charged with providing advice to the Secretary, Department of Health and Human Services; the Director, Centers for Disease Control and Prevention; and the Director, National Institute for Occupational Safety and Health (NIOSH), on priorities in mine safety and health research, including grants and contracts for such research, 30 U.S.C. 812(b)(2).

Matters to be Considered: The agenda will include discussions on NIOSH mining safety and health research organizational structure, capabilities, projects, and outcomes; discussions on intramural and extramural silica research; and a verbal report from MSHRAC’s Mace Underground Mine Safety and Health Research Laboratory Development Workgroup. The meeting will also include an update from the NIOSH Associate Deputy Director, Mine Safety and Research. Agenda items are subject to change as priorities dictate.

Public Participation

Written Public Comment: The public may submit written comments or questions in advance of the meeting, to the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT** above).

Written comments received in advance of the meeting will be included in the official record of the meeting, and questions will be answered during the oral comment period open to public participation.

Oral Public Comment: The meeting will include time for members of the public to make an oral comment. The public comment session will be held on November 7, 2024, at 3:30 p.m., EST, or the conclusion of the planned presentations, whichever comes first. Members of the public will be allocated 5 to 10 minutes each for presentations or comments, as a function of the number of commenters.

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. 2024–20253 Filed 9–6–24; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Clinical Laboratory Improvement Advisory Committee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting for the Clinical Laboratory Improvement Advisory Committee (CLIAC). This is a virtual meeting. It is open to the public, limited only by the number of webcast lines available. Time will be available for public comment, and the public is also welcome to submit written comments in advance of the meeting (see the public participation section below).

DATES: The meeting will be held on November 6, 2024, from 11 a.m. to 5 p.m., EST, and November 7, 2024, from 11 a.m. to 5 p.m., EST.

ADDRESSES: This is a virtual meeting. Meeting times are tentative and subject to change. The confirmed meeting times, agenda items, and meeting materials, including instructions for accessing the live meeting broadcast, will be available on the CLIAC website at <https://www.cdc.gov/cliac>. Check the website for the web conference link.

FOR FURTHER INFORMATION CONTACT: Heather Stang, M.S., Senior Advisor for Clinical Laboratories, Division of Laboratory Systems, Center for Laboratory Systems and Response, Office of Laboratory Science and Safety, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop V24-3, Atlanta, Georgia 30329-4027. Telephone: (404) 498-2769; Email: HStang@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The Clinical Laboratory Improvement Advisory Committee (CLIAC) is charged with providing scientific and technical advice and guidance to the Secretary, Department of Health and Human Services; the Assistant Secretary for Health; the Director, Centers for Disease Control and Prevention (CDC); the Commissioner, Food and Drug Administration (FDA); and the Administrator, Centers for Medicare & Medicaid Services (CMS). The advice and guidance pertain to general issues related to improvement in clinical laboratory quality and laboratory medicine and specific questions related to possible revision of the Clinical Laboratory Improvement Amendments of 1988 (CLIA) standards. Examples include providing guidance on studies designed to improve quality, safety, effectiveness, efficiency, timeliness, equity, and patient-centeredness of laboratory services; revisions to the standards under which clinical laboratories are regulated; the impact of

proposed revisions to the standards on medical and laboratory practice; the modification of the standards and provision of non-regulatory guidelines to accommodate technological advances, such as new test methods, electronic transmission of laboratory information, and mechanisms to improve the integration of public health and clinical laboratory practices.

Matters to be Considered: The agenda will include CDC, CMS, and FDA agency updates. Presentations and CLIAC discussions will focus on reports from two CLIAC workgroups, the Biosafety Workgroup and the Next Generation Sequencing Workgroup; cybersecurity requirements in the clinical laboratory; the determination of clinically relevant range of values for proficiency testing samples; and the utilization of remote technology for competency assessments. Agenda items are subject to change as priorities dictate.

Public Participation

It is the policy of CLIAC to accept written public comments and provide a brief period for oral public comments pertinent to agenda items.

Oral Public Comment: Public comment periods for each agenda item are scheduled immediately prior to the Committee discussion period for that item. In general, each individual or group requesting to present an oral comment will be limited to a total time of five minutes (unless otherwise indicated). Speakers should email CLIAC@cdc.gov or notify the contact person above (see **FOR FURTHER INFORMATION CONTACT**) at least five business days prior to the meeting date.

Written Public Comment: CLIAC accepts written comments until the date of the meeting (unless otherwise stated). However, it is requested that comments be submitted at least five business days prior to the meeting date so that the comments may be made available to the Committee for their consideration and public distribution. Written comments should be submitted by email to CLIAC@cdc.gov or to the contact person above. All written comments will be included in the meeting minutes posted on the CLIAC website.

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. 2024-20252 Filed 9-6-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Solicitation of Nominations for Appointment to the Board of Scientific Counselors Infectious Diseases**

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), is seeking nominations for membership on the Board of Scientific Counselors Infectious Diseases (BSC ID). The BSC ID consists of up to 17 experts from authorities knowledgeable in the fields relevant to the issues addressed by CDC's infectious disease national centers (e.g., respiratory diseases, healthcare-associated infections, antimicrobial resistance, foodborne diseases, zoonotic and vector-borne diseases, sexually transmitted diseases, preparedness) and related specialties, including clinical and public health practice (including state and local health departments), laboratory practice, research, diagnostics, microbiology, immunology, molecular biology, bioinformatics, infectious disease modeling and outbreak analytics, health policy/communications, and industry.

DATES: Nominations for membership on the BSC ID must be received no later than October 9, 2024. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to the Centers for Disease Control and Prevention, BSC ID, 1600 Clifton Road NE, Mailstop H16-5, Atlanta, Georgia 30329-4027 or emailed to SWiley@cdc.gov.

FOR FURTHER INFORMATION CONTACT: Sarah Wiley, M.P.H., Senior Advisor, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, 1600

Clifton Road NE, Mailstop H16–5,
Atlanta, Georgia 30329–4027.
Telephone: (404) 639–4840; Email:
SWiley@cdc.gov.

SUPPLEMENTARY INFORMATION:

Nominations are sought for individuals who have the expertise and qualifications necessary to contribute to the accomplishment of the objectives of the Board of Scientific Counselors Infectious Diseases (BSC ID). Nominees will be selected based on expertise in the fields of infectious diseases and related specialties, including those listed above. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of BSC ID objectives (<https://www.cdc.gov/bscid/php/about/index.html>).

Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on Federal workgroups or prior experience serving on a Federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Board members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning of and annually during their terms. The Centers for Disease Control and Prevention (CDC) reviews potential candidates for BSC ID membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in October 2025, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year.

Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not

employed by HHS. Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (e.g., CDC, National Institutes of Health, Food and Drug Administration).

Nominations may be submitted by the candidate or by the person/organization recommending the candidate.

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. 2024–20250 Filed 9–6–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Performance Review Board Members

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) is publishing the names of the Performance Review Board Members who are reviewing performance of Senior Executive Service (SES) members, Title 42 (T42) executives, Senior Level (SL), and ST (Scientific Professional) employees for fiscal year 2024.

FOR FURTHER INFORMATION CONTACT: Eva Osuchukwu, Team Chief, Executive and Scientific Resources Office, Human Resources Office, Centers for Disease Control and Prevention, 11 Corporate Square Blvd., Mailstop US11–2, Atlanta, Georgia 30341, Telephone (404)783–7410.

SUPPLEMENTARY INFORMATION:

The Civil Service Reform Act of 1978 (Pub. L. 95–454, 5 U.S.C. 4314(c)(4)) requires that the appointment of Performance Review Board Members be published in the **Federal Register**. The following persons will serve on the CDC

Performance Review Board, which will oversee the evaluation of performance appraisals of Senior Executive Service members for the fiscal year 2024 review period:

Arispe, Irma
Bonander, Jason
Dauphin, Leslie
Dulin, Stephanie
Durst, Kelley
Ethier, Kathleen, Co-Chair
George, Dylan
Kuhnert, Wendi
Laserson, Kayla
Perry, Terrance
Reh, Christopher
Taylor, Dia, Co-Chair
Tomlinson, Hank

Noah Aleshire,

Chief Regulatory Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–20226 Filed 9–6–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Board of Scientific Counselors, National Center for Health Statistics

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), is seeking nominations for membership on the Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS). The BSC, NCHS consists of up to 15 experts including the Chair in fields associated with the scientific and technical program objectives of the Center.

DATES: Nominations for membership on the BSC, NCHS will be accepted on a rolling basis. To be considered for the upcoming nomination slate, submissions should be received no later than November 22, 2024. Submissions received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed to NCHS-BSCmail@cdc.gov.

FOR FURTHER INFORMATION CONTACT: Naomi Michaelis, M.P.A., Designated Federal Officer, Board of Scientific

Counselors, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782. Telephone: (301) 332-3467; Email: NMichaelis@cdc.gov.

SUPPLEMENTARY INFORMATION:

Nominations are sought for individuals who have the expertise and qualifications necessary to contribute to the accomplishment of the objective of the Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS) to provide advice and guidance on statistical and epidemiological research, data collection, and activities that support NCHS, such as: determinants of health; extent and nature of illness and disability, including life expectancy; incidence and prevalence of various acute and chronic illnesses/impairments and accidental injuries; infant and maternal morbidity and mortality; nutrition status; environmental, social, and other hazards affecting health status; health resources associated with physician and dental visits, hospitalizations, nursing, extended care facilities, home health agencies, and other health institutions; utilization of health care in a broad array of settings; trends in prices/costs and sources of payments; Federal, State, and local government expenditures for health care services; the relationship between demographic and socioeconomic characteristics and health characteristics; family formation, growth, and dissolution; new or improved methods for obtaining current data on the aforementioned factors; data security and confidentiality and comparability of data; and standardized means to collect information and statistics.

Nominees will be selected based on expertise in fields associated with statistical, demographic, and epidemiological research, such as biostatistics/biometry, survey methodology and polling, sociology, reproductive health, minority health, nutrition, social and behavioral health sciences, and population-based public and environmental health; public health practice, *e.g.*, State and local health data systems; operations research, health policy, and health services research, including health economics and econometrics; provision of health services, *e.g.*, medicine, nursing, rehabilitation, other allied health care, and preventive medicine; health quality measurement and health indicators; health promotion; medical informatics; and data and health information

security, storage, confidentiality, and dissemination.

The Board makes recommendations about opportunities for NCHS programs to examine and employ new approaches to monitoring and evaluating key public health, health policy, and public policy changes. This includes automation, data modernization, and technological improvements to enhance data collection, analysis, access, and reporting capabilities of the Center. Members of the BSC, NCHS are responsible for maintaining awareness of emerging frameworks and technologies related to their individual disciplines and for providing updates and input, as appropriate, to the full Board through regular meetings and/or convening of workshops or symposia.

The selection of members is based on candidates' qualifications to contribute to accomplishing BSC, NCHS objectives (<https://www.cdc.gov/nchs/about/bsc.htm>). Members may be invited to serve for up to four-year terms.

Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on Federal workgroups or prior experience serving on a Federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Board members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning of and annually during their terms. The Centers for Disease Control and Prevention (CDC) reviews potential candidates for BSC, NCHS membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in June, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year.

Candidates should submit the following items:

- Cover letter that includes a statement of interest for serving on the Board and the names of two

professional references. Candidates may submit references from current HHS employees if they wish, but at least one reference must be submitted by a person not employed by an HHS agency (*e.g.*, CDC, Health Resources and Services Administration, National Institutes of Health, Agency for Healthcare Research and Quality).

- Current resume/curriculum vitae, including complete contact information (telephone numbers, work and home postal mailing addresses, email address) in Microsoft Word or PDF format.

- Short biographical sketch, including the top 3–5 areas of expertise.

Nominations may be submitted by the candidate or by the person/organization recommending the candidate.

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. 2024–20251 Filed 9–6–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–1984–14 and CMS–216–94]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public

comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 9, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

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. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently

approved collection; *Title of Information Collection:* Hospice Facility Cost Report Form; *Use:* Under the authority of sections 1815(a) and 1833(e) of the Social Security Act (the Act), CMS requires that providers of services participating in the Medicare program submit information to determine costs for health care services rendered to Medicare beneficiaries. CMS requires that providers follow reasonable cost principles under 1861(v)(1)(A) of the Act when completing the Medicare cost report (MCR). The regulations at 42 CFR 413.20 and 413.24 require that providers submit acceptable cost reports on an annual basis and maintain sufficient financial records and statistical data, capable of verification by qualified auditors. In addition, regulations require that providers furnish such Information to the contractor as may be necessary to assure proper payment by the program, receive program payments, and satisfy program overpayment determinations.

CMS regulations at 42 CFR 413.24(f)(4) require that each hospice submit an annual cost report to their contractor in a standard American Standard Code for Information Interchange (ASCII) electronic cost report (ECR) format. A hospice submits the ECR file to contractors using a compact disk (CD), flash drive, or the CMS approved Medicare Cost Report E-filing (MCREF) portal, [URL: <https://mcref.cms.gov>]. The instructions for submission are included in the hospice cost report instructions on page 43-3.

CMS requires the Form CMS-1984-14 to determine a hospice's reasonable costs incurred in furnishing medical services to Medicare beneficiaries. CMS uses the Form CMS-1984-14 for rate setting; payment refinement activities, including developing a market basket; Medicare Trust Fund projections; and program operations support. Additionally, the Medicare Payment Advisory Commission (MedPAC) uses the hospice cost report data to calculate Medicare margins (a measure of the relationship between Medicare's payments and providers' Medicare costs) and analyze data to formulate Medicare Program recommendations to Congress. *Form Number:* CMS-1984-14 (OMB control number: 0938-0758); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits, Not for profits institutions; *Number of Respondents:* 6,430; *Total Annual Responses:* 6,430; *Total Annual Hours:* 1,208,840. (For policy questions regarding this collection contact Duncan Gail at 410-786-7278.)

2. *Type of Information Collection:* Extension of a currently approved collection; *Title of Information*

Collection: Organ Procurement Organization Histocompatibility Laboratory Cost Report; *Use:* The Form CMS-216-94 cost report is needed to determine Organ Procurement Organization (OPO)/Histocompatibility Lab (HL) reasonable costs incurred in procuring and transporting organs for transplant into Medicare beneficiaries and reimbursement due to or from the provider. The reasonable costs of procuring and transporting organs cannot be determined for the fiscal year until the OPO/HL files its cost report and costs are verified by the Medicare contractor. During the fiscal year, an interim rate is established based on cost report data from the previous year. The OPO/HL bills the transplant hospital for services rendered. The transplant hospital pays interim payments, approximating reasonable cost, to the OPO/HL. The Form CMS-216-94 cost report is filed by each OPO/HL at the end of its fiscal year and there is a cost report settlement to take into account increases or decreases in costs. The cost report reconciliation and settlement take into consideration the difference between the total reasonable costs minus the total interim payments received or receivable from the transplant centers. *Form Number:* CMS-216-94 (OMB control number: 0938-0102); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 95; *Total Annual Responses:* 95; *Total Annual Hours:* 4,275. (For policy questions regarding this collection contact Luann Piccione at 410-786-5423.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024-20236 Filed 9-6-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-E-2484]

Determination of Regulatory Review Period for Purposes of Patent Extension; PLUVICTO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for PLUVICTO and is publishing this notice of that determination as required

by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by November 8, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 10, 2025. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

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 November 8, 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-2023-E-2484 for “Determination of Regulatory Review Period for Purposes of Patent Extension; PLUVICTO.” 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 § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the

electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product’s regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA’s determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, PLUVICTO (lutetium Lu 177 vipivotide tetraxetan) indicated for the treatment of adult patients with prostate-specific membrane antigen-positive metastatic castration-resistant prostate cancer who have been treated with androgen receptor pathway inhibition and taxane-

based chemotherapy. Subsequent to this approval, the USPTO received a patent term restoration application for PLUVICTO (U.S. Patent No. 10,398,791) from Advanced Accelerator Applications USA, Inc. (Agent of Deutsches Krebsforschungszentrum & Ruprecht-Karls-Universität Heidelberg) and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated October 19, 2023, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of PLUVICTO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for PLUVICTO is 1,881 days. Of this time, 1,643 days occurred during the testing phase of the regulatory review period, while 238 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* January 29, 2017. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on January 29, 2017.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* July 29, 2021. FDA has verified the applicant's claim that the new drug application (NDA) for PLUVICTO (NDA 215833) was initially submitted on July 29, 2021.

3. *The date the application was approved:* March 23, 2022. FDA has verified the applicant's claim that NDA 215833 was approved on March 23, 2022.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 523 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21

CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA-2013-S-0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: September 4, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-20246 Filed 9-6-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders Meeting and Solicitation for Oral and Written Comments Regarding Activities To Support the Advancement of Equity, Justice, and Opportunity for Asian American, Native Hawaiian, and Pacific Islander Communities.

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Intergovernmental and External Affairs, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders.

ACTION: Notice of meeting and solicitation for written and oral comments.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the tenth public meeting of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (Commission) and the solicitation of written and oral comment regarding the advancement of equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities. The meeting is open to

the public and will be held in Washington, District of Columbia. Virtual attendance will be available through livestream on September 23, 2024. The Commission will also host an in-person, public listening session on September 26, 2024, at the U.S. Department of Transportation Headquarters Building in Washington, District of Columbia. The Commission is working to accomplish its mission to provide independent advice and recommendations to the President on ways to advance equity, justice, and opportunity for AA and NHPI communities.

DATES: The Commission will meet on September 23, 2024, from 9:15 a.m. Eastern Time (ET) to 4 p.m. ET. The final location and agenda will be posted on the website for the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders: <https://www.hhs.gov/about/whiaanhpi/commission/index.html> when this information becomes available. On September 26, 2024, the Commission will also host an in-person listening session from 11:20 a.m. Eastern Time (ET) to 12:10 p.m. ET during the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) Policy Summit in Washington, District of Columbia.

ADDRESSES: Members of the public may attend the meeting on September 23, 2024, virtually. Members of the public may attend the listening session on September 26, 2024, in-person.

Registration is required through the following links:

September 23 meeting (virtual attendance only): <https://www.eventbrite.com/e/meeting-of-the-presidents-advisory-commission-on-aa-and-nhpi-tickets-942107116747>

September 26 listening session (in-person attendance only): <https://www.eventbrite.com/e/white-house-aa-nhpi-policy-summit-tickets-942113816787>

FOR FURTHER INFORMATION CONTACT:

Judith Teruya, Lead Designated Federal Officer, President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, U.S. Department of Health and Human Services, Office of the Secretary, Office of Intergovernmental and External Affairs, U.S. Department of Health and Human Services, Hubert Humphrey Building, 620E, 200 Independence Ave. SW, Washington, DC 20201; email: AAANHPICommission@hhs.gov; telephone: (240) 856-3034.

SUPPLEMENTARY INFORMATION:

Background: The meeting is the tenth in a series of Federal advisory committee meetings regarding the development of recommendations to advance equity, justice, and opportunity for AA and NHPI communities. The meeting is open to the public and will be live streamed. The Commission, co-chaired by U.S. Health and Human Services Secretary Xavier Becerra and the U.S. Trade Representative Ambassador Katherine Tai, advises the President on: the development, monitoring, and coordination of executive branch efforts to advance equity, justice, and opportunity for AA and NHPI communities in the United States, including efforts to close gaps in health, socioeconomic, employment, and educational outcomes; policies to address and end anti-Asian bias, xenophobia, racism, and nativism, and opportunities for the executive branch to advance inclusion, belonging, and public awareness of the diversity and accomplishments of AA and NHPI people, cultures, and histories; policies, programs, and initiatives to prevent, report, respond to, and track anti-Asian hate crimes and hate incidents; ways in which the Federal Government can build on the capacity and contributions of AA and NHPI communities through equitable Federal funding, grantmaking, and employment opportunities; policies and practices to improve research and equitable data disaggregation regarding AA and NHPI communities; policies and practices to improve language access services to ensure AA and NHPI communities can access Federal programs and services; and strategies to increase public-and private-sector collaboration, and community involvement in improving the safety and socioeconomic, health, educational, occupational, and environmental well-being of AA and NHPI communities.

Information is available on the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders website at <https://www.hhs.gov/about/whiaanhpi/commission/index.html>. The names of the members of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders are available at <https://www.hhs.gov/about/whiaanhpi/commission/commissioners/index.html>.

Purpose of Meeting: The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, authorized by Executive Order 14031, as amended by Executive Order 14109, will meet to discuss recommendations by the Commission's six subcommittees on ways to advance equity, justice, and

opportunity for Asian American, Native Hawaiian, and Pacific Islander communities. The subcommittees are: Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination; Data Disaggregation and Education; Economic Equity; Health Equity; Immigration and Citizenship Status; and Language Access and Communications.

Public Participation at Meeting: Members of the public may attend the meeting virtually. On September 26, the Commissioners will hold an in person public listening session. Registration is required through the following links:

September 23 (virtual attendance only): <https://www.eventbrite.com/e/meeting-of-the-presidents-advisory-commission-on-aa-and-nhpi-tickets-942107116747>

September 26 (in-person attendance only): <https://www.eventbrite.com/e/white-house-aa-nhpi-policy-summit-tickets-942113816787>

Written public comments: Written comments are welcomed throughout the development of the Commission's recommendations to promote equity, justice, and opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders and may be emailed to AANHPICommission@hhs.gov at any time. Respond concisely and in plain language. You may use any structure or layout that presents your information well. You may respond to some or all of the questions, and you can suggest other factors or relevant questions. You may also include links to online material or interactive presentations. Clearly mark any proprietary information and place it in its own section or file. Your response will become government property, and non-proprietary content may be published as public record.

Oral public comments: Individuals may submit a request to make an oral public comment at the September 26, 2024, in-person listening session in response to the questions below. Advance copy of oral public comment must be sent via email to AANHPICommission@hhs.gov with the subject line "PACAANHPI: In-person Response to [insert the issue and question]" no later than 11:59 p.m. ET on Wednesday, September 18, 2024. Submissions received after the deadline will be considered for oral public comment as availability allows. Your submitted oral comment will become government property and may be published as part of the meeting record. Registration for oral public comment is on a first-come, first-served basis. Comments are limited to two (2) minutes or less per person. After the

maximum number of speakers is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. You will be notified via email no later than September 19, 2024, if you have been identified to provide in-person public comment.

The Commission is interested in soliciting comments on the following questions:

1. Is information on how to report hate crimes to local law enforcement or the appropriate Federal authorities easily accessible to members of your community?

2. In what ways could local law enforcement or relevant Federal authorities make hate crimes reporting more accessible for vulnerable communities, such as utilizing online reporting portals, telephone reporting, or allowing third parties to submit incident reports on behalf of victims?

3. In what ways could hate crimes reporting mechanisms be improved or expanded to ensure victims of hate crimes are reporting incidents back to law enforcement?

4. When you report a hate crime or hate incident to law enforcement or a Federal agency, what outcome or response do you expect to receive from the respective agency?

Authority: Executive Order 14031 as amended by Executive Order 14109. The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders is governed by provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of Federal advisory committees.

Krystal Ka'ai,

Executive Director, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders.

[FR Doc. 2024-20047 Filed 9-6-24; 8:45 am]

BILLING CODE 4150-28-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Department of Health and Human

Services (HHS) announces the following joint meeting of the Subcommittee on Privacy, Confidentiality, and Security and the Subcommittee on Standards, two subcommittees of the National Committee on Vital and Health Statistics. This meeting is open to the public.

DATES: Thursday, September 19, 2024: 11 a.m.–5 p.m. EDT and Friday, September 20, 2024: 10 a.m.–3 p.m. EDT.

ADDRESSES: Virtual open meeting. The public is welcome to obtain the link to attend this meeting by following the instructions posted on the Committee website: <https://ncvhs.hhs.gov/meetings/full-committee-meeting-17/>.

FOR FURTHER INFORMATION CONTACT: Substantive program information may be obtained from Naomi Michaelis, MPA, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, or via electronic mail to nmichaelis@cdc.gov; or by telephone (301) 458–4202. Summaries of meetings and a roster of Committee members are available on the NCVHS website <https://ncvhs.hhs.gov/>, where further information including an agenda and instructions to access the broadcast of the meeting will be posted.

Should you require reasonable accommodation, please telephone the CDC Office of Equal Employment Opportunity at (770) 488–3210 as soon as possible.

SUPPLEMENTARY INFORMATION: As outlined in its Charter, the National Committee on Vital and Health Statistics assists and advises the Secretary of HHS on health data, data standards, statistics, privacy, national health information policy, and the Department's strategy to best address those issues. The original authorities of NCVHS are described at 42 U.S. Code 242k. Additional authorities were added by the Health Insurance Portability and Accountability Act of 1996 (HIPAA, Pub. L. 104–191, 110 Stat. 1936, Aug. 21, 1996), under which NCVHS advises the Secretary on administrative simplification standards, including those for privacy, security, adoption and implementation of transaction standards, unique identifiers, code sets, and operating rules adopted under the Patient Protection and Affordable Care Act (ACA, Pub. L. 111–148, 124 Stat. 119, Mar. 23, 2010). Included in HIPAA is the statutory reporting requirement that the Committee submit to Congress and make public, a report regarding the implementation of part C of title XI of the Social Security Act.

Purpose: The purpose of the Joint Meeting of the Subcommittee on Privacy, Confidentiality and Security and the Subcommittee on Standards is to gather information and plan for upcoming projects. There will be a panel on privacy and security in health data access with invited experts. The agenda will also include updates from the Department, an update on the ongoing work of the ICD–11 Workgroup, and preparation for the upcoming work of the Subcommittee on Standards and a celebration of the 75th anniversary of the Committee.

The Committee will reserve time on the agenda for public comment. Meeting times and topics are subject to change. Please refer to the agenda posted on the NCVHS website for updates: <https://ncvhs.hhs.gov/meetings/full-committee-meeting-17/>.

Sarah Lessem,

Executive Director, NCVHS, Senior Data Policy Analyst, Office of Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2024–20232 Filed 9–6–24; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse, Initial Review Group; Career Development Education and Training Study Section.

Date: October 24–25, 2024.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sindhu Kizhakke Madathil, Ph.D., Scientific Review Officer,

Division of Extramural Research, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5702, sindhu.kizhakkemadathil@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Transformative Research on the Basic Mechanisms of Polysubstance Use in Addiction.

Date: November 1, 2024.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sindhu Kizhakke Madathil, Ph.D., Scientific Review Officer, Division of Extramural Research, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5702, sindhu.kizhakkemadathil@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Addressing HIV in Highest Risk Sexual and Gender Minorities.

Date: November 4, 2024.

Time: 12:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shareen Amina Iqbal, Ph.D., Scientific Review Officer, Division of Extramural Research, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 443–4577, shareen.iqbal@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Functional Validation and/or Characterization of Genes or Variants Implicated in Substance Use Disorders and NIDA Animal Genomics Program.

Date: November 19, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Devon Rene Oskvig, Ph.D., Scientific Review Officer, Division of Extramural Research, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 402–6965, devon.oskvig@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: September 4, 2024

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20268 Filed 9–6–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2024 Notice of Supplemental Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, Department of Health and Human Services (HHS).

ACTION: Notice of intent to award supplemental funding.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) is supporting administrative supplements in scope of the parent award for the 59-eligible Community Mental Health Services Block Grant (MHBG) recipients funded under the FFY 2024–2025 Combined Block Grant Application (OMB Control Number 0930–0168). The distribution of MHBG funds, including funds allocated for technical assistance, must adhere to a statutory formula. The formula considers the population at risk, the cost of providing services, and other relevant factors. To comply with these requirements, technical assistance funds will be distributed to States and territories using this established formula. These awards have a project end date of September 30, 2025.

FOR FURTHER INFORMATION CONTACT:

Asha Stanly, MHBG Program Coordinator, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857, telephone (240) 276–1845; email: Asha.Stanly@samhsa.hhs.gov.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: FY 2024 Community Mental Health Services Block Grant OMB No. 0930–0168.

Assistance Listing Number: 93.958.

Authority: Sections 1911–1920 of title XIX, part B, subpart I of the Public Health Service Act (42 U.S.C. 300x–300x–9) and sections 1941–1956 of title XIX, part B, subpart III of the Public Health Service Act (42 U.S.C. 300x–51–66).

Justification: Eligibility for this supplemental funding is limited to the 59 MHBG recipients of MHBG funding under the FFY 2024–2025 Combined

Block Grant Application (OMB Control Number 0930–0168).

This is not a formal request for application. Assistance will only be provided to the 59 MHBG recipients based on the receipt of a written statement from the MHBG recipients, confirming their interest in receiving these funds.

Dated: September 3, 2024.

Savannah Kidd,

Public Health Analyst.

[FR Doc. 2024–20184 Filed 9–6–24; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2024 Notice of Supplemental Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, Department of Health and Human Services (HHS).

ACTION: Notice of intent to award supplemental funding.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) is supporting administrative supplements in scope of the parent award for the 56 eligible grant recipients funded in FY 2024 Projects for Assistance in Transition from Homelessness Grant (PATH), Notice of Funding Opportunity (NOFO) SM–24–F2. Each PATH recipient may receive up to \$8,967. These awards have a project end date of September 29, 2025.

FOR FURTHER INFORMATION CONTACT:

Dorrine Gross, PATH Program Coordinator, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857, Telephone (240) 276–1898; Email: Dorrine.Gross@samhsa.hhs.gov.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: FY 2024 Projects for Assistance in Transition from Homelessness, SM–24–F2.

Assistance Listing Number: 93.150.

Authority: The PATH program was originally authorized as section 521 of the Public Health Service Act (42 U.S.C. 290cc–21) established by the Stewart B. McKinney Homeless Assistance Amendments Act of 1990 (Pub. L. 101–645) and was most recently re-authorized through the Consolidated Appropriations Act, 2023 (Pub. L. 117–328).

Justification: Eligibility for this supplemental funding is limited to the

56 PATH recipients awarded under funding announcement SM–24–F2 as they are currently providing services as defined in statute.

This is not a formal request for application. Assistance will only be provided to the 56 PATH recipients based on the receipt of a statement requesting the funds, including a description of how the PATH recipient intends to use the supplemental funds.

Dated: September 3, 2024.

Savannah Kidd,

Supervisory Public Health Analyst.

[FR Doc. 2024–20183 Filed 9–6–24; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2007–0008]

National Advisory Council; Meeting

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Federal Emergency Management Agency's National Advisory Council (NAC) will meet on Sept. 25–26, 2024 to publicly consider, deliberate and vote upon draft recommendations developed by NAC subcommittees in 2024. This meeting will be open to the public through virtual means and, space permitting, to in-person attendance requests.

DATES: The NAC plans to meet and invite the public to watch and participate by virtual means from noon to 4:15 p.m. Eastern Time (ET) on Wednesday, Sept. 25; and from 1 p.m. to 5:15 p.m. ET on Thursday, Sept. 26. The meeting may pause for breaks or continue past the scheduled end time or may end early any day that the NAC has completed its business.

ADDRESSES: Anyone who wishes to participate virtually must register with FEMA in advance by providing their name, official title, organization, telephone number, and email address to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below by 3 p.m. ET on Friday, Sept. 20. Anyone willing to meet the access requirements of the secure facility at 1015 Half St. SE, Washington, DC 20003 at which this meeting will be held may request to be considered for in-person participation, space permitting, if the request is received by 3 p.m. on Wednesday, Sept.

18. All members of the public are urged to provide written comments on the issues to be considered by the NAC in advance. The topic areas are indicated in the **SUPPLEMENTARY INFORMATION** section below. Any written comments must be submitted and received by 3 p.m. ET on Friday, Sept. 20, identified by Docket ID FEMA–2007–0008, and submitted via the Federal eRulemaking Portal at <http://www.regulations.gov>, following the instructions for submitting comments below.

Instructions for Submitting

Comments: All submissions must include the words “Federal Emergency Management Agency” and the docket number (Docket ID FEMA–2007–0008) for this action. Comments received, including any personal information provided, will be posted without alteration at <http://www.regulations.gov>. For access to the docket or to read comments received by the NAC, go to <http://www.regulations.gov>, and search for Docket ID FEMA–2007–0008.

An open public comment period is anticipated on Thursday, Sept. 26, from 5 to 5:15 p.m. ET. All speakers must register in advance of the meeting to ensure their place, first-come, first-served, in the open public comment period. Speakers must limit their comments to three minutes. Comments should be addressed to the NAC. Comments unrelated to posted agenda topics will not be considered. To register to make remarks during the public comment period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below by 3 p.m. ET on Friday, Sept. 20. Please note that the open public comment period may end before the time indicated, following the last call for comments. The Designated Federal Officer may, as time permits during the meeting, offer additional opportunities for public participant comments on Wednesday, Sept. 25 and Thursday, Sept. 26.

The NAC is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible. Last-minute requests will be accepted but may not be possible to fulfill.

FOR FURTHER INFORMATION CONTACT: Rob Long, Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C St. SW, Washington, DC 20472–3184, 202–646–2700, FEMA-NAC@fema.dhs.gov. The NAC website

is <https://www.fema.gov/about/offices/national-advisory-council>.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. ch. 10.

The NAC advises the FEMA Administrator on all aspects of emergency management. The NAC includes and incorporates input from a cross-section of officials, emergency managers, and emergency response providers from state, local, Tribal and territorial governments, the private sector, and nongovernmental organizations.

Agenda: On Wednesday, Sept. 25, the NAC subcommittees on climate, gender-based violence, and readiness and workforce, will present to the full NAC on their final annual recommendations. Additionally, the NAC will deliberate and vote on recommendations from the Preliminary Damage Assessment Advisory Panel. On Thursday, Sept. 26, the NAC will deliberate and vote on adoption of NAC 2024 recommendations not already adopted the prior day. The public meeting agenda and any preparatory materials will be available on Friday, Sept. 20 at <https://www.fema.gov/about/offices/national-advisory-council>.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–20188 Filed 9–6–24; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. FEMA–2024–0019]

Privacy Act of 1974; System of Records

AGENCY: Federal Emergency Management Agency, U.S. Department of Homeland Security.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) proposes to modify and reissue an existing DHS system of records titled, “DHS/FEMA–008 Disaster Recovery Assistance Files System of Records.” This system of records describes DHS/FEMA’s collection and maintenance of records on applicants for its Disaster Assistance programs that provide financial and other assistance to survivors of Presidentially declared disasters or

emergencies. DHS/FEMA is updating this system of records notice to add or modify several routine uses and update the categories of records. This modified system will be included in DHS’s inventory of record systems.

DATES: Submit comments on or before October 9, 2024. This modified system will be effective upon publication. New or modified routine uses will be effective October 9, 2024.

ADDRESSES: You may submit comments, identified by docket number FEMA–2024–0019 by one of the following methods:

- **Federal e-Rulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 202–343–4010.

- **Mail:** Deborah T Fleischaker, Chief Privacy Officer (A), Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number FEMA–2024–0019. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Russell Bard, (202) 766–0582, FEMA-Privacy@fema.dhs.gov, Chief Privacy Officer, Federal Emergency Management Agency, U.S. Department of Homeland Security, Washington, DC 20528. For privacy questions, please contact: Deborah T Fleischaker, Privacy@hq.dhs.gov, Chief Privacy Officer (A), Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, this modified system of records notice is being published because the Federal Emergency Management Agency (FEMA) collects, maintains, uses, retrieves, and disseminates personally identifiable information of individuals who apply for FEMA disaster assistance when a Presidential disaster declaration or emergency has occurred or may be imminent. Applicant records maintained in this FEMA system may contain income information, insurance information, housing inspection reports, correspondence and notations about delivery of various types of assistance,

and appeals and recovery of disaster assistance funds information.

The purpose of this system of records is to facilitate registration for FEMA's disaster assistance programs; correspond with applicants; verify Individuals and Households Program (IHP) Assistance applicant information; determine the eligibility of applicants; and focus, direct, and refer applicants to all sources of disaster assistance. Additional purposes include: preventing a duplication of Federal Government efforts and benefits; identifying the potential misuse of disaster assistance; identifying disaster assistance provided in error; identifying and preventing possible fraudulent activity in anticipation of or after a Presidentially declared major disaster or emergency; and assessing FEMA's disaster assistance programs for equity and customer satisfaction. The information maintained in this system of records may also be used by FEMA to identify and implement measures to reduce future disaster damage. To accomplish these purposes, FEMA may maintain investigative summary reports in this system of records to support the recoupment, appeals, and oral hearing processes.

FEMA is updating this system of records notice to reflect the following changes: the addition and modification of new routine uses and an addition to the categories of records maintained in the system. Routine Use I is being modified for clarity by separating the two purposes of addressing disaster-related unmet needs and duplication of benefits into distinct routine uses. Routine Use J is being modified to allow FEMA to more broadly share data to appropriate agencies and organizations to assist with addressing disaster-related unmet needs of survivors and to specifically allow FEMA to share data limited to survivor name and contact information when certain entities that do not address disaster-related unmet needs of survivors provide other services like outreach or referrals. This modification also will enable FEMA to share data with local government entities that provide services to address disaster-related unmet needs, for example, if a local government needs to implement a State disaster program. This need often arises with States that require the use of local resources to implement the State disaster program. Additionally, Routine Use K has been added, replacing the previous Routine Use K, to cover limited sharing to government and private entities that issue permits and connect utilities to FEMA-provided temporary housing units for FEMA applicants eligible for

direct temporary housing assistance, previously addressed (in part) under Routine Use I. Proceeding routine uses have been re-lettered accordingly.

The categories of records have been updated to include the data element Contractor Identification (ID). Contractor ID is a unique number specific to each contractor FEMA hires to conduct damage inspections of homes after a declared disaster to enable FEMA to determine survivor eligibility for assistance. FEMA added Contractor ID for a more comprehensive list of data included in the Inspection Reports and for quality control purposes.

Consistent with DHS's information sharing mission, information stored within the DHS/FEMA-008 Disaster Recovery Assistance Files System of Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/FEMA may share information with appropriate Federal, State, local, Tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

This modified system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, and judicial review for denials of such requests. In addition, the JRA prohibits disclosure of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/FEMA-008 Disaster Recovery Assistance Files System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this

system of records to the Office of Management and Budget and Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)-008 Disaster Recovery Assistance Files System of Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

DHS/FEMA maintains records at the FEMA Headquarters in Washington, DC; FEMA Regional Offices; Joint Field Offices; National Processing Service Centers; Disaster Recovery Centers; and the DHS/FEMA data centers located in Bluemont, Virginia and Clarksville, Virginia.

SYSTEM MANAGER(S):

Deputy Director, Individual Assistance Division, (202) 646-3642, *femahqiafrontoffice@fema.dhs.gov*, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), Public Law 93-288, as amended (42 U.S.C. 5121-5207); 6 U.S.C. 728, 776, 777, and 795; the Debt Collection Improvement Act of 1996, 31 U.S.C. 3325(d) and 7701(c)(1); the Government Performance and Results Act, Public Law 103-62, as amended; Executive Order 13411; and Executive Order 12862.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to register applicants seeking disaster assistance from FEMA after a Presidential major disaster declaration or emergency and when a declaration may be imminent, but not yet declared; verify Individuals and Households Program applicant information; determine eligibility of applicants; correspond with, focus, direct, and refer applicants to available sources of disaster assistance; and inspect damaged property. Additional purposes include: to identify and implement measures to reduce future disaster damage; prevent or correct a duplication of Federal Government efforts and benefits; identify possible fraudulent activity after a Presidentially declared disaster or emergency; identify assistance provided in error, funds spent inappropriately by the applicant, or misuse of disaster assistance; and assess the customer satisfaction of FEMA disaster assistance applicants.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals and their household members who apply for or express interest in applying for FEMA disaster assistance following a Presidentially declared major disaster or emergency and when a declaration may be imminent (Note: FEMA will accept applications from any individual; however, an individual must self-certify as a U.S. citizen, non-citizen national, or qualified non-citizen to meet the eligibility requirements for Individuals and Households Program Assistance). Individuals also include those who apply for or express interest in non-FEMA assistance programs to facilitate a duplication of benefits check or determination of unmet needs.

CATEGORIES OF RECORDS IN THE SYSTEM:**(a) Registration and Assistance Records.**

- Disaster number;
- FEMA Registration ID/Occupant ID;
- Applicant/co-applicant information:

- Full name;
- Social Security number or A-Number;
- Citizenship status;
- Signature;
- Date of birth;
- Phone numbers;
- Email addresses;
- Mailing addresses;
- Position title and number of years;
- Employer name;
- Language(s) spoken;
- Number of dependents claimed;
- User ID;
- Password; and
- Personal Identification Number (PIN).
- Witness name and signature;
- Damaged dwelling:
 - Addresses of the damaged dwelling and the applicant's current address (if other than the damaged dwelling);
 - County;
 - Geospatial location of the damaged dwelling; and
 - Information related to the residence (accessibility, type, own/rent, damage sustained).
- Disaster-related expenses;
- Emergency needs (e.g., food, clothing, shelter);
- Disability-related needs and accommodations (e.g., sign language interpreter, Assistive Listening Device, braille, wheelchair access, mobility, mental, hearing, vision, other needs and accommodations);
- Occupant and household information (for all occupants at the time of disaster):
 - Name (first name, middle initial, last name);

- Age;
- Relationship to applicant;
- Dependent;
- Sex;
- Pre- and post-disaster income information of occupants 18 years of age or older; and
- Tribal Membership Status (if applicable).
 - Business damage:
 - Self-employment is primary income (Yes/No); and
 - Business or rental property affected? (Yes/No)
 - Authorization for electronic funds transfer of benefits:
 - Institution name;
 - Account type; and
 - Account number and routing number.
 - Comments and correspondence from the applicant;
 - Supporting documents that show proof of occupancy or ownership of a dwelling and/or verify identity. This includes:
 - Driver's license;
 - State/Federal issued photo identification;
 - Mortgage payment receipts;
 - Real property insurance;
 - Tax receipts or property tax bill;
 - Property title;
 - Contract for deed;
 - Voter registration card;
 - Death certificate and will; and/or
 - Maintenance receipts.
 - Public records information for identity verification;
 - Pre-registration questionnaire information;
 - Disaster loan status (i.e., rejected, approved, declined, verified, cancelled);
 - Applicant travel and accommodations related information (e.g., flight information, travel assistance needs, companion information);
 - Information related to determining eligibility for assistance, including date of the disaster, application status, insurance information, types and amount of damage to the dwelling, supporting documentation (e.g., death certificates, invoices, receipts, and documentation to support accommodations or access and functional need requests and repairs) and results of the home inspection (including inspector's notes and determination).
 - Landowner's or landlord's information (in cases where FEMA is placing a manufactured housing unit on the individual's land or for other temporary housing assistance):
 - Name;
 - Address;
 - Phone number; and
 - Signature.

- Correspondence and documentation related to determining eligibility and appropriate housing unit size, type, and location for temporary housing assistance, including general correspondence; complaints; requests for disbursement of payments; inquiries from tenants and landlords; information related to household access and functional needs; general administrative and fiscal information; payment schedules and forms; termination notices; information shared with the temporary housing program staff from other agencies to prevent the duplication of benefits; leases; contracts; specifications for repair of disaster damaged residences; reasons for revocation or denial of aid; sales information related to occupant purchase of housing units; and the status or disposition of housing applications;
- Recoupment, appeals, and/or arbitration (oral hearings) of such determinations;
- Notice of Potential Debt Letter;
- Notations and reports of decisions for disaster or similar financial awards and assistance from other FEMA Programs, Federal and State agencies, insurance companies, employers, banks, financial, power/utility companies, health care providers, safety/rescue services, and public or private entities as they relate to determinations of applicants' eligibility for Individuals and Households Program disaster assistance; and
- Unsolicited information concerning an individual's suspected or actual exposure to illness during a public health emergency, including, but not limited to quarantine or isolation orders.

(b) Inspection Reports:

- Inspection reports contain applicants' personally identifiable information (as outlined above) and results of assessments of damaged real property; personal property; and goods, which may include: descriptions and photographic images of an applicant's home and personal items; video and/or audio of the inspection conducted on the home; and notations of cleaning, sanitizing, and debris removal by contractors and partnering agencies. Inspection reports may also include Inspector ID and Contractor ID.

(c) Assistance from Other Sources:

- Other files independently maintained by the State, territory, Tribe, local government, voluntary agency, or other source of assistance that contain records of persons who request disaster aid, including for the "Other Needs" assistance provision of the Individuals and Households Program administrative files and reports required by FEMA. The

States, territories, Tribes, local governments, voluntary agencies, and other sources of assistance maintain the same type of information about individuals as described above under registration, inspection, and temporary housing assistance records.

- Records of assistance from the FEMA National Flood Insurance Program to avoid duplication of benefits (name, address, disaster assistance coverage required code, policy number, policy number, policy effective date, policy coverage building, policy coverage contents, new policy date, and expiration date).

(d) Customer service survey responses

- Demographic information, pursuant to Executive Order 13985 (race, ethnicity, religion, gender, sex, nationality, age, disability, English proficiency, economic status, income level, marital status); and
- Responses to customer service and customer satisfaction survey questions.

(e) Investigation results that may contain the name and address of the applicants to support recoupment, appeals, oral hearings, or other legal proceedings to recover disaster assistance.

RECORD SOURCE CATEGORIES:

FEMA receives information from individuals who apply for disaster assistance through three different means: (1) Electronically via <https://www.disasterassistance.gov> (FEMA Form 009-0-1 and FEMA Form 009-0-2); (2) by calling FEMA's toll-free number 1-800-621-3362 (FEMA Form 009-0-1t and FEMA Form 009-0-2t); and (3) through submission of a paper copy of pre-registration intake, FEMA Form 009-0-1 and its Spanish-language equivalent, FEMA Form 009-0-2. In addition, information in this system of records derives from Temporary Housing Assistance Eligibility Determinations (FEMA Forms 009-0-5 and 009-0-6), Application for Continued Temporary Housing Assistance (FEMA Form 010-0-12), and Housing Inspections (FEMA Forms 009-0-143, 009-0-144, and 009-0-145). Information may also come from FEMA inspectors; financial institutions; insurance companies; other Federal, State, territorial, local, Tribal, and voluntary agencies; and commercial databases (for verification purposes, such as third-party identity proofing that verifies an individual's identity by validating the applicant's responses to verification questions). The final investigative summary report is maintained in this system of records if an applicant's file is investigated for potential fraud.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information maintained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other Federal agencies conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant and necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;
2. Any employee or former employee of DHS in their official capacity;
3. Any employee or former employee of DHS in their individual capacity, only when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity when DHS determines that information maintained in this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a

suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To an appropriate Federal, State, Tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS/FEMA, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same requirements and limitations on disclosure as are applicable to DHS/FEMA officers and employees.

I. To Federal, State, Tribal, territorial, and local governments, and voluntary organizations when disclosure of applicant information is necessary to prevent a duplication of efforts or a duplication of benefits in determining eligibility for disaster assistance for eligible or partially eligible FEMA applicants.

J. To Federal, State, Tribal, territorial, and local governments, voluntary organizations, educational institutions, and private nonprofit organizations to address disaster-related unmet needs of FEMA applicants. The above-mentioned entities must be actively involved in the recovery efforts of the disaster and have a program or service that addresses one or more disaster-related unmet need(s) of FEMA applicants. If the service is for outreach or referrals, only name and contact information may be shared.

K. To government and private entities for the purpose of issuing permits or connecting utilities to FEMA-provided temporary housing units for FEMA applicants eligible for direct temporary housing assistance. FEMA shall only release the address of where the transportable temporary housing unit will be placed.

L. To Federal, State, Tribal, territorial, or local governments; voluntary organizations; private nonprofit

organizations, insurance companies; employers; any public or private entities; banks and financial institutions when an applicant's eligibility, in whole or in part, for FEMA's Individuals and Households Program depends upon financial benefits already received or available from that source for similar purposes as necessary to determine benefits; and to prevent duplication of disaster assistance benefits (as described in 42 U.S.C. 5155). FEMA initiates the data sharing by disclosing only applicant information necessary for identification purposes to obtain relevant information from entities listed above.

M. To Federal, State, Tribal, territorial, and local governments, medical providers, dental providers, landlords, mechanics, childcare providers, or any other private entities (such as a home contractor) when cited by applicants as proof of an expense, to verify the accuracy of an expense for FEMA's Individuals and Households Program. FEMA may disclose the applicant's name and limited contact information (telephone number, current address, and/or damaged dwelling address) and a record identifier (*e.g.*, account, invoice or estimate numbers) to the third-party service provider.

N. To Federal, State, Tribal, territorial, or local government agencies charged with the implementation of hazard mitigation measures and the enforcement of hazard-specific provisions of building codes, standards, and ordinances. FEMA will only disclose information for the following purposes:

1. For hazard mitigation planning purposes, to assist Federal, State, territorial, Tribal, or local government agencies in identifying high-risk areas and preparing mitigation plans that target those areas for hazard mitigation projects implemented under Federal, State, Tribal, territorial, or local hazard mitigation programs.

2. For enforcement purposes, to enable Federal, State, Tribal, territorial, or local government agencies to ensure that owners repair or rebuild structures in conformity with applicable hazard-specific building codes, standards, and ordinances.

O. To the Department of the Treasury to verify identity and account information of an applicant and to determine eligibility for final payment from Federal programs (*e.g.*, Do Not Pay program). An applicant's Social Security number will be released in connection with a request that the Department of the Treasury provide a disaster assistance payment to an applicant

under the Individuals and Households Program.

P. To a State, local, territorial, or Tribal government agency in connection with billing that State, local, territorial, or Tribal government for the applicable non-Federal cost share under the Individuals and Households Program. Information shared shall only include applicants' names, contact information, and amounts of assistance received.

Q. To State, Tribal, territorial, or local government emergency managers, when an applicant is occupying a FEMA temporary housing unit, for the purposes of preparing, administering, coordinating, and/or monitoring emergency response, public safety, and evacuation plans. FEMA shall only release the applicants' phone numbers, address, email address, and number of household occupants of the housing unit.

R. To the Department of the Treasury, Department of Justice, the U.S. Attorney's Office, an Oral Hearing Official, or other third party for further collection action on any delinquent debt when circumstances warrant.

S. To Federal, State, territorial, Tribal, or local law enforcement authorities, or agencies, or other entities authorized to investigate and/or coordinate locating missing children and/or reuniting families.

T. To State, Tribal, territorial, or local government election agencies/authorities that oversee the voting process within their respective municipalities, for the purpose of ensuring voting rights of individuals who have applied for FEMA assistance, limited to their own respective citizens who are displaced from their voting jurisdiction by a Presidentially declared major disaster or emergency out of their voting jurisdiction.

U. To other Federal, State, or local government agencies under approved computer-matching programs for the purposes articulated in subsection (a)(8)(A) of the Privacy Act.

V. To the individual applicants, of whom the record contains third party personally identifiable information, to defend themselves during appeals and Oral Hearings on the recoupment of disaster assistance funds.

W. To any law enforcement agency of the Federal Government or a State, local, territorial, or Tribal government to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws, in the event of circumstances requiring an evacuation, sheltering, or mass relocation.

X. To entities providing temporary housing or sheltering to disaster

survivors during a declared public health emergency to provide indication that a survivor with an infectious disease is inhabiting or has inhabited a specific location, when necessary for the safety of individuals located in the facility and to comply with additional necessary infectious disease protocols.

Y. To State, local, territorial, and Tribal government and private entities to verify applicant identity and account information as a fraud prevention measure.

Z. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/FEMA stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital/electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DHS/FEMA retrieves records by an individual's name, email address, dwelling address, Social Security number, and case file number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records pertaining to disaster assistance will be placed in inactive storage two years after FEMA receives the application and will be destroyed when they are six years and three months old, in accordance with National Archives and Records Administration Authority N1-311-86-1, DAP 8-1, item 4C10a. Records pertaining to temporary housing will be destroyed three years after closeout of the operation in accordance with National Archives and Records Administration Authority N1-311-86-1, DAP 8-2, item 4C10b. Closeout of a disaster operation occurs when the disaster contract is terminated. Records pertaining to the Individuals and Households Program (IHP) program will retire to the Federal Records Center (FRC) one year after closeout and be

destroyed three years after closeout in accordance with National Archives and Records Administration Authority N1-311-86-1, item 4C6c. Records pertaining to individual assistance customer satisfaction assessments are stored in accordance with National Archives and Records Administration Authority N1-311-00-01. Records pertaining to investigations are retired to inactive storage when two years old, and destroyed when six years, three months old in accordance with National Archives and Records Administration Authority N1-311-86-001, item 4C10a. Customer service assessment forms that have been completed and returned by disaster assistance applicants are temporary records that are destroyed upon transmission of the final report, per National Archives and Records Administration Authority N1-311-00-01, DAP-14-1. The statistical and analytical reports resulting from these assessments are temporary records that are retired three years after the final report cutoff and destroyed 20 years after the report cutoff, per National Archives and Records Administration Authority N1-311-00-01, DAP-14-2. The assessment results database records are temporary records that are destroyed when no longer needed for analysis purposes, per National Archives and Records Administration Authority N1-311-00-01, DAP-14-3. Per current National Archives and Records Administration guidance, records pertaining to COVID-19 will be maintained permanently until further guidance regarding the retention of COVID-19 records is provided.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/FEMA safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS/FEMA imposes strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals applying for Individuals and Households Program assistance may access their information online via the Disaster Assistance Center using the user ID, password, system generated PIN, and authentication that was established during the application process. Applicants may also call a

FEMA National Processing Service Center (NPSC) representative to access their information by providing their registration ID, full name, damaged dwelling address, current mailing address (if different), current phone number, and the last four digits of their Social Security number.

In addition, individuals seeking access to and notification of any record maintained in this system of records, or seeking to contest its content, may submit a request in writing to the FEMA Freedom of Information Act (FOIA) Officer, whose contact information can be found at <https://www.dhs.gov/foia> under "Submit a FOIA Request." If an individual believes more than one Component maintains Privacy Act records concerning them, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528-0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records may be made available under the Freedom of Information Act. When an individual is seeking records about themselves from this system of records or any other FEMA system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify their identity, meaning that the individual must provide their full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. An individual may obtain more information about this process at <http://www.dhs.gov/foia>. In addition, the individual should:

- Explain why they believe the Department would have the information being requested;
- Identify which Component(s) of the Department they believe may have the information;
- Specify when they believe the records would have been created; and
- Provide any other information that will help DHS determine which DHS Component agency may have responsive records.

If the request is seeking records pertaining to another living individual, the request must include an authorization from the individual whose record is being requested, authorizing release to the requester.

Without the above information, the Component(s) may not be able to conduct an effective search, and a

request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered Judicial Redress Act (JRA) records, individuals may make a request for amendment or correction of a record of the Department about the individual by writing directly to the Department Component that maintains the record, unless the record is not subject to amendment or correction. The request should identify each record in question, state the amendment or correction desired, and state why the individual believes that the record is not accurate, relevant, timely, or complete. The individual may submit any documentation that would be helpful. If the individual believes that the same record is in more than one system of records, the request should state such and be addressed to each Component that maintains a system of records containing the record. When an individual is making a request for amendment or correction of Departmental records about themselves from this system of records or any other Department system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5.

NOTIFICATION PROCEDURES:

See "Record Access Procedures" above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

87 FR 7852 (February 10, 2022); 78 FR 25282 (April 30, 2013); 74 FR 48763 (September 24, 2009); 71 FR 38408 (July 6, 2006); 69 FR 65615 (November 15, 2004); 66 FR 51436 (October 9, 2001); 64 FR 40596 (July 27, 1999); 61 FR 49777 (September 23, 1996).

* * * * *

Deborah T. Fleischaker,

Chief Privacy Officer (A), U.S. Department of Homeland Security.

[FR Doc. 2024-20155 Filed 9-6-24; 8:45 am]

BILLING CODE 9110-17-P

DEPARTMENT OF HOMELAND SECURITY**[Docket Number DHS 2024–0031]****Agency Information Collection Activities: Post-Contract Award Information; OMB Control No. 1600–0003****AGENCY:** Department of Homeland Security (DHS).**ACTION:** 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until November 8, 2024. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: You may submit comments, identified by docket number Docket # DHS–2024–0031, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket # DHS–2024–0031. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: The Department of Homeland Security (DHS) collects information, when necessary, in administering public contracts for supplies and services. The information is used to determine compliance with contract terms placed in the contract as authorized by the Federal Property and Administrative Services Act (41 U.S.C. 251 *et seq.*), the Federal Acquisition Regulation (FAR) (48 CFR chapter 1), and the Homeland Security Acquisition Regulation (HSAR) (48 CFR chapter 30).

Respondents submit information based on the terms of the contract; the instructions in the contract deliverables mandatory reporting requirements; and correspondence from acquisition personnel requesting post-award contract information. The least active contracts and the simplest contracts will have little to no data to report. The most active and complex contracts, however, will contain more reporting requirements. DHS believes that some of

this information is already readily available as part of a company's business processes and that the largest businesses use computers to compile the data. However, a significant amount of time is spent correlating information to specific contract actions and gathering information for more complex contract actions.

The prior information collection request for Office of Management and Budget (OMB) Control No. 1600–0003 was approved through May 31, 2025, by OMB, and it includes the following:

3052.204–70 Security requirements for unclassified information technology resources. (Required in all solicitations and contracts that require submission of an IT Security Plan.) This clause applies to all contractor systems connected to a DHS network and those contracts where the Contractor must have physical or electronic access to sensitive information contained in DHS unclassified systems. The contractor is asked to prepare, provide and maintain an IT Security Plan.

3052.204–71 Contractor employee access. (Required when contractor employees require recurring access to Government facilities or access to sensitive info.) Contractors may be subject to background investigations and will have to provide information as required by the DHS Security Office. The information requested is in addition to the information requested through Standard Form (SF) 86.

3052.205–70 Advertisements, Publicizing Awards, and Releases. (Required for all contracts exceeding Simplified Acquisition Threshold.) Contractors may have to provide copies of information related to advertisements and release statements to receive approval for publication.

3052.209–72 Organizational Conflict of Interest, paragraphs (f) and (g) (Included in solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible.) Contractors will have to provide information related to actual or potential conflicts of interest and a mitigation plan.

3052.209–75 Prohibited Financial Interests for Lead System Integrators. (Required in solicitations and contracts for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator or when the contractor will be the lead system integrator.) Contractors will have to provide information related to changes in financial interests.

3052.209–76 Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an

Individual Convicted of a Felony, paragraph (h). (Section 2 of the Federal Protective Service Guard Contracting Reform Act of 2008, Pub. L. 110–356, generally prohibits DHS from entering into a contract for guard services under the Federal Protective Service (FPS) guard services program with any business concern owned, controlled, or operated by an individual convicted of a serious felony.) The notification required by paragraph (h) applies to any contractual instrument that may result in the issuance of task orders. Contractors will have to provide information on any felony conviction of personnel who own, control or operate a business during the performance a contract.

3052.215–70 Key personnel or facilities. (Required in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel or facilities.) Contractors will have to provide notice of and documentation related to changes in key personnel for evaluation, including, resumes; description of the duties the replacement will assume; description of any change in duties and confirmation that such change will not negatively impact contract performance.

3052.216–71 Determination of Award Fee. (Required in solicitations and contracts that include an award fee.) Contractor may submit a performance self-evaluation for each evaluation period.

3052.217–91 Performance (USCG). (Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.) Contractor must request prior approval to conduct dock and sea trials.

3052.217–92 Inspection and Manner of Doing Work (USCG). (Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.) Contractor must maintain complete records of all inspection work and shall make them available to the Government during performance of the contract and for 90 days after the completion of all work required.

3052.217–95 Liability and Insurance (USCG). (Required in sealed bid fixed-price solicitations and contracts for

vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.) Contractor shall provide evidence of the insurance and give the Contracting Officer written notice after the occurrence of a loss or damage for which the Government has assumed the risk. If any loss or damage will result in a claim against the Government, the contractor shall provide notice.

3052.219–70 Small Business subcontracting plan reporting. (Generally included in solicitations and contracts that offer subcontracting possibilities and are expected to exceed \$700,000) Contractors must use Electronic Subcontracting Reporting System (eSRS) to submit subcontracting reporting data.

3052.219–71 DHS Mentor-Protégé Program. (Included in solicitations where subcontracting plans are anticipated) The amount of credit given to a contractor mentor firm for protégé developmental assistance costs must be calculated on a dollar-for-dollar basis and reported in the Summary Subcontract Report via the Electronic Subcontracting Reporting System (eSRS) at www.esrs.gov.

3052.222–70 Strikes or Picketing Affecting Timely Completion of the Contract Work. (Generally included in solicitations and contracts) Contractor must take all reasonable and appropriate action to end a strike or picketing. Delay caused by a strike or by picketing which constitutes an unfair labor practice is not excusable unless the Contractor takes all reasonable and appropriate action to end such a strike or picketing, such as the filing of a charge with the National Labor Relations Board, the use of other available Government procedures, and the use of private boards or organizations for the settlement of disputes. The contractor may be required to submit information to the contracting officer.

3052.222–71 Strikes or Picketing Affecting Access to a DHS Facility. (Generally included in solicitations and contracts) Contractor is responsible if strike or picketing is directed at the Contractor and impedes access by any person to a DHS facility. Contractor must take all reasonable and appropriate action to end a strike or picketing. The contractor may be required to submit information to the contracting officer.

3052.223–70 Removal or disposal of hazardous substances—applicable licenses and permits. (Required in solicitations and contracts involving the removal or disposal of hazardous waste

material) Contractors will have to provide evidence of licenses and permits to perform hazardous substance removal.

3052.223–90 Accident and Fire Reporting (USCG). (Included in solicitations and contracts involving the removal of hazardous waste material) Contractor must report incidents involving fire or accidents at a worksite. Contractors may provide this information using a state, private insurance carrier, or Contractor accident report form.

3052.228–91 Loss of or Damage to Leased Aircraft (USCG). (Included in any contract for the lease of an aircraft) In the event of loss of or damage to an aircraft, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and the Contractor must promptly assign such rights in writing to the Government.

3052.228–93 Risk and Indemnities (USCG). (Included in any contract for the lease of an aircraft) Requires the contractor to provide the Government with evidence of insurance.

3052.235.70 Dissemination of Information—Educational Institutions. (Included in contracts with educational institutions for research that are not sensitive or classified) Contractors must provide advanced electronic copies of articles to the Government covering the results of research it plans to publish.

Form 700–26, Other Transaction Agreement (Required for the purposes of entering into other transaction agreements pursuant to 6 U.S.C. 391, 6 U.S.C. 596(1), and 49 U.S.C. 106(l)(6)) The offeror submit an Employer Identification Number, as well as the business' name, address and title. Offerors must also identify the authorized business representative's personal name and must include a signature.

Form 700–23, Other Transaction Agreement Modification (Required for the purposes of modifying other transaction agreements entered into pursuant to 6 U.S.C. 391, 6 U.S.C. 596(1), and 49 U.S.C. 106(l)(6)) The respondent must submit an Employer Identification Number, as well as the business' name, address and title. Respondents must also identify the authorized business representative's personal name and must include a signature.

DHS is seeking to renew this collection, and revise it to:

(1) Remove HSAR Clause 3052.204–70, Security requirements for unclassified information technology resources, from this OMB Control Number. The clause was made obsolete

by final rule, Homeland Security Acquisition Regulation; Safeguarding of Controlled Unclassified Information, issued on June 21, 2023.

(2) Add the provisions and contract clauses under previously approved OMB Control Number 1601–0023, Safeguarding of Controlled Unclassified Information and Notification and Credit Monitoring Requirements for Personally Identifiable Information Incidents, to this OMB Control Number, in order to consolidate the collections. The clauses that will be transferred to this OMB Control Number are as follows:

3052.204–72 Safeguarding of Controlled Unclassified Information. (Included in solicitations and contracts where contractor and/or subcontractor employees will have access to controlled unclassified information (CUI) or CUI will be collected or maintained on behalf of the agency. The basic clause with its alternate is included in solicitations and contracts when Federal information systems, which include contractor information systems operated on behalf of the agency, are used to collect, process, store, or transmit CUI.) Under the basic clause, contractors and subcontractors are required to:

Provide adequate security to protect CUI from unauthorized access and disclosure;

Report all known or suspected incidents to the Component Security Operations Center (SOC), or the DHS Enterprise SOC if the Component SOC is not available, in accordance with 4300A Sensitive Systems Handbook Attachment F Incident Response (*i.e.*, incidents involving personally identifiable information (PII) or sensitive PII (SPII) must be reported within 1 hour of discovery; all other incidents shall be reported within 8 hours of discovery).

Provide full access and cooperation for all activities determined by the Government to be required to ensure an effective incident response, including providing all requested images, log files, and event information to facilitate rapid resolution of incidents;

Certify and confirm the sanitization of Government and Government-Activity related files and information, and submit the certification to the Contracting Officer's Representative (COR) and Contracting Officer in accordance with the template provided in NIST Special Publication 800–88, Guidelines for Media Sanitization, Appendix G; and

Insert this clause in all subcontracts and require subcontractors to include this clause in all lower tier subcontracts when subcontractor employees will

have access to CUI; CUI will be collected or maintained on behalf of the agency by a subcontractor; or a subcontractor information system(s) will be used to process, store, or transmit CUI.

Under the alternate, contractors and subcontractors are prohibited from collecting, processing, storing, or transmitting CUI within a Federal information system until an Authority to Operate (ATO) has been accepted and signed by the Component or Headquarters CIO, or designee.

Additionally, contractors and subcontractors are required to:

Complete and submit security authorization (SA) documentation in accordance with DHS Policy Directive 4300A Information Technology System Security Program, Sensitive Systems (Version 13.3, February 13, 2023), or any successor publication; and the Security Authorization Process Guide, including templates;

Have an independent third party validate the security and privacy controls in place for the information system;

Renew the ATO every three (3) years unless otherwise specified in the ATO letter;

Support random, periodic reviews by the Department to ensure that the security requirements contained in the contract are being implemented and enforced; and

Comply with Federal reporting and information system continuous monitoring requirements as defined in the Fiscal Year (FY) 2021 DHS Information Security Performance Plan, or successor publication.

3052.204–73 Notification and Credit Monitoring Requirements for Personally Identifiable Information Incidents.

(Included in solicitations and contracts where contractor and/or subcontractor employees have access to personally identifiable information (PII)) Contractors must have in place procedures and the capability to notify any individual whose PII and/or sensitive PII (SPII) was under the control of the contractor or resided in the contractor information system at the time of the incident not later than 5 business days after being directed to notify individuals, unless otherwise approved by the Contracting Officer. Additionally, contractors are required to provide credit monitoring services to individuals whose PII or SPII was under the control of the contractor or resided in the information system at the time of the incident for a period beginning the date of the incident and extending not less than 18 months from the date the individual is notified.

The information requested is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff, for various reasons such as (1) determining the suitability of contractor personnel accessing DHS facilities; (2) to ensure no organizational conflicts of interest exist during the performance of contracts; (3) to ensure the contractor maintains applicable licenses and permits for the removal and disposal of hazardous materials; (4) to implement adequate security measures to safeguard CUI and to facilitate improved incident reporting to DHS; (5) to provide DHS with an understanding of the contractor's plan to recruit, train, and develop a diverse, high-performing workforce from underserved communities; and (6) to otherwise ensure firms are performing in the Government's best interest. Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors.

Many sources of the requested information use automated word processing systems, databases, spreadsheets, project management and other commercial software to facilitate preparation of material to be submitted. With Government-wide implementation of e-Government initiatives, it is commonplace within many of DHS's Components for submissions to be electronic.

As the information collection is governed by FAR, HSAR and certain procurement statutes, usability testing is limited to ensuring the use of plain language, no duplicate/superfluous collection and electronic submission. DHS found the following:

Plain language is used in the applicable clauses and the forms. DHS encourages DHS Components to require only the minimum post-award contract information essential to proper protection of the Government's interests and compliance with regulation, *e.g.*, contractor performance evaluation. The information collected from the public under this request complements but does not duplicate vendor information available to the Government-wide acquisition community through Integrated Award Environment (IAE) systems, including the System for Award Management (SAM). The SAM is the official U.S. Government system that consolidated the capabilities of the Central Contractor Registration (CCR), the Online Representations and Certifications Application (ORCA), the Excluded Parties List System (EPLS) and the Past Performance Information Retrieval System (PPIRS). To ensure the information collected under this

collection isn't duplicative, DHS Office of the Chief Procurement Officer: (1) monitors the acquisition processes and procedures of the various DHS Components; (2) reviews proposed and published changes to the FAR; and (3) provides one location for the final review and approval of all proposed acquisition regulations for DHS. Respondents may submit requested information electronically, through email or facsimile to the specified Government point of contact. Contractors will utilize their own computers to provide the required information to the Government point of contact.

Information collection may or may not involve small business contractors, depending on the particular transaction. The burden applied to small businesses is the minimum consistent with the objective of ensuring contract compliance and protecting the interest of the Government.

Less frequent incidence of collecting such information as resumes indicating the level of contractor expertise, permits and licenses, and inspection reports will negatively affect the quality of products and services DHS receives from contractors. Potentially, contractors could perform on contracts without sufficient experience and expertise and could perform contracts with outdated licenses and negative inspection reports, placing the Department's operations in jeopardy. Additionally, less frequent collection of information related to organizational conflicts of interest inhibit DHS from determining the existence of true conflicts of interest during the performance of contracts.

Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. For example, potentially, contractors who are lead system integrators could acquire direct financial interests in major systems the contractors are contracted to procure, which would compromise the integrity of acquisitions for the Department. In addition, contractors who own, control or operate a business providing protective guard services could possess felony convictions during the performance of contracts, putting the Department at risk. Furthermore, contractors could change key personnel during the performance of contracts and use less experienced or less qualified personnel to reduce costs, which would adversely affect DHS's fulfillment of its mission requirements. Additionally, having an HSAR clause to address the safeguarding of CUI will greatly reduce the proliferation of Department, Component, or buying office-level

requirements that offerors now respond to in a variety of different and non-standard ways. Failure to collect this information may result in the compromise of CUI hampering the Department's ability to carry out its mission.

Executive Order 13985, titled "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" requires federal agencies to assess equity throughout their organizations, including equity through procurements. As part of its assessment and action planning, DHS identified that equity in procurements could be enhanced by ensuring that DHS's contractors have in place DEIA Plans which demonstrates the contractor's commitment to fairness regarding DEIA. Failure to collect a DEIA Plan would prohibit DHS from understanding the contractor's plan to recruit, train, and develop a diverse, high-performing workforce from underserved communities. Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act, other disclosure statutes, and Federal and agency acquisition regulations.

The burden estimates provided in response to Item 12 above are based upon definitive contract award data reported by DHS and its Components, as well as DHS FPDS data for FY 2022. No program changes occurred; however, the burden was adjusted to reflect an increase in the number of respondents within DHS for FY 2022 in the amount of 11,075, as well as an increase in the average hourly wage rate. The burden hours also decreased by a total of 14 hours with the removal of HSAR Clause 3052.204–70, "Security requirements for unclassified information technology resources", that was made obsolete by the DHS rulemaking, "Homeland Security Acquisition Regulation; Safeguarding of Controlled Unclassified Information, issued on June 21, 2023".

Finally, the burden has increased as a result of consolidating OMB Control Number 1601–0023 under this OMB Control Number, 1600–0003. The average burden per response for the clauses increased by 7.8 hours, from 6.2 hours to 14 hours; thereby increasing the total annual burden hours by 970,549 hours.

The Office of Management and Budget is particularly interested in comments which:

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 submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Post-Contract Award Information.

OMB Number: 1600–0003.

Frequency: Annually.

Affected Public: Contractor.

Number of Respondents: 26,726.

Estimated Time per Respondent: 77,196.

Total Burden Hours: 1,061,361.

Robert Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2024–20270 Filed 9–6–24; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6488–N–01]

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for 2025

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This document designates "Difficult Development Areas" (DDAs) and "Qualified Census Tracts" (QCTs) for purposes of the Low-Income Housing Tax Credit (LIHTC) under Internal Revenue Code (IRC) Section 42. The United States Department of Housing and Urban Development (HUD) makes new DDA and QCT designations annually.

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions, contact Michael K. Hollar, Senior Economist, Public Finance and Regulatory Analysis Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh

Street SW, Room 8216, Washington, DC 20410–6000; telephone number 202–402–5878, or send an email to Michael.K.Hollar@hud.gov. For specific legal questions pertaining to Section 42, Office of the Associate Chief Counsel, Passthroughs and Special Industries, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224; telephone number 202–317–4137. For questions about the "HUBZone" program, contact Lori Gillen, Director, HUBZone Program, Office of Government Contracting and Business Development, U.S. Small Business Administration, 409 Third Street SW, Suite 8800, Washington, DC 20416; telephone number 202–386–7382, or send an email to hubzone@sba.gov. (These are not toll-free telephone numbers). Additional copies of this notice are available through HUD User at, toll-free, 800–245–2691 for a small fee to cover duplication and mailing costs. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies Available Electronically: This notice and additional information about DDAs and QCTs, including the lists of DDAs and QCTs, are available electronically on the internet at <https://www.huduser.gov/portal/datasets/qct.html>.

SUPPLEMENTARY INFORMATION:

I. This Notice

Under IRC Section 42(d)(5)(B)(iii)(I), for purposes of the LIHTC, the Secretary of HUD must designate DDAs, which are areas with high construction, land, and utility costs relative to area median gross income (AMGI). This notice designates DDAs for each of the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. HUD makes the designations of DDAs in this notice based on modified Fiscal Year (FY) 2024 Small Area Fair Market Rents (Small Area FMRs, SAFMRs), FY 2024 nonmetropolitan county FMRs, FY 2024 income limits, and 2020 Census population counts, as explained below.

Similarly, under IRC Section 42(d)(5)(B)(ii)(I), the Secretary of HUD must designate QCTs, which are areas where either 50 percent or more of the households have an income less than 60 percent of the AMGI or have a poverty rate of at least 25 percent. This notice

designates QCTs based on new income and poverty data released in the American Community Survey (ACS). Specifically, HUD relies on the most recent three sets of ACS data to ensure that anomalous estimates, due to sampling error, do not affect the QCT status of tracts.

II. Data Used To Designate DDAs

HUD uses data from the 2020 Census on total population of metropolitan areas, metropolitan ZIP Code Tabulation Areas (ZCTAs), and nonmetropolitan areas in the designation of DDAs. The Office of Management and Budget (OMB) published updated metropolitan areas in OMB Bulletin No. 18–04 on September 14, 2018.¹ FY 2024 FMRs and FY 2024 income limits HUD uses to designate DDAs are based on these metropolitan statistical area (MSA) definitions, with modifications to account for substantial differences in rental housing markets (and, in some cases, median family income levels) within MSAs. HUD calculates Small Area FMRs for the ZCTAs, or portions of ZCTAs within the metropolitan areas defined by OMB Bulletin No. 18–04.

III. Data HUD Uses To Designate QCTs

HUD uses data from the 2020 Census on total population of census tracts, metropolitan areas, and the nonmetropolitan parts of states in the designation of QCTs. The FY 2024 income limits HUD uses to designate QCTs are based on these MSA definitions with modifications to account for substantial differences in rental housing markets (and in some cases median family income levels) within MSAs. In this QCT designation, HUD uses the OMB metropolitan area definitions published in OMB Bulletin No. 18–04, without modification for purposes of evaluating how many census tracts can be designated under the population cap but uses the HUD-modified definitions and their associated area median family incomes for determining QCT eligibility.

Because the 2020 Decennial Census did not include questions on respondent household income, HUD uses ACS data to designate QCTs. The ACS tabulates data collected over 5 years to provide estimates of socioeconomic variables for small areas containing fewer than 65,000 persons, such as census tracts. Due to sample-related anomalies in estimates from year to year, HUD uses three sets of ACS tabulations to minimize the effect of anomalous estimates on QCT status.

IV. Background

The U.S. Department of the Treasury (Treasury) and the Internal Revenue Service (IRS) are authorized to interpret and enforce the provisions of IRC Section 42. In order to assist in understanding HUD's mandated designation of DDAs and QCTs for use in administering IRC Section 42, a summary of the section is provided below. The following summary does not purport to bind Treasury or the IRS in any way, nor does it purport to bind HUD, since HUD has authority to interpret or administer the IRC only in instances where it receives explicit statutory delegation.

V. Summary of the Low-Income Housing Tax Credit

A. Determining Eligibility

The LIHTC is a tax incentive intended to increase the availability of low-income rental housing. IRC Section 42 provides an income tax credit to certain owners of newly constructed or substantially rehabilitated low-income rental housing projects. The dollar amount of the LIHTC available for allocation by each state (credit ceiling) is limited by population. Section 42 allows each state a credit ceiling based on a statutory formula indicated at IRC Section 42(h)(3). States may carry forward unallocated credits derived from the credit ceiling for one year; however, to the extent such unallocated credits are not used by then, the credits go into a national pool to be allocated to qualified states as additional credit. State and local housing agencies allocate the state's credit ceiling among low-income housing buildings whose owners have applied for the credit. Besides IRC Section 42 credits derived from the credit ceiling, states may also provide IRC Section 42 credits to owners of buildings based on the percentage of certain building costs financed by tax-exempt bond proceeds. Credits provided based on the use of tax-exempt bond proceeds do not reduce the credits available from the credit ceiling. See IRC Section 42(h)(4).

The credits allocated to a building are based on the cost of units placed in service as low-income units under particular minimum occupancy and maximum rent criteria. Prior to the enactment of the Consolidated Appropriations Act, 2018 (the 2018 Act), under IRC Section 42(g), a building was required to meet one of two tests to be eligible for the LIHTC; either: (1) 20 percent of the units must be rent-restricted and occupied by tenants with incomes no higher than 50 percent of AMGI, or (2) 40 percent of the units

must be rent-restricted and occupied by tenants with incomes no higher than 60 percent of AMGI. A unit is "rent-restricted" if the gross rent, including an allowance for tenant-paid utilities, does not exceed 30 percent of the imputed income limitation (*i.e.*, 50 percent or 60 percent of AMGI) applicable to that unit. The rent and occupancy thresholds remain in effect for at least 15 years, and building owners are required to enter into agreements to maintain the low-income character of the building for at least an additional 15 years.

The 2018 Act added a third test, the average income test. See IRC Section 42(g)(1), as amended by Public Law 115–141, Division T, Section 103(a)(1) (March 23, 2018). A building meets the minimum requirements of the average income test if 40 percent or more (25 percent or more in the case of a project located in a high-cost housing area as described in IRC Section 142(d)(6)) of the residential units in such project are both rent-restricted and occupied by individuals whose income does not exceed the imputed income limitation designated by the taxpayer with respect to the respective unit. The taxpayer designates the imputed income limitation for each unit. The designated imputed income limitation of any unit is determined in 10-percentage-point increments, and may be designated as 20, 30, 40, 50, 60, 70, or 80 percent of AMGI. The average of the imputed income limitations designated must not exceed 60 percent of AMGI. See IRC Section 42(g)(1)(C).

B. Calculating the LIHTC

The LIHTC reduces income tax liability dollar-for-dollar. It is taken annually for a term of 10 years and is intended to yield a present value of either: (1) 70 percent of the "qualified basis" for new construction or substantial rehabilitation expenditures that are not federally subsidized (as defined in IRC Section 42(i)(2)), or (2) 30 percent of the qualified basis for the cost of acquiring certain existing buildings or projects that are federally subsidized. The tax credit rates are determined monthly under procedures specified in IRC Section 42 and cannot be less than 9 percent for new buildings that are not federally subsidized, and cannot be less than 4 percent for buildings that are federally subsidized. Individuals can use the credits up to a deduction equivalent of \$25,000 (the actual maximum amount of credit that an individual can claim depends on the individual's marginal tax rate). For buildings placed in service after December 31, 2007, individuals can use the credits against the alternative

¹ Available at: www.whitehouse.gov/wp-content/uploads/2018/09/Bulletin-18-04.pdf.

minimum tax. Corporations, other than S or personal service corporations, can use the credits against ordinary income tax, and, for buildings placed in service after December 31, 2007, against the alternative minimum tax. These corporations also can deduct losses from the project.

The qualified basis represents the product of the building's "applicable fraction" and its "eligible basis." The applicable fraction is based on the number of low-income units in the building as a percentage of the total number of units, or based on the floor space of low-income units as a percentage of the total floor space of residential units in the building. The eligible basis is the adjusted basis attributable to acquisition, rehabilitation, or new construction costs (depending on the type of LIHTC involved). These costs include amounts chargeable to a capital account that are incurred prior to the end of the first taxable year in which the qualified low-income building is placed in service or, at the election of the taxpayer, the end of the succeeding taxable year. In the case of buildings located in designated DDAs or designated QCTs, or for credits awarded from the state's per capita allocation, to buildings designated by the state agency, eligible basis may be increased up to 130 percent from what it would otherwise be. This means that the available credits also may be increased by up to 30 percent. For example, if a 70 percent credit is available, it effectively could be increased to as much as 91 percent (70 percent $\times$ 130 percent).

C. Defining Difficult Development Areas (DDAs) and Qualified Census Tracts (QCTs)

As stated above, IRC Section 42 defines a DDA as an area designated by the Secretary of HUD that has high construction, land, and utility costs relative to the AMGI. All designated DDAs in metropolitan areas (taken together) may not contain more than 20 percent of the aggregate population of all metropolitan areas, and all designated areas not in metropolitan areas may not contain more than 20 percent of the aggregate population of all nonmetropolitan areas. See IRC Section 42(d)(5)(B)(iii).

Similarly, IRC Section 42 defines a QCT as an area designated by the Secretary of HUD where, for the most recent year for which census data are available on household income in such tract, either 50 percent or more of the households in the tract have an income which is less than 60 percent of the AMGI or the tract's poverty rate is at

least 25 percent. All designated QCTs in a single metropolitan area or nonmetropolitan area (taken together) may not contain more than 20 percent of the population of that metropolitan or nonmetropolitan area. Thus, unlike the restriction on DDA designations, QCTs are restricted by the total population of each individual area as opposed to the aggregate population across all metropolitan areas and nonmetropolitan areas. See IRC Section 42(d)(5)(B)(ii).

IRC Section 42(d)(5)(B)(v) allows states to award an increase in basis up to 30 percent to buildings located outside of federally designated DDAs and QCTs if the increase is necessary to make the building financially feasible. This state discretion applies only to buildings allocated credits under the state housing credit ceiling and is not permitted for buildings receiving credits in connection with tax-exempt bonds. Rules for such designations shall be set forth in the LIHTC-allocating agencies' qualified allocation plans (QAPs). See IRC Section 42(m).

VI. Explanation of HUD Designation Method

A. 2025 Difficult Development Areas

In developing the 2025 list of DDAs, as required by IRC Section 42(d)(5)(B)(iii), HUD compared housing costs with incomes. HUD used 2020 Census population for ZCTAs, and nonmetropolitan areas, and the MSA definitions, as published in OMB Bulletin 18-04 on September 14, 2018, with modifications, as described below. In keeping with past practice of basing the coming year's DDA designations on data from the preceding year, the basis for these comparisons is the FY 2024 HUD income limits for very low-income households (very low-income limits, or VLILs), which are based on 50 percent of AMGI, and modified FMRs based on the FY 2024 FMRs used for the Housing Choice Voucher (HCV) program. For metropolitan DDAs, HUD used Small Area FMRs based on three annual releases of ACS data, to compensate for statistical anomalies which affect estimates for some ZCTAs. For non-metropolitan DDAs, HUD used the FY 2024 FMRs published on August 31, 2023 and effective on October 1, 2023 (88 FR 60223), as updated by the February 9, 2024 publication effective March 11, 2024 (89 FR 9169).

In formulating the FY 2024 FMRs and VLILs, HUD modified the current OMB definitions of MSAs to account for differences in rents among areas within each current MSA that were in different FMR areas under definitions used in prior years. HUD formed these "HUD

Metro FMR Areas" (HMFAs) in cases where one or more of the parts of newly defined MSAs were previously in separate FMR areas. All counties added to metropolitan areas are treated as HMFAs with rents and incomes based on their own county data, where available. All HMFAs are contained entirely within MSAs. All nonmetropolitan counties are outside of MSAs and are not broken up by HUD for purposes of setting FMRs and VLILs. (Complete details on HUD's process for determining FY 2024 FMR areas and FMRs are available at <https://www.huduser.gov/portal/datasets/fmr.html#2024>. Complete details on HUD's process for determining FY 2024 income limits are available at <https://www.huduser.gov/portal/datasets/il.html#2024>). HUD's FY 2024 FMRs and VLILs do not account for the change in Census county-equivalent areas in Connecticut from the eight historical counties to the State's nine planning regions.

HUD's unit of analysis for designating metropolitan DDAs consists of ZCTAs, whose Small Area FMRs are compared to metropolitan VLILs. For purposes of computing VLILs in metropolitan areas, HUD considers entire MSAs in cases where these were not broken up into HMFAs; and HMFAs within the MSAs that were broken up for such purposes. Hereafter in this notice, the unit of analysis for designating metropolitan DDAs will be called the ZCTA, and the unit of analysis for nonmetropolitan DDAs will be the nonmetropolitan county or county equivalent area. The procedure used in making the DDA designations follows:

1. *Calculate FMR-to-Income Ratios.* For each metropolitan ZCTA and each nonmetropolitan county, HUD calculated a ratio of housing costs to income. HUD used a modified FY 2024 two-bedroom Small Area FMR for ZCTAs, a modified FY 2024 two-bedroom FMR for non-metropolitan counties, and the FY 2024 four-person VLIL for this calculation.

The modified FY 2024 two-bedroom Small Area FMRs for ZCTAs differ from the FY 2024 Small Area FMRs in four ways. First, HUD did not limit the Small Area FMR to 150 percent of its metropolitan area FMR. Second, HUD did not limit annual decreases in Small Area FMRs to ten percent, which was first applied in the FY 2018 FMR calculations. Third, HUD adjusted the Small Area FMRs in New York City using the New York City Housing and Vacancy Survey, which is conducted by the U.S. Census Bureau, to adjust for the effect of local rent control and stabilization regulations. No other

jurisdictions have provided HUD with data that could be used to adjust Small Area FMRs for rent control or stabilization regulations.² Finally, the Small Area FMRs are not limited to the State non-metropolitan minimum FMR.

The FY 2024 two-bedroom FMR for non-metropolitan counties was modified only by removing the state non-metropolitan minimum FMR.

The numerator of the ratio, representing the development cost of housing, was the area's FY 2024 FMR, or Small Area FMR in metropolitan areas. In general, the FMR is based on the 40th-percentile gross rent paid by recent movers to live in a standard quality two-bedroom rental unit.

The denominator of the ratio, representing the maximum income of eligible tenants, was the monthly LIHTC income-based rent limit, which was calculated as 1/12 of 30 percent of 120 percent of the area's 4-person VLIL (where the VLIL was rounded to the nearest \$50).

2. Sort Areas by Ratio and Exclude Unsuitable Areas. The ratios of the FMR, or Small Area FMR, to the LIHTC income-based rent limit were arrayed in descending order, separately, for ZCTAs and for nonmetropolitan counties. ZCTAs with populations less than 100 were excluded in order to avoid designating areas unsuitable for residential development, such as ZCTAs containing airports.

3. Select Areas With Highest Ratios and Exclude QCTs. The DDAs are those areas with the highest ratios that cumulatively comprise 20 percent of the 2020 population of all metropolitan areas and all nonmetropolitan areas. For purposes of applying this population cap, HUD excluded the population in areas designated as 2025 QCTs. Thus, an area can be designated as a QCT or DDA, but not both.

B. Application of Population Caps to DDA Determinations

In identifying DDAs, HUD applied caps, or limitations, as noted above. The cumulative population of metropolitan DDAs cannot exceed 20 percent of the cumulative population of all metropolitan areas, and the cumulative population of nonmetropolitan DDAs cannot exceed 20 percent of the cumulative population of all nonmetropolitan areas.

In applying these caps, HUD established procedures to deal with how to treat small overruns of the caps. The

remainder of this section explains those procedures. In general, HUD stops selecting areas when it is impossible to choose another area without exceeding the applicable cap. The only exceptions to this policy are when the next eligible excluded area contains either a large absolute population or a large percentage of the total population, or the next excluded area's ranking ratio, as described above, was identical (to four decimal places) to the last area selected, and its inclusion resulted in only a minor overrun of the cap. Thus, for both the designated metropolitan and nonmetropolitan DDAs, there may be minimal overruns of the cap. HUD believes the designation of additional areas in the above examples of minimal overruns is consistent with the intent of the IRC. As long as the apparent excess is small due to measurement errors, some latitude is justifiable, because it is impossible to determine whether the 20 percent cap has been exceeded. Despite the care and effort involved in a Decennial Census, the Census Bureau and all users of the data recognize that the population counts for a given area and for the entire country are not precise. Therefore, the extent of the measurement error is unknown. There can be errors in both the numerator and denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20 percent limit.

B. Qualified Census Tracts

In developing the list of QCTs, HUD used 2020 Census 100-percent count data on total population, total households, and population in households; the median household income and poverty rate as estimated in the 2016–2020, 2017–2021 and 2018–2022 ACS tabulations; the FY 2024 Very Low-Income Limits (VLILs) computed at the HMFA level to determine tract eligibility; and the MSA definitions published in OMB Bulletin No. 18–04 on September 14, 2018, for determining how many eligible tracts can be designated under the statutory 20 percent population cap.

HUD uses the HMFA-level AMGIs to determine QCT eligibility because the statute, specifically IRC Section 42(d)(5)(B)(iv)(II), refers to the same section of the IRC that defines income for purposes of tenant eligibility and unit maximum rent, specifically IRC Section 42(g)(4). By rule, the IRS sets these income limits according to HUD's VLILs, which, starting in FY 2006 and

thereafter, are established at the HMFA level. HUD uses the entire MSA to determine how many eligible tracts can be designated under the 20 percent population cap as required by the statute (IRC Section 42(d)(5)(B)(ii)(III)), which states that MSAs should be treated as singular areas.

HUD determined the QCTs as follows:

1. Calculate 60 Percent AMGI. To be eligible to be designated a QCT, a census tract must have 50 percent of its households with incomes below 60 percent of AMGI or have a poverty rate of 25 percent or more. Due to potential statistical anomalies in the ACS 5-year estimates, one of these conditions must be met in at least 2 of the 3 ACS 5-year tabulations for a tract to be considered eligible for QCT designation. HUD calculates 60 percent of AMGI by multiplying by a factor of 1.2 the HMFA or nonmetropolitan county FY 2024 VLIL adjusted for inflation to match the ACS estimates, which are adjusted to the value of the dollar in the last year of the 5-year group.

2. Determine Whether Census Tracts Have Less Than 50 Percent of Households Below 60 Percent AMGI. For each census tract, whether or not 50 percent of households have incomes below the 60 percent income standard (income criterion) was determined by: (a) calculating the average household size of the census tract, (b) adjusting the income standard to match the average household size, and (c) comparing the average-household-size-adjusted income standard to the median household income for the tract reported in each of the three years of ACS tabulations (2016–2020, 2017–2021 and 2018–2022). HUD did not consider estimates of median household income to be statistically reliable unless the margin of error was less than half of the estimate (or a Margin of Error Ratio, MoER, of 50 percent or less). If at least two of the three estimates were not statistically reliable by this measure, HUD determined the tract to be ineligible under the income criterion due to lack of consistently reliable median income statistics across the three ACS tabulations. Since 50 percent of households in a tract have incomes above and below the tract median household income, if the tract median household income is less than the average-household-size-adjusted income standard for the tract, then more than 50 percent of households have incomes below the standard.

3. Estimate Poverty Rate. For each census tract, HUD determined the poverty rate in each of the three releases of ACS tabulations (2016–2020, 2017–2021 and 2018–2022) by dividing the

² HUD encourages other jurisdictions with rent control laws that affect rents paid by recent movers into existing units to contact HUD about what data might be provided or collected to adjust Small Area FMRs in those jurisdictions.

population with incomes below the poverty line by the population for whom poverty status has been determined. As with the evaluation of tracts under the income criterion, HUD applies a data quality standard for evaluating ACS poverty rate data in designating the 2025 QCTs. HUD did not consider estimates of the poverty rate to be statistically reliable unless both the population for whom poverty status has been determined and the number of persons below poverty had MoERs of less than 50 percent of the respective estimates. If at least two of the three poverty rate estimates were not statistically reliable, HUD determined the tract to be ineligible under the poverty rate criterion due to lack of reliable poverty statistics across the ACS tabulations.

4. *Designate QCTs Where 20 Percent or Less of Population Resides in Eligible Census Tracts.* QCTs are those census tracts in which 50 percent or more of the households meet the income criterion in at least two of the three years evaluated, or 25 percent or more of the population is in poverty in at least two of the three years evaluated, such that the population of all census tracts that satisfy either one or both of these criteria does not exceed 20 percent of the total population of the respective area.

5. *Designate QCTs Where More Than 20 Percent of Population Resides in Eligible Census Tracts.* In areas where more than 20 percent of the population resides in eligible census tracts, census tracts are designated as QCTs in accordance with the following procedure:

a. The statistically reliable income and poverty criteria are each averaged over the three ACS tabulations (2016–2020, 2017–2021 and 2018–2022). Statistically reliable values that did not exceed the income and poverty rate thresholds were included in the average.

b. Eligible tracts are placed in one of two groups based on the averaged values of the income and poverty criteria. The first group includes tracts that satisfy both the income and poverty criteria for QCTs for at least two of the three evaluation years; a different pair of years may be used to meet each criterion. The second group includes tracts that satisfy either the income criterion in at least two of the three years, or the poverty criterion in at least two of three years, but not both. A tract must qualify by at least one of the criteria in at least two of the three evaluation years to be eligible.

c. HUD ranked tracts in the first group from highest to lowest by the average of the ratios of the tract average-

household-size-adjusted income limit to the median household income. Then, HUD ranked tracts in the first group from highest to lowest by the average of the poverty rates. HUD averaged the two ranks to yield a combined rank. HUD then sorted the tracts on the combined rank, with the census tract with the highest combined rank being placed at the top of the sorted list. In the event of a tie, HUD ranked more populous tracts above less populous ones.

d. HUD ranked tracts in the second group from highest to lowest by the average of the ratios of the tract average-household-size-adjusted income limit to the median household income. Then, HUD ranked tracts in the second group from highest to lowest by the average of the poverty rates. HUD then averaged the two ranks to yield a combined rank. HUD then sorted the tracts on the combined rank, with the census tract with the highest combined rank being placed at the top of the sorted list. In the event of a tie, HUD ranked more populous tracts above less populous ones.

e. HUD stacked the ranked first group on top of the ranked second group to yield a single, concatenated, ranked list of eligible census tracts.

f. Working down the single, concatenated, ranked list of eligible tracts, HUD identified census tracts as designated until the designation of an additional tract would cause the 20 percent limit to be exceeded. If HUD does not designate a census tract because doing so would raise the percentage above 20 percent, HUD then considers subsequent eligible census tracts to determine whether one or more eligible census tract(s) with smaller population(s) could be designated without exceeding the 20 percent limit.

C. Exceptions to OMB Definitions of MSAs and Other Geographic Matters

As stated in OMB Bulletin 18–04, defining metropolitan areas:

“OMB establishes and maintains the delineations of Metropolitan Statistical Areas, . . . solely for statistical purposes. . . . OMB does not take into account or attempt to anticipate any non-statistical uses that may be made of the delineations[.] In cases where . . . an agency elects to use the Metropolitan . . . Area definitions in nonstatistical programs, it is the sponsoring agency’s responsibility to ensure that the delineations are appropriate for such use. An agency using the statistical delineations in a nonstatistical program may modify the delineations, but only for the purposes of that program. In such cases, any modifications should be clearly identified as deviations from the OMB statistical area delineations in order to avoid confusion.”

Following OMB guidance, HUD’s estimation procedure for the FMRs and income limits incorporates the September 2018 OMB definitions of metropolitan Core-Based Statistical Areas (CBSAs) based on the CBSA standards, but makes adjustments to the definitions, in order to separate subparts of these areas in cases where counties were added to an existing or newly defined metropolitan area. In CBSAs where HUD establishes subareas, it is HUD’s view that the geographic extent of the housing markets is not the same as the geographic extent of the CBSAs.

In the New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), HUD defines HMFAs according to county subdivisions or minor civil divisions (MCDs), rather than county or county-equivalent boundaries. However, since no part of an HMFA is outside an OMB-defined, county-based MSA, all New England nonmetropolitan counties are kept intact for purposes of designating Nonmetropolitan DDAs.

VII. Future Designations

HUD designates DDAs annually as updated HUD income limit and FMR data are made public. HUD designates QCTs annually as new income and poverty rate data are released.

A. Effective Date

The 2025 lists of QCTs and DDAs are effective:

- (1) for allocations of credit after December 31, 2024; or
- (2) for purposes of IRC Section 42(h)(4), if the bonds are issued and the building is placed in service after December 31, 2024.

If an area is not on a subsequent list of QCTs or DDAs, the 2025 lists are effective for the area if:

- (1) the allocation of credit to an applicant is made no later than the end of the 730-day period after the applicant submits a complete application to the LIHTC-allocating agency, and the submission is made before the effective date of the subsequent lists; or
- (2) for purposes of IRC Section 42(h)(4), if:
 - (a) the bonds are issued or the building is placed in service no later than the end of the 730-day period after the applicant submits a complete application to the bond-issuing agency, and
 - (b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete by the credit-allocating or bond-issuing agency. A “complete application” means that no more than de minimis clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

In the case of a “multiphase project,” the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the project received its first allocation of LIHTC. For purposes of IRC Section 42(h)(4), the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the first of the following occurred: (a) the building(s) in the first phase was (were) placed in service, or (b) the bonds were issued.

For purposes of this notice, a “multiphase project” is defined as a set of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria:

(1) the multiphase composition of the project (*i.e.*, total number of buildings and phases in the project, with a description of how many buildings are to be built in each phase and when each phase is to be completed, and any other information required by the agency) is made known by the applicant in the first application of credit for any building in the project, and that the applicant identifies the buildings in the project for which credit is (or will be) sought;

(2) the aggregate amount of LIHTC applied for on behalf of, or that would eventually be allocated to, the buildings on the site exceeds the one-year limitation on credits per applicant, as defined in the QAP of the LIHTC-allocating agency, or the annual per-capita credit authority of the LIHTC allocating agency, and is the reason the applicant must request multiple allocations over 2 or more years; and

(3) all applications for LIHTC for buildings on the site are made in immediately consecutive years.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or the Secretary’s designee, has legal authority to designate DDAs and QCTs, by publishing lists of geographic entities as defined by, in the case of DDAs, the Census Bureau, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of such lists.

The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with the IRC and associated regulations, including **Federal Register** notices published by HUD for purposes of designating DDAs and QCTs. Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

B. Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose QCT or DDA status. The examples covering DDAs are equally applicable to QCT designations.

(*Case A*) Project A is located in a 2025 DDA that is NOT a designated DDA in 2026 or 2027. A complete application for tax credits for Project A is filed with the allocating agency on November 15, 2025. Credits are allocated to Project A on October 30, 2027. Project A is eligible for the increase in basis accorded a project in a 2025 DDA because the application was filed BEFORE January 1, 2026 (the assumed effective date for the 2026 DDA lists), and because tax credits were allocated no later than the end of the 730-day period after the filing of the complete application for an allocation of tax credits.

(*Case B*) Project B is located in a 2025 DDA that is NOT a designated DDA in 2026 or 2027. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2025. Credits are allocated to Project B on March 30, 2028. Project B is NOT eligible for the increase in basis accorded a project in a 2025 DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2026 (the assumed effective date of the 2026 DDA lists), the tax credits were allocated later than the end of the 730-day period after the filing of the complete application.

(*Case C*) Project C is located in a 2025 DDA that was not a DDA in 2024. Project C was placed in service on November 15, 2024. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2025. The tax-exempt bonds that will support the permanent financing of Project C are issued on September 30, 2025. Project C is NOT eligible for the

increase in basis otherwise accorded a project in a 2025 DDA, because the project was placed in service BEFORE January 1, 2025.

(*Case D*) Project D is located in an area that is a DDA in 2025 but is NOT a DDA in 2026 or 2027. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2025. Tax-exempt bonds are issued for Project D on April 30, 2027, but Project D is not placed in service until January 30, 2028. Project D is eligible for the increase in basis available to projects located in 2025 DDAs because: (1) one of the two events necessary for triggering the effective date for buildings described in Section 42(h)(4)(B) of the IRC (the two events being tax-exempt bonds issued and buildings placed in service) took place on April 30, 2027, within the 730-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the location of Project D was in a DDA, and (3) both the issuance of the tax-exempt bonds and placement in service of Project D occurred after the application was submitted.

(*Case E*) Project E is a multiphase project located in a 2025 DDA that is NOT a designated DDA or QCT in 2026. The first phase of Project E received an allocation of credits in 2025, pursuant to an application filed March 15, 2025, which describes the multiphase composition of the project. An application for tax credits for the second phase of Project E is filed with the allocating agency by the same entity on March 15, 2026. The second phase of Project E is located on a contiguous site. Credits are allocated to the second phase of Project E on October 30, 2026. The aggregate amount of credits allocated to the two phases of Project E exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency’s QAP and is the reason that applications were made in multiple phases. The second phase of Project E is, therefore, eligible for the increase in basis accorded a project in a 2025 DDA, because it meets all of the conditions to be a part of a multiphase project.

(*Case F*) Project F is a multiphase project located in a 2025 DDA that is NOT a designated DDA in 2026 or 2027. The first phase of Project F received an allocation of credits in 2025, pursuant to an application filed March 15, 2025, which does not describe the multiphase composition of the project. An application for tax credits for the second phase of Project F is filed with the allocating agency by the same entity on

March 15, 2027. Credits are allocated to the second phase of Project F on October 30, 2027. The aggregate amount of credits allocated to the two phases of Project F exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP. The second phase of Project F is, therefore, NOT eligible for the increase in basis accorded a project in a 2025 DDA, since it does not meet all of the conditions for a multiphase project, as defined in this notice. The original application for credits for the first phase did not describe the multiphase composition of the project. Also, the application for credits for the second phase of Project F was not made in the year immediately following the first phase application year.

(Case G) Project G is located in an area that is NOT a DDA in 2025 or 2027, but is in a DDA in 2026. A complete application for tax-exempt bond financing for Project G is filed with the bond-issuing agency on October 30, 2025. Project G is placed in service on November 15, 2026 and the bonds are issued on February 20, 2027. Property G is eligible for the increase in basis available to projects located in 2026 DDAs because one of the two necessary actions (the two events being tax-exempt bonds issued and buildings placed in service) occur when the property is in a DDA and both events occur after January 1, 2026, the assumed effective date of the 2026 DDAs.

VIII. Findings and Certifications

A. Environmental Impact

This notice involves the statutorily required establishment of fiscal requirements or procedures that are related to rate and cost determinations and do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6) of HUD's regulations, this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*).

B. Federalism Impact

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any policy document that has federalism implications if the document either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the document preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the executive order. This notice merely designates DDAs and

QCTs as required under IRC Section 42, as amended, for the use by political subdivisions of the states in allocating the LIHTC. This notice also details the technical methods used in making such designations. As a result, this notice is not subject to review under the order.

Solomon J. Greene

Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2024–20259 Filed 9–6–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
A0A501010.999900]

Advisory Board of Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children will hold a three day in-person and online meeting. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: The BIE Advisory Board meeting will be held Wednesday, September 25, 2024, from 8 a.m. to 4:30 p.m. EDT, and Thursday, September 26, 2024, from 8 a.m. to 4 p.m. EDT, and Friday, September 27, 2024, from 8 a.m. to 4:30 p.m. EDT. This will include a 1.5-hour school tour on Wednesday, September 25, 2024, from 9 a.m. to 10:30 a.m. EDT, and dialogue with Cherokee Central School staff on Wednesday, September 25, 2024, from 12 p.m. to 1:30 p.m. EDT.

ADDRESSES: This onsite meeting location will be at Cherokee Central Schools Central Office, 86 Elk Crossing Lane, Cherokee, NC 28719. To attend virtually, participants may use this link to register: <https://www.zoomgov.com/meeting/register/vJltcOmhpj8vHS5iX6Kn98Xf9yubIQbJPnA>.

Attendees register once and can attend one or both meeting events. After registering, you will receive a confirmation email containing information about joining the meeting.

Comments: Public comments can be emailed to the DFO at jennifer.davis@bie.edu; or faxed to (602) 265–0293, Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer

Davis, DFO, 2600 N. Central Ave., 12th Floor, Suite 250, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT:

Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N. Central Ave., 12th Floor, Suite 250, Phoenix, AZ 85004, Jennifer.Davis@bie.edu, or mobile phone (202) 860–7845.

SUPPLEMENTARY INFORMATION:

In accordance with the Federal Advisory Committee Act (5 U.S.C. 10), the BIE is announcing the Advisory Board will hold its next meeting in-person and online. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. All meetings, including virtual sessions, are open to the public in their entirety.

Meeting Agenda Items

The following agenda items will be for September 25–27, 2024, meetings:

- Campus tour of Cherokee Central Schools.
- BIE Director Office Updates.
- The BIE's Division of Performance and Accountability will provide Special Education updates about the BIE Special Education Policy & Procedures Handbook.
- The Committee will work on and finalize the 2024 Advisory Board Annual Report, wrap-up important decisions, discuss outstanding tasks, and discuss next steps.
- Special Education Updates from the Associate Deputy Director (ADD) Regions: Bureau Operated Schools, Navajo Region and, Tribally Controlled Schools (TCS).
- A Panel Discussion: Early Childhood Transition; and A Panel Discussion: Secondary Transition.
- A Panel Discussion with Transition Specialist (Pre-Kindergarten through grade 12), to include Early Childhood Transition and Secondary Transition.
- The entire afternoon session 12:10–4:00 p.m. MDT, the advisory board will work on identifying priority topics for the annual report, wrap-up important decisions, discuss outstanding tasks, and discuss next steps.
- Public Commenting Sessions will be offered to the general public:
 - Wednesday, September 25, 2024, from 11:45 a.m. to 12 p.m. EDT and 2 p.m. to 2:15 p.m. EDT; Thursday, September 26, 2024, from 11:45 a.m. to 12 p.m. EDT, and 3:45 p.m. to 4 p.m. EDT; and Friday, September 26, 2024, from 11:15 a.m. to 11:30 p.m. EDT.
 - Public comments can be provided verbally via webinar or in writing using

the chat box. Public comments can also be emailed to the DFO at Jennifer.Davis@bie.edu; or faxed to (602) 265–0293, Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N. Central Ave., 12th Floor, Suite 250, Phoenix, Arizona 85004. Public comments can also be emailed to the DFO at Jennifer.Davis@bie.edu; or faxed to (602) 265–0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N. Central Ave., 12th Floor, Suite 250, Phoenix, Arizona 85004.

Accessibility Request

Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. Please contact the person listed in the section **FOR FURTHER INFORMATION CONTACT** at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

Authority: 5 U.S.C. ch. 10.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–20186 Filed 9–6–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_OR_FRN_MO4500181093]

Public Meeting for the Steens Mountain Advisory Council, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Steens Mountain Advisory Council (SMAC) will meet as follows.

DATES: The SMAC will meet Thursday, October 10, 2024, from 10 a.m. to 4:30 p.m. Pacific time (PT), and Friday, October 11, 2024, from 8:30 a.m. to 12:30 p.m. PT.

ADDRESSES: The meeting will be held at the BLM Burns District Office at 28910 Highway 20 West, Hines, Oregon. A virtual participation option will also be available. The final meeting agenda and Zoom link for virtual participation will be published on the SMAC's web page at least 10 days in advance at <https://on.doi.gov/2PnZRcl>.

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738; telephone: (541) 573–4519; email: tthissell@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. 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 above at least 14 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: The SMAC was established on August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399) (Act). The SMAC provides recommendations to the BLM regarding new and unique approaches to the management of public lands within the bounds of the Steens Mountain Cooperative Management and Protection Area, recommends cooperative programs and incentives for landscape management that meet human needs, and advises the BLM on potential maintenance and improvement of the ecological and economic integrity of the area.

The Thursday, October 10, session includes information sharing from the Designated Federal Officer and the Andrews/Steens Field Manager, and updates on Inflation Reduction Act projects and 2024 recreation visitor use statistics. The SMAC may also discuss or hear information on the Bridge Creek Environmental Impact Statement, Natures Advocate, LLC, Inholder Access Environmental Assessment, fire and

grazing for fuels management, and/or a recap of the 2024 wildfire season.

On Friday, October 11, the SMAC will discuss its inholder/edgeholder initiative and hear a presentation from the Burns Paiute Tribe about their culture and aboriginal homelands in the area. Council members also have the opportunity to share information from their constituents or present research. Any other matters that may reasonably come before the SMAC may also be included at any time throughout the two-day meeting.

This meeting is open to the public. Public comment periods are scheduled for 1:30 p.m. on Thursday, October 10, and 11:15 a.m. on Friday, October 11. Depending on the number of people wishing to comment and the time available, the amount of time for oral comments may be limited. Written public comments may be sent to the BLM Burns District Office listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. To allow for full consideration by SMAC members, written comments must be provided to Tara Thissell (see **FOR FURTHER INFORMATION CONTACT**) at least three (3) business days prior to the meeting. All comments received will be provided to the SMAC. The meeting may end early if all business items are completed ahead of schedule or may be extended if discussions warrant more time.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comments, please 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: 43 CFR 1784.4–1)

Donald Rotell,

Andrews/Steens Field Office Manager.

[FR Doc. 2024–20276 Filed 9–6–24; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038652; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2024.

ADDRESSES: Dr. Mark R. Wheeler, Senior Advisor to President Luke Wood, California State University, Sacramento, 6000 J Street Sacramento, CA 95819, telephone (916) 460-0490, email mark.wheeler@csus.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 989 cultural items have been requested for repatriation. The 989 objects of cultural patrimony are flaked and ground stones; faunal and floral remains; modified stones, bones, and shells; unmodified stones; soil samples; and historic materials. These items were removed from CA-TEH-322, TEH-327, TEH-329, TEH-335, TEH-337, TEH-338, TEH-339, TEH-340, TEH-343, TEH-344, TEH-346, TEH-348, TEH-353, TEH-354, TEH-358, TEH-364, TEH-365, TEH-366, TEH-369, TEH-376, TEH-397, TEH-398, TEH-399, TEH-411, TEH-413, TEH-420, TEH-426, TEH-428, TEH-445, TEH-447, TEH-485, TEH-504, TEH-553, TEH-554, TEH-573, and TEH-Meeker/Hooper/Flume Creek in Tehama County, CA. The items from TEH-Meeker/Hooper/Flume Creek sites were collected during a student survey conducted from 1979 to 1982 and have since been housed at the California State University, Sacramento under accession 81-458. Items from the other Tehama County sites were collected during a survey lead by the University in the 1960s and have since been housed at California State University, Sacramento under accession numbers 81-9 and 81-359. An unknown number of objects may be missing from these collections

and California State University, Sacramento continues to look for them.

Determinations

The California State University, Sacramento has determined that:

- The 989 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Paskenta Band of Nomlaki Indians of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2024. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-20285 Filed 9-6-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM-2024-0046]

Notice of Availability of a Joint Record of Decision for US Wind Inc.'s Proposed Maryland Offshore Wind Project

AGENCY: Bureau of Ocean Energy Management, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Record of decision; notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the joint record of decision (ROD) on the final environmental impact statement (EIS) for the construction and operations plan (COP) submitted by US Wind Inc. (US Wind) for its proposed Maryland Offshore Wind Project (Project). The joint ROD includes the Department of the Interior's (DOI) decision regarding the COP and National Marine Fisheries Service's (NMFS) decision, pending completion of all statutory processes, regarding US Wind's requested Incidental Take Regulations (ITR) and an associated Letter of Authorization (LOA) under the Marine Mammal Protection Act (MMPA). NMFS has adopted the final EIS to support its decision about whether to promulgate the requested ITR and issue a LOA to US Wind under the MMPA. The joint ROD concludes the National Environmental Policy Act process for each agency.

ADDRESSES: The joint ROD and associated information are available on BOEM's website at <https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind>.

FOR FURTHER INFORMATION CONTACT: For information related to BOEM's action, please contact Lorena Edenfield, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM-OREP, Sterling, Virginia 20166, (907) 231-7679, or lorena.edenfield@boem.gov. For information related to NMFS' action, contact Katherine Renshaw, National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel, (302) 515-0324, noaa.nepa@noaa.gov.

SUPPLEMENTARY INFORMATION: US Wind seeks approval to construct, operate, and maintain a wind energy facility and the associated export cables on the Outer Continental Shelf (OCS) offshore Maryland. The Project would be

developed within the range of design parameters outlined in the Maryland Offshore Wind COP, subject to the applicable mitigation measures.

A notice of availability for the final EIS was published in the **Federal Register** on August 2, 2024. On August 22, 2024, BOEM published an errata on its website that included certain edits to chapter 2, chapter 3, and appendix G. None of these edits are substantive or affect the analysis or conclusions in the final EIS.

The Project (full build-out) as proposed in the COP would include up to 121 wind turbine generators (WTGs), 1 meteorological tower, up to 4 offshore substations, and up to 4 offshore export cables, distributed across the lease area (OCS-A 0490). The lease area is located 10.1 statute miles (16.2 kilometers) off the coast of Maryland. The onshore components of the Project would include a cable landfall area in Sussex County, Delaware. From the landfall, onshore cables would continue along an inshore cable export route in Indian River Bay to connect to onshore substations adjacent to the point of interconnection in Millsboro, Delaware.

After carefully considering public comments on the draft EIS and the alternatives described and analyzed in the final EIS, DOI selected Alternative B, "Proposed Action". Alternative B reduces the total number of WTGs from 121 to 114. Development of the wind energy facility would occur within the range of design parameters outlined in the COP, subject to applicable mitigation measures. The anticipated mitigation, monitoring, and reporting requirements, which will be included in BOEM's COP approval as terms and conditions, are included in the ROD, which is available at <https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind>.

NMFS has adopted BOEM's final EIS to support its decision about whether to promulgate the requested ITR and issue the associated LOA to US Wind. NMFS' final decision will be documented in a separate Decision Memorandum prepared in accordance with internal NMFS policy and procedures. The final ITR and a notice of issuance of the LOA, if issued, will be published in the **Federal Register**. The LOA would authorize US Wind to take small numbers of marine mammals incidental to Project construction and would set forth permissible methods of incidental taking; means of affecting the least practicable adverse impact on the species and their habitat; and requirements for monitoring and reporting. Pursuant to Section 7 of the Endangered Species Act (ESA), NMFS

issued a final Biological Opinion to BOEM on June 18, 2024, evaluating the effects of the proposed action on ESA-listed species. The proposed action in the Biological Opinion includes the associated permits, approvals, and authorizations that may be issued.

The US Army Corps of Engineers plans to adopt the final EIS to support its decision whether to issue a Department of the Army permit under sections 10 and 14 of the Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, and section 103 of the Marine Protection, Research, and Sanctuaries Act at a later date under an independent ROD.

Authority: National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321 *et seq.*); 40 CFR 1505.2.

Karen Baker,

*Chief, Office of Renewable Energy Programs,
Bureau of Ocean Energy Management.*

[FR Doc. 2024-20242 Filed 9-6-24; 8:45 am]

BILLING CODE 4340-98-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM-2024-0030]

Notice of Availability of a Final Environmental Assessment for Commercial Wind Lease Issuance, Site Characterization Activities, and Site Assessment Activities on the Atlantic Outer Continental Shelf in the Gulf of Maine Offshore the States of Maine and New Hampshire and the Commonwealth of Massachusetts

AGENCY: Bureau of Ocean Energy Management, Interior

ACTION: Notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the final environmental assessment (EA) and its finding that possible wind energy-related leasing, site assessment, and site characterization activities on the U.S. Atlantic Outer Continental Shelf (OCS) (the Proposed Action) will not significantly impact the human environment. The draft EA analyzes the potential impacts of the Proposed Action and a No Action Alternative. The EA will inform BOEM's decision about whether it will issue commercial wind energy leases in the Gulf of Maine offshore the States of Maine and New Hampshire and the Commonwealth of Massachusetts and its subsequent review of site assessment plans in the lease areas.

ADDRESSES: The final EA and detailed information about proposed commercial

leases can be found on BOEM's website at: <https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine>.

FOR FURTHER INFORMATION CONTACT:

Brandi Sangunett, BOEM, Environment Branch for Renewable Energy, 45600 Woodland Road, Mail Stop VAM-OREP, Sterling, VA 20166, (703) 787-1015 or brandi.sangunett@boem.gov.

SUPPLEMENTARY INFORMATION:

Proposed Action: The final EA analyzes the Proposed Action, which is to issue commercial wind energy leases in the Gulf of Maine wind energy area (WEA) and grant rights-of-way (ROWs) and rights-of-use and easement (RUEs). A BOEM-issued lease provides lessees the exclusive right to submit plans to BOEM for possible approval. The EA considers the reasonably foreseeable environmental consequences associated with site characterization activities (geophysical, geotechnical, archaeological, and biological surveys) and site assessment activities (including the installation and operation of meteorological buoys). BOEM prepared an EA for this proposed action to inform its planning and decision-making (40 CFR 1501.5(b)).

Alternative: In addition to the Proposed Action, BOEM considered a No Action Alternative. Under the No Action Alternative, BOEM would neither issue commercial wind energy leases nor grant ROWs and RUEs in the Gulf of Maine WEA. BOEM's preferred alternative is the Proposed Action.

Finding of no significant impact: After carefully considering the alternatives and comments from the public and cooperating and consulting agencies on the draft EA, BOEM finds that issuing commercial wind energy leases and granting ROWs and RUEs in the Gulf of Maine WEA would not significantly impact the environment.

Availability of the final EA: The final EA and associated information are available on BOEM's website at: <https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine>.

Authority: 42 U.S.C. 4231 *et seq.* (NEPA, as amended) and 40 CFR 1506.6.

Karen Baker,

*Chief, Office of Renewable Energy Programs,
Bureau of Ocean Energy Management.*

[FR Doc. 2024-20225 Filed 9-6-24; 8:45 am]

BILLING CODE 4340-98-P

INTERNATIONAL TRADE COMMISSION**[Investigation No. 337–TA–1415]****Certain Pre-Stretched Synthetic Braiding Hair and Packaging Therefor; Notice of Institution of Investigation****AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 2, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of JBS Hair, Inc. of Atlanta, Georgia. A supplement to the complaint was filed on August 19, 2024. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pre-stretched synthetic braiding hair and packaging therefor by reason of the infringement of certain claims of U.S. Patent No. 10,786,026 (“the ‘026 patent”); U.S. Patent No. 10,945,478 (“the ‘478 patent”); and U.S. Patent No. 10,980,301 (“the ‘301 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order or, in the alternative, a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, as supplemented, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION: Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2024).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 3, 2024, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1 and 9–11 of the ‘026 patent; claim 20 of the ‘478 patent; and claims 1, 4–9, and 11 of the ‘301 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “pre-stretched synthetic braiding hair products having a substantially cardioid shaped perimeter formed by hackling and pre-stretching synthetic hair strands having different lengths and packaging for such products”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

JBS Hair, Inc., 3587 Oakcliff Road, Atlanta, Georgia 30340–3014.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Sun Taiyang Co., Ltd. (d/b/a Outre®), 85 Oxford Drive, Moonachie, New Jersey 07074.

Beauty Elements Corporation (d/b/a Bijou®), 5517 NW 163rd Street, Miami Gardens, Florida 33014.

Hair Zone, Inc. (d/b/a Sensationnel®), 10 State Street, Moonachie, New Jersey 07074.

Beauty Essence, Inc. (d/b/a Supreme™ Hair US), 60 Oxford Drive, Moonachie, New Jersey 07074.

SLI Production Corp. (d/b/a It’s a Wig!), 7 Capital Drive, Moonachie, New Jersey 07074.

Royal Imex, Inc. (d/b/a Zury® Hollywood), 12605 Clark Street, Santa Fe Springs, California 90670.

GS Imports, Inc. (d/b/a Golden State Imports, Inc.), 7112 Alondra Blvd., Paramount, California 90723.

Eve Hair, Inc., 3935 Paramount Blvd., Lakewood, California 90712.

Kum Kang Trading USA, Inc. (d/b/a BNGHAIR), 6422 Alondra Blvd., Paramount, California 90723.

Midway International, Inc. (d/b/a BOBBI BOSS), 13131 E 166th Street, Cerritos, California 90703.

Mayde Beauty Inc., 85 Harbor Road, Port Washington, New York 11050.

Hair Plus Trading Co., Inc. (d/b/a Femi Collection), 1327 Northbrook Parkway, Ste. 410, Suwanee, Georgia 30024.

Optimum Solution Group LLC (d/b/a Oh Yes Hair), 4070 Buford Hwy., Suite #4, Duluth, Georgia 30096.

Chois International, Inc., 4320 International Blvd., Norcross, Georgia 30093.

Twin Peak International, Inc. (d/b/a Dejavu Hair), 4340 Pleasantdale Road, Atlanta, Georgia 30340–3001.

Loc N Products, LLC, 142 Mangum Street SW, Atlanta, Georgia 30313.

Crown Pacific Group Inc., 3121 Oakcliff Industrial Street, Doraville, Georgia 30340.

Vivace, Inc. (d/b/a Dae Do Inc.), 124 Gate Lane, Levittown, New York 11756.

A-Hair Import Inc., 6423 Warren Drive, Norcross, GA 30093.

Chade Fashions, Inc., 6400 W Gross Point Road, Niles, Illinois 60714.

Mink Hair, Ltd. (d/b/a Sensual® Collection), 71 Riverview Drive, Wayne, New Jersey 07470.

Mane Concept Inc., 24 Empire Blvd., Moonachie, New Jersey 07074.

Oradell International Corp. (d/b/a MOTOWN TRESS), 3 Beaver Creek Street, Manalapan, New Jersey 07726.

Beauty Plus Trading Co., Inc. (d/b/a Janet Collection™), 210 W Commercial Avenue, Moonachie, New Jersey 07074.

Model Model Hair Fashion, Inc., 83 Harbor Road, Port Washington, New York 11050.

New Jigu Trading Corp. (d/b/a Harlem 125®), 10 Harbor Road, Port Washington, New York 11050.

Shake N Go Fashion, Inc., 85 Harbor Road, Port Washington, New York 11050.

Amekor Industries, Inc. (d/b/a Vivica A. Fox® Hair Collection), 500 Brook Road, Ste. 100, Conshohocken, Pennsylvania 19428.

I & I Hair Corp., 4215 Mcewen Road, Dallas, Texas 75244.

Zugoo Import Inc., 6670 Jones Mill Court, Suite C, Norcross, Georgia 30092.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the

The company plans to manufacture the above listed controlled substances as bulk active pharmaceutical ingredients for use in product development and for distribution to its customers.

In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these

Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.
Issued: September 4, 2024.

Sharon Bellamy,
Supervisory Hearings and Information Officer.
[FR Doc. 2024–20275 Filed 9–6–24; 8:45 am]
BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1423]

Bulk Manufacturer of Controlled Substances Application: Curia New York, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Curia New York, Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

drug codes are authorized for this registration.

Marsha L. Ikner,
Acting Deputy Assistant Administrator.
[FR Doc. 2024–20193 Filed 9–6–24; 8:45 am]
BILLING CODE P

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before November 8, 2024. Such persons may also file a written request for a hearing on the application on or before November 8, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on August 6, 2024, Curia New York, Inc., 33 Riverside Avenue, Rensselaer, New York 12144–2951, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Pentobarbital	2270	II
4-Anilino-N-Phenethyl-4-Piperidine (ANPP)	8333	II
Codeine	9050	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Meperidine	9230	II
Morphine	9300	II
Fentanyl	9801	II

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1424]

Importer of Controlled Substances Application: Curia New York, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Curia New York, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 9, 2024. Such persons may also file a written request for a hearing on the application on or before October 9, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal,

which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701

Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on August 6, 2024, Curia New York, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Poppy Straw Concentrate	9670	II

The company plans to import the listed controlled substances for bulk manufacturing into other controlled substances to be distributed to their customers. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,

Acting Deputy Assistant Administrator.

[FR Doc. 2024-20192 Filed 9-6-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual Labor Surplus Area (LSA) list for fiscal year (FY) 2025.

DATES: The annual LSA list is effective October 1, 2024, for all States, the District of Columbia, and Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Lucas Arbulu or Donald Haughton,

Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue NW, Room C-4514, Washington, DC 20210. Telephone: Lucas Arbulu (202) 693-2611 (this is not a toll-free number), or Donald Haughton (202) 693-2784 (this is not a toll-free number), or email arbulu.lucas.w@dol.gov, or haughton.donald.w@dol.gov.

SUPPLEMENTARY INFORMATION: The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subpart A. These regulations require the Employment and Training Administration (ETA) to classify jurisdictions as LSAs pursuant to the criteria specified in the regulations, and to publish annually a list of LSAs. Pursuant to those regulations, ETA is hereby publishing the annual LSA list.

In addition, the regulations provide exceptional circumstance criteria for classifying LSAs when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

A LSA is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period.

ETA uses only official unemployment estimates provided by the Bureau of Labor Statistics in making these classifications. The average unemployment rate for all states includes data for the District of Columbia, and the Commonwealth of Puerto Rico. The LSA classification criteria stipulate a civil jurisdiction must have a "floor unemployment rate" of 6 percent or higher to be classified an LSA. Any civil jurisdiction that has a "ceiling unemployment rate" of 10 percent or higher is classified an LSA.

Civil jurisdictions are defined as follows:

1. A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or

2. A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or

3. All counties, except for those counties which contain any type of civil jurisdictions defined in "1" or "2" above; or

4. A "balance of county" consisting of a county less any component cities and townships identified in "1" or "2" above; or

5. A county equivalent which is a town in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont or a municipio in the Commonwealth of Puerto Rico.

Procedures for Classifying Labor Surplus Areas

The Department of Labor (DOL) issues the LSA list on a fiscal year basis. The list becomes effective each October 1, and remains in effect through the following September 30. The reference period used in preparing the current list was January 2022 through December 2023. The national average unemployment rate (including Puerto Rico) during this period is rounded to 3.66 percent. Twenty percent higher than the national unemployment rate during this period is rounded to 4.39 percent. Since this percent is below the floor rate, the qualifying rate is 6 percent.

To ensure that all areas classified as labor surplus meet the requirements, when a city is part of a county and meets the unemployment qualifier as a LSA, that city is identified in the LSA list, the balance of county, not the entire county, will be identified as a LSA if the balance of county also meets the LSA unemployment criteria. The data on the current and previous years' LSAs are available at www.dol.gov/agencies/eta/lsa.

Petition for Exceptional Circumstance Consideration

The classification procedures also provide criteria for the designation of LSAs under exceptional circumstances criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, LSA classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Combined Statistical Areas, as defined by the U.S. Office of Management and Budget. In order for an area to be classified as a LSA under the exceptional circumstance criteria, the State Workforce Agency must submit a petition requesting such classification to the Department of Labor's ETA.

The current criteria for an exceptional circumstance classification are:

1. An area's unemployment rate is at least 6 percent for each of the three most recent months; and
2. A projected unemployment rate of at least 6 percent for each of the next 12 months because of an event.

When submitting such a petition, the State Workforce Agency must provide documentation that the exceptional circumstance event has occurred. The State Workforce Agency may file

petitions on behalf of civil jurisdictions, Metropolitan Statistical Areas, or Metropolitan Statistical Areas.

State Workforce Agencies may submit petitions in electronic format to arbulu.lucas.w@dol.gov, haughton.donald.w@dol.gov, or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW, Room C-4514, Washington, DC 20210, Attention Lucas Arbulu. Data collection for the petition is approved under OMB 1205-0207, expiration date May 31, 2026.

José Javier Rodríguez,

Assistant Secretary for Employment and Training Administration.

[FR Doc. 2024-20162 Filed 9-6-24; 8:45 am]

BILLING CODE 4510-FN-P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 24-04]

Millennium Challenge Corporation Candidate Country Report for Fiscal Year 2025

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: The Millennium Challenge Act of 2003, as amended, requires the Millennium Challenge Corporation to publish a report that identifies countries that are "candidate countries" for Millennium Challenge Account assistance during Fiscal Year 2025. The report is set forth in full below.

(Authority: 22 U.S.C. 7707(a))

Dated: September 3, 2024.

Peter E. Jaffe,

Vice President, General Counsel, and Corporate Secretary.

Millennium Challenge Corporation Candidate Country Report for Fiscal Year 2025

Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance for global development through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and

poverty reduction. The Act also authorizes the provision of assistance to countries for the purpose of assisting such country to become compact eligible. The Act requires MCC to take a number of steps in selecting countries to which MCC will seek to provide assistance, including determining the countries that will be eligible countries for fiscal year (FY) 2025 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; (b) the opportunity to reduce poverty and generate economic growth in the country; and (c) the availability of funds to MCC. These steps include the submission to the congressional committees specified in the Act and publication in the **Federal Register** of reports on the following:

- The countries that are "candidate countries" for FY 2025 are based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

- The criteria and methodology that the MCC Board of Directors (the Board) will use to measure and evaluate the relative policy performance of the "candidate countries" consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine "eligible countries" from among the "candidate countries" (section 608(b) of the Act); and

- The list of countries determined by the Board to be "eligible countries" for FY 2025, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

Candidate Countries for FY 2025

The Act requires the identification of all countries that are candidate countries for purposes of eligibility for MCC assistance for FY 2025 and the identification of all countries that would be candidate countries for purposes of eligibility for MCC assistance but for specified legal prohibitions on assistance. Qualification as a candidate country is defined in sections 606(a) and (b) of the Act, under which:

A country will be a candidate country in the low income category for FY 2025 if it:

- has a per capita income that is not greater than the World Bank's lower middle income country threshold for

such fiscal year (\$4,515 gross national income per capita for FY 2025);

- is among the 75 countries identified by the World Bank as having the lowest per capita income; and

- is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

A country will be a candidate country in the lower middle income category for FY 2025 if it:

- has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year (\$4,515 gross national income per capita for FY 2025);

- is not among the 75 countries identified by the World Bank as having the lowest per capita income; and

- is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of the Foreign Assistance Act or any other provision of law.

Under section 606(c) of the Act as applied for FY 2025, a country with per capita income changes from FY 2024 to FY 2025 such that the country would be reclassified from the low income category to the lower middle income category or vice versa will retain its income status in its former category for FY 2025 and two subsequent fiscal years (FY 2026 and FY 2027). A country that has transitioned to the upper middle income category does not qualify as a candidate country.

Under section 616 of the Act, the Board may select countries from this list of candidate countries for the purpose of assisting such country to become an eligible country (traditionally referred to as threshold programs) if such country demonstrates a significant commitment to meeting the requirements of subsections (a) and (b) of section 607 of the Act but fails to meet such requirements.

Pursuant to section 606(d) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2025. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2024 under the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (FY 2024 SFOAA) contained in Division F of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47).

Candidate Countries: Low Income Category

1. Afghanistan *

2. Angola
3. Bangladesh
4. Benin
5. Bhutan
6. Bolivia
7. Burundi
8. Cabo Verde
9. Cambodia *
10. Cameroon
11. Central African Republic
12. Chad
13. Comoros
14. Congo, Dem. Rep.
15. Congo, Rep.
16. Cote d'Ivoire
17. Djibouti *
18. Egypt, Arab Rep.
19. Eswatini
20. Ethiopia
21. Gambia, The
22. Ghana
23. Guinea-Bissau
24. Honduras
25. India
26. Kenya
27. Kiribati
28. Kyrgyz Republic
29. Lao PDR
30. Lebanon
31. Lesotho
32. Liberia
33. Madagascar
34. Malawi
35. Mauritania
36. Morocco
37. Mozambique
38. Nepal
39. Nigeria
40. Pakistan
41. Papua New Guinea *
42. Philippines
43. Rwanda
44. Sao Tome and Principe
45. Senegal
46. Sierra Leone
47. Solomon Islands
48. Somalia
49. Tajikistan
50. Tanzania
51. Timor-Leste
52. Togo
53. Tunisia
54. Uganda
55. Uzbekistan
56. Vanuatu
57. Vietnam
58. Yemen, Rep.
59. Zambia

* This country was ranked Tier 3 in the 2024 Trafficking in Persons Report issued by the U.S. Department of State. If, consistent with section 110 of the Trafficking Victims Protection Act of 2000, the President determines that the United States will not provide non-humanitarian nontrade-related assistance to the country, then it would no longer be a candidate country for FY 2025.

Candidate Countries: Lower Middle Income Category

1. Jordan
2. Micronesia, Federated States of
3. Samoa

Countries That Would Be Candidate Countries but for Legal Provisions That Prohibit Assistance

Countries that would be considered candidate countries for purposes of eligibility for MCC assistance for FY 2025 but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 29, 2024.

Prohibited Countries: Low Income Category

- *Burkina Faso* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Burma* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights and pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Eritrea* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns related to its record on human rights and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Guinea* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Haiti* is ineligible to receive foreign assistance unless the Secretary of State provides a certification pursuant to section 7045(g)(2) of the FY 2024 SFOAA.

- *Korea, North* is ineligible to receive foreign assistance as it is subject to numerous restrictions including section 7007 of the FY 2024 SFOAA and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Mali* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Nicaragua* is ineligible to receive foreign assistance as it is subject to numerous restrictions including under section 7047(c) of the FY 2024 SFOAA related to its recognition posture with respect to the Russian Federation

occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia, and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Niger* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *South Sudan* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights, and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Sudan* is ineligible to receive foreign assistance as it is subject to numerous restrictions including the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Syria* is ineligible to receive foreign assistance as it is subject to numerous restrictions including section 7007 of the FY 2024 SFOAA and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Zimbabwe* is ineligible to receive foreign assistance, including pursuant to section 7042(j)(2) of the FY 2024 SFOAA, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

Prohibited Countries: Lower Middle Income Category

- *Sri Lanka* is ineligible to receive foreign assistance pursuant to section 7044(c)(2) of the FY 2024 SFOAA, which restricts (with limited exceptions) assistance for the central government unless the Secretary makes certain certifications regarding actions taken by the Government of Sri Lanka and reports to the Committees on Appropriations.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2025.

Appendix: Candidate Countries and Prohibited Countries in the Event of Enactment of Millennium Challenge Corporation Candidate Country Reform Act Legislation or Similar Legislation

As of the date of this report, legislation known as the Millennium Challenge Corporation Candidate Country Reform Act is under active consideration by the United States Congress. If passed as currently drafted, the legislation would reform the income threshold for countries to be candidate countries for purposes of eligibility for MCC assistance by changing it to the World Bank threshold for initiating the International Bank for Reconstruction and Development graduation process for the fiscal year (\$7,895 gross national income per capita for FY 2025). It would also eliminate the distinction between lower income category and lower middle income category countries.

Should this legislation (or legislation that similarly reforms the income threshold for countries to become candidates) become law before FY 2026, the Board identified that the following countries would be qualified, based on their income status, as candidate countries for consideration under the Act for FY 2025:

1. Afghanistan *
2. Albania
3. Algeria
4. Angola
5. Armenia
6. Bangladesh
7. Belize
8. Benin
9. Bhutan
10. Bolivia
11. Botswana
12. Burundi
13. Cabo Verde
14. Cambodia *
15. Cameroon
16. Central African Republic
17. Chad
18. Colombia
19. Comoros
20. Congo, Dem. Rep.
21. Congo, Rep.
22. Cote d'Ivoire
23. Djibouti *
24. Ecuador
25. Egypt, Arab Rep.
26. El Salvador
27. Equatorial Guinea
28. Eswatini
29. Ethiopia
30. Fiji
31. Gambia, The
32. Georgia
33. Ghana
34. Guatemala
35. Guinea-Bissau
36. Honduras

37. India
38. Indonesia
39. Iraq
40. Jamaica
41. Jordan
42. Kenya
43. Kiribati
44. Kosovo
45. Kyrgyz Republic
46. Lao PDR
47. Lebanon
48. Lesotho
49. Liberia
50. Libya
51. Madagascar
52. Malawi
53. Marshall Islands
54. Mauritania
55. Micronesia, Federated States of
56. Moldova
57. Mongolia
58. Morocco
59. Mozambique
60. Namibia
61. Nepal
62. Nigeria
63. North Macedonia
64. Pakistan
65. Papua New Guinea *
66. Paraguay
67. Peru
68. Philippines
69. Rwanda
70. Samoa
71. Sao Tome and Principe
72. Senegal
73. Sierra Leone
74. Solomon Islands
75. Somalia
76. South Africa
77. Suriname
78. Tajikistan
79. Tanzania
80. Thailand
81. Timor-Leste
82. Togo
83. Tonga
84. Tunisia
85. Tuvalu
86. Uganda
87. Ukraine
88. Uzbekistan
89. Vanuatu
90. Vietnam
91. Yemen, Rep.
92. Zambia

If the Millennium Challenge Corporation Candidate Country Reform Act legislation or legislation that similarly reforms the income threshold for countries to become candidates were

* This country was ranked Tier 3 in the 2024 Trafficking in Persons Report issued by the U.S. Department of State. If, consistent with section 110 of the Trafficking Victims Protection Act of 2000, the President determines that the United States will not provide non-humanitarian nontrade-related assistance to the country then it would no longer be a candidate country for FY 2025.

to become law, the following countries would be considered candidate countries for purposes of eligibility for MCC assistance for FY 2025, but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 29, 2024.

Prohibited Countries

- *Azerbaijan* is ineligible to receive foreign assistance pursuant to section 907 of the FREEDOM Support Act (22 U.S.C. 5801).
- *Belarus* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).
- *Burkina Faso* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.
- *Burma* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights and pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.
- *Eritrea* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).
- *Guinea* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.
- *Haiti* is ineligible to receive foreign assistance unless the Secretary of State provides a certification pursuant to section 7045(g)(2) of the FY 2024 SFOAA.
- *Iran* is ineligible to receive foreign assistance as it is subject to numerous restrictions including section 7007 of the FY 2024 SFOAA and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).
- *Korea, North* is ineligible to receive foreign assistance as it is subject to numerous restrictions including section 7007 of the FY 2024 SFOAA and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Mali* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Nicaragua* is ineligible to receive foreign assistance as it is subject to numerous restrictions including under section 7047(c) of the FY 2024 SFOAA related to its recognition posture with respect to the Russian Federation occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Niger* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *South Sudan* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights, and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Sri Lanka* is ineligible to receive foreign assistance pursuant to section 7044(c)(2) of the FY 2024 SFOAA, which restricts (with limited exceptions) assistance for the central government unless the Secretary makes certain certifications regarding actions taken by the Government of Sri Lanka and reports to the Committees on Appropriations.

- *Sudan* is ineligible to receive foreign assistance as it is subject to numerous restrictions including the military coup restriction in section 7008 of the FY 2024 SFOAA.

- *Syria* is ineligible to receive foreign assistance as it is subject to numerous restrictions including section 7007 of the FY 2024 SFOAA and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Zimbabwe* is ineligible to receive foreign assistance, including pursuant to section 7042(j)(2) of the FY 2024 SFOAA, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

The countries identified above that would be candidate countries should the legislation pass; as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject

of future statutory restrictions or determinations that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2025.

[FR Doc. 2024–20132 Filed 9–6–24; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities; National Survey of College Graduates

ACTION: Correction.

SUMMARY: The National Science Foundation (NSF) published a document in the **Federal Register** of September 4, 2024, concerning a request for public comment on the 2025 National Survey of College Graduates with the wrong survey title.

Corrections

In the **Federal Register** published September 4, 2024, in FR Doc. 2024–19850 (Filed 9–3–24), on page 71938, first column, under **SUPPLEMENTARY INFORMATION:** Title of Collection, please change the title to 2025 National Survey of College Graduates. All other details remain unchanged.

Dated: September 4, 2024.

Suzanne H. Plimpton,
Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–20233 Filed 9–6–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Environmental Research and Education (9487).

Date and Time:

November 7, 2024; 10 a.m.–5 p.m. (EDT)
November 8, 2024; 9 a.m.–3:30 p.m. (EDT)

Place: National Science Foundation, 2415 Eisenhower Avenue, Room W–2210/W–2220, Alexandria, VA 22314 | Hybrid.

Hybrid participation is for advisory members and presenters only. Public participants may attend the meeting virtually. Registration for the meeting can be accessed at: https://nsf.zoomgov.com/meeting/register/vJltdOCuqDIqGaAsRjQEqUVk2K_bkTn2F-0.

Type of Meeting: Open.

Contact Person: Dr. Ashley Pierce, Staff Associate, Office of Integrative Activities, Office of the Director, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; (Email: apierce@nsf.gov; Telephone: (703) 292-4493).

SUMMARY OF MINUTES: May be obtained from the AC ERE website: <https://new.nsf.gov/od/oia/advisory-committee-environmental-research>.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for environmental research and education.

Agenda: Approval of minutes from past meeting. Updates on agency support for environmental research and activities. Discussion with NSF Director. Plan for future advisory committee activities. Updated agenda will be available on the AC ERE website: <https://new.nsf.gov/od/oia/advisory-committee-environmental-research>.

November 7, 2024

10:00 a.m.–10:15 a.m. Welcoming Remarks
10:15 a.m.–10:45 a.m. NSF Update
10:45 a.m.–11:00 a.m. Break
11:00 a.m.–12:00 p.m. Build a Resilient Planet Update
12:00 p.m.–1:00 p.m. Lunch
1:00 p.m.–2:30 p.m. Strategic Roadmap Discussion
2:30 p.m.–4:00 p.m. NSF Program Updates
4:00 p.m.–4:15 p.m. Committee Business
4:15 p.m.–5:00 p.m. Briefings from Advisory Committee Liaisons
5:00 p.m. Adjourn Day 1

November 8, 2024

9:00 a.m.–10:30 a.m. Strategic Roadmap Work Group
10:30 a.m.–10:45 a.m. Break
10:45 a.m.–11:15 a.m. NSF Environmental Justice Strategic Plan Update
11:15 a.m.–12:00 p.m. Preparation for Discussion with NSF Senior Leadership
12:00 p.m.–1:00 p.m. Lunch
1:00 p.m.–2:00 p.m. Preparation for Discussion with NSF Senior Leadership
2:00 p.m.–2:30 p.m. Discussion with OD
2:30 p.m.–3:30 p.m. Committee Wrap Up and Next Steps

3:30 p.m. Adjourn Day 2

Dated: September 4, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024–20264 Filed 9–6–24; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 9, 16, 23, and 30, and October 7, 14, 2024. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of September 9, 2024

Thursday, September 12, 2024

10:00 a.m. Briefing on NRC International Activities (Closed Ex. 1 and 9)

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.

Week of September 30, 2024—Tentative

There are no meetings scheduled for the week of September 30, 2024.

Week of October 7, 2024—Tentative

Tuesday, October 8, 2024

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Jeffrey Lynch: 301–415–5041)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of October 14, 2024—Tentative

There are no meetings scheduled for the week of October 14, 2024.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Sarah Turner at 301–287–9058 or via email at Sarah.Turner@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 4, 2024.

For the Nuclear Regulatory Commission.

Sarah A. Turner,

Information Management Specialist, Office of the Secretary.

[FR Doc. 2024–20310 Filed 9–5–24; 11:15 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0246, CyberCorps®: Scholarship for Service (SFS) Registration System

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Office of Personnel Management (OPM) Human Resources Solutions offers the general public and other Federal agencies the opportunity to comment on the extension with change of a currently approved information collection request (ICR): 3206–0246, CyberCorps®: Scholarship for Service (SFS) Registration system.

DATES: Comments are encouraged and should be received within 30 calendar days from the date of this publication. This process is conducted in accordance with 5 CFR 1320.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of

this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Office of Personnel Management" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting: U.S. Office of Personnel Management, Student Programs Branch, Attention: Laura Knowles, 601 East 12th Street, Kansas City, MO 64106–2826, via phone at 202–606–1200, or via electronic email at: sfs@opm.gov

SUPPLEMENTARY INFORMATION: The CyberCorps® Scholarship for Service (SFS) Program was established by the National Science Foundation, in collaboration with the U.S. Office of Personnel Management and the Department of Homeland Security, in accordance with the Cybersecurity Enhancement Act of 2014 (Pub. L. 113–274) as amended by the National Defense Authorization Act and CHIPS and Science Act and codified at 15 U.S.C. 7442. This initiative reflects the critical need for Information Technology (IT) professionals, industrial control system security professionals, and security managers in government. The goals of the CyberCorps® Scholarship for Service (SFS) Program are to: (1) increase the number of qualified and diverse cybersecurity candidates for government cybersecurity positions; (2) improve the national capacity for the education of cybersecurity professionals and research and development workforce; (3) hire, monitor, and retain high-quality CyberCorps® graduates in the cybersecurity mission of Federal Government; and (4) strengthen partnerships between institutions of higher education and Federal, State, local, and Tribal governments. OPM partners with NSF in this program by aiding in matching SFS students to potential agencies, coordinating students' transition into government employment, monitoring students' compliance with program requirements, and assessing whether the program helps meet the personnel needs of the Federal Government for information infrastructure protection.

The SFS Program provides funds to institutions of higher education for student scholarships in support of education in areas relevant to cybersecurity and cybersecurity-related aspects of other related fields as appropriate, including artificial intelligence, quantum computing, and aerospace. Students identified by their

institutions for SFS Scholarships must meet selection criteria based on prior academic performance, likelihood of success in obtaining the degree, and suitability for government employment. Each scholarship recipient, as a condition of receiving a scholarship under the program, enters into an agreement under which the recipient agrees to work during the summer between academic terms and to work for a period equal to the length of the scholarship, following receipt of the student's degree, in a position related to cybersecurity and in the cyber security mission of—

(1) an executive agency (as defined in 5 U.S.C. 105);

(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

(3) an interstate agency;

(4) a State, local, or Tribal government;

(5) a State, local, or Tribal government-affiliated non-profit that is critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)); or

(6) as an educator in the field of cybersecurity at a qualified institution of higher education that provides SFS scholarships.

Additionally, scholarship recipients agree to provide OPM (in coordination with the NSF) and the qualified institution of higher education with annual verifiable documentation of post-award employment and up-to-date contact information.

As required by 15 U.S.C. 7442, a SFS scholarship recipient is financially liable to the United States if the individual: fails to maintain an acceptable level of academic standing; is dismissed from the applicable institution of higher education for disciplinary reasons; withdraws from the eligible degree program before completing the program; declares that they do not intend to fulfill the post-award employment obligation; or fails to maintain or fulfill any of the post-graduation or post-award employment obligations or requirements. Failure to satisfy the academic requirements of the program or to complete the service requirement results in forfeiture of the scholarship award, which must either be repaid or reverted by the institution to a student loan pro-rated accordingly to reflect partial service completed.

Approval of the CyberCorps®: Scholarship for Service (SFS) Registration system is necessary to continue management and operation of the program and to facilitate the timely registration, selection, placement, and monitoring of program-enrolled

scholarship recipients in Government agencies.

The burden estimate associated with this request is increasing from past years. This is due to three primary reasons: an increased number of scholars, increased reporting requirements, and reassessment of previous reporting of burden estimates. Each year NSF awards grants to additional universities to use for scholarships under the SFS program which increases the number of students that receive scholarships, and consequently, the number of scholars that need to be monitored through the completion of their service commitment. Each student awarded a scholarship must register their profile and resume with the SFS website for the successful facilitation of their placement with a government agency, and they must maintain up-to-date profile and employment information through program completion. The annual employment verification and profile maintenance was not previously collected, and to meet this requirement, scholars and their affiliated academic officials must report employment and up-to-date profile information. Finally, the previous information collection requests only included new scholars registering with the SFS portal. Costs attributable to the requirement for scholars to provide annual employment verification and to maintain an up-to-date profile have been captured in this burden estimate in addition to the information collected from academic and agency officials.

The Office of Personnel Management (OPM), Human Resources Solutions Division, offers the general public and other Federal agencies the opportunity to comment on an existing information collection request (ICR) 3206–0246, SFS Registration System. The information collection was previously published in the **Federal Register** at 86 FR 17219 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

The Office of Management and Budget (OMB) is particularly interested in comments that:

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. Identify ways in which OPM can 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.

Analysis

Agency: CyberCorps®: Scholarship for Service, Office of Personnel Management.

Title: Scholarship for Service (SFS) Program Internet Site.

OMB Number: 3206–0246.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 1,303.

Estimated Time per Respondent:

New Scholars: 30 minutes.

Existing Scholars: 15 minutes.

Principal Investigators/Academic Officials: 35 minutes.

Agency Officials: 10 minutes.

Total Burden Hours: 965 hours.

Office of Personnel Management.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2024–20175 Filed 9–6–24; 8:45 am]

BILLING CODE 6325–43–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service®.

ACTION: Notice of a new system of records.

SUMMARY: The United States Postal Service® (USPS®) is proposing to create one Customer Privacy Act System of Records (SOR) 1225.000. This new SOR will formalize the Postal Service program known as USPS Operation Santa® and promote transparency.

DATES: These revisions will become effective without further notice on October 9, 2024, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters USPSPrivacyFedRegNotice@usps.gov. Arrangements to view copies of any written comments received, to facilitate public inspection, will be made upon request.

FOR FURTHER INFORMATION CONTACT:

Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–2000, USPSPrivacyFedRegNotice@usps.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The United States Postal Service has a long, storied history concerning letters to Santa. From cultural touchstones like *Miracle on 34th Street* to “Letters to Santa” holiday decorations, the notion of a child writing a letter to Santa Claus, Saint Nicolas, Papa Noel, and countless other derivations goes back generations. The Postal Service has long supported these types of programs, formalizing efforts at the turn of the 20th century, then evolving over time into what we now know as Operation Santa.

The Postal Service now seeks to expand this program further, enhancing the capability for spreading holiday cheer and keeping the spirit of the holidays alive. This SOR is drafted therefore with the goal of turning Operation Santa into a beloved, perennial program cherished by children and adults across the country. To further that end, this SOR will formalize components of Operation Santa, standardize previously disparate components, and add channels for keeping the magic alive all season long.

The USPS Operation Santa program encourages the public to adopt letters written to Santa. For 111 years this program has helped children and families have a magical holiday when they otherwise might not. USPS Operation Santa is designed to allow individuals to adopt actual letters written to Santa that are only displayed online after any personal information is redacted to protect the confidentiality and safety of the letter writer. Prescreened adopters have the opportunity to adopt and send thoughtful, heartfelt gifts anonymously. Package recipients or sender names are never revealed to program participants. This security practice of anonymity safeguards the confidentiality of participants, while preserving holiday “Santa magic.”

II. Rationale for Creation of a New USPS Privacy Act System of Records

The first goal of this SOR is to formalize the letter-writing program known as Operation Santa. Every year, thousands of individuals write and send letters to Santa through USPS. These letters are received, redacted of all identifying information, and placed for “adoption” through a USPS website.

Here, members of the public have the opportunity to register, become verified, and “adopt” those letters and fulfill holiday wishes. With the creation of this SOR, USPS will formally centralize the program for adopting letters and fulfilling holiday wishes to solely within USPS headquarters, ensuring that any participants in the program are provided with the rigorous security and anonymity requirements provided by the program while also supplanting the need for individual post office locations to create their own letter-adoption program.

This SOR will also confer on USPS a higher capacity to ensure accountability under this program. This will allow U.S. Postal Inspection Service (USPIS) greater flexibility in investigating any actual or suspected misbehavior that may occur during the seasonal program. Further, this will allow USPS to refer incidents of improper disclosure by USPS employees through the proper disciplinary courses.

III. Description of the New System of Records

Pursuant to 5 U.S.C. 552a (e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed new System of Records has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect that this new system of records will have any adverse effect on individual privacy rights.

The notice for the creation of USPS SOR 1225.000, USPS Operation Santa®, is provided below in its entirety, as follows:

SYSTEM NAME AND NUMBER:

USPS 1225.000 USPS Operation Santa®.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All USPS facilities and contractor sites.

SYSTEM MANAGER(S) AND ADDRESS:

Vice President, Processing & Maintenance Operations, United States Postal Service, 475 L’Enfant Plaza SW, Washington, DC 20260.

Chief Customer and Marketing Officer and Executive Vice President, United States Postal Service, 475 L’Enfant Plaza SW, Washington, DC 20260–4016.

Chief Postal Inspector, Inspection Service, United States Postal Service, 475 L’Enfant Plaza SW, Washington, DC 20260.

Chief Information Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
39 U.S.C. 401, 403, 404.

PURPOSE(S) OF THE SYSTEM:

1. To administer the formal USPS letter-writing, letter-adopting, and gift-sending holiday program known as Operation Santa.
2. To allow individuals to create online accounts to view and adopt redacted letters and to fulfill gift requests on behalf of letter-writers.
3. To verify the identity of letter-adopters to ensure the safety of the program's participants.
4. To produce semi-anonymous labels for packages sent through the formal Operation Santa program.
5. To allow communication between USPS and letter-adopters regarding letters, adoption, account functionality, and marketing.
6. To provide disciplinary referrals for USPS employees related to improper disclosures of personally identifiable information.
7. To identify improper handling and improper disclosures of personally identifiable information for administrative referral and mitigation of harm to impacted individuals.
8. To allow investigation into fraud, abuse, and illegal conduct related to activity occurring during the Operation Santa seasonal program.
9. To provide an online e-commerce platform for facilitating online gift requests.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Customers, USPS employees, USPS Contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Operation Santa Participant information: Name, Email Address, Phone Number, Address.
2. Model Release information: Name, Name of Minor Child, Name of Minor Child's Guardian or Parent, Email Address, Phone Number, Individual Photograph, Social Media Handle.
3. E-commerce transaction information: Transaction ID, Order Number.

RECORD SOURCE CATEGORIES:

USPS Employees, Operation Santa Letter Participants.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated databases, computer storage media, scanned images of letters and paper.

POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name, ZIP Code and numeric code assigned to redacted letters.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic records are retained until July 1st of the year following the conclusion of that season's program.

Paper records are retained until July 1st of the year following the conclusion of that season's program.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmission is protected by encryption.

RECORD ACCESS PROCEDURES

Requests for access must be made in accordance with the Notification Procedures below and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES

See Notification Procedures and Record Access Procedures.

NOTIFICATION PROCEDURES:

Individuals wanting to know if information about them is maintained in this system of records must address

inquiries to their local postmasters. Individuals requesting notification must include name, address, and other identifying information in their request.

EXEMPTIONS PROMULGATED FROM THIS SYSTEM:
None.

HISTORY:

None.

Christopher Doyle,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024-20189 Filed 9-6-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Change in Rates of General Applicability for Competitive Products

AGENCY: Postal Service™.

ACTION: Notice of a change in rates of general applicability for competitive products.

SUMMARY: This notice sets forth time-limited changes in rates of general applicability for competitive products.

DATES: *Applicability date:* October 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: On August 8, 2024, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established time-limited price changes for competitive products. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2). Mail Classification Schedule language containing the new prices can be found at www.prc.gov.

Ruth Stevenson,

Chief Counsel, Ethics and Legal Compliance.

Decision of the Governors of the United States Postal Service on Changes in Rates of General Applicability for Competitive Products (Governors' Decision No. 24-4)

August 8, 2024.

Statement of Explanation and Justification

Pursuant to authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 ("PAEA"), we establish new prices of general applicability for certain domestic shipping services (competitive products), and concurrent classification changes to effectuate the new prices. These prices shall be in effect at 12:00 a.m. CDT on October 6, 2024 until 12:00 a.m. CST on January 19, 2025, at which

time prices will be restored to the levels that were in effect prior to these increases. The changes are described generally below, with a detailed description of the changes in the attachment. The attachment includes the draft Mail Classification Schedule sections with the new prices that will take effect on October 6 displayed in the price charts, as well as the Mail Classification Schedule sections with the prices that will be restored on January 19.

As shown in the nonpublic annex being filed under seal herewith, the changes we establish should enable each competitive product to cover its attributable costs (39 U.S.C. 3633(a)(2)) and should result in competitive products as a whole complying with 39 U.S.C. 3633(a)(3), which, as implemented by 39 CFR 3035.107(c), requires competitive products collectively to contribute a minimum of 9.6 percent to the Postal Service's institutional costs. Accordingly, no issue of subsidization of competitive products by market dominant products should arise (39 U.S.C. 3633(a)(1)). We therefore find that the new prices are in accordance with 39 U.S.C. 3632–3633 and 39 CFR 3035.102.

I. Domestic Products

A. Priority Mail Express

Overall, the Priority Mail Express price change represents a 4.9 percent increase. The existing structure of zoned Retail and Commercial price categories is maintained. Retail prices will increase 4.9 percent on average, while the Commercial price category will increase 4.9 percent on average.

B. Priority Mail

On average, the Priority Mail prices will be increased by 5.5 percent. The existing structure of zoned Retail and Commercial price categories is maintained. Retail prices will increase 5.3 percent on average, while the Commercial price category will increase 5.6 percent on average.

C. USPS Ground Advantage

USPS Ground Advantage, introduced in July 2024, is the Postal Service's flagship ground package product. USPS Ground Advantage prices will increase 6.4 percent on average. The existing structure of zoned Retail and Commercial price categories is maintained. Retail prices will increase 6.2 percent on average, while the Commercial price category will increase 6.5 percent on average. The Alaska Limited Overland Routes (LOR) price

category will see a 10.3 percent increase.

No price changes are being made to Parcel Select, Special Services, or International competitive products.

Order

The changes in prices set forth herein shall be effective at 12:00 a.m. on October 6, 2024, and will be rolled back to current levels at 12:00 a.m. on January 19, 2025. We direct the Secretary of the Board of Governors to have this decision published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2), and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:
Roman Martinez IV,
Chairman, Board of Governors.

UNITED STATES POSTAL SERVICE OFFICE OF THE BOARD OF GOVERNORS

Certification of Governors' Vote on Governors' Decision No. 24–4

Consistent with 39 U.S.C. 3632(a), I hereby certify that on August 8, 2024, the Governors voted on adopting Governors' Decision No. 24–4, and that a majority of the Governors then holding office voted in favor of that Decision.

Date: August 8, 2024.
Michael J. Elston,
Secretary of the Board of Governors.

[FR Doc. 2024–20272 Filed 9–5–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35313; File No. 812–15499]

Franklin BSP Capital Corporation, et al.

September 4, 2024.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of application for an order (“Order”) under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

Summary of Application: Applicants request an order to permit certain business development companies and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

Applicants: Franklin BSP Capital Corporation; Franklin BSP Private Credit Fund; 54th Street Equity Holdings, Inc.; FBLC Funding I, LLC; BDCA–CB Funding, LLC; FBLC 57th Street Funding LLC; BDCA SLF Funding, LLC; Benefit Street Partners Capital Opportunity Fund II L.P.; Benefit Street Partners Capital Opportunity Fund II SPV–1 LP; Benefit Street Partners Capital Opportunity Fund L.P.; Benefit Street Partners Capital Opportunity Fund SPV LLC; Benefit Street Partners Dislocation Fund (Cayman) L.P.; Benefit Street Partners Dislocation Fund (Cayman) Master L.P.; Benefit Street Partners Dislocation Fund L.P.; Benefit Street Partners Senior Secured Opportunities (U) Master Fund (Non-US) L.P.; Benefit Street Partners Senior Secured Opportunities Fund L.P.; Benefit Street Partners Senior Secured Opportunities Master Fund (Non-US) L.P.; Benefit Street Partners Debt Fund IV (Non-US) SPV L.P.; Benefit Street Partners Debt Fund IV 2019 Leverage (Non-US) SPV L.P.; Benefit Street Partners Debt Fund IV 2019 Leverage SPV L.P.; Benefit Street Partners Debt Fund IV L.P.; Benefit Street Partners Debt Fund IV Master (Non-US) L.P.; Benefit Street Partners Debt Fund IV SPV L.P.; Benefit Street Partners SMA LM LP; Benefit Street Partners SMA–C Co-Invest L.P.; Benefit Street Partners SMA–C Co-Invest L.P.—Series II; BSP Coinvest SMA–H LLC; BSP Debt Fund V LP; BSP Debt Fund V Master (Non-US) LP; BSP Debt Fund V Unlevered (Non-US) L.P.; BSP Debt Fund V Unlevered (Non-US) Master L.P.; BSP Debt Fund V–IA (Non-US) Master L.P.; BSP Debt Fund V–IA (Non-US) L.P.; Benefit Street Partners SMA–C II L.P.; Benefit Street Partners SMA–C II SPV L.P.; Benefit Street Partners SMA–C L.P.; Benefit Street Partners SMA–C SPV L.P.; Benefit Street Partners SMA–K L.P.; Benefit Street Partners SMA–K SPV LP; Benefit Street Partners SMA–L L.P.; Benefit Street Partners SMA–O L.P.; Benefit Street Partners SMA–OS L.P.; Benefit Street Partners SMA–T L.P.; Benefit Street Partners Special Situations Fund II (Cayman) L.P.; Benefit Street Partners Special Situations Fund II L.P.; BSP Coinvest SMA–N L.P.; BSP Coinvest Vehicle 1 LP; BSP Coinvest Vehicle 2 L.P.; BSP Coinvest Vehicle K LP; BSP Levered Non-US Master SOF II (Senior Secured Opportunities) Fund L.P.; BSP Levered US SOF II (Senior Secured Opportunities) Fund L.P.; BSP Senior Secured Debt Fund (Non-US) SPV–1 LP; BSP Senior Secured Debt Fund SPV–1 LP; BSP SMA–T 2020 SPV L.P.; BSP SOF II Cayman SPV–21 LP; BSP SOF II

SPV Cayman LP; BSP SOF II SPV LP; BSP SOF II SPV-21 LP; BSP Special Situations Master A L.P.; BSP Special Situations Master B L.P.; BSP Unlevered Lux Flagship Evergreen SCSP; BSP Unlevered Lux SOF II (Senior Secured Opportunities) Fund ScSP; BSP Unlevered Non-US Master SOF II (Senior Secured Opportunities) Fund L.P.; FBCC Lending I, LLC; Landmark Wall SMA L.P.; Landmark Wall SMA SPV L.P.; Providence Debt Fund III (Non-US) SPV L.P.; Providence Debt Fund III L.P.; Providence Debt Fund III Master (Non-US) L.P.; Providence Debt Fund III SPV L.P.; BSP Credit Solutions Master Fund, L.P.; Benefit Street Partners L.L.C.; Franklin BSP Capital Adviser L.L.C.; Franklin BSP Realty Trust, Inc.; BSP Michel Unlevered Direct Lending Fund SCSP; BSP JPY Unlevered Senior Debt Evergreen Fund, L.P.; Franklin BSP Real Estate Debt BDC; Benefit Street Partners Real Estate Opportunistic Debt Fund L.P.; Benefit Street Partners Real Estate Opportunistic Debt Fund II L.P.; Franklin Templeton Private Real Estate Fund IIB LP; and Franklin Templeton Private Real Estate Fund IIIA, L.P.

Filing Dates: The application was filed on August 21, 2023, and amended on December 13, 2023, April 5, 2024, April 9, 2024, June 7, 2024, and August 6, 2024.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on September 30, 2024, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at SecretariesOffice@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: Richard J. Byrne, Benefit Street Partners L.L.C., 9 West 57th Street, Suite 4920, New York, NY 10019; and Rajib Chanda,

Esq. and Steven Grigoriou, Esq., Simpson Thacher & Bartlett LLP, at Rajib.Chanda@stblaw.com and Steven.Grigoriou@stblaw.com, respectively.

FOR FURTHER INFORMATION CONTACT: Kieran G. Brown, Senior Counsel, or Terri G. Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' fifth amended and restated application, dated August 5, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, at <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20241 Filed 9-6-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100896; File No. SR-NYSEARCA-2024-27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the 7RCC Spot Bitcoin and Carbon Credit Futures ETF Under NYSE Arca Rule 8.500-E (Trust Units)

September 3, 2024.

On March 13, 2024, NYSE Arca, Inc. ("NYSE Arca") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the 7RCC Spot Bitcoin and Carbon Credit Futures ETF under NYSE Arca Rule 8.500-E (Trust Units). The proposed rule change was

published for comment in the **Federal Register** on March 26, 2024.³

On May 2, 2024, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On June 20, 2024, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on March 26, 2024. September 22, 2024 is 180 days from that date, and November 21, 2024 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment it has received in connection with the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁹ designates November 21, 2024 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-NYSEARCA-2024-27).

³ See Securities Exchange Act Release No. 99801 (Mar. 20, 2024), 89 FR 21104. Comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2024-27/srnysearca202427.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 100050, 89 FR 38932 (May 8, 2024).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 100390, 89 FR 53466 (June 26, 2024).

⁸ 15 U.S.C. 78s(b)(2).

⁹ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–20169 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–641, OMB Control No. 3235–0685]

Proposed Collection; Comment Request; Extension: Rules 3a68–2 and 3a68–4(c)

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“SEC”) is soliciting comments on the existing collection of information provided for in Rules 3a68–2 and 3a68–4(c) under the Securities Exchange Act of 1934 (“Exchange Act”) (15 U.S.C. 78a *et seq.*). The SEC plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 3a68–2 creates a process for interested persons to request a joint interpretation by the SEC and the Commodity Futures Trading Commission (“CFTC”) (together with the SEC, the “Commissions”) regarding whether a particular instrument (or class of instruments) is a swap, a security-based swap, or both (*i.e.*, a mixed swap). Under Rule 3a68–2, a person provides to the Commissions a copy of all material information regarding the terms of, and a statement of the economic characteristics and purpose of, each relevant agreement, contract, or transaction (or class thereof), along with that person’s determination as to whether each such agreement, contract, or transaction (or class thereof) should be characterized as a swap, security-based swap, or both (*i.e.*, a mixed swap). The Commissions also may request the submitting person to provide additional information.

The SEC expects 25 requests pursuant to Rule 3a68–2 per year. The SEC estimates the total paperwork burden associated with preparing and submitting each request would be 20 hours to retrieve, review, and submit the information associated with the

submission. This 20-hour burden is divided between the SEC and the CFTC, with 10 hours per response regarding reporting to the SEC and 10 hours of response regarding third party disclosure to the CFTC.¹ The SEC estimates this would result in an aggregate annual burden of 500 hours (25 requests × 20 hours/request).

The SEC estimates that the total costs resulting from a submission under Rule 3a68–2 would be approximately \$17,520 for outside attorneys to retrieve, review, and submit the information associated with the submission. The SEC estimates this would result in aggregate costs each year of \$438,000 (25 requests × 30 hours/request × \$584).

Rule 3a68–4(c) establishes a process for persons to request that the Commissions issue a joint order permitting such persons (and any other person or persons that subsequently lists, trades, or clears that class of mixed swap) to comply, as to parallel provisions only, with specified parallel provisions of either the Commodity Exchange Act (“CEA”) or the Exchange Act, and related rules and regulations (collectively “specified parallel provisions”), instead of being required to comply with parallel provisions of both the CEA and the Exchange Act.

The SEC expects ten requests pursuant to Rule 3a68–4(c) per year. The SEC estimates that nine of these requests will have also been made in a request for a joint interpretation pursuant to Rule 3a68–2, and one will not have been. The SEC estimates the total burden for the one request for which the joint interpretation pursuant to 3a68–2 was not requested would be 30 hours, and the total burden associated with the other nine requests would be 20 hours per request because some of the information required to be submitted pursuant to Rule 3a68–4(c) would have already been submitted pursuant to Rule 3a68–2. The burden in both cases is evenly divided between the SEC and the CFTC.

The SEC estimates that the total costs resulting from a submission under Rule 3a68–4(c) would be approximately \$29,200 for the services of outside attorneys to retrieve, review, and submit the information associated with the submission of the one request for which a request for a joint interpretation pursuant to Rule 3a68–2 was not previously made (1 request × 50 hours/request × \$584). For the nine requests for which a request for a joint interpretation pursuant to Rule 3a68–2 was previously made, the SEC estimates

the total costs associated with preparing and submitting a party’s request pursuant to Rule 3a68–4(c) would be \$8,760 less per request because, as discussed above, some of the information required to be submitted pursuant to Rule 3a68–4(c) already would have been submitted pursuant to Rule 3a68–2. The SEC estimates this would result in an aggregate cost each year of \$183,960 for the services of outside attorneys (9 requests × 35 hours/request × \$584).

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information shall have practical utility; (b) the accuracy of the SEC’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by November 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20202 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–451, OMB Control No. 3235–0509]

Proposed Collection; Comment Request; Extension: Rule 301 of Regulation ATS

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission

¹⁰ 17 CFR 200.30–3(a)(57).

¹ The burdens imposed by the CFTC are included in this collection of information.

(“Commission”) is soliciting comments on the existing collection of information provided for in Rule 301 of Regulation ATS (17 CFR 242.301) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Regulation ATS provides a regulatory structure for alternative trading systems. Rule 301 of Regulation ATS contains certain record keeping and reporting requirements, as well as additional obligations that apply only to alternative trading systems with significant volume. The Rule requires all alternative trading systems that wish to comply with Regulation ATS to file an initial operation report on Form ATS. Alternative trading systems are also required to supply updates on Form ATS to the Commission describing material changes to the system, file quarterly transaction reports on Form ATS-R, and file cessation of operations reports on Form ATS. An alternative trading system with significant volume is required to comply with requirements for fair access and systems capacity, integrity, and security.

The Commission staff estimates that entities subject to the requirements of Rule 301 will spend a total of approximately 2,983 hours a year to comply with the Rule.

Regulation ATS requires ATSS to preserve any records, for at least three years, made in the process of complying with the system’s capacity, integrity and security requirements.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to

comments and suggestions submitted by November 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20199 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100901; File No. SR–SAPPHIRE–2024–26]

Self-Regulatory Organizations; MIAx Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish Fees for Purge Ports

September 3, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on August 21, 2024, MIAx Sapphire, LLC (“MIAx Sapphire” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAx Sapphire Fee Schedule (the “Fee Schedule”) to adopt certain non-transaction fees for Purge Ports as described below.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings/>, at the Exchange’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 15, 2024, the U.S. Securities and Exchange Commission (“Commission”) approved the Exchange’s Form 1 application to register as a national securities exchange under Section 6 of the Exchange Act,³ and the Exchange began operations on August 12, 2024. The Exchange initially filed this proposal on August 9, 2024 (SR–SAPPHIRE–2024–15) to establish fees for Purge Ports, which is functionality that enables Marker Makers⁴ to cancel all open orders or a subset of open orders through a single cancel message. The Exchange withdrew SR–SAPPHIRE–2024–15 on August 21, 2024, and submitted this proposal.

³ See Securities Exchange Act Release No. 100539 (July 15, 2024), 89 FR 58848 (July 19, 2024) (File No. 10–240) (order approving application of MIAx Sapphire, LLC for registration as a national securities exchange).

⁴ The term “Market Maker” or “MM” means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the Exchange Rules. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

Despite proposing to adopt fees herein, the Exchange also proposes to waive the proposed Purge Port fees for an Initial Waiver Period,⁵ which began on the date the Exchange began operations and which is the same date that the Fee Schedule became effective. However, even though the Exchange proposes to fully waive Purge Port fees for the Initial Waiver Period, the Exchange believes that it is appropriate to provide market participants with the overall structure of Purge Port fees by outlining the structure and amounts in the Fee Schedule, so that there is general awareness that the Exchange intends to assess such fees upon the expiration of the defined period of the Initial Waiver Period. Additionally, the Exchange notes that the proposed fees for Purge Ports on MIAX Sapphire are identical to Purge Port fees assessed by the Exchange's affiliated options exchange, MIAX PEARL, LLC ("MIAX Pearl Options").⁶

Purge Ports

The Exchange proposes to amend Section 5) d) iii), which was reserved for use by an earlier proposal, to adopt Purge Port Fees to provide that a MIAX Sapphire Market Maker may request and be allocated two (2) Purge Ports per Matching Engine⁷ to which it connects and will be charged a monthly fee of \$600 per Matching Engine. The Exchange believes that the proposed fee provides Market Makers with flexibility to control their Purge Port costs based on the number of Matching Engines each Market Maker elects to connect to based on each Market Maker's business needs.

A logical port represents a port established by the Exchange within the Exchange's System for trading and billing purposes. Each logical port grants a Member⁸ the ability to accomplish a specific function, such as

order entry, order cancellation, access to execution reports, and other administrative information.

Purge Ports are designed to assist Market Makers in the management of, and risk control over, their orders, particularly if the firm is dealing with a large number of securities. For example, if a Market Maker detects market indications that may influence the execution potential of their orders, the Market Maker may use Purge Ports to reduce uncertainty and to manage risk by purging all orders in a number of securities. This allows Market Makers to seamlessly avoid unintended executions, while continuing to evaluate the market, their positions, and their risk levels. Purge Ports are used by Market Makers that conduct business activity that exposes them to a large amount of risk across a number of securities. Purge Ports enable Market Makers to cancel all open orders, or a subset of open orders through a single cancel message. The Exchange notes that Purge Ports increase efficiency of already existing functionality enabling the cancellation of orders.

The Exchange will operate a highly performant system with significant throughput and determinism which should allow participants to enter, update and cancel orders at high rates. Market Makers will have the ability to cancel individual orders through the existing functionality, such as through the use of a mass cancel message by which a Market Maker may request that the Exchange remove all or a subset of its quotations and block all or a subset of its new inbound quotations.⁹ Other than Purge Ports being a dedicated line for cancelling quotations, Purge Ports operate in the same manner as a mass cancel message being sent over a different type of port. For example, like Purge Ports, mass cancellations sent over a logical port may be done at either the firm or MPID level. As a result, Market Makers can currently cancel orders in rapid succession across their existing logical ports¹⁰ or through a single cancel message, all open orders or a subset of open orders.

Similarly, Members may also use cancel-on-disconnect control when they experience a disruption in connection to the Exchange to automatically cancel all orders, as configured or instructed by the Member or Market Maker.¹¹ In

addition, the Exchange already provides similar ability to mass cancel orders through the Exchange's risk controls, which are offered at no charge and enables Market Makers to establish predetermined levels of risk exposure, and can be used to cancel all open orders.¹² Accordingly, the Exchange believes that the Purge Ports provide an efficient option as an alternative to available services and enhance a Market Maker's ability to manage their risk.

The Exchange believes that market participants benefit from a dedicated purge mechanism for specific Members and to the market as a whole. Market Makers will have the benefit of efficient risk management and purge tools. The market will benefit from potential increased quoting and liquidity as Market Makers may use Purge Ports to manage their risk more robustly. Only Market Makers that request Purge Ports would be subject to the proposed fees, and other Market Makers can operate without dedicated Purge Ports, but with the additional purging capabilities described above. Further, the Exchange notes that this functionality is similar to functionality on the Exchange's affiliate, MIAX Pearl Options.¹³

Implementation

The proposed fee change is immediately effective.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁵ in particular, in that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposed fee is consistent with Section 6(b)(4) of the Act¹⁶ because it represents an equitable allocation of reasonable dues, fees and other charges among market participants.

Cost Analysis

In general, the Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the Exchange Act requirements that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. In particular, the

⁵ The term "Initial Waiver Period" means, for each applicable fee, the period of time from the initial effective date of the MIAX Sapphire Fee Schedule plus an additional six (6) full calendar months after the completion of the partial month of the Exchange launch. See the Definitions Section of the Fee Schedule.

⁶ See MIAX Pearl Options Fee Schedule, Section 5) d) Port Fees available at <https://www.miaxglobal.com/markets/us-options/pearl-options/fees>. See also Securities Exchange Act Release No. 100037 (April 26, 2024), 89 FR 35899 (May 2, 2024) (SR-PEARL-2024-20).

⁷ "Matching Engine" is a part of the MIAX Sapphire electronic system that processes options orders and trades on a symbol-by-symbol basis. See the Definitions Section of the Fee Schedule.

⁸ "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of MIAX Sapphire Exchange Rules for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." See the Definitions Section of the Fee Schedule.

⁹ See Exchange Rule 519C(a) and (b).

¹⁰ Current Exchange port functionality supports cancellation rates that exceed one thousand messages per second and the Exchange's research indicates that certain market participants rely on such functionality and at times utilize such cancellation rates.

¹¹ See Exchange Rule 519C(c).

¹² See Exchange Rule 517.

¹³ See *supra* note 6.

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ 15 U.S.C. 78f(b)(4).

Exchange believes that each exchange should take extra care to be able to demonstrate that these fees are based on its costs and reasonable business needs.

In proposing to charge fees for port services, the Exchange is especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related service, and in carefully and transparently assessing the impact on Members—both generally and in relation to other Members, *i.e.*, to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,¹⁷ and Rule 19b-4 thereunder,¹⁸ with respect to the types of information exchanges should provide when filing fee changes, and Section 6(b) of the Act,¹⁹ which requires, among other things, that exchange fees be reasonable and equitably allocated,²⁰ not designed to permit unfair discrimination,²¹ and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.²² The Exchange reiterates that the legacy exchanges with whom the Exchange will vigorously compete for order flow and market share, were not subject to any such diligence or transparency in setting their baseline non-transaction fees, most of which were put in place before the Staff Guidance.²³

As detailed below, the Exchange recently calculated its aggregate annual costs for providing Purge Ports to be \$426,238 (or approximately \$35,518 per month, rounded to the nearest dollar when dividing the annual cost by 12 months). To recoup the costs of providing Purge Ports to its Market Makers going forward, as described below, the Exchange proposes to amend its Fee Schedule to charge a fee of \$600 per Matching Engine for Purge Ports. The Exchange notes that the projected revenue will not be greater than the costs to the Exchange to provide Purge Ports, however the Exchange believes that it is necessary to accept this

condition in order to successfully launch MIAx Sapphire.

The Exchange's affiliates²⁴ previously completed a study of their aggregate costs to produce market data and provide connectivity and port services, defined above as its Cost Analysis.²⁵ Personnel began to plan for and develop the Exchange beginning in early 2023, and costs included in this Cost Analysis are related to the development and buildout of the Exchange since that time. During the Exchange's development and buildout that occurred throughout 2023 and continues to today, the Exchange routinely studied its aggregate costs to develop and implement the Exchange. The Cost Analysis required a detailed analysis of the Exchange's aggregate baseline costs, including a determination and allocation of costs for core services provided by the Exchange—transaction execution, market data, membership services, physical connectivity, and port access (which provide order entry, cancellation and modification functionality, risk functionality, the ability to receive drop copies, and other functionality). The Exchange separately divided its costs between those costs necessary to deliver each of these core services, including infrastructure, software, human resources (*i.e.*, personnel), and certain general and administrative expenses ("cost drivers").

As an initial step, the Exchange determined the total cost for the Exchange and its affiliated markets for each cost driver as part of the Exchange's 2024 budget review process. The 2024 budget review is a company-wide process that occurs over the course of many months, includes meetings among senior management, department heads, and the Finance Team. Each department head is required to send a "bottom up" budget to the Finance Team allocating costs at the profit and loss account and vendor levels for the Exchange and its affiliated markets based on a number of factors, including server counts, additional hardware and

software utilization, current or anticipated functional or non-functional development projects, capacity needs, end-of-life or end-of-service intervals, number of members, market model (*e.g.*, price time or pro-rata, simple only or simple and complex markets, auction functionality, etc.), which may impact message traffic, individual system architectures that impact platform size,²⁶ storage needs, dedicated infrastructure versus shared infrastructure allocated per platform based on the resources required to support each platform, number of available connections, and employees allocated time. All of these factors result in different allocation percentages among the Exchange and its affiliated markets, *i.e.*, the different percentages of the overall cost driver allocated to the Exchange and its affiliated markets will cause the dollar amount of the overall cost allocated among the Exchange and its affiliated markets to also differ. Because the Exchange's parent company currently owns and operates five (including MIAx Sapphire) separate and distinct marketplaces, the Exchange must determine the costs associated with each actual market—as opposed to the Exchange's parent company simply concluding that all cost drivers are the same at each individual marketplace and dividing total cost by five (5) (evenly for each marketplace). Rather, the Exchange's parent company determines an accurate cost for each marketplace, which results in different allocations and amounts across exchanges for the same cost drivers, due to the unique factors of each marketplace as described above. This allocation methodology also ensures that no cost would be allocated twice or double-counted between the Exchange and its affiliated markets. The Finance Team then consolidates the budget and sends it to senior management, including the Chief Financial Officer and Chief Executive Officer, for review and approval. Next, the budget is presented to the Board of Directors and the Finance and Audit Committees for each exchange for their approval. The above steps encompass the first step of the cost allocation process.

The next step involves determining what portion of the cost allocated to the Exchange pursuant to the above methodology is to be allocated to each core service, *e.g.*, market data, connectivity, ports, and transaction

²⁴ The affiliated markets include Miami International Securities Exchange, LLC ("MIAx"); separately, the options and equities markets of MIAx PEARL, LLC ("MIAx Pearl"); and MIAx Emerald, LLC ("MIAx Emerald").

²⁵ See Securities Exchange Act Release Nos. 100036 (April 26, 2024), 89 FR 35909 (May 2, 2024) (SR-MIAx-2024-22); 100037 (April 26, 2024), 89 FR 35899 (May 2, 2024) (SR-PEARL-2024-20); 100039 (April 26, 2024), 89 FR 35891 (May 2, 2024) (SR-EMERALD-2024-14). The Exchange frequently updates its Cost Analysis as strategic initiatives change, costs increase or decrease, and market participant needs and trading activity (once live trading begins) changes. The Exchange's most recent Cost Analysis was conducted ahead of this filing.

²⁶ For example, MIAx Sapphire maintains 8 matching engines, MIAx maintains 24 matching engines, MIAx Pearl Options maintains 12 matching engines, MIAx Pearl Equities maintains 24 matching engines, and MIAx Emerald maintains 12 matching engines.

¹⁷ 15 U.S.C. 78s(b)(1).

¹⁸ 17 CFR 240.19b-4.

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(4).

²¹ 15 U.S.C. 78f(b)(5).

²² 15 U.S.C. 78f(b)(8).

²³ See Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), available at <https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees> (the "Staff Guidance").

services. The Exchange and its affiliated markets adopted an allocation methodology with thoughtful and consistently applied principles to guide how much of a particular cost amount allocated to the Exchange should be allocated within the Exchange to each core service. This is the final step in the cost allocation process and is applied to each of the cost drivers set forth below.

This next level of the allocation methodology at the individual exchange level also took into account factors similar to those set forth under the first step of the allocation methodology process described above, to determine the appropriate allocation to connectivity or market data versus allocations for other services. This allocation methodology was developed through an assessment of costs with senior management intimately familiar with each area of the Exchange's operations. After adopting this allocation methodology, the Exchange then applied an allocation of each cost driver to each core service, resulting in the cost allocations described below. Each of the below cost allocations is unique to the Exchange and represents a percentage of overall cost that was allocated to the Exchange pursuant to the initial allocation described above.

By allocating segmented costs to each core service, the Exchange was able to estimate by core service the potential margin it might earn based on different fee models. The Exchange notes that it has five primary sources of revenue that it can potentially use to fund its operations: transaction fees,

connectivity and port service fees, membership fees, regulatory fees, and market data fees. Accordingly, the Exchange must cover its expenses from these five primary sources of revenue. The Exchange also notes that as a general matter each of these sources of revenue is based on services that are interdependent. For instance, the Exchange's system for executing transactions is dependent on physical hardware and connectivity; only Members and parties that they sponsor to participate directly on the Exchange may submit orders to the Exchange; some Members (but not all) consume market data from the Exchange in order to trade on the Exchange; and, the Exchange consumes market data from external sources in order to comply with regulatory obligations. Accordingly, given this interdependence, the allocation of costs to each service or revenue source required judgment of the Exchange and was weighted based on estimates of the Exchange that the Exchange believes are reasonable, as set forth below. While there is no standardized and generally accepted methodology for the allocation of an exchange's costs, the Exchange's methodology is the result of an extensive review and analysis and will be consistently applied going forward for any other cost-justified potential fee proposals. In the absence of the Commission attempting to specify a methodology for the allocation of exchanges' interdependent costs, the Exchange will continue to be left with

its best efforts to attempt to conduct such an allocation in a thoughtful and reasonable manner.

Through the Exchange's extensive updated Cost Analysis, which was again recently further refined, the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the provision of connectivity and port services, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the provision of Purge Port services, and thus bears a relationship that is, "in nature and closeness," directly related to Purge Port services. In turn, the Exchange allocated certain costs more to physical connectivity and others to ports, while certain costs were only allocated to such services at a very low percentage or not at all, using consistent allocation methodologies as described above. Based on this analysis, the Exchange estimates that the aggregate monthly cost to provide Purge Port services is \$35,518, as further detailed below.

Costs Related to Offering Purge Ports

The following chart details the individual line-item costs considered by the Exchange to be related to offering Purge Ports as well as the percentage of the Exchange's overall costs that such costs represent for each cost driver (e.g., as set forth below, the Exchange allocated approximately 3.5% of its overall Human Resources cost to offering Purge Ports).

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	% of all
Human Resources	\$363,954	\$30,329	3.6
Connectivity (external fees, cabling, switches, etc.)	112	9	0.4
Internet Services and External Market Data	654	54	0.4
Data Center	6,764	564	1.1
Hardware and Software Maintenance and Licenses	2,185	182	0.4
Depreciation	19,518	1,626	1.6
Allocated Shared Expenses	33,051	2,754	1.2
Total	426,238	35,518	2.7

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

Below are additional details regarding each of the line-item costs considered by the Exchange to be related to offering Purge Ports. While some costs were attempted to be allocated as equally as possible among the Exchange and its affiliated markets, the Exchange notes that some of its cost allocation percentages for certain cost drivers differ when compared to the same cost drivers for the Exchange's affiliated

markets in their similar proposed fee changes for Purge Ports. This is because the Exchange's cost allocation methodology utilizes the actual projected costs of the Exchange (which are specific to the Exchange and are independent of the costs projected and utilized by the Exchange's affiliated markets) to determine its actual costs, which may vary across the Exchange and its affiliated markets based on

factors that are unique to each marketplace. The Exchange provides additional explanation below (including the reason for the deviation) for the significant differences.

Human Resources

The Exchange notes that it and its affiliated markets anticipate that by year-end 2024, there will be 289 employees (excluding employees at

non-options/equities exchange subsidiaries of Miami International Holdings, Inc. ("MIH"), the holding company of the Exchange and its affiliated markets), and each department leader has direct knowledge of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. Specifically, twice a year, and as needed with additional new hires and new project initiatives, in consultation with employees as needed, managers and department heads assign a percentage of time to every employee and then allocate that time amongst the Exchange and its affiliated markets to determine each market's individual Human Resources expense. Then, managers and department heads assign a percentage of each employee's time allocated to the Exchange into buckets including network connectivity, ports, market data, and other exchange services. This process ensures that every employee is 100% allocated, ensuring there is no double counting between the Exchange and its affiliated markets.

For personnel costs (Human Resources), the Exchange calculated an allocation of employee time for employees whose functions include providing and maintaining Purge Ports and performance thereof (primarily the Exchange's network infrastructure team, which spends most of their time performing functions necessary to provide port and connectivity services). As described more fully above, the Exchange's parent company allocates costs to the Exchange and its affiliated markets and then a portion of the Human Resources costs allocated to the Exchange is then allocated to port services. From that portion allocated to the Exchange that applied to ports, the Exchange then allocated a weighted average of 4.8% of each employee's time from the above group to Purge Ports.

The Exchange also allocated Human Resources costs to provide Purge Ports to a limited subset of personnel with ancillary functions related to establishing and maintaining such ports (such as information security, sales, membership, and finance personnel). The Exchange allocated cost on an employee-by-employee basis (*i.e.*, only including those personnel who support functions related to providing Purge Ports) and then applied a smaller allocation to such employees' time to Purge Ports (2.2%). This other group of personnel with a smaller allocation of Human Resources costs also have a direct nexus to Purge Ports, whether it is a sales person selling port services, finance personnel billing for port services or providing budget analysis, or information security ensuring that such

ports are secure and adequately defended from an outside intrusion.

The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing Purge Ports, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of time such employees devote to those tasks. This includes personnel from the Exchange departments that are predominately involved in providing Purge Ports: Business Systems Development, Trading Systems Development, Systems Operations and Network Monitoring, Network and Data Center Operations, Listings, Trading Operations, and Project Management. Again, the Exchange allocated 4.8% of each of their employee's time assigned to the Exchange for Purge Ports, as stated above. Employees from these departments perform numerous functions to support Purge Ports, such as the installation, re-location, configuration, and maintenance of Purge Ports and the hardware they access. This hardware includes servers, routers, switches, firewalls, and monitoring devices. These employees also perform software upgrades, vulnerability assessments, remediation and patch installs, equipment configuration and hardening, as well as performance and capacity management. These employees also engage in research and development analysis for equipment and software supporting Purge Ports and design, and support the development and on-going maintenance of internally-developed applications as well as data capture and analysis, and Member and internal Exchange reports related to network and system performance. The above list of employee functions is not exhaustive of all the functions performed by Exchange employees to support Purge Ports, but illustrates the breadth of functions those employees perform in support of the above cost and time allocations.

Lastly, the Exchange notes that senior level executives' time was only allocated to the Purge Ports related Human Resources costs to the extent that they are involved in overseeing tasks related to providing Purge Ports. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Connectivity (External Fees, Cabling, Switches, etc.)

The Connectivity cost driver includes external fees paid to connect to other exchanges and third parties, cabling and switches required to operate the Exchange. The Connectivity cost driver is more narrowly focused on technology used to complete connections to the Exchange and to connect to external markets. The Exchange notes that its connectivity to external markets vendors is required in order to receive market data to run the Exchange's matching engine and basic operations compliant with existing regulations, primarily Regulation NMS.

The Exchange relies on various connectivity providers for connectivity to the entire U.S. options industry, and infrastructure services for critical components of the network that are necessary to provide and maintain its System Networks and access to its System Networks via 10Gb ULL connectivity. Specifically, the Exchange utilizes connectivity providers to connect to other national securities exchanges and the Options Price Reporting Authority ("OPRA"). The Exchange understands that these service providers provide services to most, if not all, of the other U.S. exchanges and other market participants. Connectivity provided by these service providers is critical to the Exchanges daily operations and performance of its System Networks which includes Purge Ports. Without these services providers, the Exchange would not be able to connect to other national securities exchanges, market data providers or OPRA and, therefore, would not be able to operate and support its System Networks, including Purge Ports. In addition, the connectivity is necessary for the Exchange to notify OPRA and other market participants that an order has been cancelled, and that quotes may have been cancelled as a result of a Market Maker purging quotes via their Purge Port. Also, like other types of ports offered by the Exchange, Purge Ports leverage the Exchange's existing 10Gb ULL connectivity, which also relies on connectivity to other national securities exchanges and OPRA. The Exchange does not employ a separate fee to cover its connectivity provider expense and recoups that expense, in part, by charging for Purge Ports.

Internet Services and External Market Data

The next cost driver consists of internet services and external market data. Internet services includes third-party service providers that provide the

internet, fiber and bandwidth connections between the Exchange's networks, primary and secondary data centers, and office locations in Princeton and Miami. For purposes of Purge Ports, the Exchange also includes a portion of its costs related to external market data. External market data includes fees paid to third parties, including OPRA, to receive and consume market data from other markets. The Exchange includes external market data costs towards Purge Ports because such market data is necessary to offer certain services related to such ports, such as checking for market conditions (e.g., halted securities). External market data is also consumed at the Matching Engine level for, among other things, as validating quotes on entry against the national best bid or offer ("NBBO").²⁷ Purge Ports are a component of the Matching Engine, and used by Market Makers to cancel multiple resting quotes within the Matching Engine. While resting, the Exchange uses external market data to manage those quotes, such as preventing trade-throughs, and those quotes are also reported to OPRA for inclusion in this consolidated data stream. The Exchange also must notify OPRA and other market participants that an order has been cancelled, and that quotes may have been cancelled as a result of a Market Maker purging quotes via their Purge Port. Thus, since market data from other exchanges is consumed by the Matching Engine to validate quotes and check market conditions, the Exchange believes it is reasonable to allocate a small amount of such costs to Purge Ports.

For the reasons set forth above, the Exchange believes it is reasonable to allocate a small amount of such costs to Purge Ports since market data from other exchanges is consumed at the Exchange's Purge Port level to validate purge messages and the necessity to cancel a resting quote via a purge message or via some other means.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide Purge Ports in the third-party data centers where it maintains its equipment as well as related costs for market data to then enter the Exchange's System. The Exchange does not own the Primary Data Center or the Secondary Data Center, but instead, leases space in data

centers operated by third parties. The Exchange has allocated a percentage of its Data Center cost (1.1%) to Purge Ports because the third-party data centers and the Exchange's physical equipment contained therein are necessary for providing Purge Ports. In other words, for the Exchange to operate in a dedicated physical space with direct connectivity by market participants to its trading platform, the data centers are a critical component to the provision of Purge Ports. If the Exchange did not maintain such a presence, then Purge Ports would be of little value to market participants.

Hardware and Software Maintenance and Licenses

Hardware and Software Licenses includes hardware and software licenses used to operate and monitor physical assets necessary to offer Purge Ports for each Matching Engine of the Exchange. This hardware includes servers, network switches, cables, optics, protocol data units, and cabinets, to maintain a state-of-the-art technology platform. Without hardware and software licenses, Purge Ports would not be able to be offered to market participants because hardware and software are necessary to operate the Exchange's Matching Engines, which are necessary to enable the purging of quotes. The Exchange also routinely works to improve the performance of the hardware and software used to operate the Exchange's network and System. The costs associated with maintaining and enhancing a state-of-the-art exchange network is a significant expense for the Exchange, and thus the Exchange believes that it is reasonable and appropriate to allocate a certain percentage of its hardware and software expense to help offset those costs of providing Purge Port connectivity to its Matching Engines.

Depreciation

The vast majority of the software the Exchange uses to provide Ports has been developed in-house and the cost of such development, which takes place over an extended period of time and includes not just development work, but also quality assurance and testing to ensure the software works as intended, is depreciated over time once the software is activated in the production environment. Hardware used to provide Purge Ports includes equipment used for testing and monitoring of order entry infrastructure and other physical equipment the Exchange purchased and is also depreciated over time.

All hardware and software, which also includes assets used for testing and

monitoring of order entry infrastructure, were valued at cost, depreciated or leased over periods ranging from three to five years. Thus, the depreciation cost primarily relates to servers necessary to operate the Exchange, some of which is owned by the Exchange and some of which is leased by the Exchange in order to allow efficient periodic technology refreshes. The Exchange allocated 0.8% [sic] of all depreciation costs to providing Purge Ports. The Exchange allocated depreciation costs for depreciated software necessary to operate the Exchange because such software is related to the provision of Purge Ports. As with the other allocated costs in the Exchange's updated Cost Analysis, the Depreciation cost driver was therefore narrowly tailored to depreciation related to Purge Ports.

Allocated Shared Expenses

Finally, a portion of general shared expenses was allocated to overall Purge Port costs as without these general shared costs the Exchange would not be able to operate in the manner that it does and provide Purge Ports. The costs included in general shared expenses include general expenses of the Exchange, including office space and office expenses (e.g., occupancy and overhead expenses), utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications costs. The Exchange notes that the cost of paying directors to serve on its Board of Directors is included in the calculation of Allocated Shared Expenses, and thus a portion of such overall cost amounting to less than 2% of the overall cost for directors was allocated to providing Purge Ports.

Approximate Cost for Purge Port per Month

Based on projected 2024 data, the total monthly cost allocated to Purge Ports is \$35,518. This total is divided by the total number of Matching Engines (8) in which Market Makers may use Purge Ports for each month, divided by the anticipated number of Market Makers results in an approximate cost of \$634 per Matching Engine per month for Purge Port usage (when rounding to the nearest dollar). The Exchange notes that the flat fee of \$600 per month per Matching Engine entitles each Market Maker to two Purge Ports per Matching Engine. The Exchange anticipates that the majority of Market Makers will connect to all eight of the Exchange's Matching Engines and utilize Purge Ports on each Matching Engine. The

²⁷ The term "NBBO" means the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from OPRA. See Exchange Rule 100.

Exchange recognizes that costs are greater than anticipated revenues but accepts this condition as a necessary cost to be incurred when launching a new exchange.

Cost Analysis—Additional Discussion

In conducting its Cost Analysis, the Exchange did not allocate any of its expenses in full to any core services (including Purge Ports) and did not double-count any expenses. Instead, as described above, the Exchange allocated applicable cost drivers across its core services and used the same Cost Analysis to form the basis of this proposal. For instance, in calculating the Human Resources expenses to be allocated to Purge Ports based upon the above described methodology, the Exchange has a team of employees dedicated to network infrastructure and with respect to such employees the Exchange allocated network infrastructure personnel with a higher percentage of the cost of such personnel (21.7%) given their focus on functions necessary to provide Ports. The salaries of those same personnel were allocated only 4.8% to Purge Ports and the remaining 95.2% was allocated to connectivity, other port services, transaction services, membership services and market data. The Exchange did not allocate any other Human Resources expense for providing Purge Ports to any other employee group, outside of a smaller allocation of 2.2% for Purge Ports, of the cost associated with certain specified personnel who work closely with and support network infrastructure personnel. This is because a much wider range of personnel are involved in functions necessary to offer, monitor and maintain Purge Ports but the tasks necessary to do so are not a primary or full-time function.

In total, the Exchange allocated 3.6% of its personnel costs to providing Purge Ports. In turn, the Exchange allocated the remaining 96.4% of its Human Resources expense to membership services, transaction services, connectivity services, other port services and market data. Thus, again, the Exchange's allocations of cost across core services were based on real costs of operating the Exchange and were not double-counted across the core services or their associated revenue streams.

As another example, the Exchange allocated depreciation expense to all core services, including Purge Ports, but in different amounts. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers,

laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network. Without this equipment, the Exchange would not be able to operate the network and provide Purge Port services to its Market Makers. However, the Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing Purge Port services, but instead allocated approximately 0.8% [sic] of the Exchange's overall depreciation and amortization expense to Purge Ports. The Exchange allocated the remaining depreciation and amortization expense (approximately 99.2% [sic]) toward the cost of providing transaction services, membership services, connectivity services, other port services, and market data.

The Exchange notes that its revenue estimates are based on projections across all potential revenue streams and will only be realized to the extent such revenue streams actually produce the revenue estimated. The Exchange does not yet know whether such expectations will be realized. For instance, in order to generate the revenue expected from Purge Ports, the Exchange will have to be successful in retaining existing Market Makers that wish to maintain Purge Ports or in obtaining new Market Makers that will purchase such services. Similarly, the Exchange will have to be successful in retaining a positive net capture on transaction fees in order to realize the anticipated revenue from transaction pricing.

The Exchange notes that the Cost Analysis is based on the Exchange's 2024 fiscal year of operations and projections. It is possible, however, that actual costs may be higher or lower. To the extent the Exchange sees growth in use of connectivity services it will receive additional revenue to offset future cost increases. However, if use of port services is static or decreases, the Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange is committing to conduct a one-year review after implementation of these fees. The Exchange expects that it may propose to adjust fees at that time, to increase fees in the event that revenues fail to cover costs and a reasonable mark-up of such costs. Similarly, the Exchange may propose to decrease fees in the event that revenue materially exceeds our current projections. In addition, the Exchange will periodically conduct a review to inform its decision making on whether a fee change is appropriate (e.g., to

monitor for costs increasing/decreasing or subscribers increasing/decreasing, etc. in ways that suggest the then-current fees are becoming dislocated from the prior cost-based analysis) and would propose to increase fees in the event that revenues fail to cover its costs and a reasonable mark-up, or decrease fees in the event that revenue or the mark-up materially exceeds our current projections. In the event that the Exchange determines to propose a fee change, the results of a timely review, including an updated cost estimate, will be included in the rule filing proposing the fee change. More generally, the Exchange believes that it is appropriate for an exchange to refresh and update information about its relevant costs and revenues in seeking any future changes to fees, and the Exchange commits to do so.

Projected Revenue ²⁸

The proposed fees will allow the Exchange to cover certain costs incurred by the Exchange associated with providing and maintaining necessary hardware and other network infrastructure as well as network monitoring and support services; without such hardware, infrastructure, monitoring and support the Exchange would be unable to provide port services. Much of the cost relates to monitoring and analysis of data and performance of the network via the subscriber's connection(s). The above cost, namely those associated with hardware, software, and human capital, enable the Exchange to measure network performance with nanosecond granularity. These same costs are also associated with time and money spent seeking to continuously improve the network performance, improving the subscriber's experience, based on monitoring and analysis activity. The Exchange routinely works to improve the performance of the network's hardware and software. The costs associated with maintaining and enhancing a state-of-the-art exchange network is a significant expense for the Exchange, and thus the Exchange believes that it is reasonable and appropriate to help offset those costs by amending fees for Purge Port services. Subscribers, particularly those of Purge Ports, expect the Exchange to provide this level of support so they continue to receive the performance they expect. This differentiates the Exchange from its competitors. As detailed above, the Exchange has five primary sources of

²⁸ For purposes of calculating projected 2024 revenue for Purge Ports, the Exchange is using estimated projections.

revenue that it can potentially use to fund its operations: transaction fees, fees for connectivity services (connections and ports), membership and regulatory fees, and market data fees. Accordingly, the Exchange must cover its expenses from these five primary sources of revenue.

The Exchange's Cost Analysis estimates the annual cost to provide Purge Port services will equal \$426,238. Based on projected Purge Port services usage, the Exchange would generate annual revenue of approximately \$403,200. The Exchange estimates it will incur a 5.7% loss when comparing revenues to the cost of providing Purge Port services.

Based on the above discussion, the Exchange believes that even if the Exchange earns the above revenue or incrementally more or less, the proposed fees are fair and reasonable because they will not result in pricing that deviates from that of other exchanges or a supra-competitive profit, when comparing the total expense of the Exchange associated with providing Purge Port services versus the total projected revenue of the Exchange associated with network Purge Port services.

The Proposed Fees Are Also Equitable, Reasonable, and Not Unfairly Discriminatory

The Exchange believes that the proposed rule change would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because offering Market Makers optional Purge Port services with a flexible fee structure promotes choice, flexibility, and efficiency. The Exchange believes Purge Ports enhance Market Makers' ability to manage orders, which would, in turn, improve their risk controls to the benefit of all market participants. The Exchange believes that Purge Ports foster cooperation and coordination with persons engaged in facilitating transactions in securities because designating Purge Ports for purge messages may encourage better use of such ports. This may, concurrent with the ports that carry orders and other information necessary for market making activities, enable more efficient, as well as fair and reasonable, use of Market Makers' resources. The Exchange believes that proper risk management, including the ability to efficiently cancel multiple orders quickly when necessary is valuable to all firms, including Market Makers that have heightened quoting obligations that are not applicable to other market participants.

Purge Ports do not relieve Market Makers of their quoting obligations or firm quote obligations under Regulation NMS Rule 602.²⁹ Specifically, any interest that is executable against a Member's or Market Maker's orders that is received by the Exchange prior to the time of the removal of orders request will automatically execute. Market Makers that purge their orders will not be relieved of the obligation to provide continuous two-sided orders on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet their continuous quoting obligation each trading day.³⁰

The Exchange also believes that offering Purge Ports at the Matching Engine level promotes risk management across the industry, and thereby facilitates investor protection. Some market participants, in particular the larger firms, could and do build similar risk functionality in their trading systems that permit the flexible cancellation of orders entered on the Exchange at a high rate. Offering Matching Engine level protections ensures that such functionality is widely available to all firms, including smaller firms that may otherwise not be willing to incur the costs and development work necessary to support their own customized mass cancel functionality.

The Exchange also believes that moving to a per Matching Engine fee for Purge Ports is reasonable due to the Exchange's architecture that provides the Exchange the ability to provide two (2) Purge Ports per Matching Engine.

The Exchange believes that the proposed Purge Port fees are equitable because the proposed Purge Ports are completely voluntary as they relate solely to optional risk management functionality.

The Exchange also believes that the proposed amendments to its Fee Schedule are not unfairly discriminatory because they will apply uniformly to all Market Makers that choose to use the optional Purge Ports. Purge Ports are completely voluntary and, as they relate solely to optional risk management functionality, no Market Maker is required or under any regulatory obligation to utilize them. All Market Makers that voluntarily select this service option will be charged the same amount for the same services. Market Makers have the option to select any port or connectivity option, and there is no differentiation among Market

Makers with regard to the fees charged for the services offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Purge Ports are completely voluntary and are available to all Market Makers on an equal basis at the same cost. While the Exchange believes that Purge Ports provide a valuable service, Market Makers can choose to purchase, or not purchase, these ports based on their own determination of the value and their business needs. No Market Maker is required or under any regulatory obligation to utilize Purge Ports. Accordingly, the Exchange believes that Purge Ports offer appropriate risk management functionality to firms that trade on the Exchange without imposing an unnecessary or inappropriate burden on competition.

The Exchange also does not believe the proposal would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own purge port functionality and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposal would apply uniformly to any market participant, in that it does not differentiate between Market Makers. The proposal would allow any interested Market Maker to purchase Purge Port functionality based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,³¹ and Rule 19b-4(f)(2)³² 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

²⁹ See Exchange Rule 604. See also generally Chapter VI of the Exchange's Rules.

³⁰ *Id.*

³¹ 15 U.S.C. 78s(b)(3)(A)(ii).

³² 17 CFR 240.19b-4(f)(2).

necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-SAPPHIRE-2024-26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-SAPPHIRE-2024-26. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number

SR-SAPPHIRE-2024-26 and should be submitted on or before September 30, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20172 Filed 9-6-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100897; File No. SR-NSCC-2024-007]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NSCC Rules & Procedures To Accommodate Fractional Share Trading Programs

September 3, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 21, 2024, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to the NSCC Rules & Procedures ("Rules") to accommodate the Member submission and trade recording of certain trades executed in connection with fractional share trading programs, as described in greater detail below.⁵

³³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ Capitalized terms not defined herein shall have the meaning assigned to such terms in the Rules, available at www.dtcc.com/legal/rules-and-procedures.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend the real-time trade submission requirements in NSCC Rule 7 and Procedure II to accommodate the Member submission and trade recording of certain trades representing transactions from fractional share trading programs. The proposed rule change is discussed in detail below.

Background

NSCC Rule 7, Section 7 requires that trade data submitted to NSCC for trade recording be submitted in "Real-time,"⁶ and on a trade-by-trade basis, in the form executed without any form of "pre-netting" of such trades prior to their submission (collectively, the "Real-time Trade Submission Requirement"). Cleared contract information is then reported out to submitting firms by NSCC's Universal Trade Capture ("UTC") system⁷ upon trade comparison and validation. The receipt of trade data in real-time enables NSCC to report to Members trade data as it is received, thereby promoting intra-day reconciliation of transactions at the Member level, and also facilitates efficient risk management for both NSCC and its Members.

From an operational perspective, NSCC is only able to accept trades for clearing in units of full shares. Moreover, stocks do not trade on exchanges in units of less than one share, and trades may only be reported to a trade reporting facility in multiples

⁶ NSCC Procedure XIII defines "Real-time" to mean the "submission of trade data on a trade-by-trade basis promptly after trade execution, in any format and by any communication method acceptable to [NSCC]." See NSCC Procedure XIII, *supra* note 5.

⁷ NSCC's UTC system validates and reports equity transactions that are submitted to NSCC throughout the trading day by an exchange or by a Qualified Special Representative that is an NSCC Member.

of one share.⁸ Some broker-dealers, however, offer programs enabling their customers to purchase and sell shares on a fractional basis (*i.e.*, less than one full share of a stock or other security).⁹ These programs vary by broker-dealer and may involve the broker-dealer using its own capital to purchase/sell a full share and giving its customer the fraction or aggregating customer orders together to form full shares.

Because NSCC cannot operationally process fractions of shares, Members offering fractional share trading programs cannot submit certain transactions from fractional share trading programs for clearing. Trades in fractional shares may be reported to a trade reporting facility in multiples of one share; however, for fractional shares this must be done in accordance with certain rounding conventions.¹⁰ NSCC believes that such trades could be similarly aggregated into full shares for submission to NSCC as Correspondent Clearing transactions.¹¹ Section 2(b) of Rule 7 provides that a Special Representative¹² may submit to NSCC transaction data as to the rights and obligations of Members which calls for the delivery of Cleared Securities and is between Members. This includes Correspondent Clearing transactions, which allow NSCC Members to move a position from an executing broker (or Special Representative) account to a different clearing broker (*i.e.*, correspondent) account. NSCC allows exceptions to the Real-time Trade Submission Requirement for Correspondent Clearing transactions submitted under Section 2(b) of Rule 7 if the trade data is submitted to facilitate a position movement between affiliates or is between two unaffiliated clearing brokers on behalf of a common client for custody purposes.¹³ NSCC believes a

similar exception would be appropriate for certain transactions from fractional share trading programs.

Proposed Changes

NSCC proposes to revise its Rules to allow an exception to the Real-time Trade Submission Requirement for Correspondent Clearing transactions representing aggregated transactions of fractional shares. As described above, NSCC cannot currently process trades on a fractional basis. However, NSCC may accept aggregated transactions from fractional share trading programs for clearing if such transactions are submitted in multiples of one share based on rounding conventions similar to those used for reporting such transactions to trade reporting facilities.

For example, a broker-deal ("Broker A") may receive an order from a customer to purchase 6.5 shares of ABC Corp. Broker A may route that order to an executing broker ("Broker B") to purchase 6.5 shares. Broker B then executes an order to buy 7 shares of ABC Corp. on a trading venue such as an exchange or alternative trading system, which only offers trading in full shares. This transaction clears in real-time at NSCC with Broker B as the buyer versus its contra party. Broker B would then submit a Correspondent Clearing transaction¹⁴ to NSCC for 6 shares of ABC Corp., with Broker B as the seller and Broker A as the buyer. This transaction would also clear in real-time at NSCC. To accommodate the fractional share, Broker A would set up a fail to receive of 0.5 shares of ABC Corp. versus Broker B, and Broker B would set up fail to deliver of 0.5 shares of ABC Corp. versus Broker A. Broker B would take principal ownership of the remaining 0.5 shares of ABC Corp. This position would be held in Broker B's omnibus account at the broker-dealer until the account accumulates to at least one (1) full share.

The following day, Broker A may receive another order from a customer to purchase 6.5 shares of ABC Corp. Broker A again routes the order to executing Broker B to purchase 6.5 shares. This time, Broker B executes an order to buy 6 shares of ABC Corp. on a trading venue. This transaction clears in real-time at NSCC with Broker B as buyer versus its contra party. Broker B then submits a Correspondent Clearing transaction to NSCC for 6 shares of ABC Corp. with Broker B as seller and Broker A as buyer. This transaction also clears

in real-time at NSCC. Broker B then ultimately submits an additional Correspondent Clearing transaction to NSCC for 1 share of ABC Corp. with Broker B as seller and Broker A as buyer. This transaction clears at NSCC, and Broker A and Broker B close-out the fail to receive/deliver with one another.

In the example above, the rounding, aggregation and submission of transactions in fractional shares could be interpreted as not satisfying the Real-time Trade Submission Requirement. For example, the Correspondent Clearing transactions containing aggregated fractional shares may not be submitted promptly after execution of the underlying trades executed by the executing broker and the aggregated shares may not be submitted in the form executed. The Real-time Trade Submission Requirement was not designed, however, to prohibit the submission of Correspondent Clearing transactions necessary to accommodate the clearing of fractional shares. NSCC did not consider fractional share trading programs or the clearing of fractional shares when it adopted its Real-time Trade Submission Requirement rules and subsequently amended those rules to address the Correspondent Clearing service.¹⁵ As a result, NSCC proposes to revise Section 7 of NSCC Rule 7 to allow an additional exception from the Real-time Trade Submission Requirement for Correspondent Clearing transactions that represent aggregated transactions of fractional shares. In addition, NSCC would revise Section 7 of NSCC Rule 7 to include a requirement that trade data representing aggregated transactions of fractional shares must be submitted to NSCC for trade recording in units of full shares and should be submitted as promptly as reasonably practical. NSCC also proposes to make conforming changes to Section A of Procedure II to include trade data representing aggregated transactions of fractional shares in the list of exceptions for the Real-time Trade Submission Requirement.

The proposed rule change would not require NSCC to make any changes to its current operational and risk management processes. As described above, NSCC would continue to receive all transactions in units of full shares, and from an operational perspective, transactions from fractional share trading programs would be recorded and processed in the same manner as

⁸ See "Trade Reporting Frequently Asked Questions #101.14," Financial Industry Regulatory Authority, available at www.finra.org/filing-reporting/market-transparency-reporting/trade-reporting-faq.

⁹ See "Staff Report on Equity and Options Market Structure Conditions in Early 2021," SEC, page 7, available at www.sec.gov/files/staff-report-equity-options-market-structure-conditions-early-2021.pdf.

¹⁰ See *supra* note 8.

¹¹ The Correspondent Clearing service allows an NSCC Member broker-dealer to use one broker-dealer for an execution and another for clearance and settlement. See NSCC Procedure IV, Section C, *supra* note 5.

¹² A "Special Representative" is a Member or a Registered Clearing Agency which applies to NSCC for such status and designates those Members for which it will act. Special Representatives may submit to NSCC for trade recording trade data on any transaction calling for delivery of Cleared Securities between it and another person. See NSCC Rule 7, Sections 1 and 2(a), *supra* note 5.

¹³ See NSCC Rule 7, Section 7, *supra* note 5. NSCC notes that the Real-time Trade Submission

Requirement in NSCC Rule 7, Section 7 also does not apply to transaction data for exchange-traded funds submitted pursuant to Section 4(b) of Rule 7.

¹⁴ See *supra* note 11 and associated text.

¹⁵ See *e.g.*, Securities Exchange Act Release Nos. 69890 (June 28, 2013), 78 FR 40538 (July 5, 2013) (File No. SR-NSCC-2013-05) and 76462 (Nov. 17, 2015), 80 FR 73029 (Nov. 23, 2015) (SR-NSCC-2015-004).

any other transaction submitted for clearing. NSCC also does not believe that clearing transactions from fractional share trading programs would require any changes to its risk management processes. While the Correspondent Clearing portion of such transactions would not be subject to the Real-time Trade Submission Requirement, these transactions are not expected to constitute a significant volume of trades relative to NSCC's total cleared transaction volumes. Transactions from fractional share trading programs would be subject to the same margining and risk management practices as other equity transactions upon trade recording and validation by NSCC, and NSCC does not currently plan to make any changes to its risk management processes in relation to the clearing of the aggregated shares received from fractional share trading programs. NSCC believes that the benefits of bringing these transactions into central clearing (e.g., their inclusion in Continuous Net Settlement ("CNS") netting, NSCC risk management and NSCC's trade guaranty) would justify the exception for such transactions from the Real-time Trade Submission Requirement. As noted above, NSCC currently permits other exceptions to the Real-time Trade Submission Requirement for Correspondent Clearing transactions, such as trade data submitted to facilitate a position movement between affiliates or between two unaffiliated clearing brokers on behalf of a common client for custody purposes and transaction data concerning creation and redemption orders for exchange-traded funds.¹⁶

2. Statutory Basis

NSCC believes the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Section 17A(b)(3)(F) of the Act¹⁷ requires that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The proposed rule change would provide an additional exception from the Real-time Trade Submission Requirement for Correspondent Clearing

transactions representing aggregated transactions of fractional shares, thereby allowing broker-dealers offering or participating in fractional share trading programs to submit these fractional shares, on a rounded and aggregated basis, to NSCC for clearance and settlement. The proposed rule change would not require NSCC to make any changes to its current operational and risk management processes and would enable the prompt and accurate clearance and settlement of such transactions. The proposed rule change would require such transactions to be submitted for trade recording in units of full shares and as promptly as reasonably practical. Moreover, the proposed rule change would extend the benefit of CNS netting, NSCC's risk management and margining practices, and NSCC's trade guaranty to these fractional shares, thereby safeguarding the securities and funds associated with such transactions. For these reasons, NSCC believes the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions in accordance with Section 17A(b)(3)(F) of the Act.¹⁸

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act¹⁹ requires that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the Act. NSCC does not believe the proposed rule change would have any impact or burden on competition. The proposed rule change would provide an exception to the Real-time Trade Submission Requirement for fractional shares and require that such transactions be submitted to NSCC in aggregated units of full shares as promptly as reasonably practical. The proposed rule change would apply to all Members equally and would not otherwise impose any requirements on the manner in which Members operate their fractional shares programs. Moreover, NSCC would clear and risk manage these aggregated shares in the same way as other trades submitted for trade recording and clearing. The proposed rule change would not unfairly inhibit access to

NSCC's services by any Member or advantage or disadvantage one Member in relationship to another. NSCC therefore believes the proposed rule change would not have any impact or burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received by NSCC, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions.

Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at* <https://www.sec.gov/regulatory-actions/how-to-submit-comments>. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

NSCC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) significantly affect the protection of investors or the public interest;
- (ii) impose any significant burden on competition; and
- (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) 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.

¹⁶ See *supra* note 13 and associated text.

¹⁷ 15 U.S.C. 78q-1(b)(3)(F).

¹⁸ *Id.*

¹⁹ 15 U.S.C. 78q-1(b)(3)(I).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NSCC-2024-007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-NSCC-2024-007. 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 NSCC and on DTCC's website (dtcc.com/legal/sec-rule-filings). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR-NSCC-2024-007 and should be submitted on or before September 30, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20170 Filed 9-6-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100900; File No. SR-PEARL-2024-02]

Self-Regulatory Organizations; MIAX PEARL LLC; Notice of Withdrawal of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail

September 3, 2024.

On January 2, 2024, MIAX PEARL LLC (the "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to establish fees for industry members related to certain historical costs of the National Market System plan governing the Consolidated Audit Trail. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ On February 13, 2024, the proposed rule change was published in the **Federal Register** and the Commission temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁴ The Commission received six comments on the proposed rule change and one response to those comments.⁵ On July 31, 2024, pursuant

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as "establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization." 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ Securities Exchange Act Release No. 99382 (January 17, 2024), 89 FR 10658 (February 13, 2024).

⁵ See letters from: Edward Weisbaum, Executing Broker CBOE Floor, dated February 6, 2024; Howard Meyerson, Managing Director, Financial Information Forum, to Vanessa Countryman, Secretary, Commission, dated March 4, 2024; Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc., to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA; Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Commission, dated

to Section 19(b)(2) of the Act,⁶ the Commission designated a longer period within which to approve the proposed rule change or disapprove the proposed rule change.⁷ On August 23, 2024, the Exchange withdrew the proposed rule change (SR-PEARL-2024-02).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-20171 Filed 9-6-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100893; File No. SR-Emerald-2024-01]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail

September 3, 2024.

On January 2, 2024, MIAX Emerald, LLC (the "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to establish fees for industry members related to certain historical costs of the National Market System plan governing the Consolidated Audit Trail. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ On February 13, 2024, the proposed rule change was

March 5, 2024; Stephen John Berger, Managing Director, Global Head of Government & Regulatory Policy, Citadel Securities, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Joanna Mallers, Secretary, FIA Principal Traders Group, to Vanessa Countryman, Secretary, Commission, dated March 9, 2024; and Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated June 13, 2024.

⁶ 15 U.S.C. 78s(b)(2).

⁷ See Securities Exchange Act Release No. 100628 (Jul. 31, 2024), 89 FR 64010 (Aug. 6, 2024). The Commission designated October 10, 2024 as the date by it should approve or disapprove the proposed rule change.

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as "establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization." 15 U.S.C. 78s(b)(3)(A)(ii).

published in the **Federal Register** and the Commission temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁴ The Commission received six comments on the proposed rule change and one response to those comments.⁵ On July 31, 2024, pursuant to Section 19(b)(2) of the Act,⁶ the Commission designated a longer period within which to approve the proposed rule change or disapprove the proposed rule change.⁷ On August 23, 2024, the Exchange withdrew the proposed rule change (SR–Emerald–2024–01).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–20166 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100894; File No. SR–MIAX–2024–02]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Withdrawal of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail

September 3, 2024.

On January 2, 2024, Miami International Securities Exchange, LLC

⁴ Securities Exchange Act Release No. 99373 (January 17, 2024), 89 FR 11001 (February 13, 2024).

⁵ See letters from: Edward Weisbaum, Executing Broker CBOE Floor, dated February 6, 2024; Howard Meyerson, Managing Director, Financial Information Forum, to Vanessa Countryman, Secretary, Commission, dated March 4, 2024; Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc., to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA; Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Stephen John Berger, Managing Director, Global Head of Government & Regulatory Policy, Citadel Securities, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Joanna Mallers, Secretary, FIA Principal Traders Group, to Vanessa Countryman, Secretary, Commission, dated March 9, 2024; and Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated June 13, 2024.

⁶ 15 U.S.C. 78s(b)(2).

⁷ See Securities Exchange Act Release No. 100628 (Jul. 31, 2024), 89 FR 64010 (Aug. 6, 2024). The Commission designated October 10, 2024 as the date by it should approve or disapprove the proposed rule change.

⁸ 17 CFR 200.30–3(a)(12).

(the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to establish fees for industry members related to certain historical costs of the National Market System plan governing the Consolidated Audit Trail. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ On February 13, 2024, the proposed rule change was published in the **Federal Register** and the Commission temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁴ The Commission received six comments on the proposed rule change and one response to those comments.⁵ On July 31, 2024, pursuant to Section 19(b)(2) of the Act,⁶ the Commission designated a longer period within which to approve the proposed rule change or disapprove the proposed rule change.⁷ On August 23, 2024, the Exchange withdrew the proposed rule change (SR–MIAX–2024–02).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ Securities Exchange Act Release No. 99367 (January 17, 2024), 89 FR 10925 (February 13, 2024).

⁵ See letters from: Edward Weisbaum, Executing Broker CBOE Floor, dated February 6, 2024; Howard Meyerson, Managing Director, Financial Information Forum, to Vanessa Countryman, Secretary, Commission, dated March 4, 2024; Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc., to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA; Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Stephen John Berger, Managing Director, Global Head of Government & Regulatory Policy, Citadel Securities, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Joanna Mallers, Secretary, FIA Principal Traders Group, to Vanessa Countryman, Secretary, Commission, dated March 9, 2024; and Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated June 13, 2024.

⁶ 15 U.S.C. 78s(b)(2).

⁷ See Securities Exchange Act Release No. 100628 (Jul. 31, 2024), 89 FR 64010 (Aug. 6, 2024). The Commission designated October 10, 2024 as the date by it should approve or disapprove the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–20167 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 12, 2024.

PLACE: The meeting will be held via remote means and/or at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at <https://www.sec.gov>.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

⁸ 17 CFR 200.30–3(a)(12).

Dated: September 5, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20373 Filed 9–5–24; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–392, OMB Control No. 3235–0447]

Proposed Collection; Comment Request; Extension: Rule 17f–6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the “Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–6 (17 CFR 270.17f–6) under the Investment Company Act of 1940 (15 U.S.C. 80a) permits registered investment companies (“funds”) to maintain assets (*i.e.*, margin) with futures commission merchants (“FCMs”) in connection with commodity transactions effected on both domestic and foreign exchanges. Before the rule was adopted, funds generally were required to maintain these assets in special accounts with a custodian bank.

The rule requires a written contract that contains certain provisions designed to ensure important safeguards and other benefits relating to the custody of fund assets by FCMs. To protect fund assets, the contract must require that FCMs comply with the segregation or secured amount requirements of the Commodity Exchange Act (“CEA”) and the rules under that statute. The contract also must contain a requirement that FCMs obtain an acknowledgment from any clearing organization that the fund’s assets are held on behalf of the FCM’s customers according to CEA provisions.

Because rule 17f–6 does not impose any ongoing obligations on funds or FCMs, Commission staff estimates there are only costs related to new contracts between funds and FCMs. This estimate does not include the time required by an FCM to comply with the rule’s contract requirements because, to the extent that

complying with the contract provisions could be considered “collections of information,” the burden hours for compliance are already included in other PRA submissions.¹ Commission staff estimates that approximately 1,164 series of 151 funds report that futures commission merchants and commodity clearing organizations provide custodial services to the fund.² Based on these estimates, the total annual burden hours associated with rule 17f–6 is 27 hours. The estimated total annual burden hours associated with rule 17f–6 have decreased 1 hour, from 28 to 27 hours and external costs increased from \$11,900 to \$15,534. These changes in burden hours and external costs reflect changes in the number of affected entities and in the external cost associated with the information collection requirements. These changes reflect revised estimates.

These estimates are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including

¹ The rule requires a contract with the FCM to contain two provisions requiring the FCM to comply with existing requirements under the CEA and rules adopted thereunder; thus, to the extent these provisions could be considered collections of information, the hours required for compliance would be included in the collection of information burden hours submitted by the CFTC for its rules.

² This estimate is based on the average number of funds that reported on Form N–CEN from April 2021–March 2024, in response to sub-items C.12.6. and D.14.6; money market funds are excluded from this estimate because exchange-traded futures contracts or commodity options are not eligible securities for money market funds; the number of series and funds that reported on Form N–CEN in response these sub-items were: 1,112 series of 150 funds for the period April 2021–March 2022; 1,180 series of 152 funds for the period April 2022–March 2023; and 1,210 series of 151 funds for the period April 2023–March 2024 (for filings received through June 30, 2024).

through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by November 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20200 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100892; File No. SR–LTSE–2024–04]

Self-Regulatory Organizations: Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted Costs of the National Market System Plan Governing the Consolidated Audit Trail for the Period From July 16, 2024 Through December 31, 2024

September 3, 2024.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the “Act”) ¹ and Rule 19b–4 thereunder,² notice is hereby given that on August 28, 2024, Long-Term Stock Exchange, Inc. (“LTSE” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Fee Schedule to establish fees for Industry Members ³ related to

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ An “Industry Member” is defined as “a member of a national securities exchange or a member of a

reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan” or “Plan”) for the period from July 16, 2024, through December 31, 2024. The text of the proposed rule change is available at the Exchange’s website at <https://longtermstockexchange.com/>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement on 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 self-regulatory organization 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

On July 11, 2012, the Commission adopted Rule 613 of Regulation NMS, which required the self-regulatory organizations (“SROs”) to submit a national market system (“NMS”) plan to create, implement and maintain a consolidated audit trail that would capture customer and order event information for orders in NMS securities across all markets, from the time of order inception through routing, cancellation, modification or execution.⁴ On November 15, 2016, the Commission approved the CAT NMS Plan.⁵ Under the CAT NMS Plan, the Operating Committee has the discretion to establish funding for CAT LLC to operate the CAT, including establishing fees for Industry Members to be assessed by CAT LLC that would be implemented on behalf of CAT LLC by the Participants.⁶ The Operating Committee

national securities association.” See LTSE Rule 11.610 (Consolidated Audit Trail—Definitions). See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. See LTSE Rule Series 11.600 (Consolidated Audit Trail Compliance Rule).

⁴ Securities Exchange Act Rel. No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012).

⁵ Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (“CAT NMS Plan Approval Order”).

⁶ Section 11.1(b) of the CAT NMS Plan.

adopted a revised funding model to fund the CAT (“CAT Funding Model”). On September 6, 2023, the Commission approved the CAT Funding Model after concluding that the model was reasonable and that it satisfied the requirements of Section 11A of the Exchange Act and Rule 608 thereunder.⁷

The CAT Funding Model provides a framework for the recovery of the costs to create, develop and maintain the CAT, including providing a method for allocating costs to fund the CAT among Participants and Industry Members. The CAT Funding Model establishes two categories of fees: (1) CAT fees assessed by CAT LLC and payable by certain Industry Members to recover a portion of historical CAT costs previously paid by the Participants (“Historical CAT Assessment” fees); and (2) CAT fees assessed by CAT LLC and payable by Participants and Industry Members to fund prospective CAT costs (“CAT Fees”).⁸

Under the CAT Funding Model, Participants, CEBBs and CEBSs are subject to fees designed to cover the ongoing budgeted costs of the CAT, as determined by the Operating Committee. “The Operating Committee will establish fees (‘CAT Fees’) to be payable by Participants and Industry Members with regard to CAT costs not previously paid by the Participants (‘Prospective CAT Costs’).”⁹ In establishing a CAT Fee, the Operating Committee will calculate a “Fee Rate” for the relevant period. Then, for each month in which a CAT Fee is in effect, each CEBB and CEBS would be required to pay the fee for each transaction in Eligible Securities executed by the CEBB or CEBS from the prior month as set forth in CAT Data, where the fee for each transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate.¹⁰

⁷ Securities Exchange Act Rel. No. 98290 (Sept. 6, 2023), 88 FR 62628 (Sept. 12, 2023) (“CAT Funding Model Approval Order”).

⁸ Under the CAT Funding Model, the Operating Committee may establish CAT Fees related to CAT costs going forward. Section 11.3(a) of the CAT NMS Plan. This filing only establishes CAT Fee 2024–1 related to reasonably budgeted CAT costs for the period from July 16, 2024 through December 31, 2024 as described herein; it does not address any other potential CAT Fees related to CAT costs. Any such other CAT Fee will be subject to a separate fee filing. In addition, under the CAT Funding Model, the Operating Committee may establish one or more Historical CAT Assessments. Section 11.3(b) of the CAT NMS Plan. This filing does not address any Historical CAT Assessments.

⁹ Section 11.3(a) of the CAT NMS Plan.

¹⁰ In approving the CAT Funding Model, the Commission stated that, “[t]he proposed recovery of Prospective CAT Costs is appropriate.” CAT Funding Model Approval Order at 62651.

The CAT Fees to be paid by CEBBs and CEBSs are designed to contribute toward the recovery of two-thirds of the budgeted CAT costs for the relevant period.¹¹ The CAT Funding Model is designed to require that the Participants contribute to the recovery of the remaining one-third of the budgeted CAT costs.¹² Participants would be subject to the same Fee Rate as CEBBs and CEBSs.¹³ While CAT Fees charged to Industry Members become effective in accordance with the requirements of Section 19(b) of the Exchange Act,¹⁴ CAT fees charged to Participants are implemented via an approval of the CAT fees by the Operating Committee in accordance with the requirements of the CAT NMS Plan.¹⁵ Accordingly, this filing does not address Participant CAT fees as they are described in the CAT NMS Plan.¹⁶

CAT LLC proposes to charge CEBBs and CEBSs (as described in more detail below) CAT Fee 2024–1 to recover the reasonably budgeted CAT costs for July 16, 2024 through December 31, 2024, in accordance with the CAT Funding Model. To implement this fee on behalf of CAT LLC, the CAT NMS Plan requires the Participants to “file with the SEC under Section 19(b) of the Exchange Act any such fees on Industry Members that the Operating Committee approves, and such fees shall be labeled as ‘Consolidated Audit Trail Funding Fees.’”¹⁷ The Plan further states that “[o]nce the Operating Committee has approved such Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using such Fee Rate.”¹⁸ Accordingly, the purpose of this filing is to implement a CAT Fee on behalf of CAT LLC for Industry Members, referred to as CAT Fee 2024–1, in accordance with the CAT NMS Plan.

(1) CAT Executing Brokers

CAT Fee 2024–1 will be charged to each CEBB and CEBS for each applicable transaction in Eligible Securities.¹⁹ The CAT NMS Plan defines a “CAT Executing Broker” to mean:

¹¹ Section 11.3(a)(iii)(A) of the CAT NMS Plan.

¹² Section 11.3(a)(ii)(A) of the CAT NMS Plan.

¹³ Section 11.3(a)(ii) of the CAT NMS Plan.

¹⁴ Section 11.3(a)(i)(A)(I) of the CAT NMS Plan.

¹⁵ CAT Funding Model Approval Order at 62659.

¹⁶ See Section 11.3(a)(ii) and Appendix B of the CAT NMS Plan.

¹⁷ Section 11.1(b) of the CAT NMS Plan.

¹⁸ Section 11.3(a)(i)(A)(I) of the CAT NMS Plan.

¹⁹ In its approval of the CAT Funding Model, the Commission determined that charging CAT fees to CAT Executing Brokers was reasonable. In reaching

Continued

(a) with respect to a transaction in an Eligible Security that is executed on an exchange, the Industry Member identified as the Industry Member responsible for the order on the buy-side of the transaction and the Industry Member responsible for the sell-side of the transaction in the equity order trade event and option trade event in the CAT Data submitted to the CAT by the relevant exchange pursuant to the Participant Technical Specifications; and (b) with respect to a transaction in an Eligible Security that is executed otherwise than on

an exchange and required to be reported to an equity trade reporting facility of a registered national securities association, the Industry Member identified as the executing broker and the Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event in the CAT Data submitted to the CAT by FINRA pursuant to the Participant Technical Specifications; provided, however, in those circumstances where there is a non-Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF

transaction data event or no contra-side executing broker is identified in the TRF/ORF/ADF transaction data event, then the Industry Member identified as the executing broker in the TRF/ORF/ADF transaction data event would be treated as CAT Executing Broker for the Buyer and for the Seller.²⁰

The following fields of the Participant Technical Specifications indicate the CAT Executing Brokers for the transactions executed on an exchange:

EQUITY ORDER TRADE (EOT)²¹

No.	Field name	Data type	Description	Include key
12.n.8/13.n.8	member	Member Alias	The identifier for the member firm that is responsible for the order on this side of the trade. Not required if there is no order for the side as indicated by the NOBUYID/NOSELLID instruction. This must be provided if orderID is provided..	C.

OPTION TRADE (OT)²²

No.	Field name	Data type	Description	Include key
16.n.13/17.n.13	member	Member Alias	The identifier for the member firm that is responsible for the order ..	R.

In addition, the following fields of the Participant Technical Specifications would indicate the CAT Executing

Brokers for the transactions executed otherwise than on an exchange:

TRF/ORF/ADF TRANSACTION DATA EVENT (TRF)²³

No.	Field name	Data type	Description	Include key
26	reportingExecutingMpid	Member Alias	MPID of the executing party	R.
28	contraExecutingMpid	Member Alias	MPID of the contra-side executing party	C.

(2) Calculation of Fee Rate 2024–1

The Operating Committee determined the Fee Rate to be used in calculating CAT Fee 2024–1 (“Fee Rate 2024–1”) by dividing the reasonably budgeted CAT costs (“Budgeted CAT Costs 2024–1”) for the period from July 16, 2024 through December 31, 2024 (“CAT Fee 2024–1 Period”) by the reasonably projected total executed share volume of all transactions in Eligible Securities for the four-month recovery period, as discussed in detail below.²⁴ Based on this calculation, the Operating

Committee has determined that Fee Rate 2024–1 would be \$0.0001043598251997246 per executed equivalent share. This rate is then divided by three and rounded to determine the fee rate of \$0.000035 per executed equivalent share that will be assessed to CEBBs and CEBSSs, as also discussed in detail below.

(A) CAT Fee 2024–1 Period

CAT LLC proposes to implement CAT Fee 2024–1 as the first CAT Fee related to Prospective CAT Costs. CAT LLC proposes to commence CAT Fee 2024–

1 during the year, rather than at the beginning of the year. Accordingly, CAT Fee 2024–1 “would be calculated as described in paragraph II” of Section 11.3(a)(i)(A) of the CAT NMS Plan, which states that “[d]uring each year, the Operating Committee will calculate a new Fee Rate by dividing the reasonably budgeted CAT costs for the remainder of the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the remainder of

this conclusion, the Commission noted that the use of CAT Executing Brokers is appropriate because the CAT Funding Model is based upon the calculation of *executed* equivalent shares, and, therefore, charging CAT Executing Brokers would reflect their executing role in each transaction. Furthermore, the Commission noted that, because CAT Executing Brokers are already identified in transaction reports from the exchanges and FINRA’s equity trade reporting facilities recorded in CAT Data, charging CAT Executing Brokers could

streamline the billing process. CAT Funding Model Approval Order at 62629.

²⁰ Section 1.1 of the CAT NMS Plan. Note that CEBBs and CEBSSs may, but are not required to, pass-through their CAT Fees to their clients, who may, in turn, pass their fees to their clients until they are imposed ultimately on the account that executed the transaction. See CAT Funding Model Approval Order at 62649.

²¹ See Table 23, Section 4.7 (Order Trade Event) of the CAT Reporting Technical Specifications for Plan Participants, Version 4.1.0–r21 (Apr. 15, 2024),

https://www.catnmsplan.com/sites/default/files/2024-04/04.15.2024-CAT_Reporting_Technical_Specifications_for_Participants_4.1.0-r21.pdf (“CAT Reporting Technical Specifications for Plan Participants”).

²² See Table 51, Section 5.2.5.1 (Simple Option Trade Event) of the CAT Reporting Technical Specifications for Plan Participants.

²³ See Table 61, Section 6.1 (TRF/ORF/ADF Transaction Data Event) of the CAT Reporting Technical Specifications for Plan Participants.

²⁴ Section 11.3(a)(i) of the CAT NMS Plan.

the year.”²⁵ For CAT Fee 2024–1, the reasonably budgeted CAT costs for “the remainder of the year” are the reasonably budgeted CAT costs from July 16, 2024 through December 31, 2024. This period is referred to as the CAT Fee 2024–1 Period. Such costs would be recovered over a four-month period, where the first invoices are sent in October 2024 based on transactions in September 2024.

(B) Executed Equivalent Shares for Transactions in Eligible Securities

Under the CAT NMS Plan, for purposes of calculating CAT Fees, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows: (1) each executed share for a transaction in NMS Stocks will be counted as one executed equivalent share; (2) each executed contract for a transaction in Listed Options will be counted based on the multiplier applicable to the specific Listed Options (*i.e.*, 100 executed equivalent shares or such other applicable multiplier); and (3) each executed share for a transaction in OTC Equity Securities will be counted as 0.01 executed equivalent share.²⁶

(C) Budgeted CAT Costs 2024–1

The CAT NMS Plan states that “[t]he budgeted CAT costs for the year shall be comprised of all reasonable fees, costs and expenses reasonably budgeted to be incurred by or for the Company in connection with the development, implementation and operation of the CAT as set forth in the annual operating budget approved by the Operating Committee pursuant to Section 11.1(a)

of the CAT NMS Plan, or as adjusted during the year by the Operating Committee.”²⁷ Section 11.1(a) of the CAT NMS Plan describes the requirement for the Operating Committee to approve an operating budget for CAT LLC on an annual basis. It requires the budget to “include the projected costs of the Company, including the costs of developing and operating the CAT for the upcoming year, and the sources of all revenues to cover such costs, as well as the funding of any reserve that the Operating Committee reasonably deems appropriate for the prudent operation of the Company.” Section 11.1(a)(i) of the CAT NMS Plan further states that:

[w]ithout limiting the foregoing, the reasonably budgeted CAT costs shall include technology (including cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs), legal, consulting, insurance, professional and administration, and public relations costs, a reserve and such other cost categories as reasonably determined by the Operating Committee to be included in the budget.

In accordance with the requirements under the CAT NMS Plan, the Operating Committee approved an annual budget for 2024 for CAT LLC in December 2023 (“Original 2024 Budget”).²⁸ In August 2024, the Operating Committee approved an updated budget for 2024 (“Updated 2024 Budget”).²⁹ The Updated 2024 Budget includes actual costs for each category for the months of January through July 2024, with estimated costs for the remaining months of 2024. The Operating Committee also approved the budgeted

CAT costs for the CAT Fee 2024–1 Period (*i.e.*, Budgeted CAT Costs 2024–1), which are a subset of the costs set forth in the Updated 2024 Budget.

As described in detail below, the Budgeted CAT Costs 2024–1 would be \$138,476,925. CEBBs collectively will be responsible for one-third of the Budgeted CAT Costs 2024–1 (which is \$46,158,975), and CEBBs collectively will be responsible for one-third of Budgeted CAT Costs 2024–1 (which is \$46,158,975).

The following describes in detail Budgeted CAT Costs 2024–1 for the CAT Fee 2024–1 Period. The following cost details are provided in accordance with the requirement in the CAT NMS Plan to provide in the fee filing the following:

the budget for the upcoming year (or remainder of the year, as applicable), including a brief description of each line item in the budget, including (1) technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration and (6) public relations costs, a reserve and/or such other categories as reasonably determined by the Operating Committee to be included in the budget, and the reason for changes in each such line item from the prior CAT fee filing.³⁰

Each of the costs described below are reasonable, appropriate and necessary for the creation, implementation and maintenance of CAT.

The following table breaks down Budgeted CAT Costs 2024–1 into the categories set forth in Section 11.3(a)(iii)(B) of the CAT NMS Plan.³¹

Budget category	Budgeted CAT costs 2024–1 *
Capitalized Developed Technology Costs **	\$4,101,990
Technology Costs:	99,728,258
Cloud Hosting Services	76,278,426
Operating Fees	14,008,947.50
CAIS Operating Fees	9,278,384.50
Change Request Fees	162,500
Legal	4,484,554.50
Consulting	652,623
Insurance	1,342,345
Professional and administration	428,544.50
Public relations	43,225
Subtotal	110,781,540
Reserve	27,695,385

²⁵ Section 11.3(a)(i)(A)(II) of the CAT NMS Plan.

²⁶ Section 11.3(a)(i)(B) of the CAT NMS Plan. In approving the CAT Funding Model, the Commission concluded that “the use of executed equivalent share volume as the basis of the proposed cost allocation methodology is reasonable and consistent with the approach taken by the

funding principles of the CAT NMS Plan.” CAT Funding Model Approval Order at 62640.

²⁷ Section 11.3(a)(i)(C) of the CAT NMS Plan.

²⁸ The Original 2024 Budget is available on the CAT website (<https://www.catnmsplan.com/sites/default/files/2024-07/07.09.2024-CAT%20LLC-2024-Financial-and-Operating-Budget.pdf>).

²⁹ The Updated 2024 Budget is available on the CAT website (https://www.catnmsplan.com/sites/default/files/2024-08/07.31.24-CAT-LLC-2024-Financial_and_Operating-Budget.pdf).

³⁰ Section 11.3(a)(iii)(B) of the CAT NMS Plan.

³¹ Note that costs and related cost calculations provided in this filing may reflect minor variations from the budgeted costs due to rounding.

Budget category	Budgeted CAT costs 2024–1 *
Total Budgeted CAT Costs 2024–1	138,476,925

* Budgeted CAT Costs 2024–1 described in this table of costs were determined based an analysis of a variety of factors, including historical costs/invoices, estimated costs from respective vendors/service providers, contractual terms with vendors/service providers, anticipated service levels and needs, and discussions with vendors and Participants.

** The non-cash amortization of these capitalized developed technology costs to be incurred during the CAT Fee 2024–1 Period have been appropriately excluded from the above table.³²

To the extent that CAT LLC enters into notes with Participants or others to pay costs incurred during the period from July 16, 2024 through December 31, 2024, CAT LLC will use the proceeds from the CAT Fee 2024–1 and the related Participant CAT fees to repay such notes.

(i) Technology Costs—Cloud Hosting Services

(a) Description of Cloud Hosting Services Costs

Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the cloud hosting services costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$76,278,426 in technology costs for cloud hosting services for the CAT Fee 2024–1 Period. The technology costs for cloud hosting services represent costs reasonably budgeted to be incurred for services provided by the cloud services provider for the CAT, Amazon Web Services, Inc. (“AWS”), during the CAT Fee 2024–1 Period.

In the agreement between CAT LLC and the Plan Processor for the CAT (“Plan Processor Agreement”), FINRA CAT, LLC (“FCAT”), AWS was named as the subcontractor to provide cloud hosting services. Under the Plan Processor Agreement, CAT LLC is required to pay FCAT the fees incurred by the Plan Processor for cloud hosting services provided by AWS as FCAT’s subcontractor [sic] on a monthly basis for the cloud hosting services, and FCAT, in turn, pays such fees to AWS. The fees for cloud hosting services were negotiated by FCAT on an arm’s length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan and Rule 613, taking into consideration a variety of factors, including the expected volume of data, the breadth of

services provided and market rates for similar services. It is anticipated that AWS will provide a broad array of cloud hosting services for the CAT, including data ingestion, data management, and analytic tools during the CAT Fee 2024–1 Period. Services provided by AWS include storage services, databases, compute services and other services (such as networking, management tools and DevOps tools), as well as various environments for CAT, such as development, performance testing, test, and production environments. AWS will perform cloud hosting services for both the CAT transaction database as well as the CAT Customer and Account Information System (“CAIS”) during the CAT Fee 2024–1 Period.

The cost for AWS cloud services for the CAT is a function of the volume of CAT Data. The greater the amount of CAT Data, the greater the cost of AWS services to CAT LLC. During the CAT 2024–1 Period, it is expected that AWS will provide cloud hosting services for volumes of CAT Data far in excess of the volume predictions set forth in the CAT NMS Plan. The CAT NMS Plan states, when all CAT Reporters are submitting their data to the CAT, it “must be sized to receive[,] process and load more than 58 billion records per day,”³³ and that “[i]t is expected that the Central Repository will grow to more than 29 petabytes of raw, uncompressed data.”³⁴ In contrast with those estimates, the Q1 2024 data volumes, which averaged 577 billion events per day, were up 45% compared to Q1 2023, which averaged 399 billion events per day, with peak volumes recorded on April 19, 2024 of 746 billion events. Even higher peak volumes were recorded in July and August 2024.

CAT LLC estimates that the budget for cloud hosting services costs during the CAT Fee 2024–1 Period will be approximately \$76,278,426. The budget for cloud hosting services costs during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for cloud hosting services costs for the third and fourth quarter of 2024

as set forth in the Updated 2024 Budget and subtracting one half of the cloud hosting services costs incurred in July 2024 (as CAT Fee 2024–1 Period began half way through July, on July 16, 2024).³⁵

CAT LLC estimated the budget for the cost for cloud hosting services for the CAT Fee 2024–1 Period based on an assumption of 30% annual year-over-year volume growth for the transaction database and an assumption of 5% annual year-over-year volume growth for CAIS. CAT LLC determined these growth assumptions in coordination with FCAT based on an analysis of a variety of existing data and alternative growth scenarios. In addition, the budget for cloud hosting services for the CAT Fee 2024–1 Period includes a budget for the cost of re-processing data as approved by the CAT Operating Committee.³⁶ The budget for re-processing data was based on expenditures for re-processing in prior years. This process for estimating the budget for cloud hosting services costs for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the cloud hosting services costs for the Original 2024 Budget. The Original 2024 Budget estimated a budget for cloud hosting services of \$71,384,109 for the first two quarters of 2024.³⁷ The actual costs for cloud hosting services for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$66,737,810.³⁸ There is only an approximate 7% difference between the estimate and actuals for cloud hosting services costs. Accordingly, CAT LLC believes that the process for estimating the budgeted cloud hosting services

³⁵ This calculation is (\$38,132,441 + \$43,919,730) – \$5,773,745 = \$76,278,426.

³⁶ Appendix D–19 of the CAT NMS Plan states that “[i]f corrections are received after T+5, Participants’ regulatory staff and the SEC must be notified and informed as to how re-processing will be completed. The Operating Committee will be involved with decisions on how to re-process the data; however, this does not relieve the Plan Processor of notifying the Participants’ regulatory staff and the SEC.”

³⁷ This calculation is \$33,217,468 + \$38,166,641 = \$71,384,109.

³⁸ This calculation is \$30,343,917 + \$36,393,893 = \$66,737,810.

³² With respect to certain costs that were “appropriately excluded,” such excluded costs relate to the amortization of capitalized technology costs, which are amortized over the life of the Plan Processor Agreement. As such costs have already been otherwise reflected in the filing, their inclusion would double count the capitalized technology costs. In addition, amortization is a non-cash expense.

³³ Appendix D–4 of the CAT NMS Plan at n.262.

³⁴ Appendix D–5 of the CAT NMS Plan.

costs for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for cloud hosting services costs from the prior CAT Fee filing. CAT LLC's proposed annual budget for cloud hosting services costs for 2024 decreased about 3.5% from the Original 2024 Budget to the Updated 2024 Budget, from \$154,624,108 to \$148,789,981. Although there were expected cost increases related to data volume growth and the associated compute and storage of the increased data levels, as well as from additional capacity for OTQT systems that were added to meet the performance standards set forth in the requirements of the recent SEC exemptive order from November 2023,³⁹ these cost increases were offset by a variety of cost reduction efforts related to compute efficiencies, the implementation of single pass linker related to options quotes, and the implementation of compute and other efficiencies related to CAIS. Without such cost management efforts, the budgeted costs for cloud hosting services would have increased by approximately 15%, rather than decreased. Correspondingly, the proposed budget for cloud hosting services costs for the third and fourth quarters of 2024 did not change in a material way from the Original 2024 Budget to the Updated 2024 Budget. There was only an approximate 1% decrease from \$83,239,999 in the Original 2024 Budget⁴⁰ to \$82,052,171 in the Updated 2024 Budget for the third and fourth quarters of 2024.⁴¹

(ii) Technology Costs—Operating Fees

(a) Description of Operating Fees

Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the operating fees set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$14,008,947.50 in technology costs for operating fees for the CAT Fee 2024–1 Period. Operating fees are those fees paid by CAT LLC to FCAT as the Plan Processor to operate and maintain

the CAT and to perform business operations related to the system, including compliance, security, testing, training, communications with the industry (e.g., management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management as required by the CAT NMS Plan. Operating fees also include market data provider costs, as discussed below.

Plan Processor: FCAT. Under the Plan Processor Agreement with FCAT, CAT LLC is required to pay FCAT a negotiated monthly fixed price for the operation of the CAT. This fixed price contract was negotiated on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan and Rule 613, taking into consideration a variety of factors, including the breadth of services provided and market rates for similar types of activity. It is anticipated that FCAT will provide a variety of services to the CAT during the CAT Fee 2024–1 Period, including the following:

- Provide the CAT-related functions and services as the Plan Processor as required by SEC Rule 613 and the CAT NMS Plan in connection with the operation and maintenance of the CAT;
- Address compliance items, including drafting CAT policies and procedures, and addressing Regulation SCI requirements;
- Provide support to the Operating Committee, the Compliance Subcommittee and CAT working groups;
- Assist with interpretive efforts and exemptive requests regarding the CAT NMS Plan;
- Oversee the security of the CAT;
- Monitor the operation of the CAT, including with regard to Participant and Industry Member reporting;
- Provide support to subcontractors under the Plan Processor Agreement;
- Provide support in discussions with the Participants and the SEC and its staff;
- Operate the FINRA CAT Helpdesk;
- Facilitate communications with the industry, including via FAQs, CAT Alerts, meetings, presentations and webinars;
- Administer the CAT website and all of its content;
- Maintain cyber security insurance related to the CAT; and
- Provide technical support and assistance with connectivity, data access, and user support, including the use of CAT Data and query tools, for Participants and the SEC staff.

CAT LLC calculated *[sic]* the budget for the FCAT technology costs for

operating fees for the CAT Fee 2024–1 Period based on the recurring monthly operating fees under the Plan Processor Agreement.

Market Data Provider: Exegy. It is anticipated that the operating fees costs for the CAT Fee 2024–1 Period will include costs related to the receipt of certain market data for the CAT pursuant to an agreement between FCAT and Exegy Incorporated ("Exegy"). CAT LLC determined that Exegy would provide market data that included all data elements required by the CAT NMS Plan,⁴² and that the fees were reasonable and in line with market rates for the market data received. All costs under the contract would be treated as a direct pass through cost to CAT LLC. CAT LLC estimated the budget for the costs for Exegy for the CAT Fee 2024–1 Period based on the monthly rate set forth in the agreement between Exegy and FCAT.

Operating Fee Estimates. CAT LLC estimates that the budget for operating fees during the CAT Fee 2024–1 Period will be approximately \$14,008,947.50. The budget for operating fees during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for operating fees for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual operating fees incurred in July 2024 (as CAT Fee 2024–1 Period began half way through July, on July 16, 2024).⁴³

As discussed above, CAT LLC estimated the budget for the operating fees during the CAT Fee 2024–1 Period based on monthly rates set forth in the Plan Processor Agreement and the agreement with Exegy. CAT LLC also recognized that the operating fees are generally consistent throughout the year. This process for estimating the budget for the operating fees for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the operating fees for the Original 2024 Budget. The Original 2024 Budget estimated a budget for operating fees of \$13,558,875 for the first two quarters of 2024.⁴⁴ The actual costs for operating fees for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$12,608,540.⁴⁵ There was

⁴² See Section 6.5(a)(ii) of the CAT NMS Plan.

⁴³ This calculation is $(\$6,907,383 + \$904,664) + (\$6,907,383 + \$440,748) - \$1,151,230.50 = \$14,008,947.50$.

⁴⁴ This calculation is $\$6,726,747 + \$6,832,128 = \$13,558,875$.

⁴⁵ This calculation is $\$6,702,506 + \$5,906,034 = \$12,608,540$.

³⁹ Securities Exchange Act Rel. No. 98848 (Nov. 2, 2023), 88 FR 77128 (Nov. 8, 2023).

⁴⁰ This calculation is $\$39,961,511 + \$43,278,488 = \$83,239,999$.

⁴¹ This calculation is $\$38,132,441 + \$43,919,730 = \$82,052,171$.

an approximate 7% decrease from estimates to actuals for the first two quarters. Accordingly, CAT LLC believes that the process for estimating the budgeted operating fees for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for operating fees from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the operating fees from the Original 2024 Budget. CAT LLC's proposed annual budget for operating fees for 2024 increased from \$27,223,132 to \$27,768,718⁴⁶ from the Original 2024 Budget to the Updated 2024 Budget, and the proposed budget for operating fees for the third and fourth quarters of 2024 increased from \$13,664,256 in the Original 2024 Budget⁴⁷ to \$15,160,178 in the Updated 2024 Budget.⁴⁸ This increase is due to a cyber insurance adjustment.

(iii) Technology Costs—CAIS Operating Fees

(a) Description of CAIS Operating Fees

Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the CAIS operating fees set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$9,278,384.50 in technology costs for CAIS operating fees for the CAT Fee 2024–1 Period. CAIS operating fees represent the fees paid to FCAT for services provided with regard to the operation and maintenance of CAIS, and to perform the business operations related to the system, including compliance, security, testing, training, communications with the industry (e.g., management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management. The CAT is required under the CAT NMS Plan to capture and store Customer Identifying Information and Customer Account Information in a database separate from the transactional database and to create a CAT-Customer-ID for each Customer. As of May 31, 2024, the implementation of CAIS was completed.⁴⁹

⁴⁶ This calculation is \$26,423,306 + \$1,345,412 = \$27,768,718.

⁴⁷ This calculation is \$6,832,128 + \$6,832,128 = \$13,664,256.

⁴⁸ This calculation is (\$6,907,383 + \$904,664) + (\$6,907,383 + \$440,748) = \$15,160,178.

⁴⁹ For a discussion of the implementation timeline for CAIS, see CAT Alert 2023–01.

During the CAT Fee 2024–1 Period, it is anticipated that FCAT will provide CAIS-related services. Under the Plan Processor Agreement with FCAT, CAT LLC is required to pay FCAT for CAIS-related services provided by FCAT on a monthly basis. CAT LLC negotiated the fees for FCAT's CAIS-related services on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan, taking into consideration a variety of factors, including the services to be provided and market rates for similar types of activity. During the CAT Fee 2024–1 Period, it is anticipated that FCAT will continue to provide services relating to the ongoing operation, maintenance and support of CAIS.

CAT LLC estimates that the budget for CAIS operating fees during the CAT Fee 2024–1 Period will be approximately \$9,278,384.50. The budget for CAIS operating fees during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for CAIS operating fees for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual CAIS operating fees costs incurred in July 2024 (as CAT Fee 2024–1 Period began half way through July, on July 16, 2024).⁵⁰

CAT LLC calculated the budget for FCAT's CAIS-related services for the CAT Fee 2024–1 Period based on the recurring monthly CAIS operating fees under the Plan Processor Agreement. This process for estimating the budget for the CAIS operating fees for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the CAIS operating fees for the Original 2024 Budget. The Original 2024 Budget estimated a budget for CAIS operating fees of \$10,418,666 for the the [sic] first two quarters of 2024.⁵¹ The actual costs for CAIS operating fees for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$10,078,045.⁵² There is only an approximate 3% difference between the estimate and actuals. Accordingly, CAT LLC believes that the process for estimating the budgeted CAIS operating fees for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a

⁵⁰ This calculation is (\$5,060,937 + \$5,060,937) – \$843,489.50 = \$9,278,384.50.

⁵¹ This calculation is \$5,282,128 + \$5,136,538 = \$10,418,666.

⁵² This calculation is \$5,017,108 + \$5,060,937 = \$10,078,045.

Prospective CAT Fee to describe the reason for changes in the line item for CAIS operating fees from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the CAIS operating fees from the Original 2024 Budget. CAT LLC's proposed annual budget for CAIS operating fees for 2024 had a small 2% percent decrease of \$491,821 from the Original 2024 Budget to the Updated 2024 Budget, from \$20,691,740 to \$20,199,919. Correspondingly, the proposed budget for CAIS operating fees for the third and fourth quarters of 2024 had a small 1% percentage decrease of \$151,202, from \$10,273,076 in the Original 2024 Budget⁵³ to \$10,121,874 in the Updated 2024 Budget.⁵⁴

(iv) Technology Costs—Change Request Fees

(a) Description of Change Request Fees

Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the change request fees set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$162,500 in technology costs for change request fees for the CAT Fee 2024–1 Period. The technology costs related to change request fees include costs related to certain modifications, upgrades or other changes to the CAT.

Change requests are standard practice and necessary to reflect operational changes, including changes related to new market developments, such as new market participants. In general, if CAT LLC determines that a modification, upgrade or other changes to the functionality or service is necessary and appropriate, CAT LLC will submit a request for such a change to the Plan Processor. The Plan Processor will then respond to the request with a proposal for implementing the change, including the cost (if any) of such a change. CAT LLC then determines whether to approve the proposed change.

During the CAT Fee 2024–1 Period, it is anticipated that CAT LLC will engage FCAT to pursue certain change requests in accordance with the Plan Processor Agreement. The budget for change requests for the CAT Fee 2024–1 Period includes a placeholder of \$162,500 for potential change request fees that may be necessary in accordance with the Plan Processor Agreement. The placeholder amount was determined

⁵³ This calculation is \$5,136,538 + \$5,136,538 = \$10,273,076.

⁵⁴ This calculation is \$5,060,937 + \$5,060,937 = \$10,121,874.

based on prior experience with change requests related to the CAT.

CAT LLC estimates that the budget for change requests during the CAT Fee 2024–1 Period will be approximately \$162,500. The budget for change requests during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for the change requests for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual change request costs incurred in July 2024 (as CAT Fee 2024–1 Period began half way through July, on July 16, 2024).⁵⁵

CAT LLC estimated the budget for the potential change requests for the CAT Fee 2024–1 Period based on, among other things, a review of past change requests and potential future change request needs, as well as discussions with FCAT. This process for estimating the budget for the change requests for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the change requests cost for the Original 2024 Budget. The Original 2024 Budget estimated a change request budget of \$81,250 for the the [sic] first two quarters of 2024.⁵⁶ The actual costs for change requests for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$0. Although the budget exceeded the actual costs of change requests during the first two quarters of 2024, CAT LLC believes that the process for estimating a placeholder amount for potential change requests is reasonable given the evolving technology needs of the CAT.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for change request fees from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the change request fees from the Original 2024 Budget. CAT LLC's proposed annual budget for change requests for 2024 decreased by \$81,250 from the Original 2024 Budget to the Updated 2024 Budget, from \$243,750 to \$162,500. CAT LLC has reduced the annual budget for a placeholder for change request fees for 2024 by one-third, as time has passed without additional change requests anticipated by this placeholder amount. Correspondingly, the proposed budget

for change requests for the third and fourth quarters remained the same at \$162,500 for the Original 2024 Budget⁵⁷ and the Updated 2024 Budget.⁵⁸

(v) Technology Costs—Capitalized Developed Technology Costs

(a) Description of Capitalized Developed Technology Costs

Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the capitalized developed technology costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that includes \$4,101,990 in technology costs for capitalized developed technology costs for the CAT Fee 2024–1 Period. This category of costs includes the budget for capitalizable application development costs incurred in the development of the CAT. It is anticipated that such costs will include certain costs related to the software license fee for CAIS in accordance with the Plan Processor Agreement with FCAT, as well as costs related to a set of technology changes to be implemented by FCAT.

CAT LLC estimates that the budget for capitalized developed technology costs during the CAT Fee 2024–1 Period will be approximately \$4,101,990. The budget for capitalized developed technology costs during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for capitalized developed technology costs for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual capitalized developed technology costs incurred in July 2024 (as CAT Fee 2024–1 Period began halfway through July, on July 16, 2024).⁵⁹

CAT LLC estimated the budget for capitalized developed technology costs for the CAT Fee 2024–1 Period based on an analysis of a variety of factors, including information related to potential technology costs and related contractual and Plan requirements, and discussions with FCAT regarding such potential technology costs. The Original 2024 Budget estimated a budget for capitalized developed technology costs of \$2,300,000 for the first two quarters

of 2024.⁶⁰ The actual costs for capitalized developed technology costs for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$3,659,490.⁶¹ The increase was due to a software license fee for CAIS. Accordingly, CAT LLC believes that the process for estimating the budgeted capitalized developed technology costs for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for capitalized developed technology costs from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in capitalized developed technology costs from the Original 2024 Budget. CAT LLC's proposed budget for capitalized developed technology costs for 2024 increased from the Original 2024 Budget to the Updated 2024 Budget. The annual budget for capitalized developed technology costs for 2024 increased by \$5,461,480 from the Original 2024 Budget of \$2,300,000 to the Updated 2024 Budget of \$7,761,480.⁶² Correspondingly, the budget for capitalized developed technology costs for the third and fourth quarters of 2024 increased from \$0⁶³ in the Original 2024 Budget to \$4,101,990 in the Updated 2024 Budget.⁶⁴ This increase in the capitalized developed technology costs budget in the Updated 2024 Budget over the Original 2024 Budget was the result of costs related to the software license fee for CAIS in accordance with the Plan Processor Agreement with FCAT, as well as costs related to a set of technology changes to be implemented by FCAT.

(vi) Legal Costs

(a) Description of Legal Costs

Section 11.3(a)(iii)(B)(B)(2) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the legal costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that includes \$4,484,554.50 in legal costs for the CAT Fee 2024–1 Period. This category of

⁶⁰ This calculation is $\$2,300,000 + \$0 = \$2,300,000$.

⁶¹ This calculation is $\$2,300,000 + \$1,359,490 = \$3,659,490$.

⁶² This calculation is $\$2,591,000 + \$5,170,480 = \$7,761,480$.

⁶³ This calculation is $\$0 + \$0 = \$0$.

⁶⁴ This calculation is $\$3,810,990 + \$291,000 = \$4,101,990$.

⁵⁵ This calculation is $(\$0 + \$162,500) - \$0 = \$162,500$.

⁵⁶ This calculation is $\$0 + \$81,250 = \$81,250$.

⁵⁷ This calculation is $\$81,250 + \$81,250 = \$162,500$.

⁵⁸ This calculation is $\$0 + \$162,500 = \$162,500$.

⁵⁹ This calculation is $(\$3,810,990 + \$291,000) - \$0 = \$4,101,990$.

costs represents budgeted costs for legal services for this period. CAT LLC anticipates that it will receive legal services from two law firms, Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) and Jenner & Block LLP (“Jenner”), during the CAT Fee 2024–1 Period.

Law Firm: WilmerHale. It is anticipated that legal costs during the CAT Fee 2024–1 Period will include costs related to the legal services performed by WilmerHale. CAT LLC anticipates that it will continue to employ WilmerHale during the CAT Fee 2024–1 Period based on, among other things, their expertise, long history with the project and recognition that the hourly fee rates for this law firm are anticipated to be in line with market rates for specialized legal expertise. WilmerHale’s billing rates are negotiated on an annual basis and are determined with reference to the rates charged by other leading law firms for similar work. The Participants assess WilmerHale’s performance and review prospective budgets and staffing plans submitted by WilmerHale on an annual basis. The legal fees will be paid by CAT LLC to WilmerHale.

During the CAT Fee 2024–1 Period, it is anticipated that WilmerHale will provide legal services related to the following:

- Assist with CAT fee filings and related funding issues;
- Draft exemptive requests from CAT NMS Plan requirements and/or proposed amendments to the CAT NMS Plan;
- Provide legal interpretations of CAT NMS Plan requirements;
- Provide legal support for the Operating Committee, Compliance Subcommittee, working groups and Leadership Team;
- Draft SRO rule filings related to the CAT Compliance Rule;
- Manage corporate governance matters, including supporting Operating Committee meetings and preparing resolutions and consents;
- Assist with communications with the industry, including CAT Alerts and presentations;
- Provide guidance regarding the confidentiality of CAT Data;
- Assist with cost management analyses and proposals;
- Assist with commercial contract-related matters, including change orders, Plan Processor Agreement items, and subcontract matters;
- Provide support with regard to discussions with the SEC and its staff, including with respect to addressing interpretive and implementation issues;

- Assist with CAT budget and FCAT costs;

- Assist other counsel for CAT on litigation-related matters; and
- Assist with legal responses related to third-party data requests.

CAT LLC estimated the budget for the legal costs for WilmerHale for the CAT Fee 2024–1 Period through an analysis of a variety of factors, including WilmerHale fee rates, historical legal fees, information related to pending legal issues and potential future legal issues, and discussions with WilmerHale.

Law Firm: Jenner. It is anticipated that legal costs during the CAT Fee 2024–1 Period will include costs related to the legal services performed by Jenner. CAT LLC anticipates that it will continue to employ Jenner during the CAT Fee 2024–1 Period based on among other things, their expertise, history with the project and recognition that their hourly fee rates are in line with market rates for specialized legal expertise. The legal fees will be paid by CAT LLC to Jenner.

During the CAT Fee 2024–1 Period, it is anticipated that Jenner will continue to provide legal assistance to CAT LLC regarding certain litigation matters, including: (1) CAT LLC’s defense against a lawsuit filed in the Western District of Texas against Chair Gensler, the SEC and CAT LLC challenging the validity of the Rule 613 and the CAT and alleging various constitutional, statutory, and common law claims (“Texas Litigation”);⁶⁵ (2) CAT LLC’s intervention in a lawsuit in the Eleventh Circuit filed by various parties against the SEC challenging the SEC’s approval of the CAT Funding Model;⁶⁶ and (3) a lawsuit in the Eleventh Circuit filed by Citadel Securities LLC seeking review of the SEC’s May 20, 2024 order⁶⁷ granting the Participants temporary conditional exemptive relief related to the reporting of bids and/or offers made in response to a request for quote or other form of solicitation response provided in standard electronic format that is not immediately actionable.⁶⁸ Litigation involving CAT LLC is an expense of operating the CAT, and, therefore, is appropriately an obligation of both Participants and Industry Members under the CAT Funding Model.

CAT LLC estimated the budget for the legal costs for Jenner for the CAT Fee

2024–1 Period through an analysis of a variety of factors, including Jenner fee rates, historical legal fees, and information related to pending legal issues and potential future legal issues, and discussions with Jenner.

Legal Cost Estimates. CAT LLC estimates that the budget for legal services during the CAT Fee 2024–1 Period will be approximately \$4,484,554.50. The budget for legal services during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for the legal services for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual legal costs incurred in July 2024 (as the CAT Fee 2024–1 Period began halfway through July, on July 16, 2024).⁶⁹

CAT LLC estimated the budget for the legal services for the CAT Fee 2024–1 Period based on an analysis of a variety of factors, including law firm fee rates, historical legal fees, and information related to pending legal issues and potential future legal issues, and discussions with the law firms. This process for estimating the budget for the legal services for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the legal cost for the Original 2024 Budget. The Original 2024 Budget estimated a budget for legal costs of \$2,440,000 for the first two quarters of 2024.⁷⁰ The actual costs for legal services for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$3,156,762.⁷¹ Although there is an increase from the budgeted legal costs to the actual legal costs for the first two quarters of 2024, such increase was due to unanticipated issues that required additional legal efforts on behalf of CAT LLC that developed after the budget was created. Such additional costs including costs related to (1) the legal defense related to the Texas Litigation; and (2) additional regulatory and corporate legal issues, including (a) additional work for commercial contract-related matters, including change orders, Plan Processor Agreement items, and subcontract matters; (b) assistance regarding budget and FCAT costs; (c) assistance to other counsel for CAT on litigation-related matters; and (d) assistance related to CAT fee filings and CAT NMS Plan amendments. Accordingly, CAT LLC believes that the process for estimating

⁶⁵ *American Securities Ass’n v. Securities and Exchange Commission*, Case No. 23–13396 (11th Cir.).

⁶⁶ *Davidson v. Gensler*, Case No. 6:24–cv–197 (W.D. Tex.).

⁶⁷ Securities Exchange Act Rel. No. 100181 (May 20, 2024), 89 FR 45715 (May 23, 2024).

⁶⁸ *Citadel Securities LLC v. United States Securities and Exchange Commission*, Case No. 24–12300 (11th Cir.).

⁶⁹ This calculation is $(\$2,647,277 + \$2,342,562) - \$505,284.50 = \$4,484,554.50$.

⁷⁰ This calculation is $\$1,220,000 + \$1,220,000 = \$2,440,000$.

⁷¹ This calculation is $\$791,912 + \$2,364,850 = \$3,156,762$.

the budgeted legal costs for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for legal costs from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the legal costs from the Original 2024 Budget. CAT LLC's proposed budget for legal costs for 2024 increased from the Original 2024 Budget to the Updated 2024 Budget. The annual budget for legal costs for 2024 increased from the Original 2024 Budget to the Updated 2024 Budget, from \$4,460,000 to \$8,146,599. Correspondingly, the proposed budget for legal costs for the third and fourth quarters increased from \$2,020,000⁷² in the Original 2024 Budget to \$4,989,837 in the Updated 2024 Budget.⁷³ This increase in the legal budget in the Updated 2024 Budget from the Original 2024 Budget was primarily due to unanticipated legal costs, including costs related to (1) the legal defense related to the Texas Litigation; and (2) additional regulatory and corporate legal issues, including (a) additional work for commercial contract-related matters, including change orders, Plan Processor Agreement items, and subcontract matters; (b) assistance regarding budget and FCAT costs; (c) assistance to other counsel for CAT on litigation-related matters; and (d) assistance related to CAT fee filings and CAT NMS Plan amendments. In addition, CAT LLC no longer anticipates incurring legal costs related to the law firms of Pillsbury Winthrop Shaw Pittman LLP and Covington & Burling LLP during the CAT Fee 2024–1 Period due to the conclusion of the relevant prior legal matters.

(vii) Consulting Costs

(a) Description of Consulting Costs

Section 11.3(a)(iii)(B)(B)(3) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the consulting costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$652,623 in consulting costs for the CAT Fee 2024–1 Period. The consulting costs represent the fees estimated to be paid to the consulting

firm Deloitte & Touche LLP ("Deloitte") as project manager during the CAT Fee 2024–1 Period. These consulting costs include costs for advisory services related to the operation of the CAT, and meeting facilitation and communications coordination, vendor support and financial analyses.

It is anticipated that the costs for CAT during CAT Fee 2024–1 Period will include costs related to consulting services performed by Deloitte. CAT LLC anticipates that it will continue to employ Deloitte during the CAT Fee 2024–1 Period based on, among other things, their expertise, long history with the project, and the recognition that it is anticipated that the consulting fees will remain in line with market rates for this type of specialized consulting work. Deloitte's fee rates are negotiated on an annual basis. CAT LLC assesses Deloitte's performance and reviews prospective budgets and staffing plans submitted by Deloitte on an annual basis. The consulting fees will be paid by CAT LLC to Deloitte.

It is anticipated that Deloitte will provide a variety of consulting services to the CAT during the CAT Fee 2024–1 Period, including the following:

- Implement program operations for the CAT project;
- Provide support to the Operating Committee, the Chair of the Operating Committee and the Leadership Team, including project management support, coordination and planning for meetings and communications, and interfacing with law firms and the SEC;
- Assist with cost and funding matters for the CAT, including assistance with loans and the CAT bank account for CAT funding;
- Provide support for updating the SEC on the progress of the development of the CAT; and
- Provide support for third party vendors for the CAT, including FCAT, Anchin and the law firms engaged by CAT LLC.

In addition, the consulting costs include the compensation for the Chair of the CAT Operating Committee.

CAT LLC estimates that the budget *[sic]* for consulting costs during the CAT Fee 2024–1 Period will be approximately \$652,623. The budget for consulting costs during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for consulting services for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual consulting costs incurred in July 2024 (as the CAT Fee 2024–1 Period began

[sic] halfway through July, on July 16, 2024).⁷⁴

CAT LLC estimates the budget for the consulting costs for Deloitte for the CAT Fee 2024–1 Period based on the current statement of work with Deloitte, which took into consideration past consulting costs, potential future consulting needs, the proposed rates and other contractual issues, as well as discussions with Deloitte. The Original 2024 Budget estimated a budget for consulting cost of \$800,000 for the first two quarters of 2024.⁷⁵ The actual costs for consulting services for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$885,580.⁷⁶ There is only an approximate 10% difference between the estimate and actuals. Accordingly, CAT LLC believes that the process for estimating the budgeted consulting costs for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for consulting costs from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the consulting costs from the Original 2024 Budget. CAT LLC's proposed annual budget for consulting costs for 2024 has not changed from the Original 2024 Budget to the Updated 2024 Budget; it remains \$1,600,000. Correspondingly, the proposed budget for consulting costs for the third and fourth quarters of 2024 decreased by \$85,580 (which is approximately 11%), from \$800,000 in the Original 2024 Budget⁷⁷ to \$714,420 in the Updated 2024 Budget.⁷⁸

(viii) Insurance Costs

(a) Description of Insurance Costs

Section 11.3(a)(iii)(B)(B)(4) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the insurance costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$1,342,345 in insurance costs for the CAT Fee 2024–1 Period. The insurance costs represent the costs to be

⁷⁴ This calculation is $(\$359,926 + \$354,495) - \$61,798 = \$652,623$.

⁷⁵ This calculation is $\$400,000 + \$400,000 = \$800,000$.

⁷⁶ This calculation is $\$264,101 + \$621,479 = \$885,580$.

⁷⁷ This calculation is $\$400,000 + \$400,000 = \$800,000$.

⁷⁸ This calculation is $\$359,925 + \$354,495 = \$714,420$.

⁷² This calculation is $\$1,047,500 + \$972,500 = \$2,020,000$.

⁷³ This calculation is $\$2,647,277 + \$2,342,560 = \$4,989,837$.

incurred for insurance for CAT during the CAT Fee 2024–1 Period.

It is anticipated that the insurance costs for CAT during the CAT Fee 2024–1 Period will include costs related to cyber security liability insurance, directors' and officers' liability insurance, and errors and omissions liability insurance brokered by USI Insurance Services LLC ("USI"). Such policies are standard for corporate entities, and cyber security liability insurance is important for the CAT System. CAT LLC anticipates that it will continue to maintain this insurance during CAT Fee 2024–1 Period, and notes that the annual premiums for these policies were competitive for the coverage provided. CAT LLC estimated the budget for the insurance costs for the CAT Fee 2024–1 Period based on the actual insurance quote from USI for 2024. The annual premiums would be paid by CAT LLC to USI.⁷⁹

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for insurance costs from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the insurance costs from the Original 2024 Budget. CAT LLC's proposed annual budget for insurance costs for 2024 decreased by \$525,680 from the Original 2024 Budget, from \$1,868,025 to \$1,342,345. For the Original 2024 Budget, CAT LLC estimated the budget for the insurance costs for the CAT Fee 2024–1 Period based on the 2023 insurance premiums plus a 15% year-over-year increase. However, the budgeted insurance costs as set forth in the Updated 2024 Budget were based on the actual insurance quote from USI for 2024.

(ix) Professional and Administration Costs

(a) Description of Professional and Administration Costs

Section 11.3(a)(iii)(B)(B)(5) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the professional and administration costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$428,544.50 in professional and administration costs for the CAT Fee

2024–1 Period. In adopting the CAT NMS Plan, the Commission amended the Plan to add a requirement that CAT LLC's financial statements be prepared in compliance with GAAP, audited by an independent public accounting firm, and made publicly available.⁸⁰ The professional and administration costs would include costs related to accounting and accounting advisory services to support the operating and financial functions of CAT, financial statement audit services by an independent accounting firm, preparation of tax returns, and various cash management and treasury functions. The professional and administration costs represent the fees to be paid to Anchin Block & Anchin ("Anchin") and Grant Thornton LLP ("Grant Thornton") for financial services during CAT Fee 2024–1 Period.

Financial Advisory Firm: Anchin. It is anticipated that the professional and administration costs for the CAT Fee 2024–1 Period will include costs related to financial advisory services performed by Anchin. CAT LLC anticipates that it will continue to employ Anchin during CAT Fee 2024–1 Period based on, among other things, the firm's relevant expertise and fees, which are anticipated to remain in line with market rates for these financial advisory services. The fees for these services will be paid by CAT LLC to Anchin.

It is anticipated that Anchin will provide a variety of services to the CAT during the CAT Fee 2024–1 Period, including the following:

- Update and maintain internal controls;
- Provide cash management and treasury functions;
- Facilitate *[sic]* bill payments;
- Provide monthly bookkeeping;
- Review vendor invoices and documentation in support of cash disbursements;
- Provide accounting research and consultations on various accounting, financial reporting and tax matters;
- Address not-for-profit tax and accounting considerations;
- Prepare tax returns;
- Address various accounting, financial reporting and operating inquiries From Participants;
- Develop and maintain annual operating and financial budgets, including budget to actual fluctuation analyses;
- Support compliance with the CAT NMS Plan;
- Work with and provide support to the Operating Committee and various CAT working groups;

- Prepare monthly, quarterly and annual financial statements;

- Support the annual financial statement audits by an independent auditor;

- Review historical costs from inception;

- Provide accounting and financial information in support of SEC filings; and

- Perform additional ad hoc accounting and financial advisory services, as requested by CAT LLC.

CAT LLC estimated the annual budget for the costs for Anchin based on historical costs adjusted for cost of living rate increases, and projected incremental advisory and support services. The budgeted costs for the CAT Fee 2024–1 Period are based on the estimated annual costs, minus actual costs through June and estimated costs for July.

Accounting Firm: Grant Thornton. It is anticipated that the professional and administration costs for the CAT Fee 2024–1 Period will include costs related to accounting services performed by Grant Thornton. CAT LLC anticipates that it will continue to employ Grant Thornton during CAT Fee 2024–1 Period based on, among other things, the firm's relevant expertise and fees, which are anticipated to remain in line with market rates for these financial advisory services. It is anticipated that Grant Thornton will continue to be engaged as an independent accounting firm to complete the audit of CAT LLC's financial statements, in accordance with the requirements of the CAT NMS Plan. The fees for these services will be paid by CAT LLC to Grant Thornton. CAT LLC estimated the budget for the accounting costs for Grant Thornton for the CAT Fee 2024–1 Period based on the anticipated hourly rates and the anticipated services plus an administrative fee.

Professional and Administration Cost Estimates. CAT LLC estimates that the budget for professional and administration services during the CAT Fee 2024–1 Period will be approximately \$428,544.50. The budget for professional and administration services during the CAT Fee 2024–1 Period is calculated based on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for the professional and administration services for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual professional and administration costs

⁷⁹ Note that CAT LLC generally pays its USI insurance premiums once per year, and such payment is scheduled to occur during the third quarter of 2024.

⁸⁰ Section 9.2 of the CAT NMS Plan.

incurred in July 2024 (as CAT Fee 2024–1 Period began half way through July, on July 16, 2024).⁸¹

CAT LLC estimated the budget for the professional and administration costs for the CAT Fee 2024–1 Period based on a review of past professional and administration costs, potential future professional and administration needs, the proposed rates and other contractual issues, as well as discussions with Anchin and Grant Thornton. This process for estimating the budget for the professional and administration costs for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the professional and administration costs for the Original 2024 Budget. The Original 2024 Budget estimated a budget for professional and administration costs of \$395,930 for the first two quarters of 2024.⁸² The actual costs for professional and administration services for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$372,977.⁸³ There is only an approximate 6% difference between the estimate and actuals. Accordingly, CAT LLC believes that the process for estimating the budgeted professional and administration costs for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for professional and administration costs from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the professional and administration costs from the Original 2024 Budget. CAT LLC's proposed annual budget for professional and administration costs for 2024 had a very minor increase of \$2,666 from the Original 2024 Budget, from \$821,264 to \$823,930. CAT LLC's proposed annual budget for professional and administration costs for 2024 had not changed in a material way for Anchin and Grant Thornton costs. Correspondingly, the proposed budget for professional and administration costs for the third and fourth quarters of 2024 increased by \$25,617 (which is approximately 6%), from \$425,334 in

the Original 2024 Budget⁸⁴ to \$450,951 in the Updated 2024 Budget.⁸⁵

(x) Public Relations Costs

(a) Description [sic] of Public Relations Costs

Section 11.3(a)(iii)(B)(B)(6) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the public relations costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that included \$43,225 in public relations costs for the CAT Fee 2024–1 Period. The public relations costs represent the fees paid to a public relations firm for professional communications services to CAT, including media relations consulting, strategy and execution. By engaging a public relations firm, CAT LLC will be better positioned to understand and address CAT matters to the benefit of all market participants.

It is anticipated that the public relations costs for the CAT Fee 2024–1 Period will include costs related to the public relations services performed by RFBinder Partners Inc. (“RFBinder”). CAT LLC anticipates that it will continue to employ RFBinder during the CAT Fee 2024–1 Period based on, among other things, the firm's relevant expertise, history with the project, and fees, which are anticipated to remain in line with market rates for these public relations services. It is anticipated that, during the CAT Fee 2024–1 Period, RFBinder will provide services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (e.g., congressional efforts, public comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT (e.g., amendments to the CAT NMS Plan). Public relations services are important for various reasons, including monitoring comments made by market participants about the CAT and understanding issues related to the CAT discussed on the public record.

CAT LLC estimates that the budget for public relations services during the CAT Fee 2024–1 Period will be approximately \$43,225. The budget for public relations services during the CAT Fee 2024–1 Period is calculated based

on the Updated 2024 Budget. Specifically, this estimate was calculated by adding the budgeted amounts for the public relations for the third and fourth quarter of 2024 as set forth in the Updated 2024 Budget and subtracting one half of the actual public relations costs incurred in July 2024 (as CAT Fee 2024–1 Period began half way through July, on July 16, 2024).⁸⁶ The fees for these services will be paid by CAT LLC to RFBinder.

CAT LLC estimated the budget for the public relations costs for the CAT Fee 2024–1 Period based on a review of past public relations costs, potential future public relations needs, the proposed rates and other contractual issues, as well as discussions with RFBinder. CAT LLC also recognized that public relations costs are generally consistent throughout the year. This process for estimating the budget for the public relations costs for the CAT Fee 2024–1 Period is the same process by which CAT LLC estimated the public relations costs for the Original 2024 Budget. The Original 2024 Budget estimated a budget for public relations costs of \$46,200 for the the [sic] first two quarters of 2024.⁸⁷ The actual costs for public relations for the first two quarters of 2024, which are set forth in the Updated 2024 Budget, were \$46,200.⁸⁸ They are the same. Accordingly, CAT LLC believes that the process for estimating the budgeted public relations costs for the CAT Fee 2024–1 Period is reasonable.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for public relations costs from the prior CAT Fee filing. As this is the first Prospective CAT Fee Filing, this filing describes the changes in the public relations costs from the Original 2024 Budget. CAT LLC's proposed annual budget for public relations costs for 2024 had a very minor increase of \$875 from the Original 2024 Budget to the Updated 2024 Budget, from \$92,400 to \$93,275. Correspondingly, the proposed budget for public relations costs for the third and fourth quarters of 2024 increased by \$875, from \$46,200 in the Original 2024 Budget⁸⁹ to \$47,075 in

⁸⁶ This calculation is $(\$23,450 + \$23,625) - \$3,850 = \$43,225$.

⁸⁷ This calculation is $\$23,100 + \$23,100 = \$46,200$.

⁸⁸ This calculation is $\$23,100 + \$23,100 = \$46,200$.

⁸⁹ This calculation is $\$23,100 + \$23,100 = \$46,200$.

⁸¹ This calculation is $(\$157,269 + \$293,682) - \$22,406.50 = \$428,544.50$.

⁸² This calculation is $\$213,600 + \$182,330 = \$395,930$.

⁸³ This calculation is $\$110,542 + \$262,435 = \$372,977$.

⁸⁴ This calculation is $\$150,000 + \$275,334 = \$425,334$.

⁸⁵ This calculation is $\$157,269 + \$293,682 = \$450,951$.

the Updated 2024 Budget.⁹⁰ The minor change was made to reflect updated contractual terms.

(xi) Reserve

(a) Description of Reserve

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to provide a brief description of the reserve costs set forth in the budget. The Operating Committee approved an operating budget for the CAT pursuant to Section 11.1(a) of the CAT NMS Plan that includes \$27,695,385 for a reserve for the CAT Fee 2024–1 Period. Section 11.1(a)(i) of the CAT NMS Plan states that the budget shall include a reserve. Section 11.1(a)(ii) of the CAT NMS Plan further describes the reserve as follows:

For the reserve referenced in paragraph (a)(i) of this Section, the budget will include an amount reasonably necessary to allow the Company to maintain a reserve of not more than 25% of the annual budget. To the extent collected CAT fees exceed CAT costs, including the reserve of 25% of the annual budget, such surplus shall be used to offset future fees. For the avoidance of doubt, the Company will only include an amount for the reserve in the annual budget if the Company does not have a sufficient reserve (which shall be up to but not more than 25% of the annual budget). For the avoidance of doubt, the calculation of the amount of the reserve would exclude the amount of the reserve from the budget.

In light of the fact that CAT LLC currently does not maintain any reserve, CAT LLC determined to include a reserve in the amount of 25% of Budgeted CAT Costs 2024–1 other than the reserve. Accordingly, the reserve for the CAT Fee 2024–1 Period was calculated by multiplying the Budgeted CAT Costs 2024–1 other than the reserve amount, which is \$110,781,540, by 25%.

(b) Changes From Prior Fee Filing

Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan requires the fee filing for a Prospective CAT Fee to describe the reason for changes in the line item for a reserve from the prior CAT Fee filing. Prior to July 16, 2024, all CAT costs were paid by the Participants via notes. Accordingly, to date, CAT LLC has not maintained any reserve. With the commencement of CAT Fees, CAT LLC proposes to include costs for a reserve of \$27,695,385 in Budgeted CAT Costs 2024–1.

(D) Projected Total Executed Equivalent Share Volume

The calculation of Fee Rate 2024–1 also requires the determination of the projected total executed equivalent share volume of transactions in Eligible Securities for the CAT Fee 2024–1 Period. Under the CAT NMS Plan, the Operating Committee is required to “reasonably determine the projected total executed equivalent share volume of all transactions in Eligible Securities for each relevant period based on the executed equivalent share volume of all transactions in Eligible Securities for the prior twelve months.”⁹¹ The Operating Committee is required to base its projection on the prior twelve months, but it may use its discretion to analyze the likely volume for the upcoming year. Such discretion would allow the Operating Committee to use its judgment when estimating projected total executed equivalent share volume if the volume over the prior twelve months was unusual or otherwise unfit to serve as the basis of a future volume estimate.⁹²

The total executed equivalent share volume of transactions in Eligible Securities for the 12-month period from June 2023 through May 2024 was 3,980,753,840,905.21 executed equivalent shares. The Operating Committee has determined to calculate the projected total executed equivalent share volume for a four-month recovery period for CAT Fee 2024–1 by multiplying by 4/12ths the executed equivalent share volume for the prior 12 months. The Operating Committee determined that such an approach was reasonable as the CAT’s annual executed equivalent share volume has remained relatively constant. For example, the executed equivalent share volume for 2021 was 3,963,697,612,395, the executed equivalent share volume for 2022 was 4,039,821,841,560.31, and the executed equivalent share volume for 2023 was 3,868,940,345,680.6. Accordingly, the projected total executed equivalent share volume for the four-month period for CAT Fee 2024–1 is projected to be 1,326,917,946,968.403 executed equivalent shares.⁹³

The projected total executed equivalent share volume of all transactions in Eligible Securities for the four-month recovery period for CAT Fee 2024–1 and a description of the calculation of the projection is provided

in this filing in accordance with the requirement in the CAT NMS Plan to provide such information in a fee filing for a CAT Fee.⁹⁴

(E) Fee Rate 2024–1

Fee Rate 2024–1 would be calculated by dividing Budgeted CAT Costs 2024–1 by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the four-month recovery period for CAT Fee 2024–1, as described in detail above.⁹⁵ Specifically, Fee Rate 2024–1 would be calculated by dividing \$138,476,925 by 1,326,917,946,968.403 executed equivalent shares. As a result, Fee Rate 2024–1 would be \$0.0001043598251997246 per executed equivalent share. Fee Rate 2024–1 is provided in this filing in accordance with the requirement in the CAT NMS Plan to provide the Fee Rate in a fee filing for a CAT Fee.⁹⁶

(3) Monthly Fees

CEBBs and CEBSs would be required to pay fees for CAT Fee 2024–1 on a monthly basis for four months, from November 2024 until February 2025.⁹⁷ A CEBB’s or CEBS’s fee for each month would be calculated based on the transactions in Eligible Securities executed by the CEBB or CEBS from the prior month.⁹⁸ Proposed paragraph (a)(3)(A) of the fee schedule would state that each CAT Executing Broker would receive its first invoice for CAT Fee 2024–1 in October 2024, and would receive an invoice for CAT Fee 2024–1 each month thereafter until January 2025. Proposed paragraph (a)(3)(B) of the fee schedule would state that “Consolidated Audited Trail, LLC shall provide each CAT Executing Broker with an invoice for CAT Fee 2024–1 on a monthly basis.” In addition, paragraph (b)(1) of the fee schedule states that each CEBB and CEBS is required to pay its CAT fees “each month.”

(4) Consolidated Audit Trail Funding Fees

To implement CAT Fee 2024–1, the Exchange proposes to add a new

⁹⁴ Section 11.3(a)(iii)(B) of the CAT NMS Plan.

⁹⁵ In approving the CAT Funding Model, the Commission stated that “[t]he manner in which the Fee Rate for Prospective CAT Costs will be calculated (*i.e.*, by dividing the CAT costs reasonably budgeted for the upcoming year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the year) is reasonable.” CAT Funding Model Approval Order at 62651.

⁹⁶ Section 11.3(a)(iii)(B) of the CAT NMS Plan.

⁹⁷ See Section 11.3(a)(iii)(A) of the CAT NMS Plan.

⁹⁸ See proposed paragraph (a)(3)(B) of the fee schedule.

⁹⁰ This calculation is $\$23,450 + \$23,625 = \$47,075$.

⁹¹ Section 11.3(a)(i)(D) of the CAT NMS Plan.

⁹² CAT Funding Model Approval Order at 62651.

⁹³ This projection was calculated by multiplying 3,980,753,840,905.21 executed equivalent shares by 4/12ths.

paragraph to “Consolidated Audit Trail Funding Fees” section of the Exchange’s fee schedule, to include the proposed paragraphs described below.

(A) Fee Schedule for CAT Fee 2024–1

The CAT NMS Plan states that:

Each Industry Member that is the CAT Executing Broker for the buyer in a transaction in Eligible Securities (“CAT Executing Broker for the Buyer” or “CEBB”) and each Industry Member that is the CAT Executing Broker for the seller in a transaction in Eligible Securities (“CAT Executing Broker for the Seller” or “CEBS”) will be required to pay a CAT Fee for each such transaction in in Eligible Securities in the prior month based on CAT Data. The CEBB’s CAT Fee or CEBS’s CAT Fee (as applicable) for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.⁹⁹

Accordingly, based on the factors discussed above, the Exchange proposes to add paragraph (a)(3) to the Consolidated Audit Trail Funding Fees section of its fee schedule. Proposed paragraph (a)(3) would state the following:

(A) Each CAT Executing Broker shall receive its first invoice for CAT Fee 2024–1 in October 2024, which shall set forth the CAT Fee 2024–1 fees calculated based on transactions in September 2024, and shall receive an invoice for CAT Fee 2024–1 for each month thereafter until January 2025.

(B) Consolidated Audit Trail, LLC shall provide each CAT Executing Broker with an invoice for CAT Fee 2024–1 on a monthly basis. Each month, such invoices shall set forth a fee for each transaction in Eligible Securities executed by the CAT Executing Broker in its capacity as a CAT Executing Broker for the Buyer (“CEBB”) and/or the CAT Executing Broker for the Seller (“CEBS”) (as applicable) from the prior month as set forth in CAT Data. The fee for each such transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by the fee rate of \$0.000035 per executed equivalent share.

(C) Notwithstanding the last invoice date of January 2025 for CAT Fee 2024–1 in paragraph 3(A), CAT Fee 2024–1 shall continue in effect after January 2025, with each CAT Executing Broker receiving an invoice for CAT Fee 2024–1 each month, until a new subsequent CAT Fee is in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act. Consolidated Audit Trail, LLC will provide notice when CAT Fee 2024–1 will no longer be in effect.

(D) Each CAT Executing Broker shall be required to pay each invoice for CAT Fee 2024–1 in accordance with paragraph (b).

As noted in the Plan amendment for the CAT Funding Model, “[a]s a practical matter, the fee filing would provide the exact fee per executed equivalent share to be paid for the CAT Fees, by multiplying the Fee Rate by one-third and describing the relevant number of decimal places for the fee.”¹⁰⁰ Accordingly, proposed paragraph (a)(3)(B) of the fee schedule would set forth a fee rate of \$0.000035 per executed equivalent share. This fee rate is calculated by multiplying Fee Rate 2024–1 of \$0.0001043598251997246 by one-third, and rounding the result to six decimal places.¹⁰¹ The Operating Committee determined to use six decimal places to balance the accuracy of the calculation with the potential systems and other impracticalities of using additional decimal places in the calculation.

The proposed language in paragraph (a)(3)(A) of the fee schedule would describe when CAT Executing Brokers would receive their first monthly invoice for CAT Fee 2024–1. Specifically, CAT Executing Brokers would receive their first monthly invoice for CAT Fee 2024–1 in October 2024 and the fees set forth in that invoice would be calculated based on transactions executed in September 2024. The payment for the first invoice would be required within 30 days after the receipt of the first invoice (unless a longer period is indicated), as described in paragraph (b)(2) of the fee schedule.

Proposed paragraph (a)(3)(A) of the fee schedule also would describe the monthly cadence of the invoices for CAT Fee 2024–1. Specifically, after the first invoices are provided to CAT Executing Brokers in October 2024, invoices will be sent to CAT Executing Brokers each month thereafter until January 2025.

Proposed paragraph (a)(3)(B) of the fee schedule would describe the invoices for CAT Fee 2024–1. Proposed paragraph (a)(3)(B) of the fee schedule would state that “Consolidated Audit Trail, LLC shall provide each CAT Executing Broker with an invoice for CAT Fee 2024–1 on a monthly basis.” Proposed paragraph (a)(3)(B) of the fee schedule also would describe the fees to be set forth in the invoices for CAT Fee 2024–1. Specifically, it would state that “[e]ach month, such invoices shall set forth a fee for each transaction in Eligible Securities executed by the CAT Executing Broker in its capacity as a

CAT Executing Broker for the Buyer (“CEBB”) and/or the CAT Executing Broker for the Seller (“CEBS”) (as applicable) from the prior month as set forth in CAT Data. The fee for each such transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by the fee rate of \$0.000035 per executed equivalent share.”

Since CAT Fee 2024–1 is a monthly fee based on actual transaction volume from the prior month, CAT Fee 2024–1 may collect more or less than two-thirds of Budgeted CAT Costs 2024–1. To the extent that CAT Fee 2024–1 collects more than two-thirds of Budgeted CAT Costs 2024–1, any excess money collected will be used to offset future fees and/or to fund the reserve for the CAT. To the extent that CAT Fee 2024–1 collects less than two-thirds of Budgeted CAT Costs 2024–1, the budget for the CAT in the ensuing months will reflect such shortfall.

Furthermore, proposed paragraph (a)(3)(C) of the fee schedule would describe how long CAT Fee 2024–1 would remain in effect. It would state that “[n]otwithstanding the last invoice date of January 2025 for CAT Fee 2024–1 in paragraph 3(A), CAT Fee 2024–1 shall continue in effect after January 2025, with each CAT Executing Broker receiving an invoice for CAT Fee 2024–1 each month, until a new subsequent CAT Fee is in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act. Consolidated Audit Trail, LLC will provide notice when CAT Fee 2024–1 will no longer be in effect.”

Finally, proposed paragraph (a)(3)(D) of the fee schedule would set forth the requirement for the CAT Executing Brokers to pay the invoices for CAT Fee 2024–1. It would state that “[e]ach CAT Executing Broker shall be required to pay each invoice for CAT Fee 2024–1 in accordance with paragraph (b).”

(B) Manner of Payment

The Exchange proposes to add paragraph (b)(1) to the “Consolidated Audit Trail Funding Fees” section of its fee schedule to describe the manner of payment of Industry Member CAT fees. The CAT NMS Plan requires the Operating Committee to establish a system for the collection of CAT fees.¹⁰² The Plan Processor has established a billing system for CAT fees.¹⁰³

¹⁰² Section 11.4 of the CAT NMS Plan.

¹⁰⁰ CAT Funding Model Approval Order at 62658, n.658.

¹⁰¹ Dividing \$0.0001043598251997246 by three equals \$0.00003478660839990821. Rounding \$0.00003478660839990821 to six decimal places equals \$0.000035.

¹⁰³ The billing process and system are described in CAT Alert 2023–02 as well as the CAT FAQs related to the billing of CAT fees, the Industry Member CAT Reporter Portal User Guide, the FCAT Industry Member Onboarding Guide, the FCAT

⁹⁹ Section 11.3(a)(iii)(A) of the CAT NMS Plan.

Therefore, the Exchange proposes to require CAT Executing Brokers to pay CAT Fee 2024–1 in accordance with such system. Accordingly, proposed paragraph (b)(1) would state that “[e]ach CAT Executing Broker shall pay its CAT fees as required pursuant to paragraph (a) each month to the Consolidated Audit Trail, LLC in the manner prescribed by the Consolidated Audit Trail, LLC.”

(C) Failure to Pay CAT Fees

The CAT NMS Plan further states that:

Participants shall require each Industry Member to pay all applicable fees authorized under this Article XI within thirty (30) days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If an Industry Member fails to pay any such fee when due (as determined in accordance with the preceding sentence), such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (a) the Prime Rate plus 300 basis points; or (b) the maximum rate permitted by applicable law.¹⁰⁴

Accordingly, the Exchange proposes to add this requirement to the Exchange’s fee schedule. Proposed paragraph (b)(2) of the fee schedule would state:

Each CAT Executing Broker shall pay the CAT fees required pursuant to paragraph (a) within thirty days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If a CAT Executing Broker fails to pay any such CAT fee when due, such CAT Executing Broker shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of (i) the Prime Rate plus 300 basis points, or (ii) the maximum rate permitted by applicable law.

The requirements of paragraph (b)(2) would apply to CAT Fee 2024–1.

(5) CAT Fee Details

The CAT NMS Plan states that:

Details regarding the calculation of a Participant or CAT Executing Broker’s CAT Fees will be provided upon request to such Participant or CAT Executing Broker. At a minimum, such details would include each Participant or CAT Executing Broker’s executed equivalent share volume and corresponding fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.¹⁰⁵

Connectivity Supplement for Industry Members and the CAT Billing Webinars (dated Sept. 28, 2023 and Nov. 7, 2023), each available on the CAT website.

¹⁰⁴ Section 11.4 of the CAT NMS Plan.

¹⁰⁵ Section 11.3(a)(iv)(A) of the CAT NMS Plan.

Such information would provide CEBBs and CEBs with the ability to understand the details regarding the calculation of their CAT Fee.¹⁰⁶ CAT LLC will provide CAT Executing Brokers with these details regarding the calculation of their CAT Fees on their monthly invoice for the CAT Fees.

In addition, CAT LLC will make certain aggregate statistics regarding CAT Fees publicly available. Specifically, the CAT NMS Plan states that, “[f]or each CAT Fee, at a minimum, CAT LLC will make publicly available the aggregate executed equivalent share volume and corresponding aggregate fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.”¹⁰⁷ Such aggregate statistics will be available on the CAT website.

Furthermore, CAT LLC will make publicly available on the CAT website the total amount invoiced each month that CAT Fee 2024–1 is in effect as well as the total amount invoiced for CAT Fee 2024–1 for all months since its commencement. CAT LLC also will make publicly available on the CAT website the total costs to be collected from Industry Members for CAT Fee 2024–1.

(6) Financial Accountability Milestones

The CAT NMS Plan states that “[n]o Participant will make a filing with the SEC pursuant to Section 19(b) of the Exchange Act regarding any CAT Fee related to Prospective CAT Costs until the Financial Accountability Milestone related to Period 4 described in Section 11.6 has been satisfied.”¹⁰⁸ The substantive requirements of the Financial Accountability Milestones related to Period 4 have been satisfied, as the CAT has completed the requirements for the “Full Implementation of CAT NMS Plan Requirements.” Section 1.1 of the CAT

¹⁰⁶ In approving the CAT Funding Model, the Commission stated that, “[i]n the Commission’s view, providing CAT Execut[ing] Brokers information regarding the calculation of their CAT Fees will aid in transparency and permit CAT Execut[ing] Brokers to confirm the accuracy of their invoices for CAT Fees.” CAT Funding Model Approval Order at 62667.

¹⁰⁷ Section 11.3(a)(iv)(B) of the CAT NMS Plan. In approving the CAT Funding Model, the Commission stated that “[t]he publication of the aggregate executed equivalent share volume and aggregate fee is appropriate because it would allow Participants and CAT Executing Brokers a high-level validation of executed volume and fees.” CAT Funding Model Approval Order at 62667.

¹⁰⁸ Section 11.3(a)(iii)(C) of the CAT NMS Plan.

NMS Plan defines “Full Implementation of CAT NMS Plan Requirements” as:

the point at which the Participants have satisfied all of their obligations to build and implement the CAT, such that all CAT system functionality required by Rule 613 and the CAT NMS Plan has been developed, successfully tested, and fully implemented at the initial Error Rates specified by Section 6.5(d)(i) or less, including functionality that efficiently permits the Participants and the Commission to access all CAT Data required to be stored in the Central Repository pursuant to Section 6.5(a), including Customer Account Information, Customer-ID, Customer Identifying Information, and Allocation Reports, and to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, including any related allocation information provided in an Allocation Report. This Financial Accountability Milestone shall be considered complete as of the date identified in a Quarterly Progress Report meeting the requirements of Section 6.6(c).

Under Section 1.1 of the CAT NMS Plan, this Financial Accountability Milestone is considered complete as of the date identified in the Participants’ Quarterly Progress Reports. As indicated by the Participants’ Quarterly Progress Report for the second and third quarter of 2024,¹⁰⁹ Full Implementation of CAT NMS Plan Requirements was completed on July 15, 2024.

(A) Transaction Reporting and Regulatory Access

The CAT system functionality required by Rule 613 and the CAT NMS Plan related to order and transaction data has been developed, successfully tested, and fully implemented, including the requirements related to regulatory access. The implementation of CAT requirements related to order and transaction data occurred over four phases: Phases 2a, 2b, 2c and 2d.¹¹⁰ As described in the Quarterly Progress Reports and summarized below, each of these phases has been fully implemented.¹¹¹

(i) Phase 2a

The Quarterly Progress Reports state that “Phase 2a was fully implemented

¹⁰⁹ Q2 & Q3 2024 Quarterly Progress Report (July 29, 2024).

¹¹⁰ The SEC granted exemptive relief from certain provisions of the CAT NMS Plan to allow for the phased implementation of Industry Member reporting via five phases addressing the reporting requirements for Phase 2a Industry Member Data, Phase 2b Industry Member Data, Phase 2c Industry Member Data, Phase 2d Industry Member Data and Phase 2e Industry Member Data. Securities Exchange Rel. No. 88702 (Apr. 20, 2020), 85 FR 23075 (Apr. 24, 2020) (“Phased Reporting Exemptive Relief Order”).

¹¹¹ See, e.g., Q1 2024 Quarterly Progress Report (Apr. 30, 2024).

as of October 26, 2020.”¹¹² The Phase 2a Industry Member Data is described in detail in the SEC’s Phased Reporting Exemptive Relief Order, and includes the following data related to Eligible Securities that are equities:

- All events and scenarios covered by OATS, which includes information related to the receipt or origination of orders, order transmittal, and order modifications, cancellations and executions;

- Reportable Events for: (1) proprietary orders, including market maker orders, for Eligible Securities that are equities; (2) electronic quotes in listed equity Eligible Securities (*i.e.*, NMS stocks) sent to a national securities exchange or FINRA’s Alternative Display Facility (“ADF”); (3) electronic quotes in unlisted Eligible Securities (*i.e.*, OTC Equity Securities) received by an Industry Member operating an interdealer quotation system (“IDQS”); and (4) electronic quotes in unlisted Eligible Securities sent to an IDQS or other quotation system not operated by a Participant or Industry Member;

- Firm Designated IDs (“FDIDs”), which Industry Members must report to the CAT as required by Sections 6.3(d)(i)(A) and 6.4(d)(ii)(C) of the CAT NMS Plan;

- Industry Members would be required to report all street side representative orders, including both agency and proprietary orders and mark such orders as representative orders, except in certain limited exceptions as described in the Industry Member Technical Specifications;

- The link between the street side representative order and the order being represented when: (1) the representative order was originated specifically to represent a single order received either from a customer or another broker-dealer; and (2) there is (a) an existing direct electronic link in the Industry Member’s system between the order being represented and the representative order and (b) any resulting executions are immediately and automatically applied to the represented order in the Industry Member’s system;

- Manual and Electronic Capture Time for Manual Order Events;

- Special handling instructions for the original receipt or origination of an order during Phase 2a; and

- When routing an order, whether the order was routed as an intermarket sweep order (“ISO”).

In Phase 2a, Industry Members were not required to report modifications of a previously routed order in certain

limited instances, nor were they required to report a cancellation of an order received from a Customer after the order has been executed.¹¹³

(ii) Phase 2b

The Quarterly Progress Reports state that “Phase 2b was fully implemented as of January 4, 2021.”¹¹⁴ The Phase 2b Industry Member Data is described in detail in the SEC’s Phased Reporting Exemptive Relief Order, and includes the Industry Member Data related to Eligible Securities that are options and related to simple electronic option orders, excluding electronic paired option orders. A simple electronic option order is an order to buy or sell a single option that is not related to or dependent on any other transaction for pricing and timing of execution that is either received or routed electronically by an Industry Member. Electronic receipt of an order is defined as the initial receipt of an order by an Industry Member in electronic form in standard format directly into an order handling or execution system. Electronic routing of an order is the routing of an order via electronic medium in standard format from one Industry Member’s order handling or execution system to an exchange or another Industry Member. An electronic paired option order is an electronic option order that contains both the buy and sell side that is routed to another Industry Member or exchange for crossing and/or price improvement as a single transaction on an exchange. Responses to auctions of simple orders and paired simple orders would be reportable in Phase 2b. Furthermore, combined orders in options would be treated in Phase 2b in the same way as equity representative orders are treated in Phase 2a. A combined order would mean, as permitted by SRO rules, a single, simple order in Listed Options created by combining individual, simple orders in Listed Options from a customer with the same exchange origin code before routing to an exchange. During Phase 2b, the single combined order sent to an exchange must be reported and marked as a combined order, but the linkage to the underlying orders is not required to be reported until Phase 2d.¹¹⁵

(iii) Phase 2c

The Quarterly Progress Reports state that “Phase 2c was implemented as of

April 26, 2021.”¹¹⁶ The Phase 2c Industry Member Data is described in detail in the SEC’s Phased Reporting Exemptive Relief Order. That Order states that “Phase 2c Industry Member Data” is Industry Member Data related to Eligible Securities that are equities other than Phase 2a Industry Member Data, Phase 2d Industry Member Data, or Phase 2e Industry Member Data. Specifically, the Phase 2c Industry Member Data includes Industry Member Data that is related to Eligible Securities that are equities and that is related to: (1) Allocation Reports as required to be recorded and reported to the Central Repository pursuant to Section 6.4(d)(ii)(A)(1) of the CAT NMS Plan; (2) quotes in unlisted Eligible Securities sent to an IDQS operated by a CAT Reporter (reportable by the Industry Member sending the quotes) (except for quotes reportable in Phase 2d, as discussed below); (3) electronic quotes in listed equity Eligible Securities (*i.e.*, NMS stocks) that are not sent to a national securities exchange or FINRA’s Alternative Display Facility; (4) reporting changes to client instructions regarding modifications to algorithms; (5) marking as a representative order any order originated to work a customer order in price guarantee scenarios, such as a guaranteed VWAP; (6) flagging rejected external routes to indicate a route was not accepted by the receiving destination; (7) linkage of duplicate electronic messages related to a Manual Order Event between the electronic event and the original manual route; (8) special handling instructions on order route reports (other than the ISO, which is required to be reported in Phase 2a); (9) quote identifier on trade events; (10) reporting of LTIDs (if applicable) for accounts with Reportable Events that are reportable to CAT as of and including Phase 2c; (11) reporting of date account opened or Account Effective Date (as applicable) for accounts and reporting of a flag indicating the Firm Designated ID type as account or relationship; (12) order effective time for orders that are received by an Industry Member and do not become effective until a later time; (13) the modification or cancellation of an internal route of an order; and (14) linkages to the customer order(s) being represented for representative order scenarios, including agency average price trades, net trades, aggregated orders, and disconnected Order Management System (“OMS”)—Execution Management System (“EMS”)

¹¹³ Phased Reporting Exemptive Relief Order at 23076–78.

¹¹⁴ See, e.g., Q1 2024 Quarterly Progress Report (Apr. 30, 2024).

¹¹⁵ Phased Reporting Exemptive Relief Order at 23078.

¹¹⁶ See, e.g., Q1 2024 Quarterly Progress Report (Apr. 30, 2024).

¹¹² See, e.g., Q1 2024 Quarterly Progress Report (Apr. 30, 2024).

scenarios, as required in the Industry Member Technical Specifications.¹¹⁷

Phase 2c Industry Member Data also includes electronic quotes that are provided by or received in a CAT Reporter's order/quote handling or execution systems in Eligible Securities that are equities and are provided by an Industry Member to other market participants off a national securities exchange under the following conditions: (1) an equity bid or offer is displayed publicly or has been communicated (a) for listed securities to the ADF operated by FINRA; or (b) for unlisted equity securities to an "interdealer quotation system," as defined in FINRA Rule 6420(c); or (2) an equity bid or offer which is accessible electronically by customers or other market participants and is immediately actionable for execution or routing; *i.e.*, no further manual or electronic action is required by the responder providing the quote in order to execute or cause a trade to be executed). With respect to OTC Equity Securities, OTC Equity Securities quotes sent by an Industry Member to an IDQS operated by an Industry Member CAT Reporter (other than such an IDQS that does not match and execute orders) are reportable by the Industry Member sending them in Phase 2c. Accordingly, any response to a request for quote or other form of solicitation response provided in a standard electronic format (*e.g.*, FIX) that meets this quote definition (*i.e.*, an equity bid or offer which is accessible electronically by customers or other market participants and is immediately actionable for execution or routing) would be reportable in Phase 2c.¹¹⁸

(iv) Phase 2d

The Quarterly Progress Reports state that "Phase 2d was fully implemented as of December 13, 2021."¹¹⁹ The Phase 2d Industry Member Data is described in detail in the SEC's Phased Reporting Exemptive Relief Order. "Phase 2d Industry Member Data" is Industry Member Data that is related to Eligible Securities that are options other than Phase 2b Industry Member Data, Industry Member Data that is related to Eligible Securities that are equities other than Phase 2a Industry Member Data or Phase 2c Industry Member Data, and Industry Member Data other than Phase 2e Industry Member Data. Phase 2d Industry Member Data includes with respect to the Eligible Securities that are

options: (1) simple manual orders; (2) electronic and manual paired orders; (3) all complex orders with linkages to all CAT-reportable legs; (4) LTIDs (if applicable) for accounts with Reportable Events for Phase 2d; (5) date account opened or Account Effective Date (as applicable) for accounts with an LTID and flag indicating the Firm Designated ID type as account or relationship for such accounts; (6) Allocation Reports as required to be recorded and reported to the Central Repository pursuant to Section 6.4(d)(ii)(A)(1) of the CAT NMS Plan; (7) the modification or cancellation of an internal route of an order; and (8) linkage between a combined order and the original customer orders. Phase 2d Industry Member Data also would include electronic quotes that are provided by or received in a CAT Reporter's order/quote handling or execution systems in Eligible Securities that are options and are provided by an Industry Member to other market participants off a national securities exchange under the following conditions: a listed option bid or offer which is accessible electronically by customers or other market participants and is immediately actionable (*i.e.*, no further action is required by the responder providing the quote in order to execute or cause a trade to be executed). Accordingly, any response to a request for quote or other form of solicitation response provided in standard electronic format (*e.g.*, FIX) that meets this definition is reportable in Phase 2d for options.¹²⁰

Phase 2d Industry Member Data also includes with respect to Eligible Securities that are options or equities (1) receipt time of cancellation and modification instructions through Order Cancel Request and Order Modification Request events; (2) modifications of previously routed orders in certain instances; and (3) OTC Equity Securities quotes sent by an Industry Member to an IDQS operated by an Industry Member CAT Reporter that does not match and execute orders. In addition, subject to any exemptive or other relief, Phase 2d Industry Member Data includes verbal or manual quotes on an exchange floor or in the over-the-counter market, where verbal quotes and manual quotes are defined as bids or offers in Eligible Securities provided verbally or that are provided or received other than via a CAT Reporter's order handling and execution system (*e.g.*, quotations provided via email or instant messaging).¹²¹

(v) Regulatory Access To Order and Transaction Data

The Financial Accountability Milestone related to Period 4 requires that CAT provide functionality that permits the Participants and the Commission to access Phase 2a, 2b, 2c and 2d data and to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, including any related allocation information provided in an Allocation Report. As CAT LLC reported on its Quarterly Progress Reports, the query tool functionality incorporating the data from Phases 2a, 2b, 2c and 2d was available to the Participants and to the Commission as of December 31, 2021.¹²²

(B) CAIS Reporting and Regulatory Access

The CAT System functionality required by Rule 613 and the CAT NMS Plan related to Customer information has been developed, successfully tested, and fully implemented, including the requirements related to regulatory access. The implementation of CAT requirements related to Customer information occurred during Phase 2e. As described in the Quarterly Progress Reports and summarized below, Phase 2e has been fully implemented as of May 31, 2024.¹²³ Furthermore, because a month of customer and account information data is necessary to create report cards with regard to such data, the publication of monthly report cards with respect to customer and account information commenced on July 15, 2024.¹²⁴ Accordingly, the Financial Accountability Milestone related to Period 4 was completed on July 15, 2024.

(i) Phase 2e

The Q2 & Q3 2024 Quarterly Progress Report indicates that Phase 2e was fully implemented as of May 31, 2024.¹²⁵ Phase 2e Industry Member Data is described in detail in the SEC's Phased Reporting Exemptive Relief Order. "Phase 2e Industry Member Data" includes "Customer Account Information and Customer Identifying Information, other than LTIDs, date account opened/Account Effective Date and Firm Designated ID type flag previously reported to the CAT."¹²⁶

¹²² See, *e.g.*, Q1 2024 Quarterly Progress Report (Apr. 30, 2024).

¹²³ *Id.*

¹²⁴ Q2 & Q3 2024 Quarterly Progress Report (July 29, 2024).

¹²⁵ *Id.*

¹²⁶ Phase Reporting Exemptive Relief Order at 23080.

¹¹⁷ Phase Reporting Exemptive Relief Order at 23078–79.

¹¹⁸ *Id.* at 23079.

¹¹⁹ See, *e.g.*, Q1 2024 Quarterly Progress Report (Apr. 30, 2024).

¹²⁰ Phase Reporting Exemptive Relief Order at 23079.

¹²¹ *Id.* at 23079–80.

LTIDs and Account Effective Date are both provided in Phases 2c and 2d in certain circumstances, as discussed above. Section 1.1 of the CAT NMS Plan defines the term “Customer Account Information” to

include, but not be limited to, account number, account type, customer type, date account opened, and large trader identifier (if applicable); except, however, that (a) in those circumstances in which an Industry Member has established a trading relationship with an institution but has not established an account with that institution, the Industry Member will (i) provide the Account Effective Date in lieu of the “date account opened”; (ii) provide the relationship identifier in lieu of the “account number”; and (iii) identify the “account type” as a “relationship”; (b) in those circumstances in which the relevant account was established prior to the implementation date of the CAT NMS Plan applicable to the relevant CAT Reporter (as set forth in Rule 613(a)(3)(v) and (vi)), and no “date account opened” is available for the account, the Industry Member will provide the Account Effective Date in the following circumstances: (i) where an Industry Member changes back office providers or clearing firms and the date account opened is changed to the date the account was opened on the new back office/clearing firm system; (ii) where an Industry Member acquires another Industry Member and the date account opened is changed to the date the account was opened on the post-merger back office/clearing firm system; (iii) where there are multiple dates associated with an account in an Industry Member’s system, and the parameters of each date are determined by the individual Industry Member; and (iv) where the relevant account is an Industry Member proprietary account.

The term “Customer Identifying Information” is defined in Section 1.1 of the CAT NMS Plan to mean

information of sufficient detail to identify a Customer, including, but not limited to, (a) with respect to individuals: name, address, date of birth, individual tax payer identification number (“ITIN”)/social security number (“SSN”), individual’s role in the account (e.g., primary holder, joint holder, guardian, trustee, person with the power of attorney); and (b) with respect to legal entities: name, address, Employer Identification Number (“EIN”)/Legal Entity Identifier (“LEI”) or other comparable common entity identifier, if applicable; provided, however, that an Industry Member that has an LEI for a Customer must submit the Customer’s LEI in addition to other information of sufficient detail to identify a Customer.

(ii) Regulatory Access to Customer Information

The Financial Accountability Milestone related to Period 4 requires that CAT provide functionality that permits the Participants and the Commission to access Phase 2e Industry Member Data (in addition to the Phase

2a, 2b, 2c and 2d Industry Member Data, as discussed above). As CAT LLC reported on its Q2 & Q3 Quarterly Progress Report, regulators had efficient access to Phase 2e Industry Member Data via the query tool functionality required under the CAT NMS Plan by July 15, 2024.¹²⁷

(C) Error Rate

The Financial Accountability Milestones related to Period 4 require the implementation of the CAT System “at the initial Error Rates specified by Section 6.5(d)(i) or less.” The average overall error rate as of July 15, 2024, was less than 5%, which is the initial Error Rate specified by Section 6.5(d)(i) of the CAT NMS Plan. The average overall error rate was calculated by dividing the compliance errors by processed records.

(7) Participant Invoices

While CAT Fees charged to Industry Members become effective in accordance with the requirements of Section 19(b) of the Exchange Act,¹²⁸ CAT fees charged to Participants are implemented via an approval of the CAT fees by the Operating Committee in accordance with the requirements of the CAT NMS Plan.¹²⁹ On July 31, 2024, the Operating Committee approved the Participant fee related to CAT Fee 2024–1. Specifically, pursuant to the requirements of CAT NMS Plan,¹³⁰ each Participant would be required to pay a CAT fee calculated using the fee rate of \$0.000035, which is the same fee rate that applies to CEBBs and CEBSS. Like CEBBs and CEBSS, each Participant would be required to pay such CAT fees on a monthly basis for four months, from November 2024 until February 2025, and each Participant’s fee for each month would be calculated based on the transactions in Eligible Securities executed on the applicable exchange (for the Participant exchanges) or otherwise than on the exchange (for FINRA) in the prior month. Accordingly, each Participant will receive its first invoice in October 2024, and would receive an invoice each month thereafter until January 2025. Like with the CAT Fee 2024–1 applicable to CEBBs and CEBSS as described in proposed paragraph (a)(3)(C) of the fee schedule, notwithstanding the last invoice date of January 2025, Participants will continue to receive invoices for this fee each month until a new subsequent CAT Fee

is in effect with regard to Industry Members. Furthermore, Section 11.4 of the CAT NMS Plan states that each Participant is required to pay such invoices as required by Section 3.7(b) of the CAT NMS Plan. Section 3.7(b) states, in part, that

[e]ach Participant shall pay all fees or other amounts required to be paid under this Agreement within thirty (30) days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated) (the “Payment Date”). The Participant shall pay interest on the outstanding balance from the Payment Date until such fee or amount is paid at a per annum rate equal to the lesser of: (i) Prime Rate plus 300 basis points; or (ii) the maximum rate permitted by applicable law.

(b) Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of the Exchange Act. The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,¹³¹ which requires, among other things, that the Exchange’s rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and not designed to permit unfair discrimination between customers, issuers, brokers and dealers. The Exchange also believes that the proposed rule change is consistent with the provisions of Section 6(b)(4) of the Act,¹³² because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(8) of the Act,¹³³ which requires that the Exchange’s rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. These provisions also require that the Exchange be “so organized and [have] the capacity to be able to carry out the purposes” of the Act and “to comply, and . . . to enforce compliance by its members and persons associated with its members,” with the provisions of the Exchange Act.¹³⁴ Accordingly, a reasonable reading of the Act indicates that it intended that regulatory funding be sufficient to

¹²⁷ Q2 & Q3 2024 Quarterly Progress Report (July 29, 2024).

¹²⁸ Section 11.3(a)(i)(A)(I) of the CAT NMS Plan.

¹²⁹ CAT Funding Model Approval Order at 62659.

¹³⁰ See Section 11.3(a)(ii) and Appendix B of the CAT NMS Plan.

¹³¹ 15 U.S.C. 78f(b)(6).

¹³² 15 U.S.C. 78f(b)(4).

¹³³ 15 U.S.C. 78f(b)(8).

¹³⁴ See Section 6(b)(1) of the Exchange Act.

permit an exchange to fulfill its statutory responsibility under the Act, and contemplated that such funding would be achieved through equitable assessments on the members, issuers, and other users of an exchange's facilities.

The Exchange believes that this proposal is consistent with the Act because it implements provisions of the Plan and is designed to assist the Exchange in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan "is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act."¹³⁵ To the extent that this proposal implements the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

The Exchange believes that the proposed fees to be paid by the CEBBs and CEBs are reasonable, equitably allocated and not unfairly discriminatory. First, the CAT Fee 2024–1 fees to be collected are directly associated with the budgeted costs of establishing and maintaining the CAT, where such costs include Plan Processor costs and costs related to technology, legal, consulting, insurance, professional and administration, and public relations costs.

The proposed CAT Fee 2024–1 fees would be charged to Industry Members in support of the maintenance of a consolidated audit trail for regulatory purposes. The proposed fees, therefore, are consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. The proposed fees would not cover Exchange services unrelated to the CAT. In addition, any surplus would be used as a reserve to offset future fees. Given the direct relationship between CAT fees and CAT costs, the Exchange believes that the proposed fees are reasonable, equitable and not unfairly discriminatory.

As further discussed below, the SEC approved the CAT Funding Model, finding it was reasonable and that it equitably allocates fees among Participants and Industry Members. The Exchange believes that the proposed fees adopted pursuant to the CAT

Funding Model approved by the SEC are reasonable, equitably allocated and not unfairly discriminatory.

(1) Implementation of CAT Funding Model in CAT NMS Plan

Section 11.1(b) of the CAT NMS Plan states that "[t]he Participants shall file with the SEC under Section 19(b) of the Exchange Act any such fees on Industry Members that the Operating Committee approves." Per Section 11.1(b) of the CAT NMS Plan, the Exchange has filed this fee filing to implement the Industry Member CAT fees included in the CAT Funding Model. The Exchange believes that this proposal is consistent with the Exchange Act because it is consistent with, and implements, the CAT Funding Model in the CAT NMS Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the CAT NMS Plan. In approving the CAT NMS Plan, the SEC noted that the Plan "is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act."¹³⁶ Similarly, in approving the CAT Funding Model, the SEC concluded that the CAT Funding Model met this standard.¹³⁷ As this proposal implements the Plan and the CAT Funding Model described therein, and applies specific requirements to Industry Members in compliance with the Plan, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

(2) Calculation of Fee Rate for CAT Fee 2024–1 Is Reasonable

The SEC has determined that the CAT Funding Model is reasonable and satisfies the requirements of the Exchange Act. Specifically, the SEC has concluded that the method for determining CAT Fees as set forth in Section 11.3 of the CAT NMS Plan, including the formula for calculating the Fee Rate, the identification of the parties responsible for payment and the transactions subject to the fee rate for CAT Fees, is reasonable and satisfies the Exchange Act.¹³⁸ In each respect, as discussed above, CAT Fee 2024–1 is calculated, and would be applied, in accordance with the requirements applicable to CAT Fees as set forth in

the CAT NMS Plan. Furthermore, as discussed below, the Exchange believes that each of the figures for the variables in the SEC-approved formula for calculating the fee rate for CAT Fee 2024–1 is reasonable and consistent with the Exchange Act. Calculation of Fee Rate 2024–1 for CAT Fee 2024–1 requires the figures for Budgeted CAT Costs 2024–1, the executed equivalent share volume for the prior twelve months, the determination of CAT Fee 2024–1 Period, and the projection of the executed equivalent share volume for CAT Fee 2024–1 Period. Each of these variables is reasonable and satisfies the Exchange Act, as discussed throughout this filing.

(A) Budgeted CAT Costs 2024–1

The formula for calculating a Fee Rate requires the amount of Budgeted CAT Costs to be recovered. Specifically, Section 11.3(a)(iii)(B) of the CAT NMS Plan requires a fee filing to provide:

The budget for the upcoming year (or remainder of the year, as applicable), including a brief description of each line item in the budget, including (1) the technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees, and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration and (6) public relations costs, a reserve and/or such other categories as reasonably determined by the Operating Committee to be included in the budget, and the reason for changes in each such line item from the prior CAT fee filing.

In accordance with this requirement, the Exchange has set forth the amount and type of Budgeted CAT Costs 2024–1 for each of these categories above.

Section 11.3(a)(iii)(B) of the CAT NMS Plan also requires that the fee filing provide "sufficient detail to demonstrate that the budget for the upcoming year, or part of year, as applicable, is reasonable and appropriate." As discussed below, the Exchange believes that the budget for the CAT Fee 2024–1 Period is "reasonable and appropriate." Each of the costs included in CAT Fee 2024–1 are reasonable and appropriate because the costs are consistent with standard industry practice, based on the need to comply with the requirements of the CAT NMS Plan, incurred subject to negotiations performed on an arm's length basis, and/or are consistent with the needs of any legal entity, particularly one with no employees.

(i) Technology: Cloud Hosting Services

In approving the CAT Funding Model, the Commission recognized that it is appropriate to recover budgeted costs related to cloud hosting services as a

¹³⁶ *Id.* at 84696.

¹³⁷ CAT Funding Model Approval Order at 62686.

¹³⁸ *Id.* at 62662–63.

¹³⁵ CAT NMS Plan Approval Order at 84697.

part of CAT Fees.¹³⁹ CAT LLC determined that the budgeted costs related to cloud hosting services described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. As described above, the cloud hosting services costs reflect, among other things, the breadth of the CAT cloud activities, data volumes far in excess of the original volume estimates, the need for specialized cloud services given the volume and unique nature of the CAT, the processing time requirements of the Plan, and regular efforts to seek to minimize costs where permissible under the Plan. CAT LLC determined that use of cloud hosting services is necessary for implementation of the CAT, particularly given the substantial data volumes associated with the CAT, and that the fees for cloud hosting services negotiated by FCAT were reasonable, taking into consideration a variety of factors, including the expected volume of data and the breadth of services provided and market rates for similar services.¹⁴⁰ Indeed, the actual costs of the CAT are far in excess of the original estimated costs of the CAT due to various factors, including the higher volumes and greater complexity of the CAT than anticipated when Rule 613 was originally adopted.

To comply with the requirements of the Plan, the breadth of the cloud activities related to the CAT is substantial. The cloud services not only include the production environment for the CAT, but they also include two industry testing environments, support environments for quality assurance and stress testing and disaster recovery capabilities. Moreover, the cloud storage costs are driven by the requirements of the Plan, which requires the storage of multiple versions of the data, from the original submitted version of the data through various processing steps, to the final version of the data.

Data volume is a significant driver of costs for cloud hosting services. When the Commission adopted the CAT NMS Plan in 2016, it estimated that the CAT would need to receive 58 billion records per day¹⁴¹ and that annual operating costs for the CAT would range from \$36.5 million to \$55 million.¹⁴² Through 2023, the actual data volumes have been five times that original

estimate. The data volumes to date for 2024 have continued this trend.

In addition to the effect of the data volume on the cloud hosting costs, the processing timelines set forth in the Plan contribute to the cloud hosting costs. Although CAT LLC has proactively sought to manage cloud hosting costs while complying with the Plan, including through requests to the Commission for exemptive relief and amendments to the CAT NMS Plan, stringent CAT NMS Plan requirements do not allow for any material flexibility in cloud architecture design choices, processing timelines (e.g., the use of non-peak processing windows), or lower-cost storage tiers. As a result, the required CAT processing timelines contribute to the cloud hosting costs of the CAT.

The costs for cloud hosting services also reflect the need for specialized cloud hosting services given the data volume and unique processing needs of the CAT. The data volume as well as the data processing needs of the CAT necessitate the use of cloud hosting services. The equipment, power and services required for an on-premises data model, the alternative to cloud hosting services, would be cost prohibitive. Moreover, as CAT was being developed, there were limited cloud hosting providers that could satisfy all the necessary CAT requirements, including the operational and security criteria. Over time, more providers offering cloud hosting services that would satisfy these criteria have entered the market. CAT LLC will continue to evaluate alternative cloud hosting services, recognizing that the time and cost to move to an alternative cloud provider would be substantial.

The reasonableness of the cloud hosting services costs is further supported by key cost discipline mechanisms for the CAT—a cost-based funding structure, cost transparency, cost management efforts (including regular efforts to lower compute and storage costs where permitted by the Plan) and oversight. Together, these mechanisms help ensure the ongoing reasonableness of the CAT's costs and the level of fees assessed to support those costs.¹⁴³

(ii) Technology: Operating Fees

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted costs related to

operating fees as a part of CAT Fees.¹⁴⁴ CAT LLC determined that the budgeted costs related to operating fees described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1.

The operating fees would include the negotiated fees paid by CAT LLC to the Plan Processor to operate and maintain the system for order-related information and to perform business operations related to the system, including compliance, security, testing, training, communications with the industry (e.g., management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management. CAT LLC determined that the selection of FCAT as the Plan Processor was reasonable and appropriate given its expertise with securities regulatory reporting, after a process of considering other potential candidates.¹⁴⁵ CAT LLC also determined that the fixed price contract, negotiated on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan and Rule 613, was reasonable and appropriate, taking into consideration a variety of factors, including the breadth of services provided and market rates for similar types of activity.¹⁴⁶ The services to be performed by FCAT for CAT Fee 2024–1 Period and the budgeted costs related to such services are described above.¹⁴⁷

The operating costs also include costs related to the receipt of market data. CAT LLC anticipates continuing to receive certain market data from Exegy during the CAT Fee 2024–1 Period. CAT LLC anticipates that Exegy will continue to provide data that meets the SIP Data requirements of the CAT NMS Plan and that the fees are reasonable and in line with market rates for market data received.¹⁴⁸

(iii) Technology: CAIS Operating Fees

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted costs related to CAIS operating fees as a part of CAT Fees.¹⁴⁹ CAT LLC determined that the budgeted costs related to CAIS operating fees described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. The CAIS operating fees would include the fees paid to the Plan Processor to operate and maintain CAIS and to

¹³⁹ Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan.

¹⁴⁰ For a discussion of the amount and type of cloud hosting services fees, see Section 3(a)(2)(C)(i) above.

¹⁴¹ Appendix D–4 of the CAT NMS Plan at n.262.

¹⁴² CAT NMS Plan Approval Order at 84801.

¹⁴³ See Securities Exchange Act Rel. No. 97151 (Mar. 15, 2023), 88 FR 17086, 17117 (Mar. 21, 2023) (describing key cost discipline mechanisms for the CAT).

¹⁴⁴ Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan.

¹⁴⁵ See Section 3(a)(2)(C)(ii) above.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ Section 11.3(a)(iii)(B)(B)(1) of the CAT NMS Plan.

perform the business operations related to the system, including compliance, security, testing, training, communications with the industry (*e.g.*, management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management. CAT LLC determined that the fees for FCAT's CAIS-related services, negotiated on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan, taking into consideration a variety of factors, including the services to be provided and market rates for similar types of activity, are reasonable and appropriate.¹⁵⁰ The services to be performed by FCAT for the CAT Fee 2024–1 Period and the budgeted costs for such services are described above.¹⁵¹

(iv) Technology: Change Request Fees

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted costs related to change request fees as a part of CAT Fees.¹⁵² CAT LLC determined that the budgeted costs related to change request fees described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. It is common practice to utilize a change request process to address evolving needs in technology projects. This is particularly true for a project like CAT that is the first of its kind, both in substance and in scale. The substance and costs of each of the change requests are evaluated by the Operating Committee and approved in accordance with the requirements for Operating Committee meetings. In each case, CAT LLC forecasts that the change requests will be necessary to implement the CAT. As described above,¹⁵³ CAT LLC has included a reasonable placeholder budget amount for potential change requests that may arise during the CAT Fee 2024–1 Period. As noted above, the total budgeted costs for change requests during the CAT Fee 2024–1 Period represent a small percentage of Budgeted CAT Costs 2024–1—that is, approximately 0.12% of Budgeted CAT Costs 2024–1.

(v) Capitalized Developed Technology Costs

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted costs related to capitalized developed technology costs

as a part of CAT Fees.¹⁵⁴ In general, capitalized developed technology costs would include costs related to, for example, certain development costs, costs related to certain modifications, upgrades and other changes to the CAT, CAIS implementation fees and license fees. The amount and type of budgeted capitalized developed technology costs for the CAT Fee 2024–1 Period, which relate to the CAIS software license fee and technology changes to be implemented by FCAT, are described in more detail above.¹⁵⁵ CAT LLC determined that these budgeted costs are reasonable and should be included as a part of Budgeted CAT Costs 2024–1.

(vi) Legal

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted costs related to legal fees as a part of CAT Fees.¹⁵⁶ CAT LLC determined that the budgeted legal costs described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. Given the unique nature of the CAT, the number of parties involved with the CAT (including, for example, the SEC, Participants, Industry Members, and vendors) and the many regulatory, contractual and other issues associated with the CAT, the scope of the necessary legal services is substantial. CAT LLC determined that the scope of the proposed legal services is necessary to implement and maintain the CAT and that the legal rates reflect the specialized services necessary for such a project. CAT LLC determined to hire and continue to use each law firm based on a variety of factors, including their relevant expertise and fees. In each case, CAT LLC determined that the fee rates were in line with market rates for specialized legal expertise. In addition, CAT LLC determined that the budgeted costs for the legal projects were appropriate given the breadth of the services provided. The services to be performed by each law firm for the CAT Fee 2024–1 Period and the budgeted costs related to such services are described above.¹⁵⁷

(vii) Consulting

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted consulting costs as

a part of CAT Fees.¹⁵⁸ CAT LLC determined that the budgeted consulting costs described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. Because there are no CAT employees¹⁵⁹ and because of the significant number of issues associated with the CAT, the consultants are budgeted to provide assistance in the management of various CAT matters and the processes related to such matters.¹⁶⁰ CAT LLC determined the budgeted consulting costs were appropriate, as the consulting services were to be provided at reasonable market rates that were comparable to the rates charged by other consulting firms for similar work. Moreover, the total budgeted costs for such consulting services were appropriate in light of the breadth of services provided by Deloitte. The services budgeted to be performed by Deloitte and the budgeted costs related to such services are described above.¹⁶¹

(viii) Insurance

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted insurance costs as a part of CAT Fees.¹⁶² CAT LLC determined that the budgeted insurance costs described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. CAT LLC determined that it is common practice to have directors' and officers' liability insurance, and errors and omissions liability insurance. CAT LLC further determined that it was important to have cyber security insurance given the nature of the CAT, and such a decision is consistent with the CAT NMS Plan, which states that the cyber incident response plan may include "[i]nsurance against security breaches."¹⁶³ As discussed above,¹⁶⁴ CAT LLC determined that the budgeted insurance costs were appropriate given its prior experience with this market and an analysis of the alternative insurance offerings. Based on this analysis, CAT LLC determined that the selected insurance policies provided

¹⁵⁸ Section 11.3(b)(iii)(B)(3) of the CAT NMS Plan.

¹⁵⁹ As stated in the filing of the proposed CAT NMS Plan, "[i]t is the intent of the Participants that the Company have no employees." Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614, 30621 (May 17, 2016).

¹⁶⁰ CAT LLC uses certain third parties to perform tasks that may be performed by administrators for other NMS Plans. *See, e.g.*, CTA Plan and CQ Plan.

¹⁶¹ Section 3(a)(2)(C)(vii) of the CAT NMS Plan.

¹⁶² Section 11.3(b)(iii)(B)(4) of the CAT NMS Plan.

¹⁶³ Section 4.1.5 of Appendix D of the CAT NMS Plan.

¹⁶⁴ *See* Section 3(a)(2)(C)(viii) above.

¹⁵⁰ *See* Section 3(a)(2)(C)(iii) above.

¹⁵¹ *Id.*

¹⁵² Section 11.3(a)(iii)(B)(1) of the CAT NMS Plan.

¹⁵³ *See* Section 3(a)(2)(C)(iv) above.

¹⁵⁴ Section 11.3(a)(iii)(B)(1) of the CAT NMS Plan.

¹⁵⁵ *See* Section 3(a)(2)(C)(v) above.

¹⁵⁶ Section 11.3(a)(iii)(B)(2) of the CAT NMS Plan.

¹⁵⁷ *See* Section 3(a)(2)(B)(vi) above.

appropriate coverage at reasonable market rates.¹⁶⁵

(ix) Professional and Administration

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted professional and administration costs as a part of CAT Fees.¹⁶⁶ CAT LLC determined that the budgeted professional and administration costs described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. Because there are no CAT employees, all required accounting, financial, tax, cash management and treasury functions for CAT LLC have been outsourced at market rates. In addition, the required annual financial statement audit of CAT LLC is included in professional and administration costs, which costs are also at market rates. The services performed by Anchin and Grant Thornton and the costs related to such services are described above.¹⁶⁷

CAT LLC anticipates continuing to make use of Anchin, a financial advisory firm, to assist with financial matters for the CAT. CAT LLC determined that the budgeted costs for Anchin were appropriate, as the financial advisory services were to be provided at reasonable market rates that were comparable to the rates charged by other such firms for similar work. Moreover, the total budgeted costs for such financial advisory services were appropriate in light of the breadth of services provided by Anchin. The services budgeted to be performed by Anchin and the budgeted costs related to such services are described above.¹⁶⁸

CAT LLC anticipates continuing to make use of Grant Thornton, an independent accounting firm, to complete the audit of CAT LLC's financial statements, in accordance with the requirements of the CAT NMS Plan. CAT LLC determined that the budgeted costs for Grant Thornton were appropriate, as the accounting services were to be provided at reasonable market rates that were comparable to the rates charged by other such firms for similar work. Moreover, the total budgeted costs for such accounting services were appropriate in light of the breadth of services provided by Grant Thornton. The services budgeted to be performed by Grant Thornton and the

budgeted costs related to such services are described above.¹⁶⁹

(x) Public Relations Costs

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted public relations costs as a part of CAT Fees.¹⁷⁰ CAT LLC determined that the budgeted public relations costs described in this filing are reasonable and should be included as a part of Budgeted CAT Costs 2024–1. CAT LLC determined that the types of public relations services to be utilized were beneficial to the CAT and market participants more generally. Public relations services are important for various reasons, including monitoring comments made by market participants about CAT and understanding issues related to the CAT discussed on the public record.¹⁷¹ By continuing to engage a public relations firm, CAT LLC will be better positioned to understand and address CAT issues to the benefit of all market participants.¹⁷² Moreover, CAT LLC determined that the budgeted rates charged for such services were in line with market rates.¹⁷³ As noted above, the total budgeted public relations costs for the CAT Fee 2024–1 Period represent a small percentage of Budgeted CAT Costs 2024–1—that is, approximately 0.03% of Budgeted CAT Costs 2024–1.

(xi) Reserve

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover budgeted reserve costs as a part of CAT Fees.¹⁷⁴ CAT LLC determined that the inclusion of a reserve in the amount of 25% of Budgeted CAT Costs 2024–1 complies with the requirements of the CAT NMS Plan related to a reserve, is a reasonable amount and should be included as a part of Budgeted CAT Costs 2024–1.

In its approval order for the CAT Funding Model, the Commission stated that it would be reasonable for the annual operating budget for the CAT to “include a reserve of not more than 25% of the annual budget.”¹⁷⁵ In making this statement, the Commission noted the following:

Because the CAT is a critical regulatory tool/system, the CAT needs to have a stable funding source to build financial stability to support the Company as a going concern.

¹⁶⁹ *Id.*

¹⁷⁰ Section 11.3(a)(iii)(B)(B)(6) of the CAT NMS Plan.

¹⁷¹ See Section 3(a)(2)(C)(x) above.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ Section 11.3(a)(iii)(B)(B) of the CAT NMS Plan.

¹⁷⁵ CAT Funding Model Approval Order at 62657.

Funding for the CAT, as noted in Section 11.1(b), is the responsibility of the Participants and the industry. Because CAT fees are charged based on the budget, which is based on anticipated volume, it is reasonable to have a reserve on hand to prevent a shortfall in the event there is an unexpectedly high volume in a given year. A reserve would help to assure that the CAT has sufficient resources to cover costs should there be unanticipated costs or costs that are higher than expected.¹⁷⁶

The SEC also recognized that that [*sic*] a reserve would help address the difficulty in predicting certain variable CAT costs, like trading volume.¹⁷⁷ The SEC also recognized that CAT fees will be collected approximately three months after trading activity on which a CAT fee is based, or 25% of the year, and that the reserve would be available to address funding needs related to this three-month delay.¹⁷⁸ The inclusion of the proposed reserve in Budgeted CAT Costs 2024–1 would provide each of these benefits to the CAT. The reserve is discussed further above.¹⁷⁹

(B) Reconciliation of Budget to the Collected Fees

The CAT NMS Plan also requires fee filings for Prospective CAT Fees to include “a discussion of how the budget is reconciled to the collected fees.”¹⁸⁰ To date, CAT LLC has not collected any CAT fees. Accordingly, there are no collected fees to be reconciled with the budget.

(C) Total Executed Equivalent Share Volume for the Prior 12 Months

The total executed equivalent share volume of transactions in Eligible Securities for the period from June 2023 through May 2024 was 3,980,753,840,905.21 executed equivalent shares. CAT LLC determined the total executed equivalent share volume for the prior twelve months by counting executed equivalent shares in the same manner as it counts executed equivalent shares for CAT billing purposes.¹⁸¹

(D) Projected Executed Equivalent Share Volume for the CAT Fee 2024–1 Period

CAT LLC has determined to calculate the projected total executed equivalent share volume for the four months in which CAT Fee 2024–1 Period would be payable by multiplying by 4/12ths (*i.e.*, one-third) the executed equivalent share

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ See Section 3(a)(2)(C)(xi) above.

¹⁸⁰ Section 11.3(a)(iii)(B)(C) of the CAT NMS Plan.

¹⁸¹ See Section 3(a)(2)(D) above.

¹⁶⁵ *Id.*

¹⁶⁶ Section 11.3(a)(iii)(B)(B)(5) of the CAT NMS Plan.

¹⁶⁷ See Section 3(a)(2)(C)(ix) above.

¹⁶⁸ *Id.*

volume for the prior 12 months.¹⁸² CAT LLC determined that such an approach was reasonable as the CAT's annual executed equivalent share volume has remained relatively constant in recent years. For example, the executed equivalent share volume for 2021 was 3,963,697,612,395 executed equivalent shares, the executed equivalent share volume for 2022 was 4,039,821,841,560.31 executed equivalent shares, and the executed equivalent share volume for 2023 was 3,868,940,345,680.6. Accordingly, the projected total executed equivalent share volume for the four-month period for CAT Fee 2024–1 is 1,326,917,946,968.403 executed equivalent shares.¹⁸³

(E) Actual Fee Rate for CAT Fee 2024–1

(i) Decimal Places

As noted in the approval order for the CAT Funding Model, as a practical matter, the fee filing for a CAT Fee would provide the exact fee per executed equivalent share to be paid for each CAT Fee, by multiplying the Fee Rate by one-third and describing the relevant number of decimal places for the fee rate.¹⁸⁴ Accordingly, proposed paragraph (a)(3)(B) of the fee schedule would set forth a fee rate of \$0.000035 per executed equivalent share. This fee rate is calculated by multiplying Fee Rate 2024–1 by one-third and rounding the result to six decimal places. CAT LLC determined that the use of six decimal places is reasonable as it balances the accuracy of the calculation with the potential systems and other impracticalities of using additional decimal places in the calculation.¹⁸⁵

(ii) Reasonable Fee Level

The Exchange believes that imposing CAT Fee 2024–1 with a fee rate of \$0.000035 per executed equivalent share is reasonable because it provides for a revenue stream for the Company that is aligned with Budgeted CAT Costs 2024–1 and such budgeted costs would be spread out over a four-month period. Moreover, the Exchange believes that the level of the fee rate is reasonable, as it is comparable to other transaction-based fees. Indeed, CAT Fee 2024–1 is significantly lower than fees assessed pursuant to Section 31 (e.g., \$0.0009 per

share to 0.0004 per share),¹⁸⁶ and, as a result, the magnitude of CAT Fee 2024–1 is small, and therefore will mitigate any potential adverse economic effects or inefficiencies.¹⁸⁷

(3) CAT Fee 2024–1 Provides for an Equitable Allocation of Fees

CAT Fee 2024–1 provides for an equitable allocation of fees, as it equitably allocates CAT costs between and among the Participants and Industry Members. The SEC approved the CAT Funding Model, finding that each aspect of the CAT Funding Model satisfied the requirements of the Exchange Act, including the formula for calculating CAT Fees as well as the Industry Members to be charged the CAT Fees.¹⁸⁸ In approving the CAT Funding Model, the SEC stated that “[t]he Participants have sufficiently demonstrated that the proposed allocation of fees is reasonable.”¹⁸⁹ Accordingly, the CAT Funding Model sets forth the requirements for allocating fees related to Budgeted CAT Costs among Participants and Industry Members, and the fee filings for CAT Fees must comply with those requirements.

CAT Fee 2024–1 provides for an equitable allocation of fees as it complies with the requirements regarding the calculation of CAT Fees as set forth in the CAT NMS Plan. For example, as described above, the calculation of CAT Fee 2024–1 complies with the formula set forth in Section 11.3(a) of the CAT NMS Plan. In addition, CAT Fee 2024–1 would be charged to CEBBs and CEBBs in accordance with Section 11.3(a) of the CAT NMS Plan. Furthermore, the Participants would be charged for their designated share of Budgeted CAT Costs 2024–1 through a fee implemented via the CAT NMS Plan, which would have the same fee rate as CAT Fee 2024–1.

In addition, as discussed above, each of the inputs into the calculation of CAT

Fee 2024–1—Budgeted CAT Costs 2024–1, the count for the executed equivalent share volume for the prior 12 months, and the projected executed equivalent share volume for the CAT Fee 2024–1 Period—are reasonable. Moreover, these inputs lead to a reasonable fee rate for CAT Fee 2024–1 that is lower than other fee rates for transaction-based fees. A reasonable fee rate allocated in accordance with the requirements of the CAT Funding Model provides for an equitable allocation of fees.

(4) CAT Fee 2024–1 Is Not Unfairly Discriminatory

CAT Fee 2024–1 is not an unfairly discriminatory fee. The SEC approved the CAT Funding Model, finding that each aspect of the CAT Funding Model satisfied the requirements of the Exchange Act. In reaching this conclusion, the SEC analyzed the potential effect of CAT Fees calculated pursuant to the CAT Funding Model on affected categories of market participants, including Participants (including exchanges and FINRA), Industry Members (including subcategories of Industry Members, such as alternative trading systems, CAT Executing Brokers and market makers), and investors generally, and considered market effects related to equities and options, among other things. CAT Fee 2024–1 complies with the requirements regarding the calculation of CAT Fees as set forth in the CAT NMS Plan. In addition, as discussed above, each of the inputs into the calculation of CAT Fee 2024–1 and the resulting fee rate for CAT Fee 2024–1 is reasonable. Therefore, CAT Fee 2024–1 does not impose an unfairly discriminatory fee on Industry Members.

The Exchange believes the proposed fees established pursuant to the CAT Funding Model promote just and equitable principles of trade, and, in general, protect investors and the public interest, and are provided in a transparent manner and with specificity in the fee schedule. The Exchange also believes that the proposed fees are reasonable because they would provide ease of calculation, ease of billing and other administrative functions, and predictability of a fee based on fixed rate per executed equivalent share. Such factors are crucial to estimating a reliable revenue stream for CAT LLC and for permitting Exchange members to reasonably predict their payment obligations for budgeting purposes.

¹⁸² *Id.*

¹⁸³ This projection was calculated by multiplying 3,980,753,840,905.21 executed equivalent shares by 4/12ths.

¹⁸⁴ CAT Funding Model Approval Order at 62658, n.658.

¹⁸⁵ See Section 3(a)(4)(A) above.

¹⁸⁶ *Id.* at 62663, 62682. In explaining the comparison of Section 31 fees to CAT fees in the CAT Funding Model Approval Order, the SEC noted that “Section 31 fees are expressed per dollar volume traded. Translating this to a per share range involves identifying reasonable high and low trade sizes. The lower end of this range comes from the 25th percentile in \$ trade size of 1,200 and share trade size of 71 from the first quarter of 2021. The higher end of this range comes from the 75th percentile in \$ trade size of 5,200 and share trade size of 300 from the first quarter of 2021. Section 31 fees have ranged from \$5.10 per \$Million to \$23.10 per \$Million from Oct. 1, 2016 to Mar. 1, 2023.” *Id.* at 62682, n.1100. In 2024, Section 31 fees were raised further to \$27.80 per million dollars.

¹⁸⁷ *Id.*

¹⁸⁸ See Section 11.3(b) of the CAT NMS Plan.

¹⁸⁹ CAT Funding Model Approval Order at 62629.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 6(b)(8) of the Act¹⁹⁰ requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that CAT Fee 2024–1 implements provisions of the CAT NMS Plan that were approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan.

In addition, all Participants (including exchanges and FINRA) are proposing to introduce CAT Fee 2024–1 on behalf of CAT LLC to implement the requirements of the CAT NMS Plan. Therefore, this is not a competitive fee filing, and, therefore, it does not raise competition issues between and among the Participants.

Furthermore, in approving the CAT Funding Model, the SEC analyzed the potential competitive impact of the CAT Funding Model, including competitive issues related to market services, trading services and regulatory services, efficiency concerns, and capital formation.¹⁹¹ The SEC also analyzed the potential effect of CAT fees calculated pursuant to the CAT Funding Model on affected categories of market participants, including Participants (including exchanges and FINRA), Industry Members (including subcategories of Industry Members, such as alternative trading systems, CAT Executing Brokers and market makers), and investors generally, and considered market effects related to equities and options, among other things. Based on this analysis, the SEC approved the CAT Funding Model as compliant with the Exchange Act. CAT Fee 2024–1 is calculated and implemented in accordance with the CAT Funding Model as approved by the SEC.

As discussed above, each of the inputs into the calculation of CAT Fee 2024–1 is reasonable and the resulting fee rate for CAT Fee 2024–1 calculated in accordance with the CAT Funding Model is reasonable. Therefore, CAT Fee 2024–1 would not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act¹⁹² and Rule 19b–4(f)(2) thereunder,¹⁹³ because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–LTSE–2024–04 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–LTSE–2024–04. 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–LTSE–2024–04 and should be submitted on or before September 30, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–20165 Filed 9–6–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–221, OMB Control No. 3235–0232]

Proposed Collection; Comment Request; Extension: Form 1–E, Regulation E

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the “Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information of the Office of Management and Budget for extension and approval.

Form 1–E (17 CFR 239.200) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (“Securities Act”) is the form that a small business investment company

¹⁹⁰ 15 U.S.C. 78f(b)(8).

¹⁹¹ CAT Funding Model Approval Order at 62676–86.

¹⁹² 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁹³ 17 CFR 240.19b–4(f)(2).

¹⁹⁴ 17 CFR 200.30–3(a)(12).

("SBIC") or business development company ("BDC") uses to notify the Commission that it is claiming an exemption under Regulation E from registering its securities under the Securities Act. Rule 605 of Regulation E (17 CFR 230.605) under the Securities Act requires an SBIC or BDC claiming such an exemption to file an offering circular with the Commission that must also be provided to persons to whom an offer is made. Form 1-E requires an issuer to provide the names and addresses of the issuer, its affiliates, directors, officers, and counsel; a description of events which would make the exemption unavailable; the jurisdictions in which the issuer intends to offer the securities; information about unregistered securities issued or sold by the issuer within one year before filing the notification on Form 1-E; information as to whether the issuer is presently offering or contemplating offering any other securities; and exhibits, including copies of the rule 605 offering circular and any underwriting contracts.

The Commission uses the information provided in the notification on Form 1-E and the offering circular to determine whether an offering qualifies for the exemption under Regulation E. The Commission estimates that, each year, one issuer files one notification on Form 1-E, together with offering circulars, with the Commission.¹ Based on the Commission's experience with disclosure documents, we estimate that the burden from compliance with Form 1-E and the offering circular requires approximately 100 hours per filing. The annual burden hours for compliance with Form 1-E and the offering circular would be 200 hours (2 responses × 100 hours per response). Estimates of the burden hours are made solely for the purposes of the PRA, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by November 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20201 Filed 9-6-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-136, OMB Control No. 3235-0157]

Proposed Collection; Comment Request; Extension: Form N-8F

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form N-8F (17 CFR 274.218) is the form prescribed for use by registered investment companies in certain circumstances to request orders of the Commission declaring that the registration of that investment company cease to be in effect. The form requests information about: (i) the investment company's identity, (ii) the investment company's distributions, (iii) the investment company's assets and liabilities, (iv) the events leading to the request to deregister, and (v) the conclusion of the investment company's business. The information is needed by the Commission to determine whether an order of deregistration is appropriate.

The Form takes approximately 5.2 hours on average to complete. It is estimated that approximately 101 investment companies file Form N-8F

annually, so the total annual burden for the form is estimated to be approximately 525 hours. The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study. Commission staff continues to believe that there is no cost burden for completing and filing Form N-8F.

The collection of information on Form N-8F is not mandatory. The information provided on Form N-8F is not kept confidential. 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.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by November 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: September 3, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20203 Filed 9-6-24; 8:45 am]

BILLING CODE 8011-01-P

¹ According to Commission records, one issuer filed two notifications on Form 1-E, together with offering circulars, during 2013 and 2014.

SECURITIES AND EXCHANGE COMMISSION**[Release No. 34–100895; File No. SR–PEARL–2024–01]****Self-Regulatory Organizations; MIAx PEARL LLC; Notice of Withdrawal of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail**

September 3, 2024.

On January 2, 2024, MIAx PEARL LLC (the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to establish fees for industry members related to certain historical costs of the National Market System plan governing the Consolidated Audit Trail. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ On February 13, 2024, the proposed rule change was published in the **Federal Register** and the Commission temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁴ The Commission received six comments on the proposed rule change and one response to those comments.⁵ On July 31, 2024, pursuant to Section 19(b)(2) of the Act,⁶ the

Commission designated a longer period within which to approve the proposed rule change or disapprove the proposed rule change.⁷ On August 23, 2024, the Exchange withdrew the proposed rule change (SR–PEARL–2024–01).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–20168 Filed 9–6–24; 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 Investor Advisory Committee will hold a public meeting on Thursday, September 19, 2024. The meeting will begin at 10:00 a.m. (ET) and will be open to the public.

PLACE: The meeting will be conducted in-person at 100 F Street NE, Washington, DC 20549 in the Multipurpose Room, and by remote means. Members of the public may attend in-person or watch the webcast of the meeting on the Commission’s website at www.sec.gov.

STATUS: This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

Public Comment: The public is invited to submit written statements to the Committee. Written statements should be received on or before September 18, 2024.

Written statements may be submitted by one of the following methods:

Electronic Statements

- Use the Commission’s internet submission form (<https://www.sec.gov/comments/265-28/investor-advisory-committee-meeting-notice-meeting-securities-exchange-commission-dodd-frank-1>); or

- Send an email message to rules-comments@sec.gov. Please include File No. 265–28 on the subject line; or

Paper Statements

- Send paper statements to Vanessa A. Countryman, Secretary, U.S. Securities and Exchange Commission,

100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

The Commission will post all statements on the Commission’s website. Statements also will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Room 1503, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. Do not include personal 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.

MATTERS TO BE CONSIDERED: The agenda for the meeting includes: welcome and opening remarks; approval of previous meeting minutes; a panel discussion regarding investment advice: a history and update on who is required to serve in your best interest; a panel discussion regarding key topics from securities litigation: shareholder proposals & “tracing” in section 11 litigation; subcommittee and working group reports; and a non-public administrative session.

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: September 5, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20427 Filed 9–5–24; 4:15 pm]

BILLING CODE 8011–01–P**SELECTIVE SERVICE SYSTEM****Forms Submitted to the Office of Management and Budget for Extension of Clearance**

AGENCY: Selective Service System.

ACTION: Notice.

The following form has been submitted to the Office of Management and Budget (OMB) for extension of clearance without change in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35):

¹ 15 U.S.C. 78s(b)(1).² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ Securities Exchange Act Release No. 99375 (January 17, 2024), 89 FR 11116 (February 13, 2024).

⁵ See letters from: Edward Weisbaum, Executing Broker CBOE Floor, dated February 6, 2024; Howard Meyerson, Managing Director, Financial Information Forum, to Vanessa Countryman, Secretary, Commission, dated March 4, 2024; Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc., to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA; Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Stephen John Berger, Managing Director, Global Head of Government & Regulatory Policy, Citadel Securities, to Vanessa Countryman, Secretary, Commission, dated March 5, 2024; Joanna Mallers, Secretary, FIA Principal Traders Group, to Vanessa Countryman, Secretary, Commission, dated March 9, 2024; and Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated June 13, 2024.

⁶ 15 U.S.C. 78s(b)(2).

⁷ See Securities Exchange Act Release No. 100628 (Jul. 31, 2024), 89 FR 64010 (Aug. 6, 2024). The Commission designated October 10, 2024 as the date by it should approve or disapprove the proposed rule change.

⁸ 17 CFR 200.30–3(a)(12).

SSS Forms 1

Title: Selective Service System Registration Form.
Purpose: Used to register males and establish a database for use in identifying manpower to the military services during a national emergency.
Respondents: All 18-year-old males who are United States citizens and those male immigrants residing in the United States at the time of their 18th birthday.
Frequency: Registration with the Selective Service System is a one-time occurrence.

Burden: A burden of two minutes or less on the individual respondent.
Change: None.
Copies of the above-identified forms can be obtained upon written request to the Selective Service System, Public & Intergovernmental Affairs Directorate, 1501 Wilson Boulevard, Arlington, Virginia 22209.

Written comments and recommendations for the proposed extension of clearance of the forms should be sent within 30 days of the publication of this notice to: Daniel A. Lauretano, Sr., General Counsel/Federal Register Liaison, Selective Service System, 1501 Wilson Boulevard, Arlington, Virginia 22209.
A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Daniel A. Lauretano, Sr.,
General Counsel/Federal Register Liaison.
[FR Doc. 2024–20227 Filed 9–6–24; 8:45 am]
BILLING CODE 8015–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.
ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.
DATES: Submit comments on or before October 9, 2024.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “Small Business Administration”; “Currently Under Review,” then select the “Only Show ICR for Public Comment” checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at Curtis.Rich@sba.gov; (202) 205–7030, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: SBA is transforming how customers interact with the agency via the development of an online MySBA platform that will allow customers to see all their SBA products and services summarized in a single place. MySBA will also allow customers to quickly switch between existing and future SBA digital tools, like the MySBA Loan Portal and VetCert, with single credentials and one account. Finally, MySBA will highlight additional SBA products and services beneficial to them based on their customer or business information.
So the SBA can provide relevant information, customers may be asked to provide information that fall into three functional areas: Account Registration, Validation and Authentication, and Business Services.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.
OMB Control Number: 3245–NEW.
Title: MySBA.
Description of Respondents: Current and likely customers of SBA programs.
SBA Form Number: N/A.
Estimated Number of Respondents: 4,500,000.
Estimated Annual Responses per Respondent: 1.
Estimated Annual Hour Burden per Respondent: 2 minutes.

Total Estimated Annual Hour Burden: 150,000 hours.
Curtis Rich,
Agency Clearance Officer.
[FR Doc. 2024–20249 Filed 9–6–24; 8:45 am]
BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 20570 and # 20571; TEXAS Disaster Number TX–20024]

Administrative Disaster Declaration of a Rural Area for the State of Texas

AGENCY: U.S. Small Business Administration.
ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of Texas dated September 3, 2024.
DATES: Issued on September 3, 2024.
Physical Loan Application Deadline Date: November 4, 2024.
Economic Injury (EIDL) Loan Application Deadline Date: June 3, 2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.
FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s disaster declaration of a rural area, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.
The following areas have been determined to be adversely affected by the disaster:
Incident: Hurricane Beryl.
Incident Period: July 5, 2024 through July 9, 2024.
Primary Counties: Colorado, Hardin, Panola, Tyler.
The Interest Rates are:

For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000

Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
<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 205708 and for economic injury is 205710.

The State which received an EIDL Declaration is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2024–20213 Filed 9–6–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 20568 and # 20569; TEXAS Disaster Number TX–20023]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4798–DR), dated August 21, 2024.

DATES: Issued on September 3, 2024.

Physical Loan Application Deadline Date: October 21, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: May 21, 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 August 21, 2024, is hereby amended to include the following areas as adversely affected by the disaster.

Incident: Hurricane Beryl.

Incident Period: July 5, 2024 through July 9, 2024.

Primary Counties: Angelina, Calhoun, Fort Bend, Galveston, Hardin, Jackson, Nacogdoches, Newton, Polk, Sabine, San Augustine, Shelby, Trinity, Tyler, Walker, Waller, Washington.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–20218 Filed 9–6–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12511]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Solid Gold” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition “Solid Gold” at the Brooklyn Museum, Brooklyn, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of

Authority No. 523 of December 22, 2021.

Scott D. Weinhold,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–20234 Filed 9–6–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12512]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Flight Into Egypt: Black Artists and Ancient Egypt, 1876–Now” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Flight into Egypt: Black Artists and Ancient Egypt, 1876–Now” at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of

Authority No. 523 of December 22, 2021.

Scott D. Weinhold,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–20235 Filed 9–6–24; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 552 (Sub-No. 28)]

Railroad Revenue Adequacy—2023 Determination

AGENCY: Surface Transportation Board.

ACTION: Notice of decision.

SUMMARY: On September 6, 2024, the Board served a decision announcing the 2023 revenue adequacy determinations for the nation's Class I railroads. Three Class I railroads (BNSF Railway Company, CSX Transportation, Inc., and Union Pacific Railroad Company) were found to be revenue adequate.

DATES: This decision is effective on September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 10704(a)(3), the Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment (ROI) equal to at least the current cost of capital for the railroad industry. For 2023, this number was determined to be 9.87% in *Railroad Cost of Capital—2023*, EP 558 (Sub-No. 27) (STB served Aug. 7, 2024). The Board then applied this revenue adequacy standard to each Class I railroad. Three Class I carriers (BNSF Railway Company, CSX Transportation, Inc., and Union Pacific Railroad Company) were found to be revenue adequate for 2023.

The decision in this proceeding is posted at www.stb.gov.

Decided: August 30, 2024.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Eden Besera,
Clearance Clerk.

[FR Doc. 2024–20210 Filed 9–6–24; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Amended Notice of Meeting

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

ACTION: Notice.

SUMMARY: The FAA is announcing an amendment to the notice of multiple meetings of the Aviation Rulemaking Advisory Committee (ARAC).

DATES: For the meetings announced in the **Federal Register** on May 30, 2024 (89 FR 46984), notice is hereby given to change the September 12, 2024, ARAC public meeting to September 26, 2024, from 1 p.m. to 4 p.m. eastern time.

The FAA must receive requests to attend the meeting by Monday, September 16, 2024.

The FAA must receive requests for accommodations to a disability by Thursday, September 19, 2024.

The FAA must receive any written materials to during the meeting by Thursday, September 19, 2024.

ADDRESSES: This meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, and virtually on Zoom. Members of the public who wish to observe the meeting must RSVP by emailing 9-awa-arac@faa.gov. General committee information, including copies of the meeting minutes, will be available on the FAA Committee website (https://www.faa.gov/regulations_policies/rulemaking/committees/documents/) at least one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Aliah Duckett, Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591, 9-awa-arac@faa.gov or (202) 267–6952. Any committee-related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

ARAC was established on January 22, 1991, under the Federal Advisory Committee Act (FACA) and pursuant to Title 5 of the United States Code (5 U.S.C. 1001 *et seq.*), as a discretionary committee. The purpose of ARAC is to provide information, advice, and recommendations to the Secretary of Transportation, through the FAA Administrator, concerning rulemaking activities, such as aircraft operations, airman and air agency certification,

airworthiness standards and certification, airports, maintenance, noise, and training.

II. Agenda

The agenda for the September 26, 2024, meeting will include the following:

- Welcome and Introductions
- Federal Advisory Committee Act (FACA) Statement
- Ratification of Minutes
- Status Updates and Recommendation Reports
 - A. ARAC
 - Airman Certification System Working Group
 - Training Standardization Working Group
 - B. Transport Airplane and Engine (TAE) Subcommittee
 - Flight Test Harmonization Working Group
 - Ice Crystal Icing Working Group
 - Engine and Powerplant Interface Working Group
- Any Other Business
- FAA Update on Regulatory Activities
- Adjourn

Detailed agenda information will be posted on the FAA Committee website address listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

This meeting will be open to the public for virtual or in-person attendance on a first-come, first-served basis, as there is limited space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section and provide the following information: full legal name, country of citizenship, and name of your industry association or applicable affiliation. Please indicate if you plan to observe the meeting in person or virtually. The FAA will email registrants the meeting access information in a timely manner prior to the start of the meeting.

The DOT is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than one week prior to each meeting.

The FAA is not accepting oral presentations at the meetings due to time constraints. Members of the public may present written statements to ARAC by providing a copy to the Designated Federal Officer via the email

listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than one week before each meeting. Advance submissions that become part of the committee deliberations will become part of the official record of the meeting.

Issued in Washington, DC, on September 3, 2024.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2024–20214 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2024–1416]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Helicopter Air Ambulance Operator Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 1, 2024. The collection involves the requirement for Helicopter Air Ambulance Operators to report certain information to the FAA. The FAA collects 14 pieces of data from helicopter air ambulance operators, 8 of which are mandated in the report to Congress. We collect data on the following: number of helicopters, helicopter base locations, number of hours the helicopters are flown, number of patients transported, number of transportation requests accepted or denied, number of accidents, number of instrument flight hours flown, number of night flight hours flown, number of incidents, and the rate of accidents or incidents per 100,000 flight hours. The information to be collected will be used in helping the FAA develop risk mitigation strategies and provide information to Congress.

DATES: Written comments should be submitted by October 9, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Sandra L. Ray by email at: Sandra.ray@faa.gov; phone: 412–546–7344.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0761.

Title: Helicopter Air Ambulance Operator Reports.

Form Numbers: 2120–0756.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 1, 2024 (89 FR 35299). The FAA Modernization and Reform Act of 2012 (The Act) mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services. See Public Law 112–95, sec. 306, 49 U.S.C. 44731. The Act further mandates that not later than 2 years after the date of enactment, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a summary of the data collected.

The helicopter air ambulance operational data provided to the FAA will be used by the agency as background information useful in the development of risk mitigation strategies to reduce the helicopter air ambulance accident rate, and to meet the mandates set by Congress. The information requested is limited to the minimum necessary to fulfill these new reporting requirements mandated by the Act and as developed by FAA. The amount of data required to be submitted is proportional to the size of the operation.

Respondents: 65 Helicopter Air Ambulance Operators.

Frequency: Annually.

Estimated Average Burden per

Response: Varies per size of operation.

Estimated Total Annual Burden: 765 Hours for all operators.

Issued in Washington, DC, on September 4, 2024.

Sandra L. Ray,

Aviation Safety Inspector, AFS–260.

[FR Doc. 2024–20271 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Nueces and Kleberg Counties, Texas

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Federal notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: FHWA, on behalf of TxDOT, is issuing this notice to advise the public that an EIS will be prepared for the proposed Regional Parkway-North Padre Island transportation project (CSJ 0916–00–259) located in the City of Corpus Christi in Nueces and Kleberg counties, Texas. The proposed project would explore alternatives including potential route options for a proposed new crossing of the Laguna Madre and an option for improving the existing State Highway (SH) 358/Park Road (PR) 22 corridor, from the Corpus Christi mainland to North Padre Island.

FOR FURTHER INFORMATION CONTACT: Mr. Victor Vourcos, P.E., TxDOT Project Manager, by mail at TxDOT Corpus Christi District Office, c/o Victor Vourcos, 1701 S. Padre Island Dr., Corpus Christi, Texas 78416, by phone at 361–808–2378, and by email at regionalparkway@txdot.gov.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

The purpose of the project is to improve the resiliency of the existing transportation network by improving access to emergency services, medical facilities, and critical infrastructure especially in times of emergency response, hurricane evacuation, and incident management; facilitate regional

mobility, connectivity, and system linkages; address operational and safety issues in the study area; and improve mobility and provide travel options especially during peak-season travel demand.

The proposed project is needed due to lack of resiliency in the existing transportation network; limited routes for traffic traveling to/from Corpus Christi and the Islands, especially during emergencies, incidents, and hurricane evacuations; operational and safety issues in the existing SH 358/PR 22 corridor; and seasonal congestion in the SH 358/PR 22 corridor and other major east-west routes, especially during peak-season travel demand.

The proposed Regional Parkway-North Padre Island Project (CSJ 0916-00-259) would potentially construct a new crossing of the Laguna Madre or improve the existing SH 358/PR 22 alignment, from the Corpus Christi mainland to North Padre Island, in Nueces and Kleberg counties, Texas. The study area for the evaluation of the potential new location roadway alternatives begins at SH 286, crosses the Laguna Madre, and ends at PR 22, on North Padre Island. On North Padre Island, the study area extends south approximately 4 miles southwest of the Nueces/Kleberg County line, ending at the boundary of the Padre Island National Seashore. The study area for the evaluation of potential improvements of existing SH 358 and PR 22 encompasses a 1,000-foot-wide buffer from the intersection at SH 286 to SH 361 on North Padre Island.

The EIS will evaluate a range of build alternatives and a no-build alternative. The five possible build alternatives have been labeled Green, Purple, Orange, Blue, and Pink alternatives.

The Green Alternative would upgrade existing SH 358 along the alignment from SH 286 to Naval Air Station (NAS) Drive and the existing alignment of PR 22 from NAS Drive to SH 361 for approximately 16 miles, which could include a parallel structure over the Laguna Madre.

The Purple Alternative would upgrade and expand existing Yorktown Boulevard with connection on new location to SH 286, with the addition of a second causeway over the Laguna Madre connecting to PR 22 on North Padre Island. The Purple Alternative would be approximately 16 miles in length.

The Orange Alternative would consist of a new location roadway approximately 15 miles in length, originating at the intersection of SH 286 and County Road (CR) 18 in Nueces County.

The Orange Alternative would include a second crossing over the Laguna Madre and upgrade existing Sea Pines Drive, terminating at PR 22 on North Padre Island in Nueces County.

The Blue Alternative would consist of a new location roadway approximately 14 miles in length, originating at the intersection of SH 286 and CR 14 in Nueces County with a second crossing over the Laguna Madre and terminates at PR 22 on North Padre Island in Kleberg County.

The Pink Alternative consists of a new location roadway approximately 13 miles in length, originating at the intersection of SH 286 and Farm-to-Market Road (FM) 70 in Nueces County.

The Pink Alternative alignment includes a second crossing over the Laguna Madre and terminates at PR 22 on North Padre Island in Kleberg County.

The alternatives to be presented in the EIS are a result of previous transportation planning studies conducted throughout the last 30 years which have identified the need for transportation improvements within the Regional Parkway study area.

Impacts caused by the construction and operation of the proposed improvements would vary depending on the selection of the recommended alternative. The recommended alternative may result in impacts to communities and resources including: potential residential and business displacements, including low-income and minority residents; wildlife/habitat (threatened and endangered species); wetlands and waters of the U.S.; coastal resources, floodplain/floodway encroachment; section 4(f) of the U.S. Department of Transportation Act and chapter 26 of the Parks and Wildlife Code (park and recreational lands, wildlife and waterfowl refuges, and historic sites); visual environment; transportation (construction detours, construction traffic, and mobility); air quality and noise from construction equipment and operation of the roadway; hazardous materials sites; land use and farmland; cultural resources; and induced growth and cumulative impacts.

The proposed action may require issuance of an Individual or Nationwide Permit under section 404 of the Clean Water Act, a Permit under section 10 of the Rivers and Harbors Act, a Bridge Permit under section 9 of the Rivers and Harbors Act, section 401 Water Quality Certification, Section 402/Texas Pollution Discharge Elimination System Permit, Texas Antiquities Code Permit; conformance with Executive Orders (E.O.s) on Environmental Justice (E.O.

12898), Limited English Proficiency (E.O. 13166), Wetlands (E.O. 11990), Floodplain Management (E.O. 11988), Invasive Species (E.O. 13112); compliance with section 106 of the National Historic Preservation Act, section 7 of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Marine Mammal Protection Act, the Migratory Bird Treaty Act, section 4(f) of the DOT Act (49 U.S.C. 303), section 6(f) of the Land and Water Conservation Act (16 U.S.C. 4601), title VI of the Civil Rights Act, Coastal Barrier Resources Act of 1982, and other applicable Federal and State regulations.

TxDOT anticipates issuing the Draft EIS for public and agency review in March 2026 and completing the study process with a combined Final EIS and Record of Decision by September 2026.

The following entities have been invited to be cooperating agencies for this EIS: U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Department of Housing and Urban Development, U.S. Department of the Navy, U.S. Environmental Protection Agency, Federal Aviation Administration, Federal Emergency Management Agency, Federal Railroad Administration, Federal Transit Administration, U.S. Fish and Wildlife Service, National Marine Fisheries Service, National Park Service, Apache Tribe of Oklahoma, Comanche Nation of Oklahoma, Kiowa Tribe, Mescalero Apache Tribe, Seminole Nation of Oklahoma, and Tonkawa Tribe of Oklahoma.

The following entities have been invited to be participating agencies for this EIS: Railroad Commission of Texas, Texas Coastal Coordination Advisory Committee, Texas Commission on Environmental Quality, Texas Department of Housing and Community Affairs, Texas Division of Emergency Management, Texas General Land Office, Texas Historical Commission/State Historic Preservation Office, Texas Parks and Wildlife Department, City of Corpus Christi, City of Corpus Christi Historic Preservation Office, City of Port Aransas, Coastal Bend Council of Governments, Corpus Christi Metropolitan Planning Organization, Corpus Christi Regional Economic Development Corporation, Corpus Christi Regional Transit Authority, Kleberg County, Kleberg County Historical Commission, Nueces County, Nueces County Historical Commission, Historic Bridge Foundation, and Kenedy

County Groundwater Conservation District.

TxDOT will issue a single Final Environmental Impact Statement and Record of Decision document pursuant to 23 U.S.C. 139(n)(2), unless TxDOT determines statutory criteria or practicability considerations preclude issuance of a combined document.

In accordance with 23 U.S.C. 139, cooperating agencies, participating agencies, and the public will be given an opportunity for continued input on project development. An in-person public scoping meeting is planned for Oct. 3, 2024, from 3 to 7 p.m. CT at Mansion Royal, 8001 S. Padre Island Dr., Corpus Christi, Texas 78412. A virtual option will go live at 3 p.m. CT on Oct. 3, 2024 at www.txdot.gov, keyword search "Regional Parkway". Additional information on both options will be provided at the previously indicated TxDOT website. The public scoping meeting will provide an opportunity for the public to review and comment on the draft coordination plan and schedule, the project purpose and need, the range of alternatives, and methodologies and level of detail for analyzing alternatives. It will also allow the public an opportunity to provide input on any expected environmental impacts, anticipated permits or other authorizations, and any significant issues that should be analyzed in depth in the EIS. In addition to the public scoping meeting, a public hearing will be held after the draft EIS is prepared. Public notice will be given of the time and place of the meeting and hearing.

The public scoping meeting will be conducted in English, with Spanish materials available online and in person. If you need an interpreter or document translator because English is not your primary language or have difficulty communicating effectively in English, one will be provided to you. If you have a disability and need assistance, special arrangements can be made to accommodate most needs. If you need interpretation or translation services or you are a person with a disability who requires an accommodation to attend and participate in the public meeting, please contact Rickey Dailey, TxDOT Corpus Christi District, at rickey.dailey@txdot.gov or please call 361-808-2544 no later than 4 p.m. CT, Sept. 30, 2024. Please be aware that advance notice is required as some services and accommodations may require time for TxDOT to arrange.

The public is requested to provide comments on alternatives or impacts and on relevant information, studies, or analyses with respect to this proposed

project. Comments may be provided in writing by mail to TxDOT Corpus Christi District Office, c/o Victor Vourcos, 1701 S. Padre Island Dr., Corpus Christi, Texas 78416, or by email to regionalparkway@txdot.gov. Comments must be received on or before Oct. 18, 2024.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2024-20185 Filed 9-6-24; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0332; FMCSA-2013-0123; FMCSA-2013-0124; FMCSA-2015-0328; FMCSA-2015-0329; FMCSA-2017-0059; FMCSA-2017-0061; FMCSA-2019-0111; FMCSA-2021-0013; FMCSA-2022-0032]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 11 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 22, 2024. The exemptions expire on August 22, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001, (202) 366-4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket

number (FMCSA-2012-0332, FMCSA-2013-0123, FMCSA-2013-0124, FMCSA-2015-0328, FMCSA-2015-0329, FMCSA-2017-0059, FMCSA-2017-0061, FMCSA-2019-0111, FMCSA-2021-0013, or FMCSA-2022-0032) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

On July 24, 2024, FMCSA published a notice announcing its decision to renew exemptions for 11 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (89 FR 59962). The public comment period ended on August 23, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric

device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 11 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

As of August 22, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (89 FR 59962):

Thomas Buretz (FL)
Adrian Crutchfield (MO)
Ruben Faulkwell (TX)
Nicholas Green (FL)
Jada Hart (IA)
Paul Micolichek (WA)
Christopher Poole (OH)
James Queen (FL)
Wayne Turner (IL)
Joshua Weaver (GA)
James Weir (AZ)

The drivers were included in docket number FMCSA–2012–0332, FMCSA–2013–0123, FMCSA–2013–0124, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2017–0059, FMCSA–2017–0061, FMCSA–2019–0111, FMCSA–2021–0013, or FMCSA–2022–0032. Their exemptions were applicable as of August 22, 2024 and will expire on August 22, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–20173 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2024–0096]

Application Package From the State of Ohio to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice, request for comments.

SUMMARY: This notice announces that FRA has received and reviewed an application package from the State of Ohio (State), Ohio Department of Transportation (ODOT) in conjunction with the Ohio Rail Development Commission (ORDC), requesting participation in the Surface Transportation Project Delivery Program (Program). Under the Program, FRA may assign, and the State may assume, responsibilities under the National Environmental Policy Act (NEPA), and all or part of FRA's responsibilities for environmental review, consultation, or other actions required under any Federal environmental laws with respect to one or more railroad projects within the State. FRA has determined the application package to be complete and developed a draft MOU with the State outlining how the State will implement the Program with FRA oversight. The public is invited to comment on the State's request, including its application package and the proposed MOU, which includes the proposed assignments and assumptions of environmental review, consultation, and other activities.

DATES: Comments must be received on or before October 9, 2024.

ADDRESSES: Comments related to Docket No. FRA–2024–0096 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must refer to the Federal Railroad Administration and the docket number in this notice (FRA–2024–0096). Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, *for FRA*, please contact Ms. Lana Lau, Supervisory Environmental Protection Specialist, Office of Environmental Program Management, Federal Railroad Administration, telephone (202) 923–5314, email: Lana.Lau@dot.gov. For ODOT, please contact Mr. Timothy Hill, Administrator of ODOT's Office of Environmental Services, Ohio Department of Transportation, 1980 West Broad Street, Mail Stop 4170, Columbus, Ohio 43223, telephone: (614) 644–0377; email: Tim.Hill@dot.ohio.gov.

SUPPLEMENTARY INFORMATION:

Background: Section 327 of title 23, United States Code (23 U.S.C. 327) establishes the Surface Transportation Project Delivery Program (Program). It allows the Secretary of the U.S. Department of Transportation (Secretary) to assign, and a State to assume, responsibility for all or part of the Secretary's responsibilities for environmental review, consultation, or other actions required under NEPA (42 U.S.C. 4321 *et seq.*) and any Federal environmental law with respect to one or more highway projects within the State, as well as one or more railroad, public transportation, and/or multimodal projects.¹ FRA is authorized to act on behalf of the Secretary with respect to these matters for railroad projects.

The State of Ohio initially participated in the Federal Highway Administration's (FHWA) Surface Transportation Project Delivery Program and in accordance with 23 U.S.C. 327, entered into a Memorandum of Understanding (MOU) with the Federal Highway Administration (FHWA) for the FHWA NEPA Assignment program in Ohio. The NEPA Assignment MOU between the State, acting through ODOT, and FHWA became effective December 11, 2015, was amended on June 6, 2018, and renewed on December 14, 2020. Since being accepted into the FHWA NEPA Assignment program, the State has successfully completed four audits, eight self-assessments, and one monitoring event; a second monitoring event, as required under the MOU, is currently underway. FHWA has consistently publicly stated that the State continues to meet all requirements of the NEPA Assignment program and has held the State up as an example for other states to follow. The State will

¹ The Secretary may not assign its responsibility for making any conformity determination required under section 176 of the Clean Air Act. Also not assignable is Government to Government consultation with federally recognized Indian Tribes.

have participated in the Program for 9 years on December 11, 2024.

Pursuant to 23 CFR 773.107(b)(1) and (2): Public comment, the State's draft application was publicly noticed on June 2, 2024, for a 30-day comment period, with comments due by the close of business on July 2, 2024. A notice of the draft application's availability was published in the newspaper with the largest circulation in the following cities: Columbus, Cincinnati, Cleveland, Dayton, and Toledo. The State also sent notice of the application by email or letter with request for comment to federal and state resource agencies and federally recognized tribal governments. Lastly, the State sent notices to various associations and other groups and posted the availability of the application and how to provide comments on ODOT's website. On July 24, 2024, the State formally submitted its Application Package to FRA. The submission includes verification of statewide notice and solicitation of public comment, copies of the State's responses to comments and incorporation of comments into the application package, Ohio's determination that the State of Ohio Public Records Act is comparable to the Federal Freedom of Information Act, draft MOU, and the Director of ODOT's signature approving the application.

Under the proposed MOU, FRA would assign to the State the responsibility for making decisions on railroad projects as described in the State's application and in Part 3 of the draft MOU. The State is requesting to assume FRA's responsibilities under NEPA for the following classes of rail projects upon execution of the NEPA Assignment Program MOU with FRA. This includes all railroad projects in Ohio whose source of federal funding comes from FRA or require FRA approvals that are administered by ODOT or ORDC; these projects may include funding from other federal sources as well. For these projects, the State requests to assume only FRA's NEPA responsibilities; the request does not include assuming the NEPA responsibilities of other federal agencies.

Lastly, the State would establish appropriate relationships with other Operating Administration(s) involved in a multimodal project, including cooperating agency, participating agency, and lead or co-lead agency relationships under NEPA. In addition, the State may use or adopt other federal agencies' NEPA analyses consistent with 40 CFR parts 1500–1508 and USDOT and FRA regulations, policies, and guidance. ODOT's assumption of these responsibilities program-wide will

provide for the highest degree of consistency and efficiency in document review and agency coordination. It will also provide the greatest opportunity for streamlining benefits.

Excluded from assignment are the following:

(1) Railroad projects that cross state boundaries or that cross or are adjacent to international boundaries. For purposes of the State's application and the proposed MOU, a project is considered "adjacent to international boundaries" if it requires the issuance of a new, or modification of an existing, Presidential Permit.

(2) As provided at 23 U.S.C. 327(a)(2)(D), any railroad project that is not assumed by the State as identified in the State's application and under subpart 3.3 of the proposed MOU, remains the responsibility of FRA.

Under the proposed MOU, the State would also assume the responsibility to conduct the following environmental review, reevaluation, consultation, or other action pertaining to the review or approval of railroad projects specified under MOU subpart 3.3 and required under the following Federal environmental laws and executive orders related to railroad projects:

Environmental Review Process

Efficient environmental reviews for project decision-making, 23 U.S.C. 139

Efficient environmental reviews, 49 U.S.C. 24201

Air Quality

Clean Air Act (CAA), 42 U.S.C. 7401–7671q, with the exception of any project-level general conformity determinations, 42 U.S.C. 7506

Noise

Noise Control Act of 1972, 42 U.S.C. 4901–4918

Wildlife

Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531–1544

Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d

Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d

Migratory Bird Treaty Act, 16 U.S.C. 703–712

Hazardous Materials Management

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675

Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. 9671–9675

Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k

Historic and Cultural Resources

National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101–307108, *et seq.* except to the extent 23 CFR 773.105(b)(4) requires FRA to retain responsibility for government-to-government consultation with Indian Tribes

23 U.S.C. 138 and section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303 and implementing regulations at 23 CFR part 774

Archeological and Historic Preservation Act of 1966, as amended, 16 U.S.C. 469–469c

Archeological Resources Protection Act, 16 U.S.C. 470aa–470mm, title 54, chapter 3125

Preservation of Historical and Archeological Data, 54 U.S.C. 312501–312508

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170

Social and Economic Impacts

American Indian Religious Freedom Act, 42 U.S.C. 1996

Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209

Water Resources and Wetlands

Clean Water Act, 33 U.S.C. 1251–1387 (sections 401, 402, 404, 408, and section 319)

Coastal Barrier Resources Act, 16 U.S.C. 3501–3510

Coastal Zone Management Act, 16 U.S.C. 1451–1466

Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921

Flood Disaster Protection Act, 42 U.S.C. 4001–4133

General Bridge Act of 1946, 33 U.S.C. 525–533

Rivers and Harbors Act of 1899, 33 U.S.C. 401–406

Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–26

Wetlands Mitigation, 23 U.S.C. 119(g) and 133(b)(14)

Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287

Parklands and Other Special Land Uses

49 U.S.C. 303 (section 4(f)) and implementing regulations at 23 CFR part 774

Land and Water Conservation Fund (LWCF) Act, 54 U.S.C. 200302–200310

Executive Orders

E.O. 11990, Protection of Wetlands
E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable

alternative under 23 CFR 650.113 and 650.115.

E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

E.O. 13112, Invasive Species, as amended by E.O. 13751, Safeguarding the Nation from the Impacts of Invasive Species

E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

E.O. 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

E.O. 14008, Tackling the Climate Change Crisis at Home and Abroad

E.O. 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All

Other Executive Orders not listed, but related to railroad projects

The proposed MOU would allow the State to act in the place of FRA in carrying out the environmental review-related functions described above, except with respect to Government-to-Government consultations with federally recognized Indian Tribes. The State would continue to handle routine consultations with the Tribes and understands that a Tribe has the right to direct consultation with FRA upon request. The State may assist FRA with Government-to-Government consultations, with consent of a Tribe, but FRA remains responsible for the consultation.

In addition, the State would not assume FRA's responsibilities for conformity determinations required under section 176 of the CAA (42 U.S.C. 7506), or any responsibility under 23 U.S.C. 134 or 135, or under 49 U.S.C. 5303 or 5304.

FRA will consider the comments submitted on the State's application and the proposed MOU. A copy of the application package and proposed MOU may be viewed on the docket (FRA-2024-0096) at www.regulations.gov. A copy also may be viewed on ODOT's website at: <https://www.transportation.ohio.gov/programs/nepa-odot/nepa-assignment-documentation>. Any final MOU approved by FRA may include changes based on comments and consultations relating to the proposed MOU and will be made publicly available.

Authority: 23 U.S.C. 327; 42 U.S.C. 4331, 4332; 23 CFR part 773; 40 CFR 1507.3; and 49 CFR 264.101.

Marlys Osterhues,

Director, Office of Environmental Program Management, Office of Railroad Administration.

[FR Doc. 2024-20247 Filed 9-6-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Project—Operations and Maintenance Facility South, Federal Way, King County, Washington

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

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding the Operations and Maintenance Facility South, Federal Way, King County, Washington. The purpose of this notice is to publicly announce FTA's environmental decisions on the subject project, and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before February 6, 2025.

FOR FURTHER INFORMATION CONTACT:

Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (312) 705-1269, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project files for the project. Interested parties may contact either the project sponsor or the relevant

FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.transit.dot.gov/about/regional-offices/regional-offices>.

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321-4375), Section 4(f) requirements (49 U.S.C. 303), Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), Endangered Species Act (16 U.S.C. 1531), Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. 1801), Migratory Bird Treaty Act (16 U.S.C. 703-712), Clean Water Act (33 U.S.C. 1251), the Uniform Relocation and Real Property Acquisition Policies Act (42 U.S.C. 4601), Coastal Zone Management Act (16 U.S.C. 1451-1462) and the Clean Air Act (42 U.S.C. 7401-7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project modifications and actions that are the subject of this notice follow:

Project name and location: Operations and Maintenance Facility South (Project), Federal Way, King County, Washington.

Project sponsor: Central Puget Sound Regional Transit Authority (Sound Transit), Seattle, King County, Washington.

Project description: The Project would construct and operate a light rail operations and maintenance facility (OMF) in its South Corridor. The OMF would be constructed on 66 acres and provide capacity to receive, test, commission, store, maintain, and deploy an expanded fleet of light rail vehicles (LRVs) to support the Link light rail system expansion goal as part of Sound Transit 3: The Regional Transit System Plan for Central Puget Sound (Sound Transit 3). The facility will include the OMF building, Maintenance of Way (MOW) building, the Link System-Wide Storage building, OMF tracks that provide staging for LRVs, parking (480 spaces), training tracks, and yard areas. The Project also involves construction of new mainline track (1.4 miles), a 0.9-mile test track running parallel to the mainline tracks, and a tail track connecting the facility to the light rail system.

Final agency actions: Section 106 no adverse effect determination, dated October 31, 2023; Section 4(f) *de minimis* impact determination, dated October 31, 2023; and Operations and

Maintenance Facility South Record of Decision (ROD), dated August 7, 2024.

Supporting documentation:

Operations and Maintenance Facility South Project Final Environmental Impact Statement (FEIS), dated June 7, 2024, and Operations and Maintenance Facility South Project Draft Environmental Impact Statement (DEIS) dated September 22, 2023. The ROD, FEIS, DEIS and associated documents can be viewed and downloaded from: <https://www.soundtransit.org/system-expansion/operations-maintenance-facility-south>.

Authority: 23 U.S.C. 139(l)(1).

Megan Blum,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2024–20190 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2024–0009]

Notice of Proposed Buy America Waiver and Request for Comment

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice; request for comment.

SUMMARY: The Federal Transit Administration (FTA) received a request from the Detroit Transportation Corporation (DTC) for a Buy America nonavailability waiver for the procurement of special trackwork turnout switch components needed to keep the DTC's Elevated Guideway in a state of good repair. FTA is providing notice of the nonavailability waiver request and seeks public comment before deciding whether to grant the request. If granted, the waiver would apply for the switch components identified in the waiver request.

DATES: Comments must be received by September 24, 2024. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments.

Instructions: All submissions must refer to the Federal Transit Administration and the docket number of this notice. Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review

DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT:

Jason Luebbbers, FTA Attorney-Advisor, at (202) 366–8864 or Jason.Luebbbers@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether the FTA should grant a nonavailability waiver for the Detroit Transportation Corporation (DTC) for the procurement of replacement special trackwork turnout switch components (the “switch”).

Background

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless “the steel, iron, and manufactured goods used in the project are produced in the United States.” 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) all of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d).

FTA may waive Buy America requirements for a product if, among other reasons, a compliant version of the product is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B). FTA cannot deny a request for a nonavailability waiver unless it can provide the waiver applicant with a written certification that: the item is produced in the United States in a sufficient and reasonably available amount; the item produced in the United States is of a satisfactory quality; and includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6).

DTC is the owner and operator of the Detroit People Mover, which is the largest municipal rail system in Michigan. It is an automated light rail system that operates twelve rail cars on an elevated single track in a 2.9-mile loop with thirteen passenger stations in Detroit's central business district.

The existing switches were installed as original equipment in 1987 and designed to European standards, using AREMA 115RE rail throughout the turnout with a special EN60E1A1 switch point section. The proper

operation of the switch is essential for the continued, safe operations of DTC vehicles. DTC seeks a waiver for the switch because there are no known domestic manufacturers of the switch. DTC previously sought and received a Buy America waiver from FTA for two replacement switches from Delta Railroad Construction, Inc. (Delta), on April 19, 2016 (81 FR 23077).

On January 19, 2023, DTC issued a request for proposals (RFP) (No. 1–19–2023, for DTC Sub-Package 7), which includes the special track switch described above, and received two responses. Both bidders certified that the switches they could provide would not comply with the FTA Buy America requirements. Following the RFP, DTC submitted a nonavailability waiver request to FTA for the noncompliant switch components. 49 U.S.C. 5323(j)(2) and 49 CFR 661.7(c)(2).

The product that requires a waiver is one pair of EN60E1A1 switch point rails and all appurtenances associated with its installation; four transition head machined rails for connection to frog and turnout rails; and one set of switch point rods consisting of two drive rods and two detector rods. FTA estimates the total cost of goods subject to this proposed waiver is less than \$300,000.

Proposed Waiver

FTA proposes waiving the Buy America requirement for the special trackwork switches DTC seeks to procure under Sub-Package 7. The proposed waiver would apply only to the switch described above that is procured after a notice of final waiver is published. The waiver would not apply to any other products or any other projects besides Sub-Package 7. The proposed waiver would be effective from the effective date of the final waiver through the period of performance and closeout of FTA's financial assistance for the project, which is estimated to be March 30, 2030.

Request for Comment

This notice satisfies FTA's requirement to publish any proposed Buy America waiver in the **Federal Register** and provide the public with a reasonable period of time for notice and comment. 49 U.S.C. 5323(j)(3) and section 70937(b)(1) of the Build America, Buy America Act (Pub. L. 117–58).

FTA seeks public and industry comment from all interested parties. In particular, FTA seeks comment regarding whether the waiver should be approved, and, if so, whether it should be modified from FTA's proposal and

why. Relevant information and comments will help FTA understand completely the facts surrounding the waiver requests and FTA's proposal.

In accordance with Section 70916(c) of the Build America, Buy America Act, FTA will also consult with the Hollings Manufacturing Extension Partnership before approving the proposed waiver.

Veronica Vanterpool,

Acting Administrator.

[FR Doc. 2024–20257 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0053]

Damon Motors Inc.; Receipt of Petition for Temporary Exemption From a Rear Wheel Brake Requirement of FMVSS No. 123

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of a petition for a temporary exemption; request for comment.

SUMMARY: Damon Motors Inc. (Damon) has petitioned the agency for a temporary exemption from a rear wheel brake control requirement of Federal Motor Vehicle Safety Standard (FMVSS) No. 123, Motorcycle controls and displays. The petitioner seeks to install the rear brake control on the left handlebar instead of the right foot control required by FMVSS No. 123. NHTSA is publishing this document in accordance with statutory and administrative provisions and requests comment on the merits of Damon's exemption petition. NHTSA has made no judgment at this time on the merits of the petition.

DATES: You should submit your comments not later than October 9, 2024.

FOR FURTHER INFORMATION CONTACT:

Natasha Reed, Office of the Chief Counsel, NCC–200, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

ADDRESSES: We invite you to submit comments on the application described above. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- *Fax:* 1 (202) 493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 366–9826.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 CFR part 512. All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the

agency under part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you may submit your request via email to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

SUPPLEMENTARY INFORMATION:

I. The Motorcycle Rear Brake Control Requirement in FMVSS No. 123 and Its Purpose

FMVSS No. 123, Motorcycle Controls and Displays, specifies requirements for the location, operation, identification, and illumination of motorcycle controls and displays. The purpose of FMVSS No. 123 is to minimize crashes caused by operator error in responding to the motoring environment by standardizing certain motorcycle controls and displays. Among other requirements, FMVSS No. 123 S5.2.1 (table 1) requires the control for a motorcycle's rear brakes to be located on the right side of the motorcycle and to be operable by the rider's right foot.

In 2005, NHTSA issued a final rule amending FMVSS No. 123 to require scooter-type motorcycles with automatic transmissions (*i.e.*, scooters without a clutch lever) to have a left-hand rear brake control.¹ NHTSA chose not to allow the option of placing the rear brake control on either the left handlebar or right foot pedal, explaining it had concerns that permitting manufacturers to choose between two different arrangements could result in a loss of standardization, as similar or even identical clutchless motorcycles could have different rear brake controls. Further, NHTSA stated that while some commenters asserted such an outcome would not have any safety consequences, without probative data, the agency believed the goal of standardization was better served via FMVSS No. 123 specifically requiring one brake control location. Thus, the final rule made the left-hand rear brake control a requirement, not an option, on scooter-type motorcycles with automatic transmissions (*i.e.*, without a clutch lever). The final rule continued to require non-scooter motorcycles with combined brake systems to have their single-point control located at the right foot, the required location for the rear brake control. For supplemental rear brake controls, the final rule continued

¹ 70 FR 51286.

to require all non-scooter motorcycles to have a right foot pedal control for rear brakes, with supplemental rear brake control located on the left handlebar if no clutch lever is present.

The subject of Damon's petition is this motorcycle rear brake control. Per the requirements of table 1 of FMVSS No. 123, as a motorcycle, rather than a motor-driven cycle or scooter, Damon's HyperSport must have rear wheel brakes located on the vehicle's right foot control. However, Damon explains in its petition that the rear brake control and advanced safety feature design aspects of its HyperSport motorcycle (including all variants) preclude the vehicle from meeting the requirement for a foot-operated control. Damon indicates that the placement of the rear brake control solely on the left handlebar will provide at least an equivalent level of safety as that required by FMVSS No. 123, pointing to the findings of a motor scooter study and European regulations allowing the placement of the rear brake control on the left handlebar for motor scooters. Damon further states that the absence of a rear brake control at the right foot location does not significantly reduce the motorcycle's level of safety, and that added safety features, including an advanced warning and anti-lock braking system (ABS), actually improve the overall safety of the motorcycle. Damon contends that granting its petition will benefit the public interest by allowing it to introduce for demonstration, development, and field evaluation a new zero emission vehicle with advanced safety features aimed at improving the overall level of safety within the motorcycling industry.

II. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified at 49 U.S.C. chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

The Act authorizes the Secretary to grant a temporary exemption to a vehicle manufacturer under certain conditions. The first relevant condition for this petition request requires a finding that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard. The second relevant condition for this

petition request requires a finding that the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of the vehicle.²

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards*, to implement the statutory provisions concerning temporary exemptions. The requirements in 49 CFR 555.5 state that the petitioner must set forth the basis of the petition by providing the information required under 49 CFR 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of the Safety Act.

A petition on the basis that the exemption would make easier the development or field evaluation of a new motor vehicle safety or impact protection features must include the information specified in 49 CFR 555.6(b). The main requirements of that section include: (1) a description of the safety or impact protection features along with research, development, and testing documentation establishing the innovative nature of such features; (2) an analysis establishing the level of safety or impact protection of the feature is equivalent to or exceeds the level of safety or impact protection established in the standard from which exemption is sought; (3) substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle; and (4) a statement of whether the manufacturer intends to conform to the standard at the end of the exemption period, apply for a further exemption, or petition for rulemaking to amend the standard to incorporate the safety or impact protection features.

A petition on the basis that the exemption would make easier the development or field evaluation of a low-emission motor vehicle must include the information specified in 49 CFR 555.6(c). The main requirements of that section include: (1) substantiation that the vehicle is a low-emission vehicle; (2) documentation establishing that a temporary exemption would not unreasonably degrade the safety of a vehicle; (3) substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle; and (4) a statement of whether the petitioner intends to conform to the standard at the end of the exemption period.

III. Overview of Petition

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, Damon submitted a petition asking the agency for a temporary exemption from the motorcycle rear brake control requirement in FMVSS No. 123 S5.2.1 (table 1). Damon states the requested two-year exemption will allow it to introduce for demonstration, development, and field evaluation the "Hypersport," a multi variant zero-emission motorcycle equipped with advanced safety features aimed at improving the overall level of safety within the motorcycle industry. Damon notes all HyperSport variants are designed to utilize the left handlebar position to control the rear brake, which prevent it from meeting the motorcycle rear brake location requirement in S5.2.1 (table 1) of FMVSS No. 123, which, as described above, requires motorcycle rear wheel brake controls to be located at the rider's right foot.

Damon requests the exemption for 2 years, stating it will not produce more than 2,500 exempted motorcycles within any 12-month period during the exemption. Damon explains it intends to use data gathered through the grant of this petition to submit a petition for rulemaking to reduce the complexity of the regulation at issue and allow manufacturers the ability to locate rear wheel brake controls on either the right foot or left handlebar.

Damon seeks exemption under two alternative bases. The first basis is that an exemption would make the development or field evaluation of a new motor vehicle safety feature easier while providing a safety level at least equal to the safety level of the standard.³ In support of this basis Damon states its design will incorporate several advanced safety features normally only found in the automotive industry to increase rider situational awareness, provide warnings of potential dangers around motorcyclists, and maximize the available rider response time. Damon explains these features include an advanced warning system, anti-lock braking (to reduce the chance of an accident caused by the user's application of excessive braking force), and an adjustable ergonomics system.

Damon states that many of these features are already commonplace in the automotive sector and studies have shown they save lives. However, Damon relays that integrating these systems into motorcycles presents new challenges because the dynamics of the vehicle are

² 49 U.S.C. 30113(b)(3)(B).

³ 49 U.S.C. 30113(b)(3)(B)(ii).

distinct. For example, Damon states that unlike the fixed ergonomics of conventional motorcycles, its adjustable ergonomics system (SHIFT) provides the user more freedom and control for different riding styles. Damon explains that using the left handlebar rear brake position to accommodate and implement this adjustable ergonomics system will be less complex and avoid the challenges of having the foot brake also change position. Further, Damon states that locating SHIFT on the handlebar brake position will allow it more design freedom to optimize bodywork for the vehicle to reduce drag and increase the overall efficiency of the HyperSport.

The second basis is that an exemption would make the development or field evaluation of a low-emission vehicle easier without unreasonably lowering the safety of that vehicle.⁴ In support of this basis, Damon states that its HyperSport qualifies as a low-emission vehicle because no emissions are produced during operation. Damon explains that the HyperSport has an all-electric powertrain.

To demonstrate that the HyperSport meets the minimum safety levels required for an exemption under either 49 CFR 555.6(b)⁵ or 49 CFR 555.6(c),⁶ Damon states that the absence of a rear brake control at the right foot location does not significantly reduce the level of safety afforded to the user, and that the HyperSport's added safety features, including an advanced warning system and ABS, improve the overall level of safety of the motorcycle. Damon states the HyperSport's brake system is designed to surpass the performance requirements of FMVSS No. 122, which measures braking performance. Further, Damon points out that from 1999–2005 NHTSA granted exemptions for motor scooters with rear brake controls on the left handlebar, and that a 2000 Carter Engineering study submitted with a similar petition for exemption found no response-time detriment in moving the rear brake control from the right foot location to the left handlebar. Damon states the study found operators responded 21 percent faster to the braking stimulus with handlebar-mounted rear brake controls.

Damon contends that based on this report there is likely no difference in the physical response time for operators of motorcycles compared to operators of scooters. Damon also points out that motor scooter manufacturers were afforded the opportunity to bring their vehicles to market in support of gathering future data, and that the granting of this petition would allow Damon's HyperSport to do the same. Finally, Damon notes that although FMVSS No. 123 reserves the left handlebar for the clutch lever or as a supplemental position for the rear brake on motorcycles with an automatic transmission, other markets like Europe and Canada allow manufacturers to use the left handlebar for the rear brake control, and that this exemption would promote international harmonization.

IV. Comment Period

The agency seeks comment from the public on the merits of Damon's application for a temporary exemption from the motorcycle rear brake control requirements in paragraph S5.2.1 (table 1) of FMVSS No. 123. The agency has not made any judgment on the merits of the application and is placing a non-confidential copy of the petition in the docket. We are providing a 30-day comment period. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.95 and 501.5.

Sophie Shulman,

Deputy Administrator.

[FR Doc. 2024–20195 Filed 9–6–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket ID Number: DOT–OST–2010–0140]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), as amended, this notice announces the Department of Transportation's (Department or DOT) intention to reinstate Office of Management and Budget (OMB) Control Number 2105–0561 for the collection and posting of certain aviation

consumer protection-related information from U.S. carriers and foreign carriers. The subject information collections relate to requirements in the Code of Federal Regulations (CFR) for the development and auditing of carrier customer service plans, reporting of tarmac delays, display of on-time performance, and the posting of various consumer protection documents on carrier websites. The Control Number expired on August 31, 2024.

DATES: Comments on this notice must be received by October 9, 2024. Interested persons are invited to submit comments regarding this proposal.

ADDRESSES: Written comments and recommendations for the proposed information collection review (ICR) should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular ICR by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Alexa Strong or Hannah Cohen, Office of the Secretary, Office of Aviation Consumer Protection (C–70), U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, at Alexa.Strong@dot.gov or Hannah.Cohen@dot.gov (Email).

Arrangements to receive this document in an alternative format may be made by contacting the above-named individuals.

SUPPLEMENTARY INFORMATION: Title:

Submission of Miscellaneous Information Collection Systems as Required by the Department's Rules to Enhance Airline Passenger Protections.

OMB Control Number: 2105–0561.

On December 30, 2009 and April 25, 2011, the Department issued two rules to enhance airline passenger protections that, among other things, required U.S. and foreign carriers to adopt and audit a customer service plan, retain information regarding tarmac delays, submit data regarding tarmac delays, and post tarmac delay plans, customer service plans, and contracts of carriage on their websites. The 2009 rule also required U.S. carriers that file on-time performance reports under 14 CFR part 234 (“reporting carriers”) to display the on-time performance of domestic flights on their websites. A 2016 rule then expanded the definition of U.S. carriers considered reporting carriers.

On May 3, 2021, the Department issued a rule amending its tarmac delay requirements. Among other things, the rule narrowed the tarmac delay data reporting requirements in 14 CFR part 244 to those delays considered

⁴ 49 U.S.C. 30113(b)(3)(B)(iii).

⁵ The exemption would make easier the development or field evaluation of a new motor vehicle safety or impact protection features providing a safety or impact protection level at least equal to that of the standard.

⁶ The exemption would make the development or field evaluation of a low-emission vehicle easier and would not unreasonably lower the safety or impact protection level of that vehicle.

“excessive tarmac delays” (*i.e.*, those tarmac delays exceeding 3 hours on domestic flights and 4 hours on international flights). The amended rule also required carriers to file a narrative report regarding such tarmac delays and eliminated the requirement to retain the delay information for two years.

Currently, the Department’s Office of Aviation Consumer Protection (OACP) is implementing development of the Aviation Complaint, Enforcement, and Reporting System (ACERS), a database that it intends to require carriers to use when submitting tarmac delay information as required under 14 CFR part 259.¹ After implementation, ACERS will help streamline the process by which OACP receives, reviews, and analyzes the narrative reports submitted by carriers.

The PRA and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices, a 60-day notice followed by a 30-day notice, seeking public comment on information collection activities before OMB may approve paperwork packages. On May 21, 2024, the Department published a 60-day notice in the **Federal Register** soliciting comment on the information collections for which it is seeking OMB approval. *See* 89 FR 44758 (May 21, 2024). The Department received no comments after issuing this notice. Accordingly, the Department announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

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 if the collection of information does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6. Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after

the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

This notice addresses five information collection requirements set forth in the Department’s airline passenger protection rules: (1) posting of tarmac delay plans, customer service plans, and contracts of carriage on carrier websites, (2) submission of a narrative report regarding tarmac delays that last over three hours for domestic flights and four hours for international flights, (3) adoption and audit of customer service plans and retention of results, (4) display of on-time performance data on carrier websites, and (5) submission of a data report for tarmac delays that last over three hours for domestic flights and four hours for international flights. It seeks reinstatement of the OMB control number with respect to all information collections set forth in this notice. For each of these information collections, the title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burdens are set forth below:

1. Requirement to post tarmac delay plans, customer service plans, and contracts of carriage on a carrier’s website. (14 CFR 259.2 and 259.6)

Title: Posting of Tarmac Delay Plan, Customer Service Plan, and Contract of Carriage on website.

Respondents: U.S. carriers that operate scheduled passenger or public charter service and foreign air carriers operating scheduled passenger or public charter service to or from the United States, using any aircraft with a designed seating capacity of 30 or more seats. Applicable to U.S. carriers that have a website and foreign carriers that have a website marketed toward U.S. consumers.

Estimated Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers.

Estimated Total Burden on Respondents: 143 hours (8,580 minutes, average of 55 minutes per carrier to post plans and contracts of carriage on website). The burden calculation accounts for additional time carriers may spend updating the contents of their customer service plans to comply with recent amendments to 14 CFR

259.5, which the Department anticipates will be a one-time update for carriers.² *See* 89 FR 32760 (April 26, 2024) (required carrier customer service plans (1) to disclose that consumers are entitled to a refund if this is the case when offering travel credits, vouchers, or other compensation in lieu of refunds, and to disclose any material restrictions, conditions, or limitations on travel credits, vouchers, or other compensation offered, regardless of whether consumers are entitled to a refund and (2) to include a statement regarding compliance with the requirements of part 262 regarding vouchers for consumers in circumstances relating to serious communicable diseases).

Frequency: One time per respondent.

2. Requirement to file a narrative report with OACP of each flight that experiences a tarmac delay of more than three hours (domestic flights) and more than four hours (international flights) (14 CFR 259.4(g)).

Title: Reporting of Tarmac Delays in a Narrative Format That Complies with 49 U.S.C. 42301(h).

Respondents: U.S. Carriers that operate scheduled passenger service or public charter service using any aircraft with 30 or more seats, and foreign air carriers that operate scheduled passenger or public charter service to and from the United States using any aircraft with 30 or more seats.

Estimated Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers.

Estimated Annual Burden on Respondents: 2 hours per report for U.S. carriers and 4 hours per report for foreign carriers. The expected burden per U.S. carrier is between 0 and 147 reports per year, and the expected burden per foreign carrier is between 0 and 2 reports per year (based on the highest annual number of tarmac delays experienced by a single U.S. and foreign carrier from 2022 and 2023), or 0.0 to 294.0 hours of burden per U.S. carrier and 0.0 to 8.0 hours of burden per foreign carrier.

Estimated Total Annual Burden: Based on the average number of tarmac delay reports filed with OACP by each type of carrier from 2022 through 2023, 358 reports for U.S. carriers and 10 reports for foreign carriers, or a total of 756 hours (358 reports multiplied by 2 hours per report for U.S. carriers, and 10

¹ OMB control number 2105–0568, which expires August 31, 2027, addresses the information collection relating to carriers uploading documents to ACERS.

² The burden hours for this information collection were previously 15 minutes per carrier. The burden hours have been increased to 55 minutes per carrier to account for additional time carriers may need to update their customer service plans prior to posting them on their websites.

reports multiplied by 4 hours for foreign carriers).

Frequency: One report per respondent for each tarmac delay.

3. Requirement that certain U.S. and foreign air carriers adopt a Customer Service Plan and retain for two years the results of its annual self-audit of its compliance with its Customer Service Plan. (14 CFR 259.2 and 259.5)

Title: Adopting a Customer Service Plan and Retaining Self-audit of Customer Service Plan.

Respondents: U.S. carriers that operate scheduled passenger service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the United States using any aircraft with a designed seating capacity of 30 or more seats.

Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers.

Estimated Annual Burden on Respondents: 15 minutes per year for each respondent. The estimate was calculated by multiplying the estimated time for carriers to maintain an updated Customer Service Plan and to retain a copy of the carrier's self-audit of its compliance with its Customer Service Plan by the number of audits per carrier in a given year (1). The initial costs of adopting a Customer Service Plan are not included in this estimate as most covered carriers initially adopted such plans when the requirement was promulgated in 2009 (for U.S. carriers) and 2011 (for foreign carriers).

Estimated Total Annual Burden: A maximum of 39 hours (2,340 minutes) for all respondents. The estimate was calculated by multiplying the time in a given year for each carrier to maintain an updated Customer Service Plan and to retain a copy of its self-audit of its compliance with its Customer Service Plan (15 minutes) by the total number of covered carriers (156 carriers).

Frequency: One information set to maintain and retain per year for each respondent.

4. Requirement that each large U.S. carrier display on its website, at a point before the consumer selects a flight for purchase, the following information for each listed flight regarding its on-time performance during the last reported month: The percentage of arrivals that were on time (within 15 minutes of scheduled arrival time), the percentage of arrivals that were more than 30 minutes late (with special highlighting if the flight was more than 30 minutes late more than 50 percent of the time), and the percentage of flight cancellations if the flight is cancelled more than 5% of the time. In addition,

the requirement that a marketing/reporting carrier display delay data for its non-reporting codeshare carrier(s). (14 CFR 234.11)

Title: Displaying On-time performance Information on Carrier website.

Respondents: U.S. carriers that operate scheduled passenger service that account for at least 0.5 percent of domestic scheduled passenger revenue and that market flights directly to consumers via a website.

Number of Respondents: 15 carriers.

Estimated Annual Burden on Respondents: 2 hours per month (24 hours annually) to cover both updates of a carrier's own delay data and updates of code-share delay data.

Estimated Total Annual Burden: No more than 360 hours (21,600 minutes) a year for all respondents. The estimate was calculated by multiplying the total number of hours per carrier per year for management of data links (24) by the number of covered carriers (15).

Frequency: Updating information for each flight listed on website 12 times per year (1 time per month) for each respondent (for both a carrier's own delay data and code-share delay data).

5. Requirement that carriers report certain tarmac delay data to BTS for each tarmac delay exceeding 3 Hours (for domestic flights) and exceeding 4 Hours (for international flights) (14 CFR 244.3)

Title: Reporting Tarmac Delay Data to BTS for Tarmac Delays Exceeding 3 Hours (for Domestic Flights) and 4 Hours (for International Flights).

Respondents: U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with 30 or more seats, and foreign air carriers that operate scheduled passenger or public charter service to and from the United States using any aircraft with 30 or more seats.

Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers.

Estimated Annual Burden on Respondents: 30 minutes per report filed. The expected burden per U.S. carrier is between 0 and 147 reports per year, and the expected burden per foreign carrier is between 0 and 2 reports per year (based on the highest and lowest number of reports submitted by each individual U.S. and foreign carrier from 2022 and 2023), or 0.0 to 73.5 hours of burden per U.S. carrier and 0.0 to 1.0 hours of burden per foreign carrier.

Estimated Total Annual Burden: Based on an average number of tarmac delays reported to BTS for 2022 and 2023, the estimated annual burden is 368 reports for U.S. carriers and foreign

carriers, or a total of 184 hours (368 reports multiplied by 30 minutes per report).

Frequency: One report per respondent for each tarmac delay.

We invite comments on (a) whether the collection of information is necessary for the proper performance of the functions of DOT, including whether the information will have practical utility; (b) the accuracy of DOT's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.26, 1.27, 1.48 and 1.49; DOT Order 1351.29.

Issued in Washington, DC.

Livagh Chapman Jr.,
Deputy Assistant General Counsel, Office of Aviation Consumer Protection.

[FR Doc. 2024-20260 Filed 9-6-24; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to the Plan-Specific Substitute Mortality Tables for Determining Present Value

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the 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 IRS is soliciting comments concerning the burden related to the Plan-Specific Substitute Mortality Tables for Determining Present Value.

DATES: Written comments should be received on or before November 8, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés García, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, “OMB Number: 1545–2073—Public Comment Request Notice” in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Plan-Specific Substitute Mortality Tables for Determining Present Value.

OMB Number: 1545–2073.

Document Number: TD 10005, RP 2024–32.

Abstract: Section 412 of the Internal Revenue Code (Code) prescribes minimum funding requirements for defined benefit pension plans. Section 430 specifies the minimum funding requirements that apply generally to defined benefit plans that are single-employer plans (that is, not multiemployer plans). Revenue Procedure 2024–32 updates the procedures set forth in Rev. Proc. 2017–55 to reflect the amendments to § 1.430(h)(3)–2 made by TD 10005.

Current Actions: There are no changes to the burden previously approved by OMB. This request is to extend the current approval for another 3 years.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Number of Respondents: 15.

Estimated Time per Respondent: 267 min.

Estimated Total Annual Burden Hours: 4,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 4, 2024.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2024–20265 Filed 9–6–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request

AGENCY: Departmental Offices; Department of the Treasury.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for extension approval by the Office of Management and Budget. The Office of International Affairs of the Department of the Treasury is soliciting comments concerning extension without change of the following form: Treasury International Capital Form D, “Report of Holdings of, and Transactions in, Financial Derivatives Contracts with Foreign Residents”. The report is mandatory.

DATES: Written comments should be received on or before November 8, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 1050, 1500 Pennsylvania Avenue NW, Washington, DC 20220. In view of possible delays in mail delivery, please also notify Mr. Wolkow by email (comments2TIC@treasury.gov), or by telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT:

Copies of the proposed form and instructions are available on the Treasury’s TIC Forms web page, TIC D Form and Instructions | U.S. Department of the Treasury. Requests for additional information should be directed to Mr. Wolkow (comments2TIC@treasury.gov) or (202–622–1276).

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form D, “Report of Holdings of, and Transactions in, Financial Derivatives Contracts with Foreign Residents.”

OMB Control Number: 1505–0199.

Abstract: Form D is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128), and is designed to collect timely information on international portfolio capital movements. Form D is a quarterly report on holdings and transactions in derivatives contracts undertaken between foreign resident counterparties and major U.S.-resident participants in derivatives markets. This information is used by the U.S. Government in the formulation of international financial and monetary policies and for the preparation of the U.S. balance of payments accounts and the U.S. international investment position.

Current Actions: No changes in the form or instructions are being proposed at this time. Some clarifications and format changes may be made to improve the instructions.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form D (1505–0199).

Estimated Number of Respondents: 29.

Estimated Average Time per Respondent: Average 30 hours per respondent per filing.

Estimated Total Annual Burden Hours: 3,480 hours, based on 4 reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The

public is invited to submit written comments concerning: (a) whether Form D is necessary for the proper performance of the functions of the Office, including whether the information will have practical uses; (b) the accuracy of the above estimate of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation, maintenance and purchase of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Reporting Systems.

[FR Doc. 2024–20212 Filed 9–6–24; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0503]

Agency Information Collection Activity: Veterans Mortgage Life Insurance-Change of Address Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before November 8, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–632–8924, nancy.kessinger@va.gov.

VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of

Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Mortgage Life Insurance Change of Address Statement (VA Form 29–0563).

OMB Control Number: 2900–0503. <https://www.reginfo.gov/public/do/PRAsearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Extension of a currently approved collection.

Abstract: The Veterans Mortgage Life Insurance Change of Address Statement solicits information needed to inquire about a veteran's continued ownership of the property issued under Veterans Mortgage Life Insurance when an address change for the veteran is received. The information obtained is used in determining whether continued Veterans Mortgage Life Insurance coverage is applicable since the law granting this insurance provides that coverage terminates if the veteran no longer owns the property. The information requested is required by law, 38 U.S.C. 2106. This form expired due to high volume of work and staffing changes.

Affected Public: Individuals and households.

Estimated Annual Burden: 8 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 100.

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

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–20243 Filed 9–6–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0154]

Agency Information Collection Activity: Application for VA Education Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before November 8, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–632–8924, nancy.kessinger@va.gov.

VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for VA Education Benefits, VA Form 22–1990; Application for Family Member to use

Transferred Benefits, VA Form 22–1990E; Application for VA Benefits under the National Call to Service Program, VA Form 22–1990N.

OMB Control Number: 2900–0154.
<https://www.reginfo.gov/public/do/PRASearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: Applicants complete and submit the Application for Education

Benefits, VA Form 22–1990; National Call to Service (NCS), VA Form 22–1990N, or the Transfer of Entitlement (TOE), VA Form 22–1990E to file their claim for VA education benefits, which all have different eligibility requirements. The information requested on each of these forms helps VA to determine the applicant's eligibility to education benefits.

Affected Public: Individuals and Households.

Estimated Annual Burden: 36,458 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 145,834.

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

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–20208 Filed 9–6–24; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 89

Monday,

No. 174

September 9, 2024

Part II

Pension Benefit Guaranty Corporation

Privacy Act of 1974; Systems of Records; Notice

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; Systems of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of modified systems of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the Pension Benefit Guaranty Corporation (PBGC) is proposing numerous amendments to all system of records notices (SORN). There are amendments affecting multiple SORNs and amendments to specific SORNs.

DATES: Comments must be received on or before October 9, 2024 to be assured of consideration. The new systems of records described herein will become effective October 9, 2024, without further notice, unless comments result in a contrary determination and a notice is published to that effect.

ADDRESSES: You may submit written comments to PBGC by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the website instructions for submitting comments.

- *Email:* reg.comments@pbgc.gov. Refer to SORN in the subject line.

- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC, 20024–2101.

Commenters are strongly encouraged to submit comments electronically. Commenters who submit comments on paper by mail should allow sufficient time for mailed comments to be received before the close of the comment period.

All submissions must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and reference this notice. Comments received will be posted without change to PBGC's website, <http://www.pbgc.gov>, including any personal information provided. Do not submit comments that include any personally identifiable information or confidential business information. Copies of comments may also be obtained by writing to the Disclosure Division, (disclosure@pbgc.gov), Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC, 20024–2101; or calling 202–229–4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT:

Shawn Hartley, Chief Privacy Officer, Pension Benefit Guaranty Corporation, Office of the General Counsel, 445 12th Street SW, Washington, DC, 20024–2101, 202–229–6321. For access to any of PBGC's systems of records, write to the Disclosure Division, (disclosure@pbgc.gov), Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC, 20024–2101, or by calling 202–229–4040 during normal business hours, or go to <https://www.pbgc.gov/about/policies/pg/privacy-at-pbgc/system-of-records-notices>.

SUPPLEMENTARY INFORMATION: PBGC is removing the Prefatory Statement of General Routine Uses and merging all pertinent General Routine Uses from the Prefatory Statement of General Routine Uses into their respective Routine Uses sections of the following: PBGC–1, Congressional Correspondence; PBGC–2, Disbursements; PBGC–3, Employee Payroll, Leave and Attendance Records; PBGC–6, Plan Participant and Beneficiary Data—PBGC; PBGC–8, Employee Relations Files; PBGC–9, Unclaimed Retirement Funds; PBGC–10, Administrative Appeals File; PBGC–11, Call Detail Records; PBGC–12, Personnel Security Investigation Records; PBGC–13, Debt Collection; PBGC–14, My Plan Administration Account Records; PBGC–15, Emergency Notification Records; PBGC–16, People Search; PBGC–19, Office of Negotiations and Restructuring/Office of General Counsel Case Management System—PBGC; PBGC–21, Reasonable Accommodation Records; PBGC–22, Telework and Alternative Worksite Records; PBGC–23, Internal Investigations of Allegations of Harassing Conduct; PBGC–25, *PBGC.GOV* Comment Management System—PBGC; PBGC–26, PBGC Insider Threat and Data Loss Prevention—PBGC; and PBGC–27, Ensuring Workplace Health and Safety in Response to a Public Health Emergency—PBGC. Additionally, PBGC is making numerous administrative updates in all SORNs, to update the citations to the Contesting Records Procedures section and to the Privacy Act of 1974, and to update SORNs 1–3, 6, 8–16, 19, 21–23, and 25–27, to remove the citation to the Prefatory Statement of General Routine Uses and to update the Official Addresses and System Locations. PBGC is proposing to amend the System Names of SORNs 6, 17, 19, 25, 26, 27, 29, and 30. PBGC is proposing to add one routine use to all SORNs: 1–3, 6, 8–16, 19, 21–23, and 25–27. PBGC is proposing to add one

routine use from its Prefatory Statement of General Routine Uses to SORNs 28, 29, and 30. PBGC is proposing to republish all current system of records notices. Amendments to specific SORNs include the following: PBGC is proposing to amend the purpose, categories of individuals and records, record source categories, and the policy and practices for retrieval sections of PBGC–1, Congressional Correspondence; PBGC is proposing to clarify its system managers, a routine use, its practice of storing records in and the purpose of PBGC–2, Disbursements; PBGC is proposing to clarify the categories of records maintained in PBGC–3, Employee Payroll, Leave, and Attendance Records; PBGC is proposing to update the categories of records and record sources in PBGC–6: Plan Participant and Beneficiary Data—PBGC; PBGC is proposing to clarify a routine use and remove the exemption claimed by PBGC–8, Employee Relations Files; PBGC is proposing to add a routine use, update the record source categories, and amend three routine uses in PBGC–9, Unclaimed Retirement Funds; PBGC is proposing to amend the purpose and sources of records in PBGC–10, Administrative Appeals; PBGC is proposing to update the categories of records of PBGC–11, Call Detail Records—PBGC; PBGC is proposing to update the purpose of the system of records, update record sources, amend three routine uses, and a two routine uses to PBGC–12, Personnel Security Investigation Records; PBGC is proposing to update the system location and categories of records for PBGC–14, My Plan Administration Account Records—PBGC; PBGC is proposing to amend a routine use in PBGC–15, Emergency Notification Records; PBGC is proposing to update the purpose, categories of individuals, and categories of records to PBGC–17, Office of Inspector General Investigative Filing System; PBGC is proposing to update the categories of records for PBGC–19, Office of Negotiations and Restructuring/Office of General Counsel Case Management System—PBGC; PBGC is proposing to amend the system name, amend the categories of individuals, amend the categories of records, amend the record sources, update one routine use, and add two routine uses in PBGC–22, Telework and Alternative Worksite Records; PBGC is proposing to amend the name of the system of records, update the owner of the system of records, update the category of records and add one routine uses to PBGC–23, Internal Investigation of Allegations of

Harassing Conduct; PBGC is proposing to amend the name of the system of records and update the owner of the system of records for PBGC-25, *PBGC.GOV* Comment Management System—PBGC; and, PBGC is proposing to amend the categories of records section of PBGC-29, Freedom of Information Act and Privacy Act Request Records—PBGC.

(1) *At the direction of the Office of Information and Regulatory Affairs, PBGC is merging all pertinent General Routine Uses from the Prefatory Statement of General Routine Uses into the Routine Uses sections of SORNs 1-3, 6, 8-16, 19, 21-23, and 25-27.*

At the direction of the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA), PBGC is proposing to merge and list all pertinent General Routine Uses from the Prefatory Statement of General Routine Uses, last published at 83 FR 6247 (Feb. 13, 2018), into the routine uses sections of the system of records notices (SORNs) 1-3, 6, 8-16, 19, 21-23, and 25-27. PBGC will merge the General Routine Uses cited in each SORN in their most recent publication into the routine uses section of each SORN.

Additionally, as it merges General Routine Uses 4 and 5 into the SORNs, PBGC is incorporating OIRA's suggested language to clarify that any disclosures must be relevant and necessary to litigation. As it merges General Routine Use 14 into the SORNs, PBGC is rewriting the language to conform to OMB Memorandum A-130. All additional revisions will be incorporated into the merger of routine uses and renumbered accordingly.

(2) *PBGC is removing the Prefatory Statement of General Routine Uses.*

PBGC is proposing to removing the Prefatory Statement of General Routine Uses due to the merger of General Routine Uses into each SORN discussed in Section 1.

(3) *PBGC is proposing, in all SORNs, to update the citations to the Contesting Records Procedures section and to the Privacy Act of 1974, and to update SORNs 1-3, 6, 8-16, 19, 21-23, and 25-27, to remove the citation to the Prefatory Statement of General Routine Uses and to update the Official Addresses and System Locations.*

When PBGC reviewed and revised its SORNs in 2018, it omitted the citation to its regulations explaining the process to contest information contained in records maintained by PBGC. PBGC is adding the citation to 29 CFR 4902.5 to the Contesting Records Procedures section of all its SORNs. Additionally, upon review, it was noticed that the

Routine Uses section of all SORNs contained a citation error. PBGC is amending the Privacy Act citation in the Routine Uses section of all its SORNs, changing it from 5 U.S.C. 522a(b) to 5 U.S.C. 552a(b). Additionally, PBGC is removing all citations to PBGC's Prefatory Statement of General Routine Uses in SORNs 1-3, 6, 8-16, 19, 21-23, and 25-27 to reflect that General Routine Uses were merged at the direction of OIRA. Lastly, PBGC is updating the Official Addresses of SORNs 1-3, 6, 8-16, 19, 21-23, and 25-27 to reflect PBGC's new Headquarters location and/or system locations where applicable.

(4) *PBGC is proposing to amend the System Names of SORNs 6, 17, 19, 25, 26, 27, 29, and 30.*

PBGC is amending the System Names to remove a naming convention formerly installed with previous publications. Thus, in SORNs 6, 17, 25, 26, 27, 29, and 30, PBGC will remove “—PBGC” from the System Names.

(5) *PBGC is proposing to add one routine use to all SORNs: 1-3, 6, 8-16, 19, 21-23, and 25-27.*

Additionally, PBGC is adding a new routine use that will read: “To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General (OIG) conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.” Pursuant to the Inspector General Empowerment Act of 2016, an Inspector General or an agency, in coordination with an Inspector General, may conduct a computerized comparison of two or more automated system of records or a comparison of a Federal system of records with other records or non-Federal records without it creating a matching program as defined by the Computer Matching and Privacy Protection Act, as amended. PBGC's Inspector General requested that PBGC create a new routine use to reflect that information contained in a PBGC system of records may be used in a computerized comparison of two or more system of records or with non-Federal records in coordination with the OIG conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended. The new routine use will be numbered in each SORN accordingly.

(6) *PBGC is proposing to add one routine use from its Prefatory Statement of General Routine Uses to SORNs 28, 29, and 30.*

During its review since their last publication, PBGC determined that it

inadvertently left out a General Routine Use 14 from its Prefatory Statement of Routine Uses in SORNs: 28, 29, and 30. The new routine use will be numbered in each SORN accordingly and will read “To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.”

(7) *PBGC is proposing to republish all current system of records notices.*

PBGC annually reviews all system of records notices and attempts to republish them biennially. SORNs 6, 17, 19, 21, 27, 28, 29, and 30 have been published separately within the past four years. There have been minor corrections, changes in system owners due to internal agency realignments, and administrative changes for consistency in the existing system of records notices since then. As such, PBGC proposes to republish all current system of records notices in order to clarify and consolidate information into one publication.

(8) *PBGC is proposing to amend the purpose, categories of individuals, categories of records, record sources, and the policy and practices for retrieval of PBGC-1, Congressional Correspondence.*

PBGC is proposing two amendments to this SORN.

First, PBGC is proposing to amend the Purpose of the System, Categories of Individuals Covered by the System, Categories of Records in the System, and Record Source Categories sections to reflect inquiries may contain correspondence from the Executive Office of the President of the United States.

Second, PBGC is proposing to amend the Policies and Practices for Retrieval of Records section in PBGC-1: Congressional Correspondence (last published at 83 FR 6253 (February 13, 2018)) to reflect an additional retrieval method. The current wording of “Name” will be altered to “Records are retrieved by any one or more of the following: name or Record ID Number.”

(9) *PBGC is proposing to clarify the system managers, a routine use, its practice of storing records in, and the purpose of PBGC-2, Disbursements.*

PBGC is proposing four amendments to PBGC-2, Disbursements (last published at 83 FR 6254 (February 13, 2018)). First, PBGC proposes to amend

the Purpose(s) of the System section to that this system is meant for effecting all payments made on behalf of PBGC, not just those made by Treasury, by removing the language “payments made by the Treasury.” Second, the Policies and Practices for Storage of Records section currently states that records may be maintained in paper and/or electronic form. The proposed language clarifies that “Paper records are stored in locked offices and PIV-reader accessed rooms.” Third, PBGC is proposing to add the Office of Benefits Administration as a system owner due to their involvement with effecting benefits payments. Fourth, PBGC is proposing to modify Routine Use 1 (formerly Routine Use 2) to clarify that this system effects payments to all persons.

(10) PBGC is proposing to clarify the categories of records maintained in PBGC–3, Employee Payroll, Leave, and Attendance Records.

PBGC is proposing to add language to PBGC–3: Employee Payroll, Leave, and Attendance Records (last published at 83 FR 6254 (February 13, 2018)) to clarify what health information is maintained in the system of records. The proposed language will read, “health information related to FMLA requests.”

(11) PBGC is proposing to update the categories of records and record source categories in PBGC–6: Plan Participant and Beneficiary Data—PBGC

PBGC is proposing two amendments to this SORN. First, PBGC will add language to the Categories of Records in the System section of PBGC–6: Plan Participant and Beneficiary Data (last published at 87 FR 79002 (December 23, 2022)) stating that the system may include user attributes received from *Login.gov* for user authentication. Second, PBGC will add the General Services Administration as a record source in the Record Source Categories section and remove “PBGC Field Offices” for administrative updates.

(12) PBGC is proposing to remove the exemption claimed by PBGC–8, Employee Relations Files and update a routine use.

PBGC is proposing two amendments to this SORN. First, PBGC is proposing to remove the exemption claimed pursuant to 5 U.S.C. 552a(k)(2) by PBGC–8, Employee Relations Files (last published at 83 FR 6256 (February 13, 2018)). During its review, PBGC determined this exemption was invalid. Second, PBGC is proposing to amend Routine Use 2 (formerly Routine Use 3) to include the fact that information may be shared with an employee’s attorney or union representative.

(13) PBGC is proposing to update the record source categories, and amend three routine uses in PBGC–9, Unclaimed Retirement Funds.

PBGC is proposing four amendments to this SORN (last published at 83 FR 6256 (February 13, 2018)).

First, PBGC is proposing to update the Record Source Categories to state that PBGC collects information contained within the system from other Federal agencies, plan administrators, plan sponsors, and insurance companies.

Second, PBGC proposes to amend Routine Uses 2 and 3 (formerly Routine Uses 3 and 4) to reflect that PBGC may disclose records to a labor organization recognized as the collective bargaining representative for participants in a plan (Routine Use 2) or use locator services (Routine Use 3) when it is unable to issue benefit payments because an address cannot be confirmed as current or correct. The new language to be added to Routine Uses 2 and 3 will read: “or PBGC is unable to make benefit payments to those participants, beneficiaries, and alternate payees because the address on file is unable to be confirmed as current or correct.”

Third, PBGC proposes to amend Routine Use 4 (formerly Routine Use 5). The Office of Benefits Administration requests that PBGC amend Routine Use 5 to reflect that a contract that binds the licensee of the Postal Service must reference the civil and criminal penalties of the Privacy Act. Upon its review of the current Routine Use, PBGC determined that the parameters of the Routine Use only required reference to the criminal penalties, and both are needed.

Fourth, PBGC proposes updating Routine Use 6 (formerly Routine Use 7) to reflect that the forum for publishing information from this SORN will be *PBGC.GOV*. The clarifying language will read “Should PBGC disclose information under this routine use, it may be disclosed to the public by publishing on *PBGC.GOV* website.”

Note that the numbering changes to the Routine Uses discussed above result from deleting the current Routine Use 1. Routine Use 1 incorporates some of the current General Routine Uses. As discussed elsewhere in this document, PBGC, at the direction of OIRA, is incorporating relevant General Routine Uses into each of its SORNs and therefore revoking its General Routine Uses. Routine Use 1 is thus no longer needed.

(14) PBGC is proposing to amend the purpose and sources of records in PBGC–10, Administrative Appeals.

PBGC is proposing two amendments to PBGC–10, Administrative Appeals

(last published at 83 FR 6260 (February 13, 2018)). First, PBGC is proposing to update the Purpose of the System section to clarify “The purpose of this system is to catalog, review, and respond to administrative appeals of PBGC determinations (such as plan, benefit, qualified domestic relations order, payment, and liability determinations) by plan participants, beneficiaries and employers.” Second, PBGC is proposing to amend the Record Source Categories section to specify that PBGC may receive records from an individual’s attorney or other authorized representative.

(15) PBGC is proposing to update the categories of records and record sources of PBGC–11, Call Detail Records

PBGC is proposing to amend the Categories of Records and Record Source Categories sections of PBGC 11: Call Detail Records (last published at 83 FR 6261 (February 13, 2018)) to clarify that the system of records may include records from PBGC-issued communications devices or communications software on PBGC-issued computers, portable electronic devices, or desktop telephones, used to send communications internally within or externally from PBGC and used to receive communications internally within or externally from PBGC, and records indicating the assignment of PBGC-issued communications devices or communications software to PBGC employees.

(16) PBGC is proposing to update the purpose of the system of records, update the record sources, amend three routine uses, and add a routine uses to PBGC–12, Personnel Security Investigation Records.

PBGC proposes five amendments to PBGC–12, Personnel Security Investigation Records (last published at 83 FR 6262 (February 13, 2018)).

First, PBGC proposes to amend the Purposes of the System section to state that records may be used for insider threat investigations and to include PBGC’s participation in the National Background Investigation Service’s Continuous Vetting process and the Trusted Workforce 2.0 Program.

Second, PBGC proposes to broaden the Record Source Categories section to reflect all personnel forms or security forms used in connection with background checks.

Third, PBGC proposes amending Routine Uses 1, 2, and 9 (formerly Routine Uses 2, 3, and 10) to remove references to the Office of Personnel Management (OPM), which no longer conducts background investigations for suitability determinations. PBGC proposes replacing references to OPM

with “the Federal agency conducting background investigations.”

Fourth, PBGC proposes to amend Routine Use 2 (formerly Routine Use 3) to include “the Federal agency conducting background investigations” to reflect the fact the agency may need to provide documentation to that agency to complete the investigation.

Fifth, PBGC proposes a new routine use to reflect that information maintained in this system of records may be disclosed to PBGC’s Insider Threat Program in conjunction with an investigation or inquiry. New Routine Use 13 will read: “To provide information to PBGC’s Insider Threat Program in conjunction with determining the severity of the risk, if any, posed by an employee or contractor.”

Note that the numbering changes to the Routine Uses discussed above result from deleting the current Routine Use 1. Routine Use 1 incorporates some of the current General Routine Uses. As discussed elsewhere in this document, PBGC, at the direction of OIRA, is incorporating relevant General Routine Uses into each of its SORNs and therefore revoking its General Routine Uses. Routine Use 1 is thus no longer needed.

(17) PBGC is proposing no additional updates to PBGC–13, Debt Collection

Other than what has been detailed in Sections 1–7, there are no additional updates to this SORN.

(18) PBGC is proposing to update the system location, record sources, and categories of records for PBGC–14, My Plan Administration Account Records.

PBGC is proposing three amendments to PBGC–14, My Plan Administration Account Records (last published at 83 FR 6272 (February 13, 2018)). First, PBGC is proposing to amend the System Location section to reflect that records may be stored in the Oracle Service Cloud. Second, PBGC proposes to amend the Categories of Records section to include user attributes received from *Login.gov* for user authentication. Third, PBGC will add the General Services Administration as a record source in the Record Source Categories section for *Login.gov*.

(19) PBGC is proposing to amend a routine use in PBGC–15, Emergency Notification Records.

PBGC is proposing to amend Routine Use 1 (Formerly Routine Use 2) in PBGC–15 (last published at 83 FR 6266 (February 13, 2018)) to include compelling circumstances for disclosure. Amended Routine Use 1 will read “A record in this system of records may be disclosed to family members, emergency medical personnel, or to law

enforcement officials in case of a medical or other emergency involving compelling circumstances affecting the health or safety of the subject individual excepted by 5 U.S.C. 552a(b)(8).

(20) PBGC is proposing no additional amendments to PBGC–16, People Search

Other than what has been detailed in Sections 1–7, there are no additional updates to this SORN.

(21) PBGC is proposing to update the purpose, categories of individuals, and categories of records to PBGC–17, Office of Inspector General Investigative Filing System

PBGC is proposing three amendments PBGC–17 (last republished at 89 FR 3436 (Jan. 18, 2024)).

First, PBGC is amending the Purpose of the System section to be more consistent with wording used in other PBGC SORNs and to correct the name of the Office of the Inspector General (OIG).

Second, PBGC is amending the wording in the first sentence of the Categories of Individuals Covered by the System section to replace “Office of Inspector General” with abbreviation: “OIG.”

Third, PBGC is amending the Categories of Records section to include the following: aliases, telephone and cell phone numbers, physical and mailing addresses, electronic mailing addresses, and any other relevant personal information that is a subject of investigation by the OIG.

(22) PBGC is proposing to update the categories of records and record sources for PBGC–19, Office of Negotiations and Restructuring/Office of General Counsel Case Management System—PBGC

PBGC is proposing to amend the Categories of Records and Record Source Categories sections of PBGC–19 (last published at 86 FR 49061 (Sep. 01, 2021)) to include user attributes received from *Login.gov* for user authentication from the General Services Administration.

(23) PBGC is proposing no additional amendments to PBGC–21, Reasonable Accommodation Records

Other than what has been detailed in Sections 1–7, there are no additional updates to this SORN.

(24) PBGC is proposing to amend the system name, amend the purpose, amend the categories of individuals, amend the categories of records, amend the record sources, update one routine use, and add two routine uses in PBGC–22, Telework and Alternative Worksite Records.

PBGC is proposing several amendments to PBGC–22: Telework and Alternative Worksite Records (last

published at 83 FR 6272 (February 13, 2018)).

First, PBGC is proposing to change the name to “PBGC–22: Remote Work, Telework, and Alternative Worksite Records—PBGC” to reflect the inclusion of remote work program records.

Second, PBGC proposes to add language to the Purpose(s) of the System, Categories of Individuals, Record Source Categories, and Categories of Records sections clarifying that the system includes records relating to the remote work program. Moreover, PBGC proposes to clarify in the Categories of Records section that medical telework is a type of telework and that medical documentation to support the request for medical telework may be contained in the system.

Third, PBGC proposes to amend Routine Use 4 (formerly Routine Use 5) to clarify that records may be disclosed to alternative dispute resolution providers in labor or employment disputes. Routine Use 4 will now read: “A record from this system of records may be disclosed to appropriate third parties contracted by the agency to facilitate mediation or other dispute resolution procedures or programs.”

Fourth, PBGC is also proposing to add a routine use for shipping of information technology equipment to agency personnel. The new Routine Use 5 will read: “A record from this system may be disclosed to the PBGC Information Technology Infrastructure Operations Department (ITIOD) when necessary for the shipping of Government-owned IT equipment to an employee’s approved alternative work location.”

Fifth, PBGC proposes a new routine use—Routine Use 6—for loaning office furniture to agency personnel. It will read “A record from this system may be disclosed to the PBGC Workplace Solutions Department (WSD) when necessary to account for office furniture loaned to an employee for use at their approved alternate work location.”

Note that the numbering changes to the Routine Uses discussed above results from deleting the current Routine Use 1. Routine Use 1 incorporates some of the current General Routine Uses. As discussed elsewhere in this document, PBGC, at the direction of OIRA, is incorporating relevant General Routine Uses into each of its SORNs and therefore revoking its General Routine Uses. Routine Use 1 is thus no longer needed.

(25) PBGC is proposing to amend the name of the system of records, update the owner of the system of records, update the category of records, add one routine use to PBGC–23, Internal

Investigation of Allegations of Harassing Conduct, and remove exemption.

PBGC is proposing five amendments to PBGC–23, Internal Investigation of Allegations of Harassing Conduct (last published at 83 FR 6273 (February 13, 2018)).

First, PBGC proposes to amend the name of the system of records to be more consistent with the body that conducts inquiries into harassment complaints within PBGC. The new system name would be “PBGC–23: Internal Inquiries of Allegations of Harassing Conduct.”

Second, PBGC proposes to amend the system owners to be both the Office of General Counsel’s department director for the General Law and Operations Department and the Human Resources Department, the two departments that conduct inquiries into harassment complaints within PBGC.

Third, PBGC is proposing to update the Categories of Records to reflect that it now includes the “Harassment Inquiry Committee intake form.”

Fourth, PBGC is proposing to add a new routine use to reflect that records may be disclosed to the PBGC Equal Employment Opportunity Office or the Office of Inspector General in the course of their work. Routine Use 2 will read, “Disclosure of information from this system of records may be made to the PBGC Office of Equal Employment Opportunity or the PBGC Office of the Inspector General when related to investigations under their jurisdiction.”

Lastly, PBGC is proposing to remove the exemption claimed pursuant to 5 U.S.C. 552a(k)(2). During its review, PBGC determined this exemption was invalid.

(26) PBGC is proposing to amend the name of the system of records and update the owner of the system of records for PBGC–25, PBGC.GOV Comment Management System—PBGC.

PBGC is proposing two amendments to PBGC–25: PBGC.GOV Comment Management System—PBGC (last published at 83 FR 6274 (February 13, 2018)).

First, PBGC determined that, due to a proposed update to the ownership of the system of records, the name of the system of records should more accurately reflect its meaning. Accordingly, PBGC proposes to amend the name of the system to: “PBGC–25: Comment Management System.”

Second, PBGC proposes to amend the owner of the system of records to the Program Law and Policy Department within the Office of General Counsel.

(27) PBGC is proposing no additional amendments to PBGC–26, PBGC Insider Threat and Data Loss Prevention.

Other than what has been detailed in Sections 1–7, there are no additional updates to this SORN.

(28) PBGC is proposing no additional amendments to PBGC–27, Ensuring Workplace Health and Safety in response to a Public Health Emergency—PBGC.

Other than what has been detailed in Sections 1–5, there are no additional updates to this SORN.

(29) PBGC is proposing no additional amendments to PBGC–28, Physical Security and Facility Access.

Other than what has been detailed in Sections 1–2 and 6–7, there are no additional updates to this SORN.

(30) PBGC is proposing no additional amendments to PBGC–29, Freedom of Information Act and Privacy Act Request Records—PBGC.

PBGC is proposing to amend the Categories of Records section of PBGC–29 (last published at 88 FR 41663 (June 27, 2023)) to include user attributes received from Login.gov for account creation and user authentication.

(31) PBGC is proposing no additional amendments to PBGC–30, Surveys and Complaints—PBGC.

Other than what has been detailed in Sections 1–7, there are no additional updates to this SORN.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written comments on the proposed changes described in this notice. A report has been sent to Congress and the Office of Management and Budget for their evaluation.

Issued in Washington, DC.

Charles Chalmers,

Deputy General Counsel, Pension Benefit Guaranty Corporation.

SYSTEM NAME AND NUMBER:

PBGC–1: Congressional Correspondence.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC, 20024–2101 (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Communications Outreach and Legislative Affairs, PBGC, 445 12th Street SW, Washington, DC, 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained to catalog and respond to correspondence received from members of Congress and their staff on behalf of their constituents, from the Executive Office of the President, its Cabinet and their staff, and from correspondence directed to the Office of the Director of PBGC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the United States Congress and their staff, Congressional constituents, members of the President’s Cabinet and their staff, and individuals who have corresponded with PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of members of Congress, congressional staff, presidential staff, and constituents; addresses; phone numbers; social security numbers; customer identification numbers; email addresses; copies of correspondence received; replies to such correspondence.

RECORD SOURCE CATEGORIES:

Members of Congress and their staff; members of the President’s Cabinet and their staff; correspondents; agency employees preparing responses to incoming correspondence or who generate original correspondence in their official capacities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant

enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

3. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

4. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

5. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

6. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

7. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

8. A record from this system of records may be disclosed to an official

of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

9. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the agency (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

10. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

11. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

12. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

13. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

14. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the

agency (including its information systems, programs, and operations), the Federal Government, or national security.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name or Record ID Number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for congressional correspondence and will be maintained in accordance with General Records Schedule 5.7 Record Items: 050.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the

individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend, in accordance with 29 CFR 4902.5, their records must submit a written request identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–1, Congressional Correspondence (last published at 83 FR 6253 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–2: Disbursements

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101, PBGC Field Offices (Field Benefit Administration), and/or paying agent worksites. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Financial Operations Department, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

Chief of Benefits Administration, Office of Benefits Administration, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 31 U.S.C. 6101 *et seq.*; 31 U.S.C. 9101, *et seq.*; 31 U.S.C. 3716.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for use in determining amounts to be paid and in effecting payments on behalf of PBGC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC Employees; consultants; contractors; vendors; and any other individuals who receive payments from PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Acquisition data for the procurement of goods and services; invoices; payment vouchers; financial information of commercial vendors and government contractors; Electronic Funds Transfer (EFT) information; IP information; cookies (session and persistent); name; address; taxpayer identification number; financial information; bank information; Social Security number; and other information related to the disbursement of funds.

RECORD SOURCE CATEGORIES:

Subject individuals and PBGC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and 5 U.S.C. 552a(b)(3) and:

1. A record from this system of records may be transmitted to the United States Department of the Treasury and/or financial institutions, including entities contracted by PBGC, to effect payments to all persons, to verify all persons eligibility to receive payments, or to fulfill PBGC's requirement pursuant to the Digital Accountability and Transparency Act of 2014.

2. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), or the Government Accountability Office (GAO) when the information is required for program evaluation purposes.

3. A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

4. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for

enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

5. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

6. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

7. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

8. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

9. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

10. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

11. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

12. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

13. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

14. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

15. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

16. To another Federal agency or Federal entity, when information from this system of records is reasonably

necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

17. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network. Paper records are stored in locked offices and PIV-reader accessed rooms.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name, social security number, and taxpayer identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for financial systems and will be maintained in accordance with General Records Schedule 2.4.

Transactional records may be temporary in nature and deleted once payment has been accepted, any action has been completed, superseded, obsolete, or no longer needed. The retention of other records may be discontinued at the completion of the contract, a requisition requiring payment, or upon receipt of the payment itself.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are

maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-2, Disbursements (last published at 83 FR 6254 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-3: Employee Payroll, Leave, and Attendance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101 (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Financial Operations
Division, PBGC, 445 12th Street SW,
Washington, DC 20024-2101.
Director, Human Resources
Department, PBGC, 445 12th Street SW,
Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 29 CFR 825.305; 44 U.S.C. 3101; 5 U.S.C. 301; 5 U.S.C. 5501-5584.

PURPOSE(S):

This system of records is maintained to perform agency functions involving employee, student, and intern leave, attendance, and payments, including determinations relating to the amounts to be paid to employees, the distribution of pay according to employee, student, and intern directions (for allotments to financial institutions, and for other authorized purposes), tax withholdings and other authorized deductions, and for statistical purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former PBGC employees, students, and interns.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel information, such as: names, addresses, phone numbers, social security numbers, employee numbers, dates of birth, notifications of personnel actions; payroll information, such as: allotments and requests, marital status and number of dependents, beneficiary data, child support enforcement order information (which may include the social security numbers of custodian and minor children), debts owed to PBGC, debts owed to the Federal government, garnishments, personal bank account information, direct deposit information, union dues, tax information, other deductions, time and attendance records; co-owner and/or beneficiary of bonds; Thrift Savings Plan information; Flexible Spending Account information; Long Term Care Insurance; awards; retirement information; salary data including pay rate, grade, length of service; health information related to FMLA requests.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisors; timekeepers; Department of the Interior, Interior Business Center; and the Office of Personnel Management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to the United States Department of the Interior, the United States Department of Labor, Social Security Administration, and the United States Department of the Treasury in order to effect payments to current or former PBGC employees, students, and interns.

2. Information regarding current payments due or delinquent repayments owed to PBGC through current and former employees, students, and interns may be shared with the Department of the Treasury for the purposes of offset.

3. Information from this system of records may be disclosed to the Office of Personnel Management pursuant to that agency's responsibility for the evaluation and oversight of Federal personnel management.

4. A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

5. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

6. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee,

the retention of a security clearance, or the letting of a contract.

7. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

8. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

9. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

10. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

11. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

12. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining

representative of PBGC employees in the bargaining unit.

13. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm

14. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

15. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

16. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

17. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

18. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

19. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; employee number; or social security number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for employee systems and will be maintained in accordance with General Records Schedule 2.4.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by

authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-3, Employee Payroll, Leave, and Attendance Records (last published at 83 FR 6256 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-6: Plan Participant and Beneficiary Data.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101, and/or PBGC Field Offices (Field Benefit Administration), plan administrator worksites, and paying agent worksites. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Chief of Benefits Administration, Office of Benefits Administration, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1341, 1342, and 1350; 26 U.S.C. 6103; 44 U.S.C. 3101; 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for use in determining whether participants, alternate payees, beneficiaries, spouses and domestic partners are eligible for benefits under plans covered by the Employee Retirement Income Security Act (ERISA), determining supplemental payments to be paid to those persons by a party other than PBGC, determining the amounts of benefits to be paid, making benefit payments, collecting benefit overpayments, and complying with statutory and regulatory mandates.

Names, addresses, and telephone numbers are used to survey customers to measure their satisfaction with PBGC's benefit payment services and to track (for follow-up) those who do not respond to surveys.

De-identified, aggregated information from this system may be used for research into, and statistical information about, benefit determinations for actuaries and publications.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, alternate payees, beneficiaries, spouses and domestic partners in terminated and non-terminated retirement plans covered by ERISA, and other individuals who contact PBGC regarding benefits they may be owed from PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names; addresses; telephone numbers; email addresses; user name; universally unique identifier (UUID) from Login.gov for account creation and authentication; gender; social security numbers and other Social Security Administration information; tax identification numbers; dates of birth and death; dates of hire, termination, and retirement; salary; employment history; marital status; domestic relations orders; time of plan participation; eligibility status; pay status; benefit data, including records of benefit payments made to participants, alternate payees, and beneficiaries in terminating and terminated retirement plans; powers of attorney; insurance information where plan benefits are provided by private insurers; medical records; disability information; retirement plan names and numbers; correspondence; initial and final PBGC determinations (*see*, 29 CFR 4003.21 and 4003.59); and other records relating to debts owed to the Federal Government.

RECORD SOURCE CATEGORIES:

Plan administrators; participants, spouses, alternate payees, beneficiaries, and other individuals who contact PBGC regarding benefits they may be owed from PBGC; unions; insurance companies; locator services; agents listed on release forms or power of attorneys; the Social Security Administration (SSA); the Federal Aviation Administration (FAA); the General Services Administration (GSA); and other Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system of records may be disclosed to third parties, such as banks, insurance companies, collectively bargained labor organizations, or trustees:

- a. To enable these third parties to make or determine benefit payments, or
- b. To report to the Internal Revenue Service (IRS) the amounts of benefits paid (or required to be paid) and taxes withheld.

2. A record from this system may be disclosed, in furtherance of proceedings under Title IV of ERISA, to a contributing sponsor (or other employer who maintained the plan), including any predecessor or successor, and any member of the same control group.

3. A record from this system may be disclosed, upon request, for a purpose authorized under ERISA, to an official of a labor organization recognized as the current or former collective bargaining representative of the individual about whom a request is made.

4. Payees' names, addresses, telephone numbers, and information related to how PBGC determined that a debt was owed by such payees to PBGC may be disclosed to the Department of the Treasury or a debt collection agency or to collect a claim. Disclosure to a debt collection agency may be made only under a contract issued by the Federal government that binds any such contractor or employee of such contractor to the penalties of the Privacy Act. The information so disclosed will be used exclusively pursuant to the terms and conditions of such contract and will be used solely for the purposes prescribed therein. The contract must provide that the information so disclosed will be returned at the conclusion of the debt collection effort.

5. The name and social security number of a participant employed or formerly employed as a pilot by a

commercial airline may be disclosed to the Federal Aviation Administration to obtain information relevant to the participant's eligibility or continued eligibility for disability benefits.

6. The name of a participant's plan, the actual or estimated amount of a participant's benefit under ERISA, the form(s) in which the benefit is payable, and whether the participant is currently receiving benefit payments under the plan or (if not) the earliest date(s) such payments could commence may be disclosed to the participant's spouse, domestic partner, former spouse, former domestic partner, child, or other dependent solely to obtain a qualified domestic relations order under 29 U.S.C. 1056(d) and 26 U.S.C. 414(p). PBGC will disclose the information only upon the receipt of a written request by a prospective alternate payee, or the alternate payee's representative, that describes the requester's relationship to the participant and states that the information will be used solely to obtain a qualified domestic relations order under state domestic relations law. PBGC will notify the participant of any information disclosed to a prospective alternate payee or their representative under this routine use.

7. Information from an initial benefit determination under 29 CFR 4003 (excluding the participant's address, telephone number, social security number, and any sensitive medical information) may be disclosed to an alternate payee, or their representative, under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414, *et seq.*, to explain how PBGC determined the benefit due the alternate payee so that the alternate payee can pursue an administrative appeal of the benefit determination under 29 CFR 4003, *et seq.* PBGC will notify the participant of the information disclosed to an alternate payee or their representative under this routine use.

8. Information from an alternate payee's initial benefit determination under 29 CFR 4003.1 (excluding the alternate payee's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant, or their representative, under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414(p) to explain how PBGC determined the benefit due to the alternate payee so that the participant may pursue an administrative appeal of the benefit determination under 29 CFR 4003, *et seq.* PBGC will notify the alternate payee of the information

disclosed to a participant or their representative under this routine use.

9. Information used in calculating the benefit, or share of the benefit, of a participant or alternate payee (excluding the participant's or alternate payee's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant or an alternate payee, or their representative, when (a) a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414(p) affects the calculation of the benefit, or share of the benefit, of the participant or alternate payee; and (b) the information is needed to explain to the participant or alternate payee how PBGC calculated the benefit, or share of the benefit, of the participant or alternate payee. PBGC will notify the participant or the alternate payee, or their representative, as appropriate, of the information disclosed to the participant or the alternate payee, or their representative, under this routine use.

10. The names, addresses, social security numbers, dates of birth, and the pension plan name and number of eligible PBGC pension recipients may be disclosed to the Department of the Treasury and the Department of Labor to implement the income tax credit for health insurance costs under 26 U.S.C. 35 and the program for advance payment of the tax credit under 26 U.S.C. 7527.

11. Names, addresses, social security numbers, and dates of birth of eligible PBGC pension recipients residing in a particular state may be disclosed to the state's workforce agency if the agency received a National Dislocated Worker Grant from the Department of Labor under the Workforce Innovation and Opportunity Act of 2014 to provide assistance and support services for state residents under 29 U.S.C. 3225.

12. Payees' names, social security numbers, and dates of birth may be provided to the Department of the Treasury's Bureau of the Fiscal Service, the Social Security Administration, the Internal Revenue Service, or a third party with whom PBGC has a contractual relationship, to verify payees' eligibility to receive payments.

13. Names and social security numbers of participants and beneficiaries may be provided to the Department of the Treasury, the Department of the Treasury's financial agent, and the Federal Reserve Bank for the purpose of learning which of PBGC's check payees have electronic debit card accounts used for the electronic deposit of Federal benefit payments, for establishing electronic debit card

accounts for eligible participants and beneficiaries, and for administering payments to participants and beneficiaries who have selected this method of payment.

14. Information relating to revocation of a power of attorney may be disclosed to the former agent that was named in the revoked power of attorney.

15. With the exception of third-party social security numbers, all beneficiary information contained in the participant file (such as: names, addresses, phone numbers, email addresses and dates of birth) provided by the subject of the record may be disclosed to the subject of the record, upon written request to the Disclosure Officer in accordance with the Record Access Procedure outlined below.

16. Names, social security numbers, last known addresses, dates of birth and death, amount of benefit, plan name, plan EIN/PIN number, name of plan sponsor, and the city and state of the plan sponsor of plan participants and beneficiaries may be disclosed to third parties, with whom PBGC has a contractual relationship, that provide locator services (including credit reporting agencies, debt collection firms, or other Federal agencies) to locate participants and beneficiaries. Such information will be disclosed only if PBGC has no address for an individual, if mail sent to the individual at the last known address is returned as undeliverable, if PBGC has been unable to make benefit payments to those participants, beneficiaries, and alternate payees because the address on file is unable to be confirmed as current or correct or if PBGC has been otherwise unsuccessful at contacting the individual. Disclosure may be made only under a contract that subjects the firm or agency providing the service and its employees to the civil and criminal penalties of the Privacy Act. The information so disclosed will be used exclusively pursuant to the terms and conditions of such contract and will be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed must be returned or destroyed at the conclusion of the locating effort.

17. Names and addresses may be disclosed to licensees of the United States Postal Service (USPS) to obtain current addresses under the USPS's National Change of Address Linkage System (NCOA). Disclosure may be made only under a contract that binds the licensee of the Postal Service and its employees to the civil and criminal penalties of the Privacy Act. The contract must provide that the records disclosed by PBGC will be used

exclusively for updating addresses under NCOA and must be returned to PBGC or destroyed when the process is completed. The records will be exchanged electronically in an encrypted format.

18. Names, social security numbers, last known addresses, dates of birth and death, employment history, and pay status of individuals covered by legal settlement agreements involving PBGC may be disclosed to entities covered by or created under those agreements.

19. A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

20. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

21. A record from this system of records may be disclosed to a federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

22. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

23. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her

individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

24. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

25. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

26. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

27. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

28. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

29. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the

extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

30. To disclose information to a federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

31. To another federal agency or federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

32. To Another Agency or Non-Federal Entity in Connection with an OIG Audit, Investigation, or Inspection: To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; social security number; customer identification number; address; date of birth; or date of death.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in

accordance with PBGC Records Schedule Item 2.1: Plan, Participant, and Insurance Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

Paper and electronic records that contain Federal Tax Information are stored under procedures that meet IRS safeguarding standards, as reflected in IRS Publication 1075, and are kept in file folders in areas of restricted access that are locked after office hours.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4 or to amend records pertaining to themselves in accordance with 29 CFR 4902.5, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–6, Plan Participant and Beneficiary Data (last published at 87 FR 79002 (Dec. 23, 2022)).

SYSTEM NAME AND NUMBER:

PBGC–8: Employee Relations Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101 (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Human Resources Department, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 5 U.S.C. 7101; 42 U.S.C. 2000e *et seq.*

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to catalog, investigate, and appropriately and timely respond to administrative and union grievances and appeals filed by PBGC employees or the Union on behalf of an employee pursuant to PBGC's Administrative Grievance Procedure and the Collective Bargaining Agreement.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former PBGC employees who have initiated grievances under an administrative grievance procedure or under an applicable collective bargaining agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative and union grievances submitted by PBGC employees or the Union; agency responses to employees and Union grievances; employees' appeals of responses to grievances; agency responses to such appeals and related correspondence; investigative

notes; records of proceedings; appeal decisions; last chance, last rights, and settlement agreements, and related information.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisors, managers, representatives or colleagues; PBGC Office of the General Counsel; PBGC Human Resources Department staff; Department of Labor; Office of Personnel Management; United States Office of Special Counsel; Federal Labor Relations Authority; the Equal Employment Opportunity Commission; the Merit Systems Protection Board; and other individuals with relevant information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system of records may be disclosed to the Office of Personnel Management, the Merit Systems Protection Board, the Federal Labor Relations Authority, Office of Special Counsel, or the Equal Employment Opportunity Commission to carry out their authorized functions (under 5 U.S.C. 1103, 1204, 7105, and 42 U.S.C. 2000e–4, in that order).

2. A record from this system may be disclosed to a union representative, attorney, Hearing Examiner or Arbitrator for the purpose of representation or in order to conduct a hearing in connection with an employee's grievance or appeal.

3. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

4. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant

enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

5. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

6. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

7. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

8. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

10. A record from this system of records may be disclosed to an official

of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

11. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

12. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

13. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

14. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

15. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

16. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the

agency (including its information systems, programs, and operations), the Federal Government, or national security.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by employee name or social security number.

Retention and Disposal:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to

their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, following the requirements of Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-8, Employee Relations Files (last published at 83 FR 6258 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-9: Unclaimed Retirement Funds.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101 and paying agent worksites. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Chief of Benefits Administration, Office of Benefits Administration, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1322, 1322a, 1341, 1342, and 1350; 29 U.S.C. 1203; 44 U.S.C. 3101; 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained to locate participants, alternate payees,

and beneficiaries of defined benefit and defined contribution plan funds who may be owed benefits as the result of a terminated plan or defined contribution plan whose funds are held under the control or authority of PBGC, and to provide information on insurance companies to individuals who may have had annuities purchased for them by a terminated plan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, alternate payees, and beneficiaries in defined benefit plans and defined contribution plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names; dates of birth and death; social security numbers; addresses; email addresses; telephone numbers; names of plan sponsor; names of defined benefit and defined contribution plans; plan numbers for defined benefit and defined contribution plans; employment history; pay status; amount of benefit owed; last known address of the plan sponsor and plan sponsor EIN/PN.

RECORD SOURCE CATEGORIES:

PBGC-6; the SSA; the FAA; the IRS; other Federal agencies; plan administrators; plan sponsors; insurance companies; labor organization officials; firms or agencies providing locator services; USPS licensees; and any other individual that provides PBGC with information regarding a missing participant, beneficiary, or alternate payee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Names and social security numbers of plan participants, beneficiaries, and alternate payees may be disclosed to the Internal Revenue Service (IRS) to obtain current addresses from tax return information and to the Social Security Administration (SSA) to obtain current addresses. Such information will be disclosed only if PBGC has no address for an individual or if mail sent to the individual at the last known address is returned as undeliverable.

2. Names and last known addresses may be disclosed to an official of a labor organization recognized as the collective bargaining representative of participants for posting in union halls or for other means of publication to obtain current addresses of participants and beneficiaries. Such information will be disclosed only if PBGC has no address

for an individual, if mail sent to the individual at the last known address is returned as undeliverable, or PBGC is unable to make benefit payments to those participants, beneficiaries, and alternate payees because the address on file is unable to be confirmed as current or correct or if PBGC has been otherwise unsuccessful at contacting the individual.

3. Names, social security numbers, last known addresses, dates of birth and death, amount of benefit, retirement plan name, plan EIN/PN number, name of plan sponsor, and the city and state of the plan sponsor may be disclosed to private firms and agencies that provide locator services, including credit reporting agencies and debt collection firms or agencies, to locate participants, beneficiaries, and alternate payees. Such information will be disclosed only if PBGC has no address for an individual, if mail sent to the individual at the last known address is returned as undeliverable, if PBGC has no address for an individual, if mail sent to the individual at the last known address is returned as undeliverable, or if PBGC has been otherwise unsuccessful at contacting the individual or if PBGC is unable to make benefit payments to those participants, beneficiaries, and alternate payees because the address on file is unable to be confirmed as current or correct or if PBGC has been otherwise unsuccessful at contacting the individual. Disclosure may be made only under a contract that subjects the firm or agency providing the service and its employees and contractors to the civil and criminal penalties of the Privacy Act. The information so disclosed will be used exclusively pursuant to the terms and conditions of such contract and must be used solely for the purposes prescribed therein. The contract must provide that the information so disclosed will be returned or destroyed at the conclusion of the locating effort.

4. Names and addresses may be disclosed to licensees of the United States Postal Service (USPS) to obtain current addresses under the USPS's National Change of Address Linkage System (NCOA). Disclosure may be made only under a contract that binds the licensee of the Postal Service and its employees to the civil and criminal penalties of the Privacy Act. The contract must provide that the records disclosed by PBGC will be used exclusively for updating addresses under NCOA and must be returned to PBGC or destroyed when the process is completed. The records will be exchanged electronically in an encrypted format.

5. Names and last known addresses may be disclosed to other participants in, and beneficiaries under, a retirement plan to obtain the current addresses of individuals. Such information will be disclosed only if PBGC has no address for an individual or if mail sent to the individual at the last known address is returned as undeliverable.

6. Names of participants and beneficiaries, names and addresses of participants' former employers, and the plan name may be disclosed to the public to obtain the current addresses for participants, beneficiaries, and alternate payees. Should PBGC disclose information under this routine use, it may be disclosed to the public by publishing on *PBGC.GOV* website when PBGC is unable to make benefit payments to those participants, beneficiaries, and alternate payees because the address on file is unable to be confirmed as current or correct.

7. Names, social security numbers, last known addresses, dates of birth and death, employment history, and pay status of individuals covered by legal settlement agreements involving PBGC may be disclosed to entities covered by or created under those agreements.

8. Names, social security numbers, last known addresses, dates of birth, and benefit amounts owed may be disclosed to other government agencies under a Memorandum of Understanding or an Interagency Agreement in order to locate missing participants.

9. Names, social security numbers, dates of birth and death, name of plan sponsors, plan sponsor EIN/PN may be periodically disclosed to insurance companies where annuities have been purchased by a terminated plan.

10. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

11. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official

capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

12. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

13. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

14. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

15. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

16. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided

information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

17. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

18. To disclose information to a federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

19. To another federal agency or federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

20. To Another Agency or Non-Federal Entity in Connection with an OIG Audit, Investigation, or Inspection: To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by employee name, social security number and/or date of birth.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are

destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 2.1: Plan, Participant, and Insurance Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a

written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:
None.

HISTORY:

PBGC–9, Unclaimed Pensions (amended to Unclaimed Retirement Funds) (last published at 83 FR 6256 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–10: Administrative Appeals Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Manager of the Appeals Division, Office of the General Counsel, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 29 U.S.C. ch. 18; 29 CFR 4003.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to catalog, review, and respond to administrative appeals of PBGC determinations (such as plan, benefit, qualified domestic relations order, payment, and liability determinations) by plan participants, beneficiaries and employers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file administrative appeals with the PBGC Appeals Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information (such as names, addresses, social security numbers, gender, dates of birth, dates of hire and termination, salary, marital status, marriage certificates, birth certificates, domestic relations orders, medical records); employment and pension plan information (such as the name of the pension plan, plan number, dates of commencement of plan participation or employment, statements regarding employment, dates of termination of plan participation or retirement, benefit payment data, benefit election forms

and data on beneficiaries, pay status, calculations of benefit amounts, calculations of amounts subject to recoupment and/or recovery, and worker's compensation awards); Social Security Administration (SSA) information; insurance claims and awards; correspondence; and other information relating to appeals and initial and final PBGC determinations.

RECORD SOURCE CATEGORIES:

Subject individuals; participants, beneficiaries, or alternate payees; attorney or other authorized representative; plan administrators, plan actuaries, paying agents, purchased annuity providers, contributing sponsors (or other employer who maintained the plan, which may include any predecessor, successor, or member of the same control group); the labor organization recognized as the collective bargaining representative of a participant; SSA; other individuals who possess relevant records; and any third party affected by the decision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to third parties who may be aggrieved by the decision of the Appeals Board under 29 CFR 4003.57.

2. A record from this system may be disclosed, upon request, to an attorney representative or a non-attorney representative who has a power of attorney for the subject individuals, under 29 CFR 4003.6.

3. A record from this system may be disclosed to third parties, such as banks, insurance companies, and trustees, to effectuate benefit payments to plan participants, beneficiaries, and/or alternate payees.

4. A record from this system may be disclosed to third parties, such as contractors and expert witnesses, to obtain expert analysis of an issue necessary to resolve an appeal.

5. A record from this system, specifically, the name and social security number of a participant, may be disclosed to an official of a labor organization recognized as the collective bargaining representative of the participant to obtain information relevant to the resolution of an appeal.

6. A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

7. A record from this system may be disclosed to law enforcement in the

event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

8. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

9. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

10. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

11. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

12. A record from this system of records may be disclosed to an official

of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

13. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm

14. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

15. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

16. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

17. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

18. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information

systems, programs, and operations), the Federal Government, or national security.

19. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: participant, beneficiary, and/or alternate payee's name, social security number, or PBGC customer identification number; plan name; appeal number; or extension request number.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active

intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-10, Administrative Appeals Files (last published at 83 FR 6260 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-11: Call Detail Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Chief Information Officer, Office of Information Technology, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system of records is used for Office of the Inspector General investigations and other special investigation requests.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees, contractors, students and interns.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of PBGC-issued communications devices or communications software on PBGC-issued computers, portable electronic devices, or desktop telephones, used to send communications internally within or externally from PBGC and used to receive communications internally within or externally from PBGC, and records indicating the assignment of PBGC-issued communications devices or communications software to PBGC employees.

RECORD SOURCE CATEGORIES:

Assignment records for PBGC-issued communications devices or communications software on PBGC-issued computers, portable electronic devices, or desktop telephones.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

3. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

4. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

5. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

6. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

7. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to

individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

8. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

9. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

10. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

11. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

12. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

13. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name of employee or contractor; telephone extension number; PBGC-issued portable electronic device number; or telephone number called.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 2.2: Governance Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR

4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-11, Call Detail Records (last published at 83 FR 6261 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-12: Personnel Security Investigation Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101 (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Department Director, Information Technology Infrastructure Operations Department, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 5 U.S.C. 3301; 44 U.S.C. 3101; Executive Order 10577; Executive Order 12968; Executive Order 13467; Executive Order 13488; 5 CFR 5.2; 5 CFR 731, 732 and 736; 5 CFR 1400; OMB Circular No. A-130 Revised; Federal Information Processing Standard 201; Homeland Security Presidential Directive 12.

PURPOSE(S) OF THE SYSTEM:

The records in this system of records are used to document and support decisions as to the suitability, eligibility, and fitness for service of applicants for Federal employment and contract positions, and may include students, interns, or vendors to the extent their duties require access to Federal facilities, information, information systems, or applications.

The records may also be used to help streamline and make the background suitability investigations and adjudications processes more efficient.

The records additionally may be used for insider threat investigations, to document security violations and supervisory actions taken in response to such violations, and to support PBGC's participation in continuous vetting processes that conduct automated database checks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants, employees, students, interns, government contractors, experts, instructors, vendors, and consultants to Federal programs who undergo a personnel background investigation to determine suitability for employment, contractor employee fitness, credentialing for Homeland Security Presidential Directive 12, and/or access to PBGC facilities or information technology system. Individuals who have corresponded with PBGC regarding personnel security investigations. This system also includes individuals accused of or found in violation of PBGC's security rules and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; former names; date and place of birth; home address; email address; phone numbers; employment history; residential history; education and degrees; citizenship; passport information; name, date and place of birth, social security number, and citizenship information for spouse or cohabitant; the name and marriage information for current and former spouse(s) or domestic partner, names of associates and references and their contact information; names, dates and places of birth, citizenship, and addresses of relatives; names of relatives who work for the Federal government; information on foreign contacts and activities; association records; information on loyalty to the United States; criminal history; mental health history; drug use; financial information; photographs; personal identity verification (PIV) card information; information from the Internal Revenue

Service (IRS) pertaining to income tax returns; credit reports; information pertaining to security clearances; other agency reports furnished to PBGC in connection with the background investigation process; summaries of personal and third party interviews conducted during the background investigation; results of suitability decisions; and additional records developed from records above.

Records pertaining to security violations may contain information pertaining to circumstances of the violation; witness statements; investigator's notes; and documentation of agency action taken in response to security violations.

RECORD SOURCE CATEGORIES:

Questionnaires for national security, public trust, or non-sensitive positions; information from personal interviews with the applicant and various individuals, such as former employers, references, neighbors, and other associates who may have information about the subject of the investigation; investigative records and notices of personnel actions furnished by other Federal agencies; public records such as court filings; publications such as newspapers, magazines, and periodicals; tax records; educational institutions; police departments; credit bureaus; probation officials; prison officials; and medical professionals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record, from which information is requested during an investigation or during continuous monitoring of investigations from this system, may be disclosed to an authorized source (*i.e.*, someone who has the legal authority to request such information, such as an investigator from the Federal agency conducting background investigations, or the Office of the Inspector General) to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, or identify the type of information requested.

2. A record from this system of records may be disclosed to the Federal agency conducting background investigations, the Office of Personnel Management, the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission to carry out its respective authorized

functions (under 5 U.S.C. 1204, and 7105, and 42 U.S.C. 2000e-4).

3. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, having a need to evaluate qualifications, suitability, and loyalty to the United States Government and/or a security clearance or access determination.

4. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, when such agency, office, or establishment investigates an individual for purposes of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

5. To designated officers and employees of agencies, offices, and other establishments in the executive, judicial, or legislative branches of the Federal Government, having the responsibility to grant clearances to make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

6. To U.S. intelligence agencies for use in intelligence activities.

7. To the appropriate Federal, state, tribal, local, or other public authority responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where OPM becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

8. To an agency, office, or other establishment in the executive, legislative, or judicial branches of the Federal Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. However,

to the extent these records may reveal the identity of an individual who has provided information pertaining to the investigation, the investigative file, or the parts thereof, are exempt from release. Further, requests for records contained in this system will be referred to the Federal agency conducting background investigations.

10. To disclose information to contractors, experts, consultants, or students performing or working on a contract, service, or job for PBGC.

11. To disclose results of investigations or individuals records to agencies, such as the Department of Labor, providing adjudicative support services to PBGC.

12. To provide criminal history record information to the FBI, to help ensure the accuracy and completeness of FBI and PBGC records.

13. To provide information to PBGC's Insider Threat program in conjunction with determining the severity of the risk, if any, posed by an employee or contractor.

14. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

15. A record from this system of records may be disclosed to a federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

16. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license,

grant, or other benefit may be disclosed to that federal agency.

17. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

18. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

19. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

20. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

21. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

22. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and

operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

23. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

24. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

25. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

26. To disclose information to a federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

27. To another federal agency or federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

28. To Another Agency or Non-Federal Entity in Connection with an OIG Audit, Investigation, or Inspection: To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; social security number; unique case serial number; or other unique identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR

4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material will be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

HISTORY:

PBGC–12, Personnel Security Investigation Records (last published at 83 FR 6262 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–13: Debt Collection

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101 and/or plan administrator worksites, and paying agents worksites. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Financial Operations
Department, PBGC, 445 12th Street SW,
Washington, DC 20024–2101.

Chief of Benefits Administration,
Office of Benefits Administration,
PBGC, 445 12th Street SW, Washington,
DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 31 U.S.C. 3711(a); 44 U.S.C. 3101; 5 U.S.C. 301; Executive Order 13019.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for the purpose of collecting debts owed to PBGC by various individuals, including, but not limited to, pension plans and/or sponsors owing insurance premiums, interest and penalties; PBGC employees and former employees; consultants and vendors; participants, alternate payees, and beneficiaries in retirement plans coming under the control or authority of PBGC; and individuals who received payments from PBGC to which they are not entitled. This system facilitates PBGC's compliance with the Debt Collection Improvement Act of 1996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who may owe a debt to PBGC, including but not limited to: pension plans and/or sponsors owing insurance premiums, interest, and penalties; employees and former employees of PBGC; individuals who are consultants and vendors to PBGC; participants, alternate payees, and beneficiaries in terminating and terminated defined benefit or defined contribution plans coming under the control or authority of PBGC; and any individual who received payments to which they are not entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Plan filings; names; addresses; social security numbers; taxpayer identification numbers; employee numbers; pay records; travel vouchers and related documents filed by PBGC employees; invoices filed by consultants and vendors to PBGC; records of benefit payments made to participants, alternate payees, and beneficiaries in plans covered by ERISA; and other relevant records relating to a debt including financial information, bank account numbers, the amount, status, and history of the debt, and the program under which the debt arose.

RECORD SOURCE CATEGORIES:

Subject individuals; plan administrators; labor organization officials; debt collection agencies or

firms; firms or agencies providing locator services; and other Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system of records may be disclosed to the United States Department of the Treasury for cross-servicing to effect debt collection in accordance with 31 U.S.C. 3711(e).

2. Names, addresses, and telephone numbers of employees, participants, beneficiaries, alternate payees and any other individual owing a debt to PBGC, and information pertaining to debts owed by such individuals to PBGC may be disclosed to a debt collection agency to collect a claim. Disclosure to a debt collection agency or firm may be made only under a contract that binds any such contractor or employee of such contractor to the criminal penalties of the Privacy Act. The information so disclosed will be used exclusively pursuant to the terms and conditions of such contract and will be used solely for the purposes prescribed therein. The contract must provide that the information so disclosed will be returned at the conclusion of the debt collection effort.

3. These records may be used to disclose information to any Federal agency, state or local agency, tribal governments, U.S. territory or commonwealth, or the District of Columbia, or their agents or contractors, including private collection agencies (consumer and commercial):

a. To facilitate the collection of debts through the use of any combination of various debt collection methods required or authorized by law, including, but not limited to:

i. Request for repayment by telephone or in writing;

ii. Negotiation of voluntary repayment or compromise agreements;

iii. Offset of Federal payments, which may include the disclosure of information contained in the records for the purpose of providing the debtor with appropriate pre-offset notice and to otherwise comply with offset prerequisites, to facilitate voluntary repayment in lieu of offset, and to otherwise effectuate the offset process;

iv. Referral of debts to private collection agencies, to Treasury designated debt collection centers, or for litigation;

v. Administrative and court-ordered wage garnishment;

vi. Debt sales;
vii. Publication of names and identities of delinquent debtors in the media or other appropriate news or websites; and

viii. Any other debt collection method authorized by law;

b. To collect a debt owed to the United States through the offset of payments made by states, territories, commonwealths, tribal governments, or the District of Columbia;

c. To account or report on the status of debts for which such entity has a financial or other legitimate need for the information in the performance of official duties; or

d. For any other appropriate debt collection purpose.

4. A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

5. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

6. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

7. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

8. A record from this system of records may be disclosed in a proceeding before a court or other

adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

9. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

10. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

11. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

12. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

13. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to

respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

14. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

15. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

16. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

17. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

18. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

19. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: employer identification number; social security number; customer identification number; plan number; recovery tracking number; name of debtor, plan, plan sponsor, plan administrator, participant, alternate payee, or beneficiary.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address,

date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–13, Debt Collection (last published at 83 FR 6264 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–14: My Plan Administration Account Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101 and at its Oracle Service Cloud. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Financial Operations Department, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302, 1306, and 1343; 44 U.S.C. 3101; 5 U.S.C. 301; 44 U.S.C. 3601, *et seq.*

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for use in verifying the identity of individuals who register to use the My PAA application to make PBGC filings, and receiving, authenticating, processing, and keeping a history of filings and premium payments submitted to PBGC by registered users. Information from this system is used to

provide the public with contact information for plan sponsors, plan administrators, pension practitioners, actuaries and pension benefit professionals who submit plan information through My PAA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who use the My Plan Administration Account (My PAA) application to make PBGC filings and payments electronically via PBGC's website (www.pbgc.gov), including individuals acting for plan sponsors, plan administrators, pension practitioners, actuaries, pension benefit professionals.

CATEGORIES OF RECORDS IN THE SYSTEM:

User name; email address and universally unique identifier (UUID) from Login.gov for account creation and authentication, work telephone number; work email address; other contact information; a temporary PBGC-issued user ID and password; a user-selected user ID and password; a secret question/secret answer combination for authentication; IP addresses; cookies (session and persistent); financial information; taxpayer identification number; bank information; for each pension plan for which the user intends to participate in making filings with PBGC: the plan name; employer identification number; plan number; the plan administrator's name, address, phone number, email address, and other contact information; and the role that the user will play in the filing process, *e.g.*, creating and editing filings, signing filings electronically as the plan administrator, signing filings electronically as the enrolled actuary, or authorizing payments to PBGC.

RECORD SOURCE CATEGORIES:

Registered users; and the General Services Administration (GSA).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Names, addresses and phone numbers of plan sponsors, plan administrators, pension practitioners, actuaries and pension benefit professionals who submit plan information to My PAA may be disclosed to the public in order to ensure the public has access to contact information for those individuals submitting information regarding pension plans and those responsible for the administration of pension plans

covered by the Employee Retirement Income Security Act of 1974 (ERISA).

2. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

3. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

4. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

5. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. A record from this system of records may be disclosed to a congressional office in response to an

inquiry from the congressional office made at the request of the individual.

7. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

8. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

9. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

10. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

11. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

12. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as

authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; user ID; email address; telephone number; plan name; EIN; or plan number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 2.1: Plan, Participant, and Insurance Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the

individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–14, My Plan Administration Account Records (last published at 83 FR 6265 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–15: Emergency Notification Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Workplace Solutions
Department, PBGC, 445 12th Street SW,
Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; Executive Order 12656.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for notifying PBGC employees, students, interns, and contractors of PBGC's operating status in the event of an emergency, natural disaster or other

event affecting PBGC operations; and for contacting employees, students, interns, and contractors who are out of the office on leave or after regular duty hours to provide information necessary for official business.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees, students, interns, and individuals who work for PBGC as contractors or as employees of contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; title; organizational component; employer; PBGC and personal telephone numbers; PBGC and personal email addresses; other contact information; user ID; a temporary PBGC-issued password; and a user-selected password.

RECORD SOURCE CATEGORIES:

Subject individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record in this system of records may be disclosed to family members, emergency medical personnel, or to law enforcement officials in case of a medical or other emergency involving compelling circumstances affecting the health or safety of the subject individual excepted by 5 U.S.C. 552a(b)(8).

2. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

3. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the

United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

4. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

5. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

6. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

8. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

9. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

11. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; organizational component; or user ID and password.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued

by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–15, Emergency Notification Records (last published at 83 FR 6266 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–16: PBGC Connect Search Center.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Division Manager, Information Technology Customer and Operations Service Division, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system of records is used by PBGC employees, interns and contractors to identify other PBGC employees, interns and contractors; and to access contact information for PBGC employees, interns and contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees and contractors with PBGC network access.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; photograph; personal description; skills; interests; schools; birthday; mobile phone number; home phone number; organizational component and title; supervisor's name; PBGC street address; room or workstation number; PBGC network ID; work email address; and work telephone number and extension.

RECORD SOURCE CATEGORIES:

Subject individuals and PBGC personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting

such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

3. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

4. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

5. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

6. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

7. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

8. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

9. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

10. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

11. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

12. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

13. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a

security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

14. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

15. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; username; organizational component; job title; work phone number; office number; supervisor; work email; skills; interests; birth date; education; peers; and employee type (Federal or contractor).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are

maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-16, PBGC Connect Search Center (last published at 83 FR 6267 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-17: Office of Inspector General Investigative File System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Inspector General, Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101.

SYSTEM MANAGER(S):

Office of the Inspector General, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. 3, sections 2 and 4.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained to supervise and conduct investigations relating to programs and operations of PBGC by the Office of the Inspector General (OIG).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals named in investigations conducted by the OIG; complainants and subjects of complaints collected through the operation of the OIG Hotline; other individuals, including witnesses, sources, and members of the general public who are named individuals in connection with investigations conducted by OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information within this system relates to OIG investigations carried out under applicable statutes, regulations, policies, and procedures. The investigations may relate to criminal, civil, or administrative matters. These OIG files may contain investigative reports; transcripts; internal staff memoranda; working drafts of papers to PBGC employees; investigative plans; litigation strategies; copies of personnel, financial, contractual, and property management records maintained by PBGC; information submitted by or about pension plan sponsors or plan participants; background data including arrest records, statements of informants and witnesses, and laboratory reports of evidence analysis; information and documentation received from other government agencies; search warrants, summonses and subpoenas; and other information related to investigations. Personal data in the system may consist of names and aliases, social security numbers, telephone and cell phone numbers, physical and mailing addresses, electronic mailing addresses, dates of birth and death, fingerprints,

handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, individual personnel and payroll information, and any other personal information relevant to the subject matter of an OIG investigation.

RECORD SOURCE CATEGORIES:

Subject individuals; individual complainants; witnesses; interviews conducted during investigations; Federal, state, tribal, and local government records; individual or company records; claim and payment files; employer medical records; insurance records; court records; articles from publications; financial data; bank information; telephone data; service providers; other law enforcement organizations; grantees and sub-grantees; contractors and subcontractors; pension plan sponsors and participants; and other sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b) and:

1. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

3. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official

capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use of the record is compatible with the purpose for which PBGC collected the information.

4. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use of the record is compatible with the purpose for which PBGC collected the information.

5. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

6. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

8. To the National Archives and Records Administration or to the

General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

9. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

10. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

11. To another federal agency or federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

12. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings or after conviction may be disclosed to a Federal, state, local, tribal or foreign prison; probation, parole, or pardon authority; or any other agency or individual involved with the maintenance, transportation, or release of such a person.

13. A record relating to a case or matter may be disclosed to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

14. A record may be disclosed to any source, either private or governmental, when reasonably necessary to elicit information or obtain the cooperation of a witness or informant when conducting any official investigation or during a trial or hearing or when preparing for a trial or hearing.

15. A record relating to a case or matter may be disclosed to a foreign country, through the United States Department of State or directly to the representative of such country, under an international treaty, convention, or executive agreement; or to the extent necessary to assist the U.S. Department of State, law enforcement officials, and

such country in apprehending or returning a fugitive to a jurisdiction that seeks that individual's return.

16. A record originating exclusively within this system of records may be disclosed to other Federal offices of inspectors general and councils comprising officials from other Federal offices of inspectors general, as required by the Inspector General Act of 1978, as amended. The purpose is to ensure that OIG investigative operations can be subject to integrity and efficiency peer reviews, and to permit other offices of inspectors general to investigate and report on allegations of misconduct by senior OIG officials as directed by a council, the President, or Congress. Records originating from any other PBGC systems of records, which may be duplicated in or incorporated into this system, also may be disclosed with all identifiable information redacted.

17. A record may be disclosed to the Department of the Treasury and the Department of Justice when the OIG seeks an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

18. A record may be disclosed to any governmental, professional, or licensing authority when such record reflects on qualifications, either moral, educational or vocational, of an individual seeking to be licensed or to maintain a license.

19. A record may be disclosed to any direct or indirect recipient of Federal funds, e.g., a contractor, where such record reflects problems with the personnel working for a recipient, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the Government.

20. A record may be disclosed where there is an indication of a violation or a potential violation of law, rule, regulation, or order whether civil, criminal, administrative or regulatory in nature, to the appropriate agency, whether Federal, state, tribal or local, or to a securities self-regulatory organization, charged with enforcing or implementing the statute, or rule, regulation, or order.

21. A record may be disclosed to Federal, state, tribal or local authorities in order to obtain information or records relevant to an Office of Inspector General investigation or inquiry.

22. A record may be disclosed to a bar association, state accountancy board, or other Federal, state, tribal, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

23. A record may be disclosed to inform complainants, victims, and witnesses of the results of an investigation or inquiry.

24. A record may be disclosed to the Department of Justice for the purpose of obtaining advice on investigatory matters or to refer information for the purpose of prosecution.

25. A record may be disclosed to contractors, interns and experts who have been engaged to assist in an OIG investigation or in the performance of a service related to this system of records and require access to these records for the purpose of assisting the OIG in the efficient administration of its duties. All recipients of these records will be required to comply with the requirements of the Privacy Act of 1974, as amended.

26. A record may be disclosed to the public when the matter under investigation has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, to demonstrate the accountability of PBGC employees, or other individuals covered by this system, or when there exists a legitimate public interest, unless the Inspector General has determined that disclosure of specific information would constitute an unwarranted invasion of personal privacy.

27. A record to compare such records in other Federal agencies' systems of records or to non-Federal records.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by any one or more of the following: name; social security number; subject category; or assigned case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. See General Record Schedule 4.2 Inspector General Item: 080. Records existing on paper are destroyed beyond recognition.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

This system is exempt from the notification and record access requirements. However, consideration will be given to requests made in compliance with 29 CFR 4902.3 and 4902.4.

CONTESTING RECORD PROCEDURES:

This system is exempt from amendment requirements. However, consideration will be given to requests made in compliance with 29 CFR 4902.3 and 4902.5.

NOTIFICATION PROCEDURES:

This system is exempt from the notification requirements. However, consideration will be given to inquiries made in compliance with 29 CFR 4902.3.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j) and (k), PBGC has established regulations at 29 CFR 4902.11 that exempt records in this system depending on their purpose.

HISTORY:

PBGC-17, Inspector General Investigative File System (last published at 89 FR 3436 (Jan. 18, 2024)).

SYSTEM NAME AND NUMBER:

PBGC-19: Office of Negotiations and Restructuring/Office of General Counsel Case Management System.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101 (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Office of the General Counsel (OGC), PBGC, 445 12th Street SW, Washington, DC 20024-2101.

Office of Negotiations and Restructuring (ONR), PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1303, 1310, 1321, 1322a, 1341, 1342, 1343, 1350; 1431, and 1432; 5 U.S.C. app. 105; 5 U.S.C. 301, 552(a), 552a(d), 7101; 42 U.S.C. 2000e, *et seq.*; 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to catalog, litigate, review or otherwise resolve any case or matter handled by the ONR or the OGC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are participants, beneficiaries, and alternate payees in pension plans covered by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1301, *et seq.*; pension plan sponsors, administrators, control group members and third parties, who are responsible for, manage, or have control over ERISA pension plans; other individuals who are identified in connection with investigations conducted pursuant to 29 U.S.C. 1303 or litigation conducted with regard to ERISA pension plans; individuals (including PBGC employees) who are parties or witnesses in civil litigation or administrative proceedings involving or concerning PBGC or its officers or employees; individuals who are the subject of a breach of personally identifiable information; individuals who are potential contractors or contractors with PBGC or are otherwise personally associated with a contract or procurement matter; individuals who receive legal advice from OGC; and other individuals (including current, former, and potential PBGC employees, contract employees, interns, and externs) who are the subject of or are otherwise connected to an inquiry, investigation, other matter handled by the OGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Draft and final versions of notes, reports, memoranda; settlements; legal opinions; agreements; correspondence; contracts; contract proposals and other

procurement documents; plan documents; participant, alternate payee, and beneficiary files; initial and final PBGC determinations of ERISA matters; Freedom of Information Act (FOIA) and the Privacy Act of 1974 disclosures, determinations, appeals and decisions of those appeals; records and information obtained from other Federal, state, tribal, and local agencies and departments, including, but not limited to: Office of Personnel Management, Social Security Administration, Department of Treasury and Department of Justice; drafts and legal reviews of proposed personnel actions; ethics inquiries; personnel records; financial records; individual tax returns; litigation files; labor relations files; information provided by labor unions or other organizations; witness statements; summonses, subpoenas, discovery requests and responses; breach reports and supporting documentation; and universally unique identifier (UUID), name, and email address from Login.gov for account creation and authentication.

RECORD SOURCE CATEGORIES:

Subject individuals; pension plan participants, sponsors, administrators and third parties; Federal government records; current and former employees, contractors, interns, and externs; PBGC debt and disbursement records; insurers; the Social Security Administration; the General Services Administration; labor organizations; court records; articles from publications; and other individuals, organizations, and corporate entities with relevant knowledge/information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system of records may be disclosed, in furtherance of proceedings under Title IV of ERISA, to a contributing sponsor (or other employer who maintained the plan), including any predecessor or successor, and any member of the same control group.

2. Names, addresses, and telephone numbers of employees, former employees, participants, and beneficiaries and information pertaining to debts to PBGC may be disclosed to the Department of Treasury, the Department of Justice, a credit agency, and a debt collection to collect the debt. Disclosure to a debt collection may be made only under a contract that binds

any such contractor or employee of such contractor to criminal penalties of the Privacy Act.

3. Information may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a court order or in connection with criminal law proceedings.

4. Information may be provided to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

5. Information may be provided to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

6. Relevant and necessary information may be disclosed to a former employee of PBGC for the purposes of: (1) responding to an official inquiry by Federal, state, tribal or local government entity or professional licensing authority; or (2) facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where PBGC requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

7. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

8. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest.

9. A record from this system of records may be disclosed to the National Archives and Records Administration (NARA), Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the FOIA, and to facilitate use of OGIS' mediation services.

10. A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

11. A record from this system of records may be disclosed under a Memorandum of Understanding or an Interagency Agreement to: (1) the

Department of Treasury (USDT) or (2) the Department of Labor's Employee Benefits Security Administration (EBSA) to facilitate an investigation or inquiry relating to a multiemployer plan's compliance with applicable provisions under ERISA or the Internal Revenue Code, including the special financial assistance program created by the American Rescue Plan (ARP) Act of 2021 (P.L. 117-2).

12. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

13. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

14. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

15. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible

with the purpose for which PBGC collected the information.

16. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

17. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

18. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

19. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

20. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

21. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act

requirements and limitations on disclosure as are applicable to PBGC employees.

22. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

23. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

24. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

25. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

26. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed by assigned case number and sequential record identifier. Records are full-text indexed and information from this system may be retrieved using any free-form key, which may include names, social security number, address, representative or any other personal identifiers. For certain systems, only individuals assigned to

the particular matter may retrieve associated records.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.8: Legal Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals. Paper records are kept in file folders in areas of restricted access that are locked after office hours.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically. Further, for certain systems covered by this notice, heightened security access is required. Such access is granted by the specific permissions group assigned to monitor that particular system and only authorized employees of the agency may retrieve, review or modify those records.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-

2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material will be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

HISTORY:

PBGC–19, Office of General Counsel Case Management System (last published at 86 FR 49061 (Sep. 01, 2021)).

SYSTEM NAME AND NUMBER:

PBGC–21: Reasonable Accommodation Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Reasonable Accommodations Coordinator, Human Resources Department, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 29 U.S.C. 701 *et seq.*; 29 U.S.C. 791; 42 U.S.C. 12101 *et seq.*; 42 U.S.C. 2000e *et seq.*; 42 U.S.C. 2000bb; 42 U.S.C. Ch. 21, 126; 29 CFR parts 1605, 1614, 1630; Executive Order 13164 (July 26, 2000); and Executive Order 13548 (July 26, 2010).

PURPOSE(S) OF THE SYSTEM:

The purposes of this system are: (1) to allow PBGC to collect and maintain records on prospective, current, and former employees with disabilities or sincerely held religious beliefs, practices, or observances who requested or received reasonable accommodation by PBGC; (2) to track and report the processing of requests for reasonable accommodation PBGC-wide to comply with applicable law and regulations; and (3) to maintain the confidentiality of medical or religious information submitted by or on behalf of applicants or employees requesting reasonable accommodation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former employees of PBGC who request and/or receive a reasonable accommodation for a disability or religious belief, practice, or observance authorized individuals or representatives (e.g., family members, union representatives, or attorneys) who submit a request for a reasonable accommodation on behalf of a prospective, current, or former employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and employment information of current or prospective employee needing an accommodation; requester's name and contact information (if different than the employee who needs an accommodation); date request was initiated; information concerning the nature of the disability or religious belief, practice, or observance and the need for accommodation, including appropriate medical or other documentation; occupational series; pay grade; essential duties of the position; details of the accommodation request, such as: type of accommodation requested, how the requested accommodation would assist in job or allow job performance while accommodating the disability or religious belief, practice, or observance,

the sources of technical assistance consulted in trying to identify alternative reasonable accommodation, any additional information provided by the requester relating to the processing of the request, whether the request was approved or denied, whether the accommodation was approved for a trial period; and, documentation between the employee and his/her supervisor(s) regarding the accommodation.

RECORD SOURCE CATEGORIES:

Subject individuals; individual making the request (if different than the subject individuals); medical and equal employment opportunity professionals; and the subject individuals' supervisor(s).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to physicians or other medical professionals to provide them with or obtain from them the necessary medical documentation and/or certification for reasonable accommodation.

2. A record from this system may be disclosed to another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation issues, when that agency or commission has jurisdiction over reasonable accommodation issues.

3. A record from this system may be disclosed to the Office of Management and Budget (OMB), Department of Labor (DOL), Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), or Office of Special Counsel (OSC) to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation.

4. A record from this system may be disclosed to appropriate third-parties contracted by the Agency to facilitate mediation or other dispute resolution procedures or programs.

5. A record from this system may be disclosed to the Department of Defense (DOD) for purposes of procuring assistive technologies and services through the Computer/Electronic Accommodation Program in response to a request for reasonable accommodation.

6. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law,

whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

7. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

8. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

9. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

10. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided

that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

11. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

12. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

13. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

14. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

15. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

16. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

17. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the

purpose(s) of the request, and identify the type of information requested.

18. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

19. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

20. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: employee name or assigned case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to

include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4 or to amend records pertaining to themselves in accordance with 29 CFR 4902.5, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend, in accordance with 29 CFR 4902.5, their records must submit a written request identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–21, Reasonable Accommodation Records (last published at 86 FR 63426 (Nov. 16, 2021)).

SYSTEM NAME AND NUMBER:

PBGC–22: Remote Work, Telework, and Alternative Worksite Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Remote Work and Telework Managing Officers, Human Resources Department, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 5 U.S.C. 6120.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to collect and maintain records on current and former employees who have participated in, presently participate in, or have sought to participate in PBGC's Remote Work or Telework Programs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of PBGC who have requested to participate in PBGC's Remote Work or Telework Programs in order to work at an alternative worksite other than their official PBGC duty station and physicians who certify eligibility for medical telework.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, position title, grade, series, and department name; official PBGC duty station address and telephone number; alternative worksite address and telephone number(s); date telework agreement received and approved/denied; telework agreement, self-certification home safety checklist, and supervisor-employee checklist; type of telework requested (*e.g.*, medical, episodic, or regular); regular work schedule; remote work or telework schedule; approvals/disapprovals; mass transit benefits received through PBGC's mass transit subsidy program; physician certification for medical telework; and any other miscellaneous documents supporting telework.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisors; and physicians.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to Federal, state, tribal or local governments during actual emergencies, exercises, or continuity of operations tests for the purposes of emergency preparedness and responding to emergency situations.

2. A record from this system may be disclosed to the Department of Labor when an employee is injured when working at home while in the performance of normal duties.

3. A record from this system may be disclosed to the Office of Personnel Management (OPM) for use in its Telework Survey to provide consolidated data on participation in PBGC's Telework Program.

4. A record from this system of records may be disclosed to appropriate third parties contracted by the agency to facilitate mediation or other dispute resolution procedures or programs.

5. A record from this system may be disclosed to the PBGC Information Technology Infrastructure Operations Department (ITIOD) when necessary for the shipping of Government-owned IT equipment to an employee's approved alternative work location.

6. A record from this system may be disclosed to the PBGC Workplace Solutions Department (WSD) when necessary to account for office furniture loaned to an employee for use at their approved alternate work location.

7. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

8. A record from this system of records may be disclosed to a federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other

pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

9. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that federal agency.

10. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

11. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

12. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

13. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

14. A record from this system of records may be disclosed to an official of a labor organization recognized under

5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

15. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

16. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

17. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

18. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

19. To disclose information to a federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

20. To another federal agency or federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the

Federal Government, or national security.

21. To Another Agency or Non-Federal Entity in Connection with an OIG Audit, Investigation, or Inspection: To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network. Also, each of PBGC's departments has a Remote Work or Telework Liaison who may maintain copies of the records pertaining to employees working in his or her department.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by any one or more of the following: employee name, and the department in which the employee works, will work, or previously worked.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect

the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–22, Telework and Alternative Worksite Records (last published at 83 FR 6272 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–23: Internal Inquiries of Allegations of Harassing Conduct.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW,

Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Human Resources
Department, PBGC, 445 12th Street SW,
Washington, DC 20024–2101.

Director, Office of General Counsel's
General Law and Operations
Department, 445 12th Street SW,
Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 5
U.S.C. 301; 42 U.S.C. 2000e, *et seq.*

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for the purpose of upholding PBGC's policy to prevent and eradicate harassing conduct in the workplace, including conducting and resolving internal inquiries of allegations of harassing conduct brought by or against PBGC employees, contractors, or interns.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former PBGC employees, contractors, and interns who have made a report of harassment, or have been accused of harassing conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains all documents related to a report of harassment, which may include the name, position, grade, and supervisor(s) of the complainant and the accused; the Harassment Inquiry Committee intake form; statements of witnesses; reports of interviews; medical records; final decisions and corrective actions taken; and related correspondence and exhibits.

RECORD SOURCE CATEGORIES:

PBGC employees, contractors, and others with knowledge; outside counsel; and medical professionals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Disclosure of information from this system of records regarding the status of any inquiry that may have been conducted may be made to the complaining party and to the individual against whom the complaint was made when the purpose of the disclosure is both relevant and necessary and is compatible with the purpose for which the information was collected.

2. Disclosure of information from this system of records may be made to the PBGC Office of Equal Employment Opportunity or the PBGC Office of the Inspector General when related to investigations under their jurisdiction.

3. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

4. A record from this system of records may be disclosed to a federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

5. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that federal agency.

6. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

7. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her

individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

8. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

10. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

11. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

12. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

13. To the National Archives and Records Administration or to the

General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

14. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

15. To disclose information to a federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

16. To another federal agency or federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

17. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: name; department; or unique identifier assigned to each incident reported.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records

existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are kept in cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether

this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–23, Internal Investigations of Allegations of Harassing Conduct (last published at 83 FR 6273 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC–25: Comment Management System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Director, Office of General Counsel's Program Law and Policy Department, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 44 U.S.C. 3101; 44 U.S.C. Ch 36; 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

The information in this system is maintained to: provide a central location to search, view, download and comment on Federal rulemaking documents; respond to the public's comments; track regulatory feedback; and retain commenter information in order to respond to the public.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual commenting on PBGC's rulemaking activities or submitting supporting materials; any individual initiating contact with PBGC through use of the agency website.

CATEGORIES OF RECORDS IN THE SYSTEM:

Comments and supporting documentation from the public; agency rulemaking materials; **Federal Register** publications; scientific and financial studies; cookies (session and persistent); and internet protocol (IP) addresses.

RECORD SOURCE CATEGORIES:

Individuals commenting on agency rulemaking; individuals contacting PBGC via the agency website.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Information, including personally identifiable information (PII), contained in comments about agency rulemaking, whether submitted through pbgc.gov or regulations.gov, may be published to the PBGC website.

2. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

3. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

4. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

5. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record

is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

6. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

7. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

9. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

10. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided

information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

12. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

13. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

14. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

15. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

16. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information from this system may be retrieved by numerous data elements and key word searches, including, but not limited to name, dates, subject, and other information retrievable with full-text searching capability.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule Item 1.2: Administrative Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to

correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-25, PBGC.GOV Comment Management System (last published at 83 FR 6274 (Feb. 13, 2018)).

SYSTEM NAME AND NUMBER:

PBGC-26: PBGC Insider Threat and Data Loss Prevention.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101. (Records may be kept at an additional location as backup for continuity of operations.)

SYSTEM MANAGER(S):

Chief Information Officer, Office of Information Technology, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302(b)(3); 5 U.S.C. 301; 44 U.S.C. 3101; 44 U.S.C. 3554; Executive Order 13587, Structural Reforms To Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information (Oct. 7, 2011); Presidential Memorandum—National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs (Nov. 21, 2012); Executive Orders 13488 and 13467, as amended by 13764, To Modernize the Executive Branch-Wide Governance Structure and Processes for Security Clearances, Suitability and Fitness for Employment, and Credentialing, and Related Matters; Executive Order 3356, Controlled Unclassified Information (Nov. 4, 2010); 5 CFR 731; 5 CFR 302; OMB Circular A-130 (July 28, 2016); National Institute of Standards and Technology Special Publication 800-53.

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to detect anomalous behavior by PBGC insiders and, as warranted, gather information from sources or existing PBGC systems of records to support an investigation of the incident.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by this system are PBGC insiders, defined as any person with authorized access to any PBGC resource including facilities, information, equipment, networks, or systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The system will contain these categories of records:

Information collected through user activity monitoring, including keystrokes, screen captures, and content transmitted via email, chat, or data import or export.

Reports of investigation regarding security violations and privacy breaches, including incident reports; usernames and aliases, levels of network access, audit data, information regarding misuse of PBGC devices, information regarding unauthorized use of removable media, and logs of printer, copier, and facsimile machine use.

Records relating to the management and operation of PBGC personnel and physical security, including information relating to continued eligibility for access to PBGC facilities, information, and information systems.

Information identifying threats to PBGC personnel, property, facilities, and information; information obtained from the Department of Justice, the Federal Bureau of Investigation, or from other agencies or organizations about individuals known or suspected of being engaged in conduct constituting, preparing for, aiding, or relating to an insider threat, including, including but not limited to, espionage or unauthorized disclosure of personally identifiable information (PII).

B. The system may include these categories of records:

Publicly available information, such as information regarding: Arrests and detentions; real property; bankruptcy; liens or holds on property; vehicles; licensure (including professional and pilot's licenses, firearms and explosive permits); business licenses and filings; and from social media.

Reports furnished to PBGC, or collected by PBGC, in connection with personnel security investigations and Insider Threat Detection Program operated by PBGC pursuant to Federal laws and Executive Orders, rules,

regulations, guidance, and PBGC policies.

Documentation pertaining to investigative or analytical efforts by PBGC Insider Threat Program Personnel to identify threats to PBGC personnel, property, facilities, and information.

Intelligence reports and database query results relating to individuals covered by this system.

RECORD SOURCE CATEGORIES:

To monitor for, identify, and respond to potential insider threats, information in the system will be received on an as-needed basis from PBGC employees, contractors, vendors, interns, and detailees; officials from other foreign, Federal, tribal, state, and local government agencies and organizations; non-government, commercial, public, and private agencies and organizations; complainants, informants, suspects, and witnesses; and from relevant records, including counterintelligence and security databases and files; personnel security databases and files; PBGC human resources databases and files; PBGC contractor files; PBGC's Office of Information Technology; information collected through user activity monitoring; PBGC telephone usage records; Federal, state, tribal, territorial, and local law enforcement and investigatory records; Inspector General records; available U.S. Government intelligence and counterintelligence reporting information and analytic products pertaining to adversarial threats; other Federal agencies; and publicly available information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Records may be disclosed to any person, organization, or governmental entity in order to notify them of a serious threat for the purpose of guarding against or responding to the threat.

2. Records may be disclosed to a Federal, state, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable the intelligence agency with the relevant authority and responsibility for the matter to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA act of 1949 as amended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures

approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

3. Records may be disclosed to the U.S. Department of Homeland Security (DHS) if captured in an intrusion detection system used by PBGC and DHS pursuant to a DHS cybersecurity program that monitors internet traffic to and from Federal government computer networks to prevent a variety of types of cybersecurity incidents.

4. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

5. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

6. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

7. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the

litigation and that the use is compatible with the purpose for which PBGC collected the information.

8. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

9. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

10. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

11. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

12. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

13. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are

subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

14. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

15. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

16. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

17. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

18. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information from this system may be retrieved by numerous data elements and key word searches, including, but not limited to name, dates, subject, and other information retrievable with full text searching capability.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system of records are covered by National Archives and Records Administration General Records Schedule 5.6, items 210, 220, 230, and 240.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer,

PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), PBGC has established regulations at 29 CFR 4902.12 that exempt records in this system depending on their purpose.

HISTORY:

PBGC–26, PBGC Insider Threat and Data Loss Prevention (last published at 84 FR 32786 (Jul. 9, 2019)).

SYSTEM NAME AND NUMBER:

PBGC–27: Ensuring Workplace Health and Safety in Response to a Public Health Emergency.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

PBGC, 445 12th Street SW, Washington, DC 20024–2101 (Records may be kept at an additional location as backup for Continuity of Operations).

SYSTEM MANAGER(S):

Workplace Solutions Department/ Emergency Management, PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970 (29 U.S.C. 627), Executive Order 12196, Occupational safety and health programs for Federal employees (Feb. 26, 1980) Executive Order 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees (Sep. 14, 2021), Executive Order 14042, Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors (Sep. 9, 2021), and the National Defense Authorization Act For Fiscal Year 2017 (5 U.S.C. 6329c(b)). Information will be collected and maintained in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*)

PURPOSE(S) OF THE SYSTEM:

The information in the system is collected to assist PBGC with maintaining a safe and healthy workplace and to protect PBGC staff working on-site from risks associated with a public health emergency (as defined by the U.S. Department of Health and Human Services and declared by its Secretary), such as a pandemic or epidemic.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include PBGC staff (*e.g.*, political appointees, employees, detailees, contractors, consultants, interns, and volunteers) and visitors to a PBGC facility during a public health emergency, such as a pandemic or epidemic.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system maintains information collected about PBGC staff and visitors accessing PBGC facilities during a public health emergency, including a pandemic or epidemic. It maintains biographical information collected about PBGC staff and visitors that includes, but is not limited to, their name, contact information, or whether they are in a high-risk category. It maintains health information collected about PBGC staff that includes, but is not limited to, temperature checks, test results, dates, symptoms, and potential or actual exposure to a pathogen. It maintains health information collected about building visitors, that includes, but is not limited to, temperature checks, test results, dates, symptoms, and potential or actual exposure to a pathogen. It maintains information collected about PBGC staff and visitors to a PBGC facility necessary to conduct contact tracing that includes, but is not limited to, the dates when they visited the facility, the locations that they visited within the facility (*e.g.*, office and cubicle number), the duration of time spent in the facility, whether they may have potentially come into contact with a contagious person while visiting the facility, travel dates and locations, and a preferred contact number. It maintains information about emergency contacts for PBGC staff that includes, but is not limited to, the emergency contact's name, phone number, and email address.

RECORD SOURCE CATEGORIES:

The information in this system is collected in part directly from the individual or from the individual's emergency contact. Information is also collected from human resources systems, emergency notification systems, and Federal, state, and local agencies assisting with the response to a public health emergency. Information may also be collected from property management companies responsible for managing office buildings that house PBGC facilities including security systems monitoring access to PBGC facilities, video surveillance, and access control devices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. To a Federal, state, or local agency to the extent necessary to comply with laws governing reporting of infectious disease;

2. To PBGC staff member's emergency contact for purposes of locating a staff member during a public health emergency;

3. To federal contractors performing physical security and/or access control duties at PBGC facilities.

4. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

5. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

6. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

7. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has

agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

8. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

9. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

10. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

11. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

12. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

13. To contractors, experts, consultants, and the agents thereof, and

others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

14. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

15. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

16. To disclose information to a Federal agency, in response to its request, in connection with hiring or retaining an employee, issuing a security clearance, conducting a security or suitability investigation of an individual, or classifying jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

17. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

18. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form, including computer databases, magnetic tapes, and discs. Records are also maintained on PBGC's secure network and back-up tapes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of the individual.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice Records of emergency contacts for PBGC staff will be maintained in accordance with General Records Schedule 5.3, Items 010: Continuity planning and related emergency planning files; and 020: Employee Emergency Contact Information, which requires that the records be destroyed when superseded or obsolete, or upon separation or transfer of employee. PBGC will work with the National Archives and Records Administration (NARA) to draft and secure approval of a records disposition schedule to cover the remainder of the records described in this SORN. Until this records disposition schedule is approved by NARA, PBGC will maintain, and not destroy, these records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the security, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are kept in file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the

individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-27, Ensuring Workplace Health and Safety in Response to a Public Health Emergency (last published at 87 FR 4668 (Jan. 28, 2022)).

SYSTEM NAME AND NUMBER:

PBGC-28: Physical Security and Facility Access.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101.

SYSTEM MANAGER(S):

Director, Workplace Solutions Department, PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12977; 6 CFR part 37; Homeland Security Presidential Directive (HSPD) 12: Policy for a Common Identification Standard for Federal Employees and Contractors.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain information to allow PBGC to provide for its facilities: control of visitor, employee, and government contractor access; physical and operational security; and video surveillance. It can also be used to maintain information from issuing temporary facility access for employees and contractors who are not in possession of their Personal Identity Verification (PIV) card or office key.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current PBGC employees, students, interns, government contractors,

employees of other agencies, vendors, and other authorized visitors who access PBGC facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to employee and government contractor access, visitor access, and facility security. This includes government Personal Identity Verification (PIV) cards, visitor, contractor, and employee access records, temporary access cards, biometric data, and video surveillance recordings. PIV card records include the following information: name, photo, type of access, employee affiliation, expiration date, activation date, credential serial number to include the full Card Holder Unique Identifier (CHUID), height, eye color, and hair color. Visitor access records include the following information: name, phone number, email address, digital photo, scan of government-issued photo identification, reason for visit, organization name, date and time of visit, floor visited, and temporary visitor badge number or barcode. Employee access records include date and time of room or facility access and fingerprint or other biometric data.

RECORD SOURCE CATEGORIES:

Subject individuals, employees, visitors, contractors, vendors, and others visiting PBGC facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant

enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

3. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

4. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use of the record is compatible with the purpose for which PBGC collected the information.

5. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use of the record is compatible with the purpose for which PBGC collected the information.

6. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

7. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

8. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

10. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

11. To any source from which information is requested in the course of processing a grievance, investigation, arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

12. Records from this system may be disclosed to a third party for purposes of providing access to facilities leased by PBGC or on PBGC's behalf.

13. To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

14. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained manually in paper and/or electronic form (including computer databases or discs). Records may also be maintained on back-up tapes, or on a PBGC or a third-party physical access control system.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one of the following: employee or contractor name, PIV card number, temporary access card number, access clearance, key number, key removal date and time, visitor name, date and time of visit, organization, name of PBGC personnel escorting the visitor, visitor badge number, and reason for visit.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for physical security and access control systems and will be maintained in accordance with General Records Schedule 5.6 Security Records Items: 010, 021, 100, 111, 120, 121, 130, and 240.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with PIV cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, or by emailing disclosure@pbgc.gov, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, following the requirements of Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024-2101, or by emailing disclosure@pbgc.gov, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC-28, Physical Security and Facility Access (last published at 89 FR 3436 (Jan. 18, 2024)).

SYSTEM NAME AND NUMBER:

PBGC-29: Freedom of Information Act and Privacy Act Request Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024-2101. (Records may be kept at an additional location as backup for continuity of operations at AINS LLC, DBA OPEXUS, 1101 17th St NW #1200, Washington, DC 20036.)

SYSTEM MANAGER(S):

Deputy General Counsel, Office of the General Counsel (OGC), PBGC, 445 12th Street SW, Washington, DC 20024-2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, The Freedom of Information Act (FOIA), and 5 U.S.C. 552a, The Privacy Act of 1974 (PA).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to process requests for records made under the provisions of the FOIA and PA, and to assist PBGC in carrying out other responsibilities relating to FOIA and PA including operational, management, and reporting purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or their representatives who have submitted FOIA requests, PA requests, or combined FOIA and PA requests for records or information and administrative appeals or have litigation pending with a federal agency; individuals whose requests, appeals or records have been referred to PBGC by other agencies and/or the PBGC personnel assigned to handle such requests, appeals and litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may contain names, mailing addresses, email addresses and telephone numbers of individuals making requests for records or information pursuant to the FOIA/PA; online identity verification information (User name and password), Universally Unique Identification (UUID), name, and email address from Login.gov for account creation and authentication, and any other information voluntarily submitted, such as an individual's social security number; tracking numbers, correspondence with the requester or the requester's representatives, internal PBGC correspondence and memoranda to or from other agencies or entities having a substantial interest in the determination of the request; responses to the request and appeals, and copies of responsive records. These records may contain personal information retrieved in response to a request. FOIA and PA case records may contain inquiries and requests regarding any of PBGC's other systems of records subject to the FOIA and PA, and information about individuals from any of these other systems may become part of this system of records.

RECORD SOURCE CATEGORIES:

Requesters and persons acting on behalf of requesters, PBGC and other Federal agencies having a substantial interest in the determination of the request, and employees processing the requests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. To law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. To a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

3. With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a Federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that Federal agency.

4. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the disclosure of the records to use is compatible with the purpose for which PBGC collected the information.

5. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or

DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use is compatible with the purpose for which PBGC collected the information.

6. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

7. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

8. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

9. To another Federal agency or Federal entity, when PBGC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

10. To the extent needed to perform duties under the contract, to third party contractors who are performing or working on a contract in connection with the performance of an IT service or in support of PBGC's Disclosure Division related to this system of records. Recipients of these records shall be required to comply with the

requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

11. To respond to FOIA requests and appeals made through the agencies electronic FOIA and PA request system, including the names of FOIA requesters, dates related to the processing of the request, and a description of the records sought by the requester (excluding any personally identifiable information in the description of the records, such as telephone or cell phone numbers, home or email addresses, social security numbers), unless the requester asks for the redaction of any personally identifiable information (PII). This information may also be used to create a publicly available log of requests;

12. To assist PBGC in making an access determination, a record from this system may be shared with (a) the person or entity that originally submitted the record to the agency or is the subject of the record or information; or (b) another Federal entity;

13. To the National Archives and Record Administration's (NARA), Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the FOIA, and to facilitate OGIS's offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies;

14. To the Department of Justice (DOJ), to the Department of the Treasury, or to a consumer reporting agency for collection action for unpaid FOIA fees when circumstances warrant; and,

15. To the Office of Management and Budget (OMB) or the DOJ to obtain advice regarding statutory and other requirements under the FOIA or Privacy Act.

16. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic databases. Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: Name, subject, request file/tracking number, or other data element as may be permitted by an automated system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for participant systems and will be maintained in accordance with PBGC Records Schedule. See General Records Schedule (GRS) Items 4.2 Items 001,010, 020, 040, 050, 090. See also PBGC Records Schedule Item 1.2: Administrative Records—Privacy Act.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals. Paper records are kept in file folders in areas of restricted access that are locked after office hours.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically. Further, for certain systems covered by this notice, heightened security access is required. Such access is granted by the specific permissions group assigned to monitor that particular system and only authorized employees of the agency may retrieve, review or modify those records. All employees are annually required to

agree to and comply with PBGC's Rules of Behavior with respect to PBGC's IT systems and PII.

RECORD ACCESS PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c), or via PBGC's online FOIA/PA system the link to which is located at <https://www.pbgc.gov/about/pg/footer/foia>. Individuals or third parties will be required to provide information to verify their identity when making a request.

CONTESTING RECORD PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request, in accordance with 29 CFR 4902.5, identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.

NOTIFICATION PROCEDURES:

Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 445 12th Street SW, Washington, DC 20024–2101, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c), or via PBGC's online FOIA/PA system the link to which is located at <https://www.pbgc.gov/about/pg/footer/foia>. Individuals or third parties will be required to provide information to verify their identity when making a request.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

To the extent that copies of exempt records from other systems of records are entered into this system, PBGC claims the same exemptions for those records that are claimed for the original primary systems of records from which they originated.

HISTORY:

PBGC–29: Freedom of Information Act and Privacy Act Request Records—PBGC (last published at 88 FR 41663 (Jun. 27, 2023)).

SYSTEM NAME AND NUMBER:

PBGC–30: Surveys and Complaints.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation (PBGC), 445 12th Street SW, Washington, DC 20024–2101. (Records may be kept at an additional location of the commercial service provider of Qualtrics, 333 W. River Park Drive Provo, UT 84604, in the Amazon Web Services Government Commercial Cloud).

SYSTEM MANAGER(S):

Office of the General Counsel (OGC), PBGC, 445 12th Street SW, Washington, DC 20024–2101.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1303, 1310, 1321, 1322a, 1341, 1342, 1343, 1350; 1431, and 1432; 5 U.S.C. 301; 44 U.S.C. 3101 *et seq.*

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is for all departments at PBGC to elicit feedback through surveys and respond to complaints PBGC receives from communications contained within them. This includes a process for tracking, receiving, and responding to surveys, complaints, concerns, or questions from individuals about the organizational security and privacy practices. Names, addresses, and telephone numbers are used to survey customers to measure their satisfaction with PBGC's services and to track (for follow-up) those who do not respond to surveys. De-identified, aggregated information from this system may be used for research and statistical purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who access a website operated by or on behalf of PBGC; and individuals who are the subject of or are otherwise connected to an inquiry, investigation, or complaint concerning PBGC's privacy or cybersecurity programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Responses to individual survey questions or complaint forms; IP addresses; cookies (session and persistent); email communications; and information pertaining to the individual's complaint such as their name, email address, phone number, and details about their experience using a PBGC website or their complaint.

RECORD SOURCE CATEGORIES:

Subject individuals; pension plan participants, sponsors, administrators

and third parties; current and former employees or contractors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. A record from this system may be disclosed to law enforcement in the event the record is connected to a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, regulation, rule, or order issued pursuant thereto. Such disclosure may be made to the appropriate agency, whether Federal, state, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if PBGC determines that the records are both relevant and necessary to any enforcement, regulatory, investigative or prospective responsibility of the receiving entity.

2. A record from this system of records may be disclosed to a Federal, state, tribal or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information if, and to the extent necessary, to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

3. A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of PBGC in his or her official capacity, an employee of PBGC in his or her individual capacity whom PBGC (or the Department of Justice (DOJ)) has agreed to represent is a party, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, and if PBGC determines that the record is relevant and necessary to the litigation and that the use of the record is compatible with the purpose for which PBGC collected the information.

4. When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC (or DOJ) has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other Federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from

this system of records may be disclosed to DOJ if PBGC is consulting with DOJ regarding the proceeding or has decided that DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant and necessary to the litigation and that the use of the record is compatible with the purpose for which PBGC collected the information.

5. A record from this system of records may be disclosed to OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. A record from this system of records may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

7. A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. ch. 71 when necessary for the labor organization to properly perform its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

8. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that there has been a breach of the system of records; (2) PBGC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, PBGC (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. To contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for PBGC when necessary to accomplish an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to PBGC employees.

10. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

11. To any source from which information is requested in the course of processing a grievance, investigation,

arbitration, or other litigation, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

12. To Another Agency or Non-Federal Entity in Connection with an OIG Audit, Investigation, or Inspection: To another Federal agency or non-Federal entity to compare such records in the agency's system of records or to non-Federal records in coordination with the Office of Inspector General conducting an audit, investigation, inspection, or some other review as authorized by the Inspector General Act, as amended.

13. To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic databases. Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Indexing surveys and complaints will be determined by individual system implementations, but records are generally indexed by a generic, sequential survey or complaint record identifier. Records may be indexed by a combination of survey responses and contact information that is voluntarily provided through the survey or complaint form.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and destroyed in accordance with the National Archives and Record Administration's

(NARA) Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or a PBGC records disposition schedule approved by NARA. Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice for systems that leverage this SORN and will be maintained in accordance with PBGC Records Schedule. See General Records Schedule (GRS) Items 6.5.010 and 6.5.020: Public Customer Service Records; See also GRS 6.5.010: Complaints-Customer Service; see also GRS Items 4.2.06: Privacy complaint files. See also PBGC Records Schedule Item 1.2: Administrative Records—Privacy Act.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PBGC has established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls. PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals. Paper records are kept in file folders in areas of restricted access that are locked after office hours.

Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically. Further, for certain systems covered by this notice, heightened security access is required.

Such access is granted by the specific permissions group assigned to monitor that particular system and only authorized employees of the agency may retrieve, review or modify those records.

RECORD ACCESS PROCEDURES:

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EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

PBGC–30: Surveys and Complaints—PBGC (last published at 89 FR 3436 (Jan. 18, 2024)).

[FR Doc. 2024–19638 Filed 9–6–24; 8:45 am]

BILLING CODE 7709–02–P

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