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Proclamation 10803 of September 5, 2024

The President

National Days of Prayer and Remembrance, 2024

By the President of the United States of America

A Proclamation

Twenty-three years ago—on September 11, 2001—2,977 precious lives were ripped from us in an evil attack on our Nation. During these solemn days, we renew our sacred vow: Never Forget. Never forget the loved ones we lost. Never forget the first responders who ran toward the rubble to save others. Never forget the hundreds of thousands of patriots who signed up to serve in the years after. And never forget that, when an enemy tried to tear us apart, our country came together. We stood united.

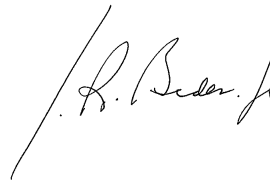
While every year we mark this hallowed day, it is never easier. To all those who are grieving a lost child, parent, spouse, sibling, friend, or co-worker—and to all those who still bear the wounds from that September morning—I know how hard this time can be. It can reopen that black hole in your chest, bringing you back to the moment you saw the news or the moment you got the phone call. Today and every day, the First Lady and I are holding you close to our hearts.

We are also thinking of all the families of Americans who showed extraordinary bravery, selflessness, and sacrifice that day. They are the firefighters, police officers, and first responders who ran into the inferno of jet fuel and debris at Ground Zero and refused to stop searching for months. They are the civilians and service members at the Pentagon who rushed into the fiery breach to rescue their colleagues. They are the passengers of Flight 93, who confronted terror with absolute courage. They are the heroes who signed up to serve and defend our homeland from future attacks. And they include every American—from communities across our country—who stepped up and stood together.

Today—as we remember all those we lost on that searing September day 23 years ago—let us renew our faith in one another. Let us continue to seek light, even in the darkest of hours. And drawing from their example, let us resolve to continue building a Nation that stands as a beacon of liberty and justice for all. That is the truest memorial to their lives—our actions, every day, to ensure that our democracy endures, that our freedom endures, and that the very soul of our Nation endures.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 6, 2024, through September 8, 2024, as National Days of Prayer and Remembrance. I ask that the people of the United States honor the victims of September 11, 2001, and their loved ones with prayer, contemplation, memorial services and visits, bells, candlelight vigils, and other activities. I invite people around the world to join. I call on the citizens of our Nation to give thanks for our many freedoms and blessings, and I invite all people of faith to join me in asking for God's continued guidance, mercy, and protection.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of September, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-ninth.

A handwritten signature in black ink, appearing to read "Joe Biden", is written over a diagonal line that serves as a signature line.

[FR Doc. 2024–20603

Filed 9–9–24; 8:45 am]

Billing code 3395–F4–P

Presidential Documents

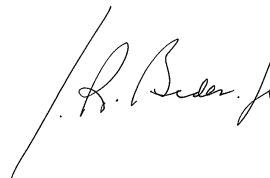
Notice of September 6, 2024

Continuation of the National Emergency With Respect to Ethiopia

On September 17, 2021, by Executive Order 14046, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in and in relation to northern Ethiopia.

The situation in and in relation to northern Ethiopia, which has been marked by activities that threaten the peace, security, and stability of Ethiopia and the greater Horn of Africa region, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 14046 of September 17, 2021, must continue in effect beyond September 17, 2024. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14046 with respect to Ethiopia.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
September 6, 2024.

Rules and Regulations

Federal Register

Vol. 89, No. 175

Tuesday, September 10, 2024

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

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317, 381, and 412

[Docket No. FSIS–2024–0010]

Availability of FSIS Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notification of availability and request for comments.

SUMMARY: FSIS is announcing the availability of an updated version of its guideline on documentation needed to support animal-raising or environment-related claims on meat or poultry product labeling. Official establishments submit this documentation to the Agency when they apply for approval of labels with animal-raising or environment-related claims. The updated guideline includes changes made in response to updated scientific information, FSIS sampling data, askFSIS questions, public comments, petitions, and other meetings with Agency stakeholders.

DATES: Submit comments on or before November 12, 2024.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** document. Submit comments by one of the following methods:

- *Federal eRulemaking Portal:* This website allows commenters 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 online 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–2024–0010. 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: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

Under the Federal Meat Inspection Act and Poultry Products Inspection Act (21 U.S.C. 601–695, at 601(n), 607; 21 U.S.C. 451–470, at 453(h), 457) (the Acts), FSIS develops and implements regulations to require that the labels of meat and poultry products are truthful and not misleading. Under the Acts, the Secretary of Agriculture, who has delegated this authority to FSIS, must approve the labels of meat and poultry products before the products can enter commerce (21 U.S.C. 601(d); 21 U.S.C. 457(c)).¹

FSIS allows some labels to be generically approved if they bear all applicable mandatory labeling features,² do not contain special statements or claims as defined at 9 CFR 412.1(e)(1), and otherwise comply with the Agency’s labeling regulations (see 9 CFR 412.2). Generically approved labels do not need to be submitted to FSIS for approval before they can be used on products in commerce. However, a label with a special statement or claim (9 CFR 412.1(c)(3) and (e)) must be submitted to

¹ FSIS has similar authority over egg products under the Egg Products Inspection Act, 21 U.S.C. 1036(b).

² Mandatory labeling features include the product name, handling statement, ingredients statement, name and place of business of the manufacturer, packer or distributor, net weight, legend, safe handling instructions, and nutrition labeling.

FSIS for approval before it may be used on a product distributed in commerce.

Animal-raising and environment-related claims are voluntary “special statements and claims” (9 CFR 412.1(e)). Special statements and claims are statements, claims, logos, trademarks, and other symbols as defined in 9 CFR 412.1(e). Special statements and claims include those claims not defined in the Federal meat and poultry products inspection regulations or the Food Standards and Labeling Policy Book; “Natural” claims; health claims; ingredient and processing method claims; structure-function claims; claims regarding the raising of animals (e.g., “no antibiotics administered”; products labeled as organic; and instructional or disclaimer statements concerning pathogens).

FSIS does not require such claims to appear on product labels. However, establishments may voluntarily add animal-raising or environment-related claims to their labels if they do not render the product misbranded. Examples of animal-raising claims include but are not limited to: “Raised Without Antibiotics,” “Grass Fed,” “Free-Range,” and “Raised Without the Use of Hormones.” Examples of environment-related claims include but are not limited to: “Raised using Regenerative Agriculture Practices,” and “Environmentally Responsible.” FSIS evaluates labels bearing such claims on a case-by-case basis by reviewing the animal production protocol submitted with the label approval application. FSIS approves the label if the documentation supports the claim made, if the claim is otherwise truthful and not misleading, if the claim (including any qualifying information) is prominently and conspicuously displayed on the label, and if the claim does not otherwise render the product misbranded under the Acts.

At establishments that label products with animal-raising or environment-related claims, FSIS inspectors routinely verify that establishments maintain compliant label records on file. In addition, inspectors may also take appropriate regulatory control action, such as product retention, when they identify misbranded product. FSIS could also rescind approval of false or misleading labels per 9 CFR 500.8.

On October 5, 2016, FSIS announced the availability of and requested

comments on its “Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submission” (81 FR 68933). FSIS published the guideline to advise establishments on the type of documentation they should submit to support animal-raising claims on meat or poultry product labels. FSIS uses this documentation to determine whether these claims are truthful and not misleading.

On December 27, 2019, FSIS announced the availability of an updated version of the guideline (84 FR 71359). FSIS updated the guideline in response to public comments on the 2016 version and a petition for rulemaking. In the 2019 **Federal Register** notification, FSIS specifically requested comments on the label claim “free range” for poultry products in response to the petition. The comments and FSIS’ responses are summarized below. After reviewing updated scientific information, FSIS sampling data, askFSIS questions, public comments, petitions, and other meetings with Agency stakeholders, FSIS has revised the guideline to improve readability, better assist establishments with substantiating animal-raising or environment-related claims, and reduce consumer confusion regarding such claims.

As discussed below, FSIS strongly encourages the use of third-party certification to substantiate animal-raising or environment-related claims, given the limits of FSIS jurisdiction. Third-party certification of animal-raising or environment-related claims helps ensure that such claims are truthful and not misleading by having an independent organization verify that standards are being met on the farm for the raising of animals and the use of environmentally supportive practices. This guidance document identifies criteria that ensures a third-party certification organization is credible and reliable. The Agency evaluates each third-party certification program to assess its suitability for substantiating these types of claims. The revised guideline is posted at <https://www.fsis.usda.gov/policy/fsis-guidelines>.

FSIS Responses to Comments on the 2019 Guideline, Petitions, and Other Information

Free Range and Pasture-Raised Claims

FSIS received over nine thousand comments in response to the previous guideline from individuals, animal advocacy groups, and industry groups on the previous version of this guideline

that argued that living or raising conditions claims (e.g., “free range” and “pasture-raised”) could be considered misleading because they do not always match consumer expectations. Many commenters suggested that to avoid being considered misleading and to better align with consumer expectations, FSIS should define these claims. Lastly, many of the commenters stated that claims like “free range” should not be considered synonymous with other claims (i.e., “free-roaming,” “pasture-fed,” “pasture grown,” “pasture-raised,” and “meadow raised”). Many commenters argued that the production practices associated with these claims are fundamentally different and have different animal welfare implications.

FSIS also received three petitions for rulemaking requesting changes to the Agency’s guidance on animal-raising claims. In January 2016, the Animal Welfare Institute (AWI) submitted a petition for rulemaking³ requesting that FSIS amend its poultry products labeling regulations to define “free range” and to establish substantiation requirements for approval of the claim. The petition specifically asked that FSIS prescribe standards for “free range” claims to require that the birds are provided with (1) outdoor access during daylight hours daily for at least 51 percent of their lives; (2) outdoor space where at least half of the area has a vegetative cover; (3) multiple, large access points to the outdoors; and (4) natural or artificial shelter in the outdoor area. The petition also requested that FSIS require that applications for “free range,” “free-roaming,” and “range grown” labels include a signed affidavit accompanied by a detailed animal care protocol and photographs that illustrate that the birds were raised under conditions that qualify for a “free range,” “free-roaming,” or “range grown” claim.

AWI argued that improperly labeled products could enter the market because FSIS does not define “free range” and its synonymous terms. AWI claimed that the free-range claim can be used in false and misleading ways that may be injurious to individual consumers and the broader market for properly packaged poultry products. The petition included 23 exhibits, consumer expectation data, askFSIS questions, and “free-range” labels approved by FSIS that AWI believed should not have been approved.

³ See <https://www.fsis.usda.gov/federal-register/petitions/petition-define-free-range-and-equivalent-terms-use-labeling-poultry>.

In December 2019, FSIS issued an interim response to the petition⁴ explaining that it updated the guideline to add information on the types of documentation typically needed to substantiate a “free range” claim on a poultry product. FSIS also explained that it requested comments on the Agency’s approach for approving “free range” claims in the labeling of poultry products in the 2019 **Federal Register** notification accompanying the updated guideline.

In March 2023, Perdue Farms, LLC (Perdue) submitted a petition for rulemaking⁵ requesting that FSIS remove “pasture-raised” as a claim synonymous with “free range.” Perdue’s petition also requested that FSIS define “pasture-raised” to apply only to chickens that spend the majority of their lives physically on “pasture,” and “pasture” as a majority of rooted-in-soil vegetative cover.

Perdue’s petition argued that consumers and industry actors perceive “pasture-raised” and “free range” as separate classifications, with the former as a more premium claim. In addition, the petition argued that making these changes would avoid false and misleading marketing of “free range” chickens that have only access to the outdoors and “pasture-raised” chickens that physically spend their life on a pasture. The petition contained consumer survey data to support their arguments. FSIS received 15 comments from third-party certifying organizations, establishments, industry groups, consumer groups, and members of Congress in support of the petition.

Additionally, in July 2022, the People for the Ethical Treatment of Animals (PETA) submitted a petition for rulemaking⁶ requesting that FSIS stop its review and approval of animal-raising claims on food products. Specifically, PETA requested that FSIS amend 9 CFR 412.1 to no longer allow for approval of claims regarding the raising of animals on product labels. PETA also asked FSIS to rescind its guidelines regarding FSIS’ approval of animal-raising claims on labels.

PETA argued that FSIS lacks jurisdiction to regulate on-farm, animal-raising activities; therefore, FSIS’ review, approval, and allowance of animal-raising labels exceeds its statutory authority. According to PETA,

⁴ See: https://www.fsis.usda.gov/sites/default/files/media_file/2020-08/16-01-response-123019.pdf.

⁵ See <https://www.fsis.usda.gov/policy/petitions/petition-submitted-perdue-farms-llc>.

⁶ See: <https://www.fsis.usda.gov/policy/petitions/petition-submitted-people-ethical-treatment-animals>.

because FSIS does not have on-farm jurisdiction, establishments can make misleading or false claims concerning how animals are raised, leading to consumer confusion. The petition included examples of what PETA argued were misleading animal-raising claims that FSIS approved. FSIS didn't receive any public comments on the petition.

FSIS' Response

FSIS has updated its animal-raising claims guidance in response to the concerns raised by commenters and petitioners. FSIS has, however, determined not to codify in its regulations any specific animal-raising claims definitions at this time.⁷ FSIS maintains that animal production practices vary and are continuously developing and that keeping a current list of codified allowable labeling claims would be impractical.

Codifying definitions for animal-raising claims could also hinder the development of new or improved animal production practices. Producers consistently innovate practices to improve the raising of livestock or poultry from birth to slaughter. Likewise, consumer expectations of animal-raising claims consistently evolve. If animal-raising claims are codified, producers that improve their animal-raising practices could lose the benefit of making certain claims, even if the improved practices better align with changing consumer expectations for such claims. For example, producer and consumer understanding of the animal welfare claim "humanely raised" have changed over time. Continued changes in on-farm practices, animal care prior to slaughter, and evolving consumer expectations mean that the understanding of this claim will continue to evolve in the future. Codifying such claims could, therefore, stifle innovation.

Under FSIS' current policy, FSIS Labeling and Program Delivery Staff (LPDS) generally only approves animal welfare or living or raising conditions claims if establishments define their animal welfare or living conditions claims directly on the label. Alternatively, if the establishment has a website where the claim is defined, it may provide the website address on the label rather than directly define the

claim. Also under current policy, for poultry products, establishments do not need to include additional explanation for the living or raising conditions claims "Free Range," "Free Roaming," "Pasture Fed," "Pasture Grown," "Pasture Raised," or "Meadow Raised" on the product labels. However, establishments must provide specific documentation to substantiate such claims. This policy helps ensure that consumers are not confused or misled by such claims.

FSIS has updated the guidance to strongly encourage the use of third-party certifiers to substantiate animal-raising claims. As stated in the revised guideline, labels that truthfully display a third-party certifier's name, logo, and website do not need to further define their certified animal-raising claims on the product label as discussed above, provided that an explanation of the claim and the relevant standards and definitions are clearly posted on the certifier's website.

Additionally, the guideline now strongly encourages establishments to provide additional documentation to the LPDS to substantiate label claims like "pasture-raised," "pasture-fed," "pasture grown," and "meadow-raised." Specifically, FSIS encourages establishments to provide written documentation describing that animals are raised on pasture, *i.e.*, land where the majority is rooted in vegetative cover with grass or other plants, for the majority of their life span from birth until slaughter.

FSIS is not revising the guideline or its regulations to require applications for "free range," "free-roaming," and "range grown" labels to include a signed affidavit, accompanied by a detailed animal care protocol and photographs that illustrate that the birds were raised under conditions that qualify for a "free range," "free-roaming," or "range grown" claim. To substantiate an animal-raising claim, establishments provide LPDS with documentation that supports the claim.

The kind and amount of supporting documentation depends on the claim and could vary according to circumstances. For example, an establishment would need to submit the following documentation to substantiate a "cage free" labeling claim for LPDS approval: (1) A detailed written description explaining controls for ensuring that the animals are raised in a manner consistent with the meaning of the living or raising conditions claim that is valid from birth to slaughter or the period of raising being referenced by the claim; (2) A signed and dated document describing how the animals

are raised to support that the claims are not false or misleading; (3) A written description of the product tracing and segregation mechanism from time of slaughter or further processing through packaging and wholesale or retail distribution; and (4) A written description of the identification, control, and segregation of non-conforming animals/product. FSIS comprehensively evaluates these label applications on a case-by-case basis.

FSIS will continue to evaluate animal-raising claims and approve labeling that complies with the Acts. Stopping FSIS review and approval of all animal-raising claims, as suggested by one petitioner, would effectively prohibit the display of such claims, including those that are truthful and not misleading. This action would, therefore, raise significant free speech issues and could be considered unconstitutional.

Negative Antibiotic Use Claims

In April 2022, *Science* magazine published an article entitled "Policy Reform for antibiotic use claims in livestock," co-authored by the Antibiotic Resistance Action Center at the George Washington University (GWU) School of Public Health and Food In-Depth (FoodID).⁸ The article reported on a study, where the urine of beef cattle designated for the raised without antibiotics market, specifically for a "No Antibiotics Ever" program, was tested for 17 antibiotics commonly administered in feed and water using the FoodID rapid immunoassay. According to the article, the study showed that 15 percent of the cattle feedlots sampled had one or more positive result. A subset of the urine samples that screened positive were subsequently tested in a third-party reference lab. Drug residues were confirmed and quantified in 24 of the 26 samples.

In June 2023, USDA announced that it would be implementing a multi-step effort aimed at strengthening the substantiation of animal-raising and environment-related claims.⁹ FSIS and the Agricultural Research Service (ARS) announced that the two Agencies would be conducting a sampling project to assess antibiotic residues in cattle destined for the raised without antibiotics market.

In September 2023, FSIS and ARS announced that the Agencies began

⁷ The Office of the Federal Register has published this document under the category "Rules and Regulations" pursuant to 1 CFR 5.9(b). The categorization is solely for purposes of publication in the **Federal Register** and does not change the nature of the document and is not intended to affect the validity, content, or intent of the document. See 1 CFR 5.1(c).

⁸ Lance B. Price *et al.*, Policy reforms for antibiotic use claims in livestock. *Science* 376, 130–132 (2022). DOI: 11.1126/science.abj1823.

⁹ See: <https://www.usda.gov/media/press-releases/2023/06/14/usda-launches-effort-strengthen-substantiation-animal-raising>.

exploratory sampling to assess whether antibiotics residues are detected in cattle intended for the raised without antibiotics market.¹⁰ FSIS collected liver and kidney samples from 189 eligible cattle at 79 slaughter establishments in 34 States, and ARS analyzed the samples using a method that targeted more than 180 veterinary drugs from various major classes of antibiotics. For the majority (74%) of these drugs, the method used by ARS is capable of detecting the drug at levels as low as 1 part per billion (ppb) in the animal tissue, with almost all drugs (95%) being detectable at or below 10 ppb.

The exploratory sampling study found residues of antibiotic drugs in the liver or kidney of 37 raised without antibiotics cattle (equivalent to 20% of the total number of animals sampled) originating from 27 slaughter establishments. There were 46 residue detections in these 37 animals. Residues from 10 different types of drugs were detected (tulathromycin, monensin, chlortetracycline, oxytetracycline, tetracycline, penicillin, tildipirosin, tilmicosin, gamithromycin, and sulfamethazine).

FSIS sent letters to establishments where antibiotic residues were found in cattle during the study. The letters notified the establishments about the positive test results, noted that the establishments may have produced misbranded products, and recommended that the establishments take actions to prevent further misbranded product from entering commerce. FSIS also notified the establishments that the results from the study would inform future policy changes, and that the Agency may elect to collect and analyze future samples that could be used to take a regulatory action. FSIS is still considering these issues and will inform the public of any future changes to label policy or Agency sampling.

FSIS' Response

In response to the *GWU/FoodID* study in *Science* magazine and the FSIS/ARS sampling program results, FSIS has updated its recommendations in the guideline on how establishments substantiate negative antibiotic use claims. Specifically, the guideline now strongly encourages meat and poultry establishments to substantiate such claims by implementing a routine sampling and testing program to test for the use of antibiotics in animals prior to

slaughter. In the alternative, the guideline strongly encourages that establishments obtain third party certification for negative antibiotic use claims from certifiers that routinely perform antibiotic sampling and testing as a condition of certification.

Environment-Related Claims

The Environmental Working Group (EWG) submitted petitions for rulemaking in April and July 2023.¹¹ EWG requested that FSIS: (1) reject climate-related and environment-related labeling claims like “low-carbon beef” and “climate-friendly” made directly by establishments, (2) require third-party certification for climate claims, and (3) require a numerical carbon disclosure whenever such claims are made.

EWG argued that many environmental welfare climate claims (e.g., Low-Carbon Beef, Net-Zero, Carbon Neutral, Carbon Negative, Climate Neutral, Net-Zero Carbon, Climate Positive, Climate Neutral, and Carbon Positive) are inherently misleading. According to EWG, most consumers believe these claims reflect reductions in actual greenhouse gas emissions in-house, not offsets of these emissions through changes in farming practices by others. The petitioner stated that when consumers are told that claims could be made by reliance on offsets instead of actual emissions reductions, most consumers report feeling misled.¹²

FSIS' Response

In response to this petition, FSIS has updated the guideline to explain that establishments are strongly encouraged to provide additional documentation, such as environmental data or studies, to FSIS to support and substantiate their environment-related claims. This change to the environment-related claims guidance will help ensure that claims are truthful and not misleading. FSIS recommends that establishments contact LPDS to discuss potential environment-related claims and the documentation needed to support such claims before submitting a label application for prior approval.

Under FSIS' current policy, establishments define their environment-related claims directly on the label. Alternatively, if the establishment has a website where the claim is defined, it may provide the website address (where the relevant standards are posted) on the label rather than directly define the claim. This

policy helps ensure that consumers are not confused or misled by such claims.

FSIS also updated the guideline to strongly encourage establishments using environment-related claims to use third-party certifiers. When label claims are certified by a third-party organization, which posts the standards used to define the claim conspicuously on its website, establishments do not need to include statements that fully explain their claims on their labels.

Third Party Certification

FSIS' guideline now strongly encourages establishments to use a third-party organization to substantiate animal-raising or environment-related claims. For example, FSIS recommends that third party certification should be performed by an organization independent of the establishment paying for the certification, that the third-party organization should routinely audit, validate, and verify claims on the label to ensure they meet related standards. Moreover, FSIS recommends that the third-party certifier conducts testing for raised without antibiotics claims. In response to concerns that third-party certification is costly for small and very small establishments, FSIS is exploring options to determine whether there are lower-cost third-party certification programs, including those offered by the Agricultural Marketing Service (AMS), that meet the recommended criteria for third-party certifiers included in the revised guideline.

Summary of Changes to the Guideline

FSIS made the following minor changes to the guideline in response to askFSIS questions and meetings with stakeholders:

- FSIS clarified that when establishments carry forward an animal-raising claim to a multi-ingredient product, the claim needs to include qualifying language such as “used,” “raised,” or “made with” to make clear that the animal-raising claim is specific to the meat or poultry component in the multi-ingredient product.
- FSIS added examples of common diet claims and added further guidance on the use of “Vegetarian Fed” and “No Animal Byproducts” claims to clarify that these claims mean that animals are solely fed plant-based feeds and no animal products.

- FSIS created a new email address for establishments to use when submitting requests to add new supplier documentation for a previously approved label without having to resubmit the label for another sketch approval.

¹⁰ See: <https://www.fsis.usda.gov/news-events/news-press-releases/constituent-update-september-22-2023>.

¹¹ See <https://www.fsis.usda.gov/policy/petitions/petition-submitted-environmental-working-group>.

¹² See <https://www.asa.org.uk/static/6830187f-cc56-4433-b53a4ab0fa8770fc/CCE-Consumer-Understanding-Research-2022Final-090922.pdf>.

- FSIS separated “Animal Welfare” and “Environmental Stewardship” sections and renamed “Environmental Stewardship” to “Environment-Related” to better clarify the claims and the documentation to be submitted for each type of claim.

- FSIS made several changes to the formatting, language, and organizational structure of the guideline to improve readability.

As explained above, FSIS also made some significant changes to the guideline in response to petitions and public comments on the last version of the guideline.

- FSIS updated documentation that establishments are strongly encouraged to submit to LPDS to substantiate claims like “Pasture Raised,” “Pasture Fed,” “Pasture Grown,” and “Meadow Raised.”

- FSIS recommended criteria for third-party organizations that certify animal-raising or environment-related claims.

- FSIS further emphasized that, to substantiate a third-party certification claim, establishments should provide FSIS with a copy of their current certificate.

- FSIS further emphasized that if a claim was certified by a third-party organization, the Agency will approve the label bearing the claim only if it includes the certifying entity’s name, website address (where the relevant standards can be found), and logo, when the organization has a logo.

- FSIS added language strongly encouraging establishments to substantiate negative antibiotic use claims by instituting a routine sampling program to test for the use of antibiotics in animals prior to slaughter or by using a third-party certifier who performs routine antibiotic sampling and testing as part of their certification standards.

- FSIS added language stating that establishments are strongly encouraged to provide FSIS with relevant data or studies (e.g., soil/land variation or air quality studies and results) to substantiate environment-related claims.

- FSIS added language strongly encouraging establishments to use third-party certification to substantiate animal-raising or environment-related claims, given the limits of FSIS jurisdiction.

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 [http://](http://www.fsis.usda.gov/federal-register)

www.fsis.usda.gov/federal-register. FSIS will also make copies of this publication available 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>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password-protect their accounts.

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(1) *Mail*: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; or

(2) *Fax*: (833) 256-1665 or (202) 690-7442; or

(3) *Email*: program.intake@usda.gov.

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Done at Washington, DC.

Paul Kiecker,

Administrator.

[FR Doc. 2024-19696 Filed 9-9-24; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC-2023-0171]

Regulatory Guide: Physical Security Event Notifications, Reports, and Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Final guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 to Regulatory Guide (RG), 5.62, “Physical Security Event Notifications, Reports, and Records.” This RG clarifies reporting and recording of security events and conditions adverse to security under NRC’s regulations concerning the physical protection of plants and materials.

DATES: Revision 3 to RG 5.62 is available on September 10, 2024.

ADDRESSES: Please refer to Docket ID NRC-2023-0171 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0171. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed

in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

Revision 3 to RG 5.62 may be found in ADAMS under Accession No. ML23299A176. The NRC staff's responses to public comments on Draft Regulatory Guide (DG)-5080 are available in ADAMS under Accession No. ML23299A187.

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FOR FURTHER INFORMATION CONTACT: Phil Brochman, Office of Nuclear Security and Incident Response, telephone: 301-287-3691; email: Phil.Brochman@nrc.gov or Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301-415-1067; email: Stanley.Gardocki@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision in the NRC's "Regulatory Guide" series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The proposed Revision 3 to RG 5.62 was issued with a temporary identification of DG-5080 (ADAMS Accession No. ML23198A191).

This revision provides additional guidance on physical security event notifications, written follow-up reports, and recordkeeping of security events and other security-related conditions adverse to quality. These new and updated requirements are part of the NRC's final rule, entitled "Enhanced Weapons, Firearms Background Checks, and Security Event Notifications" (hereafter the Enhanced Weapons rule), that was published in the **Federal Register** on March 14, 2023 (88 FR 15864). These provisions are found in the NRC's regulations under title 10 of the *Code of Federal Regulations* (10 CFR), §§ 73.1200, 73.1205, and 10 CFR 73.1210.

Revision 3 to RG 5.62 provides examples, considerations, and guidance to assist licensees and their security personnel in understanding their responsibilities in implementing the provisions of §§ 73.1200, 73.1205, and 73.1210.

II. Additional Information

The NRC published a notice of availability of DG-5080 in the **Federal Register** on October 27, 2023 (88 FR 73767) for a 45-day public comment period. The public comment period closed on December 11, 2023. The NRC staff made changes to RG 5.62 in response to public comments. The NRC staff's responses to these public comments on DG-5080 are available in ADAMS under Accession No. ML23299A187.

As noted in the **Federal Register** on December 9, 2022 (87 FR 75671), this document is being published in the "Rules" section of the **Federal Register** to comply with publication requirements under 1 CFR chapter I.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

Issuance of Revision 3 to RG 5.62 does not constitute backfitting as defined in 10 CFR 72.62, "Backfitting," 10 CFR 70.76, "Backfitting," and 10 CFR 50.109, "Backfitting," and as described in NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests" (ADAMS Accession No. ML18093B087); does not constitute forward fitting as that term is defined and described in MD 8.4; and does not affect the issue finality of any approval

issued under 10 CFR part 52, "Licenses, Certificates, and Approvals for Nuclear Powerplants," because, as explained in Revision 3 to RG 5.62, licensees are not required to comply with the positions set forth in the RG.

V. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the "Regulatory Guide" series.

Dated: September 4, 2024.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2024-20353 Filed 9-9-24; 8:45 am]

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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1703

[Docket No. DNFSB-2024-01]

RIN 3155-AA03

Freedom of Information Act: Revised Fee Schedule

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Final rule.

SUMMARY: This final rule revises the Defense Nuclear Facilities Safety Board's (DNFSB or Board) Freedom of Information Act (FOIA or Act) fee schedule and makes conforming amendments to two related provisions of its FOIA regulations.

DATES: This rule is effective October 10, 2024.

FOR FURTHER INFORMATION CONTACT: Tayrn L. Gude, Director, Division of Operational Services, Office of the General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004-2901, (202) 694-7000 (Toll Free (800) 788-4016.)

SUPPLEMENTARY INFORMATION:

I. Background

The Freedom of Information Act permits Federal agencies to recover certain costs they incur in processing requests filed under its authority. 5

U.S.C. 552(a)(4)(A)(i). To do so, they are required to publish a schedule of the fees charged for those costs in accordance with guidelines issued by the Office of Management and Budget, (52 FR 10012 (March 27, 1987), *revised* 85 FR 81955 (Dec. 17, 2020)). The rules governing DNFSB's collection of fees appear in its FOIA regulations at 10 CFR 1703.107(b)(6), and on November 15, 2023, DNFSB issued a notice of proposed rulemaking (NPR) to amend the rules to use the actual salary rate(s) (*i.e.*, basic hourly rate of pay plus an additional 16%) of personnel searching for and reviewing records in response to FOIA requests as the basis for calculating fees.

II. Summary of Final Rule

With today's action, DNFSB amends the following subsections of its regulation governing fees charged for responding to requests for records (10 CFR 1703.107):

A. 10 CFR 1703.107(b)(1): Changes the definition of "Direct Costs" by replacing the phrase "average salary and projected benefits costs of agency employees" with "the hourly salary and projected benefits costs of agency personnel."

B. 10 CFR 1703.107(b)(2)(i): Changes the description of the fees charged to commercial use requesters by replacing the phrase "average salary and projected benefits costs of agency employees" with "the hourly salary and projected benefits costs of agency personnel."

C. 10 CFR 1703.107(b)(2)(ii): Changes the phrase "the Board's charges" to "the DNFSB's charges" and restores the last sentence of the paragraph, which was inadvertently omitted from the proposed notice of rulemaking, *i.e.*, "[T]here shall be no charge for the first 100 pages of duplication."

D. 10 CFR 1703.107(b)(2)(iii): Changes the description of the fees charged to "other" requesters, *i.e.*, those who are not commercial requesters nor representatives of the news media or educational or noncommercial scientific institutions, by replacing the phrase "average hourly pay rate for Board employees, plus the average hourly projected benefits cost" with "hourly salary and projected benefits costs of the agency personnel who search for records in response to a request."

E. 10 CFR 1703.107(b)(6)(i): Replaces the existing paragraph, which requires publication of an annual update of a schedule of FOIA fees that includes a statement of the average hourly pay rates and average hourly projected benefit costs of agency employees, with a new paragraph that lists the FOIA response costs DNFSB may seek to recover and bases the calculation of

personnel costs on the hourly pay rate (plus 16% to cover benefits costs). DNFSB has replaced the words "employee" and "employees" with the word "personnel" to ensure that it is able to recover the cost of document search and review time spent by contract workers as well as federal employees, in accordance with the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012, 10018, 7. *Fees To Be Charged-General*. The replacement of the word "employee" to "personnel" in the final rule so that it includes contractors is in keeping with the purpose of the proposed rule to align the fees with the direct costs incurred by DNFSB.

III. Response to Comments

DNFSB received two sets of comments on its proposed rulemaking.

One commenter noted that the proposed amendment to 10 CFR 1703.107(b)(2)(ii) failed to include the last sentence of the existing regulation barring the agency from charging the covered requesters for the costs of the first 100 pages of duplication. This comment was well taken: the omission of the sentence containing the exemption from duplicating costs was unintentional, and as noted above, the sentence has been reincorporated in the final text of the regulation published today.

The second commenter expressed concern that the proposed amendments did not explicitly take account of the statutory prohibition from seeking fees for responses to requests that are not made within the statutory time limit. 5 U.S.C. 552(a)(4)(A)(viii). DNFSB agrees with the commenter's assertion that the regulations must take account of FOIA's prohibition of fees for responses made out of time. It does not agree, however, that the changes to the proposal suggested by the commenter are necessary because the regulations already contain a provision barring the collection of fees for untimely responses. Specifically, 10 CFR 1703.107(b)(2)(iv) states that: "The Board will not assess any fees if it has failed to meet its deadlines in § 1703.108," which sets out the time limits within which the agency is to respond to perfected FOIA requests.

IV. Regulatory Analysis

Regulatory Flexibility Act

This final rule pertains to the Board's policies and practices for processing FOIA requests and does not impose any new requirements on small entities. Therefore, no analysis is required by the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, as amended, 5 U.S.C. 804. It will not result in: an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This update to the Board's FOIA regulations contains no new reporting or recordkeeping requirements under the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 *et seq.*, and it does not require or request information from members of the public. As a result, this rulemaking is not covered by the restrictions of the PRA.

Executive Order 12988—Civil Justice Reform

These regulations meet the applicable standards set forth in Executive Order 12988.

Executive Order 13132—Federalism

According to Executive Order 13132, agencies must state in clear language the preemptive effect, if any, of new regulations. These amendments to the Board's FOIA regulations affect only how the Board responds to requests for information and have no preemptive effect on state, tribal, or local government laws or otherwise have federalism implications.

Congressional Review Act

This is a rule under the Congressional Review Act. The Board will send a copy of this rulemaking to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A). The Office of Information and Regulatory Affairs has designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 10 CFR Part 1703

Freedom of Information.

For the reasons discussed in the preamble, the Defense Nuclear Facilities Safety Board amends section 1703.107 of the Code of Federal Regulations to read as follows:

■ 1. The authority citation for part 1703 continues to read:

Authority: 5 U.S.C. 301, 552; 31 U.S.C. 9701; 42 U.S.C. 2286b.

■ 2. Amend § 1703.107 by revising by:

- a. In paragraph (b)(1), revising the definition of “Direct costs”; and
- b. Revising paragraphs (b)(2)(i), (ii), (iii), and (b)(6).

The revisions read as follows:

§ 1703.107 Fees for Record Requests.

* * * * *

(b) * * *

(1) * * *

* * * * *

Direct costs mean those expenditures which DNFSB incurs in search, review, and duplication, as applicable to different categories of requesters, to respond to requests under § 1703.105. Direct costs include, for example, the hourly salary and projected benefits costs of agency personnel who search for, review, or duplicate records in response to a request. Overhead expenses such as cost of space, and heating or lighting the facility in which DNFSB records are stored are not included in direct costs.

* * * * *

(2) * * *

(i) If documents are requested for commercial use, DNFSB shall charge the hourly salary and projected benefits costs of agency personnel who search for and review records in response to a request, and for the costs of duplication as set out in subsection (b)(6) of this section.

(ii) If documents are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research, or a representative of the news media, DNFSB's charges shall be limited to the direct costs of duplication as set out in subsection (b)(6) of this section. There shall be no charge for the first 100 pages of duplication.

(iii) For a request not described in paragraphs (b)(2) (i) or (ii) of this section, DNFSB shall charge the hourly salary and projected benefits costs of the agency's personnel who search for records in response to a request and the direct costs of duplication as set out in subsection (b)(6) of this section. There shall be no charge for document review

time, and the first 100 pages of reproduction and the first two hours of search time will be provided without charge.

* * * * *

(6) *Schedule of Fees.* To the extent authorized by these regulations, DNFSB is authorized to seek the following fees to recover costs incurred in responding to FOIA requests:

(i) *Document search charges.* (A) *Manual:* Salary rate(s) (basic hourly pay plus 16%) of personnel performing records search or review.

(B) *Electronic:* Salary rate(s) (basic hourly pay plus 16%) of personnel performing search or review.

(C) *Document Review Charges:* Salary rate(s) (basic hourly pay plus 16%) of personnel performing search or review.

(iii) *Commercial requests.* DNFSB will charge requesters who seek records for commercial purposes for the cost of reviewing them to determine whether they are exempt from mandatory disclosure. The agency will assess these charges only when the records are first analyzed to determine the applicability of a specific exemption to a record or portion thereof. DNFSB will not charge for the review of an exemption previously applied at the administrative review level. If a record or portion thereof was withheld in full under an exemption that is subsequently found inapplicable, it may be reviewed again to determine the applicability of other exemptions not previously considered. DNFSB may charge for the cost of such review.

(iv) *Copying charges.* (1) *Paper:* \$.05 per page, if done in-house, or generally available commercial rate, approximately \$0.10 per page.

(2) *Electronic media:* Direct cost, including operator time (basic hourly pay plus 16%).

(3) *Audio and video cassette:* Actual commercial rates.

(4) *Duplication of CD or DVD:* Direct cost, including operator time (basic hourly pay plus 16%).

(5) *Large documents, e.g., maps or diagrams:* Actual commercial rates.

Dated: August 22, 2024.

Joyce Connery,
Chair.

[FR Doc. 2024-19527 Filed 9-9-24; 8:45 am]

BILLING CODE 3670-01-P

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

[Docket No. FAA-2024-1005; Project Identifier AD-2022-00996-T; Amendment 39-22796; AD 2024-15-05]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767-300 series airplanes. This AD was prompted by report that some Model 767-300 series airplanes that had been converted into a freighter configuration are missing an electrical bracket for a wire bundle in the main equipment center. This AD requires installing an electrical support bracket and re-installing wire bundles. 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.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1005; 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, 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](https://www.regulations.gov) under Docket No. FAA-2024-1005.

FOR FURTHER INFORMATION CONTACT:

Samuel Dorsey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3415; email: samuel.j.dorsey@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to The Boeing Company Model 767–300 airplanes with certain line numbers. The NPRM published in the **Federal Register** on April 23, 2024 (89 FR 30284). The NPRM was prompted by a report that some Model 767–300 series airplanes that had been modified to operate in a freighter configuration by the manufacturer are missing an electrical support bracket for a wire bundle in the main equipment center. The missing electrical support bracket affects wire separation configuration requirements for fuel quantity indicating system wiring and could result in an electrical fault condition. In addition, the missing electrical support bracket is needed for some Model 767–

300 cargo airplanes to accomplish the service bulletin required by the alternative actions in paragraph (h)(2)(ii) of AD 2020–18–16, Amendment 39–21237 (85 FR 62993, October 6, 2020).

In the NPRM, the FAA proposed to require installing an electrical support bracket and re-installing wire bundles. The FAA is issuing this AD to prevent possible ignition sources in the fuel tank due to an electrical fault, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Discussion of Final Airworthiness Directive**Comments**

The FAA received comments from two commenters.

The Air Line Pilots Association, International, supported the NPRM without change.

Aviation Partners Boeing stated that installing winglets under Supplemental Type Certificate ST01920SE does not affect compliance with the proposed actions. The FAA agrees. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the 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. This AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Service Bulletin 767–24A0261, Revision 1, dated August 17, 2022. This material specifies procedures for installing an electrical support bracket in the main equipment center and re-installing wire bundles. 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 18 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation of bracket	3 work-hours × \$85 per hour = \$255	\$93	\$348	\$6,264

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 adding the following new airworthiness directive:

2024–15–05 The Boeing Company:

Amendment 39–22796; Docket No. FAA–2024–1005; Project Identifier AD–2022–00996–T.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 767–24A0261, Revision 1, dated August 17, 2022.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Unsafe Condition

This AD was prompted by a report that some Model 767–300 series airplanes that have been modified to operate in a freighter configuration are missing an electrical bracket for a wire bundle in the main equipment center, which affects wire separation configuration requirements for fuel quantity indicating system wiring and could result in an electrical fault condition. The FAA is issuing this AD to prevent possible ignition sources in the fuel tank due to an electrical fault, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Service Bulletin 767–24A0261, Revision 1, dated August 17, 2022, do all applicable actions identified as “RC” (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 767–24A0261, Revision 1, dated August 17, 2022.

(h) Exceptions to Service Information Specifications

Where the “Compliance” paragraph of Boeing Alert Service Bulletin 767–24A0261, Revision 1, dated August 17, 2022, refers to the Revision 1 date of this service bulletin, this AD requires using the effective date of this AD.

(i) Credit for Previous Actions

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 Boeing Service Bulletin 767–24–0261, dated May 19, 2021.

(j) 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 (k)(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) Except as specified by paragraph (h) of this AD: For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(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.

(k) Related Information

(1) For more information about this AD, contact Samuel Dorsey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3415; email: samuel.j.dorsey@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the addresses specified in paragraph (l)(3) 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 the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 767–24A0261, Revision 1, dated August 17, 2022.

(ii) [Reserved]

(3) For the 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.

(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-locations or email fr.inspection@nara.gov.

Issued on September 5, 2024.

Peter A. White,

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

[FR Doc. 2024–20389 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2024–1289; Project Identifier MCAI–2023–01049–T; Amendment 39–22797; AD 2024–15–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by a report indicating that at various lavatory and galley locations within the airplane, incorrect terminal lugs were installed which are not compatible with the associated wire gauge. This AD requires removing and replacing existing lug terminals at various lavatory and galley locations, as specified in a Transport Canada 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.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2024–1289; 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 Transport Canada material identified in this AD, contact Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation.

• 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-2024-1289.

FOR FURTHER INFORMATION CONTACT:

William Reisenauer, 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:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. The NPRM published in the **Federal Register** on May 6, 2024 (89 FR 37144). The NPRM was prompted by AD CF-2023-67, dated October 4, 2023, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF 2023-67) (also referred to as the MCAI). The MCAI states that at lavatory and galley locations within the airplane, incorrect terminal lugs have been installed which are not compatible with the associated wire gauge.

In the NPRM, the FAA proposed to require removing and replacing existing lug terminals at various lavatory and galley locations, as specified in Transport Canada AD CF-2023-67. The FAA is issuing this AD to address incorrect terminal lugs that may become loose causing a loss of electromagnetic interference protection, which could result in false alarms of the lavatory smoke detectors, false alarms of low crew oxygen pressure, loss of automatic control of automatic cabin temperature control, and loss of lavatory flush. The unsafe condition, if not corrected, could result in an increase in crew workload, including diversions and descent to below 10,000 feet or the lowest safe altitude.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA-2024-1289.

Discussion of Final Airworthiness Directive**Comments**

The FAA received a comment from Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received an additional comment from an individual, who requested to be informed as to how the FAA will continue coordination between the FAA and Transport Canada to ensure the effectiveness of the AD, and to address any emerging issues related to the replacement of terminal lugs.

The FAA continuously evaluates operator and manufacturer reports and other data to promote safe type certification and production. Since this commenter did not ask for a change to the final rule, no change has been made to this AD in response to this request.

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 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 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

Transport Canada AD CF-2023-67 specifies procedures for removing existing terminal lugs and installing new terminal lugs at lavatories A, C1, C2, C3, D2, D4, and E, and galleys G2A, G2G, and G4, including replacing the ground wires for new terminal lugs if the ground wire length is not sufficient; and installing the service bulletin incorporation placards.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 81 work-hours × \$85 per hour = Up to \$6,885	(*)	Up to \$6,885	Up to \$454,410.

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

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all 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 adding the following new airworthiness directive:

2024–15–06 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22797; Docket No. FAA–2024–1289; Project Identifier MCAI–2023–01049–T.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2023–67, dated October 4, 2023 (Transport Canada AD CF–2023–67).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that at lavatory and galley locations within the airplane, incorrect terminal lugs have been installed which are not compatible with the associated wire gauge. The FAA is issuing this AD to address incorrect terminal lugs that may become loose causing a loss of electromagnetic interference protection,

which could result in false alarms of the lavatory smoke detectors, false alarms of low crew oxygen pressure, loss of automatic control of automatic cabin temperature control, and loss of lavatory flush. The unsafe condition, if not corrected, could result in an increase in crew workload, including diversions and descent to below 10,000 feet or the lowest safe altitude.

(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, Transport Canada AD CF–2023–67.

(h) Exception to Transport Canada AD CF–2023–67

(1) Where Transport Canada AD CF–2023–67 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2023–67 refers to hours air time, this AD requires using flight hours.

(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-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 Airbus Canada Limited Partnership’s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email 9-avs-nyaco-cos@faa.gov.

(k) Material Incorporated by Reference Under 1 CFR Part 51

(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) Transport Canada AD CF–2023–67, dated October 4, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–67, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this Transport Canada AD on the Transport Canada website at tc.canada.ca/en/aviation.

(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-locations, or email fr.inspection@nara.gov.

Issued on July 23, 2024.

Peter A. White,

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

[FR Doc. 2024–20307 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1290; Project Identifier MCAI–2024–00078–T; Amendment 39–22795; AD 2024–15–04]

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) 2023–22–13, which applied to certain Dassault Aviation Model FALCON 7X airplanes. AD 2023–22–13 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 2023–22–13 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 (IBR). 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 December 29, 2023 (88 FR 82246, November 24, 2023).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1290; 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, 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–2024–1290.

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 2023–22–13, Amendment 39–22597 (88 FR 82246, November 24, 2023) (AD 2023–22–13). AD 2023–22–13 applied to certain Dassault Aviation Model FALCON 7X airplanes. AD 2023–22–13 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–22–13 to address

reduced structural integrity and reduced control of the airplane due to the failure of system components. AD 2023–22–13 specifies that accomplishing the revision required by that AD terminates certain requirements of AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) (AD 2014–16–23). This AD therefore continues to allow that terminating action.

The NPRM published in the **Federal Register** on May 13, 2024 (89 FR 41361). The NPRM was prompted by AD 2024–0033, dated January 31, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union, (EASA AD 2024–0033) (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 2023–22–13 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 2024–0033. The FAA is issuing this AD to address reduced structural integrity and reduced control of the airplane due to the failure of system components.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1290.

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.

Related Material Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0033. This material specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2023–0063, dated March 20, 2023, which the Director of the Federal Register approved for incorporation by reference as of December 29, 2023 (88 FR 82246, November 24, 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 134 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 2023–22–13 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) 2023–22–13, Amendment 39–22597 (88 FR 82246, November 24, 2023); and
 - b. Adding the following new AD:
- 2024–15–04 Dassault Aviation:**
Amendment 39–22795; Docket No. FAA–2024–1290; Project Identifier MCAI–2024–00078–T.

(a) Effective Date

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

(b) Affected ADs

- (1) This AD replaces AD 2023–22–13, Amendment 39–22597 (88 FR 82246, November 24, 2023) (AD 2023–22–13).
- (2) This AD affects AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) (AD 2014–16–23).

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before September 7, 2023.

Note 1 to paragraph (c): Model FALCON 7X airplanes with modification M1000 incorporated are commonly referred to as “Model FALCON 8X” airplanes as a marketing designation.

(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 and reduced control of the airplane due to the failure of system components.

(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 2023–22–13, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before September 7, 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 2023–0063, dated March 20, 2023 (EASA AD 2023–0063). 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 2023–0063, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–22–13, with no changes.

- (1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0063.

- (2) Paragraph (3) of EASA AD 2023–0063 specifies revising “the approved AMP [aircraft maintenance program]” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after December 29, 2023 (the effective date of AD 2023–22–13).

- (3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0063 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2023–0063, or within 90 days after December 29, 2023 (the effective date of AD 2023–22–13), whichever occurs later.

- (4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0063.

- (5) This AD does not adopt the “Remarks” section of EASA AD 2023–0063.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–22–13, 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), intervals, or CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2023–0063.

(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 2024–0033, dated January 31, 2024 (EASA AD 2024–0033). 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 2024–0033

- (1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0033.

- (2) Paragraph (3) of EASA AD 2024–0033 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 2024–0033 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0033, 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 2024–0033.

- (5) This AD does not adopt the “Remarks” section of EASA AD 2024–0033.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0033.

(m) Terminating Action for Certain Requirements in AD 2014–16–23

Accomplishing the actions required by paragraphs (g) or (j) of this AD terminates the requirements of paragraph (q) of AD 2014–16–23.

(n) 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 International Validation Branch, send

it to the attention of the person identified in paragraph (o) 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.

(o) 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.

(p) 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 2024-0033, dated January 31, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on December 29, 2023 (88 FR 82246, November 24, 2023).

(i) European Union Aviation Safety Agency (EASA) AD 2023-0063, dated March 20, 2023.

(ii) [Reserved]

(5) For EASA ADs 2024-0033 and 2023-0063, 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. 2024-20315 Filed 9-9-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-1002; Project Identifier MCAI-2022-01574-R; Amendment 39-22799; AD 2024-15-08]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350D, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. This AD was prompted by reports of debonding on the leading edge protection of certain part-numbered main rotor blades (MRBs). This AD requires repetitively tap inspecting the MRB and, depending on the results, taking corrective action. This AD also prohibits installing an affected MRB on any helicopter unless its requirements are met. These actions are 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.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2024-1002; 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; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at regulations.gov under Docket No. FAA-2024-1002.

Other Related Material: For Airbus Helicopters material identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at airbus.com/en/products-services/helicopters/hcare-services/airbusworld. You may also view this material at the FAA contact information under Material Incorporated by Reference above.

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; phone: (404) 474-5548; email: william.mccully@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022-0246, dated December 12, 2022 (EASA AD 2022-0246), to correct an unsafe condition on all Airbus Helicopters Model AS 350 B, AS 350 BA, AS 350 B1, AS 350 B2, AS 350 BB, AS 350 D, AS 355 E, AS 355 F, AS 355 F1, AS 355 F2, and AS 355 N helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350D, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. The NPRM published in the **Federal Register** on April 16, 2024 (89 FR 26794). The NPRM was prompted by reports of debonding on the stainless steel leading edge protection of certain part-numbered MRBs. The NPRM proposed to require repetitively tap inspecting the MRB and, depending on the results, taking corrective action. The NPRM also prohibited installing an affected MRB on any helicopter unless its requirements are met, as specified in EASA AD 2022-0246.

The FAA is issuing this AD to address the debonding of the MRB leading edge protection. The unsafe condition, if not addressed, could result in a significant unbalance of the main rotor, a high level of vibration, failure of the main rotor, failure of the main gearbox, and subsequent loss of control of the helicopter.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. 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 these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2022–0246 requires repetitively tap inspecting affected MRBs and, depending on findings, either repairing or replacing the MRB. For certain helicopters, EASA AD 2022–0246 prohibits installing an affected MRB unless it is a serviceable part as defined within and is inspected following installation. For other certain helicopters, EASA AD 2022–0246 prohibits installing an affected MRB.

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.

Other Related Material

The FAA also reviewed Airbus Helicopters Alert Service Bulletin No. AS350–05.01.07 and No. AS355–05.00.91, both Revision 0 and dated December 6, 2022. This material describes procedures for tap inspecting the stainless steel leading edge protection of the MRB and, depending on the results, repairing or sending the MRB for repair to Airbus Helicopters. This material also specifies sending certain information to Airbus Helicopters.

Differences Between This AD and the EASA AD

EASA AD 2022–0246 applies to Model AS350BB helicopters, whereas this AD does not because that model is not FAA-type certificated.

Costs of Compliance

The FAA estimates that this AD affects 405 helicopters of U.S. Registry. Labor rates are estimated at \$85 per

work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Tap inspecting affected MRBs for debonding takes up to approximately 1 work-hour (up to three MRBs per helicopter) for an estimated cost of up to \$85 per helicopter and \$34,425 for the U.S. fleet, per inspection cycle. Replacing a blade takes approximately 6 work-hours and parts cost up to approximately \$84,000 for an estimated cost of up to \$84,510 per MRB. The FAA has no data to determine the cost of or the number of helicopters that might need the MRB repaired.

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 adding the following new airworthiness directive:

2024–15–08 Airbus Helicopters:

Amendment 39–22799; Docket No. FAA–2024–1002; Project Identifier MCAI–2022–01574–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350D, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6210, Main Rotor Blades.

(e) Unsafe Condition

This AD was prompted by reports of debonding on the stainless steel leading edge protection of certain main rotor blades (MRBs). The FAA is issuing this AD to address the debonding of the MRB leading edge protection. The unsafe condition, if not addressed, could result in a significant unbalance of the main rotor, a high level of vibration, failure of the main rotor, failure of the main gearbox, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0246, dated December 12, 2022 (EASA AD 2022–0246).

(h) Exceptions to EASA AD 2022–0246

(1) Where EASA AD 2022–0246 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2022–0246 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the material referenced in paragraphs (2) and (3) of EASA AD 2022–0246 specifies sending removed blade(s) to Airbus Helicopters, this AD does not require that action.

(4) This AD does not adopt the “Remarks” section of EASA AD 2022–0246.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2022–0246 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; phone: (404) 474–5548; email: william.mccully@faa.gov.

(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 2022–0246, dated December 12, 2022.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 23, 2024.

Steven W. Thompson,

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

[FR Doc. 2024–20343 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. **FAA–2024–0761**; Project Identifier **AD–2023–01256–T**; Amendment **39–22798**; **AD 2024–15–07**]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 777 airplanes. This AD was prompted by a determination that the nitrogen enriched air distribution system (NEADS) cover plate assembly attached to a certain vent stringer in the center wing tank was installed without a designed electrical bond. This AD requires installing electrical bonding and grounding, installing the cover plate assembly with new fasteners, and revising the existing maintenance or inspection program, as applicable, to incorporate new airworthiness limitations. 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.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. **FAA–2024–0761**; 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 Boulevard, 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–2024–0761**.

FOR FURTHER INFORMATION CONTACT:

Anthony Decaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 562–627–5374; email: Anthony.D.Decaro@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 777 airplanes. The NPRM published in the **Federal Register** on March 25, 2024 (89 FR 20555). The NPRM was prompted by a report indicating a production audit by the design approval holder found that the design of the NEADS cover plate assembly did not comply with the requirements for nitrogen generation system certification (14 CFR 25.981). It was discovered that the NEADS cover plate assembly attached to a certain vent stringer in the center wing tank was installed without a designed electrical bond for electrostatic dissipation. In the NPRM, the FAA proposed to require installing electrical bonding and grounding, installing the cover plate assembly with new fasteners, and revising the existing maintenance or inspection program, as applicable, to incorporate new airworthiness limitations. The FAA is issuing this AD to address the accumulation of electrostatic charge in the cover plate assembly and float valve assembly during airplane refueling, which could lead to electrostatic discharge to the surrounding structure. The unsafe condition, if not addressed, could result in result in an ignition source inside the fuel tank and subsequent fire or explosion.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA) who supported the NPRM without change and a comment from United Airlines who reviewed the

NPRM and provided no additional comment. The FAA received an additional comment from Boeing. The following presents the comment received on the NPRM and the FAA’s response to that comment.

Request To Clarify the Unsafe Condition

Boeing requested the unsafe condition be revised to clarify when the accumulation of electrostatic charge on the vent float valve assembly could occur. Specifically, Boeing requested adding the words “during airplane refueling” to the unsafe condition because the threat of accumulation is only present during refueling operation when charged fuel is introduced to the fuel tank from the airport refueling infrastructure, and that other airplane operations such as flight do not introduce a threat to the installation.

The FAA agrees with clarifying the unsafe condition. The FAA has revised the Background section and paragraph (e) to clarify that the FAA is issuing this

AD to address the accumulation of electrostatic charge in the cover plate assembly and float valve assembly during airplane refueling, which could lead to electrostatic discharge to the surrounding structure.

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 Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023. This material specifies procedures for

removing the cover plate assembly and its attached float valve assembly, installing electrical bonding and grounding, measuring the bonding resistance between the bolt heads/cover plate assembly/float valve assembly mounting flange and the vent stringer No. 15 and between the nuts and the cover plate assembly, and installing the cover plate assembly with new fasteners. This material also specifies revising the operator’s maintenance or inspection program, as applicable, by incorporating new airworthiness limitations (AWLs). 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 292 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Electrical bond installation	27 work-hours × \$85 per hour = \$2,295	\$93	\$2,388	\$697,296

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. Therefore, the agency estimates the average total cost per operator 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 adding the following new airworthiness directive:

2024–15–07 The Boeing Company:
Amendment 39–22798; Docket No. FAA–2024–0761; Project Identifier AD–2023–01256–T.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

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

Requirements Bulletin 777–47A0007 RB, dated November 21, 2023.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by a determination that the nitrogen enriched air distribution system (NEADS) cover plate assembly attached to vent stringer No. 15 in the center wing tank was installed without a designed electrical bond. The FAA is issuing this AD to address the accumulation of electrostatic charge in the cover plate assembly and float valve assembly during airplane refueling, which could lead to electrostatic discharge to the surrounding structure. The unsafe condition, if not addressed, could result in an ignition source inside the fuel tank and subsequent fire or explosion.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–47A0007, dated November 21, 2023, which is referred to in Boeing Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023.

(h) Exceptions to Service Information Specifications

(1) Where the “Effectivity” paragraph and Compliance Time columns of the tables in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023, refer to the original issue date of Requirements Bulletin 777–47A0007 RB, this AD requires using the effective date of this AD.

(2) Where the compliance time for “ACTION 3: Incorporate Maintenance Planning Data (MPD),” in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023, refers to before further flight after accomplishing ACTION 1 and ACTION 2, this AD requires incorporating the MPD within 60 days after the effective date of this AD.

(i) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved

as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) 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 (k)(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.

(k) Related Information

(1) For more information about this AD, contact Anthony Decaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 562–627–5374; email: Anthony.D.Decaro@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (l)(3) 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 the AD specifies otherwise.

(i) Boeing Alert Requirements Bulletin 777–47A0007 RB, dated November 21, 2023.

(ii) [Reserved]

(3) For this material, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Boulevard., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.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-locations or email fr.inspection@nara.gov.

Issued on September 5, 2024.

Peter A. White,

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

[FR Doc. 2024–20390 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. FAA–2022–1463; Amdt. Nos. 61–153A]

RIN 2120–AL74

Airman Certification Standards and Practical Test Standards for Airmen; Incorporation by Reference; Correction

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

ACTION: Correcting amendment.

SUMMARY: On April 1, 2024, the Federal Aviation Administration (FAA) published a final rule in the **Federal Register** to incorporate certain Airman Certification Standards and Practical Test Standards by reference into the certification requirements for pilots, flight instructors, flight engineers, aircraft dispatchers, and parachute riggers. That final rule incorrectly set forth certain regulatory text that includes duplicative requirements. This correction remedies the error. This correction does not make any substantive revisions to the regulations.

DATES: Effective September 10, 2024.

FOR FURTHER INFORMATION CONTACT:

James Ciccone, Training and Certification Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–1100; email ACSPTSinquiries@faa.gov.

SUPPLEMENTARY INFORMATION: On April 1, 2024, the “Airman Certification Standards and Practical Test Standards for Airmen; Incorporation by Reference” final rule published in the **Federal Register**, effective on May 31, 2024.¹ That final rule adopted several amendments to parts 61, 63, and 65 of title 14 of the Code of Federal Regulations (14 CFR) by incorporating by reference (IBR) certain Airman Certification Standards (ACS) and Practical Test Standards (PTS), which serve as the testing standards for airman certificates and rating practical tests and proficiency checks. The final rule

¹ 89 FR 22482, corrected at 89 FR 29252.

inadvertently and incorrectly set forth certain regulatory text in 14 CFR part 61 that the FAA did not intend to include. Specifically, the FAA adopted the requirement for instrument proficiency checks (IPC) under § 61.57(d) to consist of the areas of operation (AOO) contained in the applicable ACS, as appropriate to the rating held, intending to remove the list of AOOs set forth in § 61.57(d)(1)(i) through (vi).² As discussed in the final rule, the applicable ACS sets forth the AOOs to be included in the IPC with an accompanying task table in the appendix.

The preamble to both the NPRM and the final rule clearly communicated that the final rule intended to remove § 61.57(d)(1)(i) through (vi) (*i.e.*, the AOOs) because the ACS incorporated by reference would set forth the AOOs in the appendix task table.³ However, the amendatory instructions to the final rule inadvertently maintained § 61.57(d)(1)(i) through (vi), which duplicates the AOO tasking table in the applicable ACS, as incorporated by reference. This correction remedies that error by removing those paragraphs.

List of Subjects in 14 CFR Part 61

Aircraft, Airmen, Aviation safety, Recreation and recreation areas, Reporting and recordkeeping requirements, Security measures, Teachers.

Accordingly, 14 CFR part 61 is corrected by making the following correcting amendment:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

- 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 44729, 44903, 45102–45103, 45301–45302; Sec. 2307 Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); and sec. 318, Pub. L. 115–254, 132 Stat. 3186 (49 U.S.C. 44703 note).

§ 61.57 [Amended]

- 2. Amend § 61.57 by removing paragraphs (d)(1)(i) through (vi).

² The AOOs include: air traffic control clearances and procedures; flight by reference to instruments; navigation systems; instrument approach procedures; emergency operations; and postflight procedures.

³ See 89 FR 22496, stating that the FAA simply proposed to remove the specific AOOs from the regulation itself and, instead, provide a table within the applicable ACS in the appendix with the specific AOOs and tasks to be tested. See also 87 FR 75963.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2024–20216 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1119; Airspace Docket No. 24–ACE–2]

RIN 2120–AA66

Amendment of Class E Airspace; Beloit, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Beloit, KS. This action is the result of an airspace review conducted due to the decommissioning of the Mankato very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operating Network (MON) Program. The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database. This action brings the airspace into compliance with FAA orders to support instrument flight rule (IFR) operations.

DATES: Effective 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: Jeffrey Claypool, Federal Aviation

Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Moritz Memorial Airport, Beloit, KS, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2024–1119 in the **Federal Register** (89 FR 35027; May 1, 2024) proposing to amend the Class E airspace at Beloit, KS. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

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

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

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace extending upward from 700 feet above the surface to within a 7-mile (increased from a 6.5-mile) radius of Moritz Memorial Airport, Beloit, KS; corrects the state associated with the airport from IA to KS; and updates the geographic

coordinates of the airport to coincide with the FAA's aeronautical database.

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 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, 20243, and effective September 15, 2023, is amended as follows:

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

* * * * *

ACE KS E5 Beloit, KS [Amended]

Moritz Memorial Airport, KS
(Lat. 39°28'18" N, long. 98°07'44" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Moritz Memorial Airport.

* * * * *

Issued in Fort Worth, Texas, on September 4, 2024.

Martin A. Skinner,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2024–20207 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2119; Airspace
Docket No. 24–ASW–15]

RIN 2120–AA66

Amendment of Class D Airspace; Fort Worth, TX

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace at Perot Field/Fort Worth Alliance Airport, Fort Worth, TX. This action is the result of a biennial airspace review. This action updates the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database. This action does not change the airspace boundaries or operating requirements.

DATES: Effective 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 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:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace at Perot Field/Fort Worth Alliance Airport, Fort Worth, TX, to support instrument flight rule operations at this airport.

History

The airspace at Perot Field/Fort Worth Alliance Airport, Fort Worth, TX, was reviewed as part a biennial airspace review. The airspace review revealed that the name and geographic coordinates of the airport had been changed, but the airspace legal description had not been updated. This action updates the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database. This action is an administrative change and does not affect the airspace boundaries or operating requirements.

Incorporation by Reference

Class D airspace designations are published in paragraph 5000 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. FAA Order JO 7400.11J 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 amendment to 14 CFR part 71 modifies the Class D airspace at Perot Field/Fort Worth Alliance Airport, Fort Worth, TX, by updating the name (previously Fort Worth Alliance Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; updates the header of the airspace legal description to Fort Worth, TX, (previously Fort Worth Alliance Airport, TX) to comply with changes to FAA Order JO 7400.2P, Procedures for Handling Airspace Matters; removes the city associated with Stage Coach Hills Airport in the header of the airspace legal description to comply with changes to FAA Order JO 7400.2P; and changes the outdated terms "Notice to Airmen" and "Airport/Facility Directory" to "Notice to Air Missions" and "Chart Supplement".

This action is an administrative change and does not affect the airspace boundaries or operating requirements; therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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 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.

* * * * *

ASW TX D Fort Worth, TX

Perot Field/Fort Worth Alliance Airport, TX
(Lat. 32°59'25" N, long. 97°19'10" W)
Stage Coach Hills Airport, TX
(Lat. 32°58'00" N, long. 97°14'01" W)

That airspace extending upward from the surface to but not including 3,000 feet MSL within a 4.5-mile radius of Perot Field/Fort Worth Alliance Airport excluding that airspace within a 0.5-mile radius of Stage Coach Hills Airport and excluding that airspace within the Dallas/Fort Worth, TX, Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in Fort Worth, Texas, on September 4, 2024.

Martin A. Skinner,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2024–20209 Filed 9–9–24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****DEPARTMENT OF THE TREASURY****19 CFR Part 12**

[CBP Dec. 24–15]

RIN 1515–AE83

Imposition of Import Restrictions on Archaeological and Ethnological Material of Yemen

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

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect the continuation of import restrictions on certain categories of archaeological and ethnological material of Yemen, pursuant to an agreement between the United States and the Republic of Yemen (the Agreement). The restrictions were originally imposed on an emergency basis by CBP Decision 20–01 on February 5, 2020, and will now continue, with various amendments, through April 15, 2029. The Designated List of archaeological and ethnological material of Yemen to which the restrictions apply is reproduced below, with certain modifications to make it consistent with the Agreement.

DATES: Effective on September 10, 2024.

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

SUPPLEMENTARY INFORMATION:**Background**

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible

archaeological and ethnological material. In certain limited circumstances, the CPIA authorizes the imposition of restrictions on an emergency basis (19 U.S.C. 2603). The emergency restrictions are effective for no more than five years from the date of the State Party's request and may be extended for three years where it is determined that the emergency condition continues to apply with respect to the covered material (19 U.S.C. 2603(c)(3)). These restrictions may also be continued, in whole or in part, pursuant to an agreement concluded within the meaning of the CPIA (19 U.S.C. 2603(c)(4)).

On February 7, 2020, U.S. Customs and Border Protection (CBP) published a final rule, CBP Decision (CBP Dec.) 20–01, in the **Federal Register** (85 FR 7209), which amended § 12.104g(b) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(b)) to reflect the imposition of import restrictions on certain archaeological material and ethnological material of Yemen under the emergency protection provisions of the CPIA.

Following imposition of the emergency import restrictions, the United States entered into a bilateral agreement with the Republic of Yemen¹ under the CPIA to continue the emergency import restrictions on certain archaeological and ethnological material of Yemen through April 15, 2029, with modifications to the Designated List. This period may be extended for additional periods, each extension not to exceed 5 years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a))).

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On November 18, 2022, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations required under the statute with respect to certain archaeological and ethnological material

originating in Yemen that is described in the Designated List set forth below in this document.

These determinations include the following: (1) that the cultural patrimony of Yemen is in jeopardy from the pillage of archaeological material, dating from approximately 200,000 B.C. to A.D. 1773, and ethnological material representing Yemen's cultural heritage, ranging in date from approximately A.D. 1517 through 1918 (19 U.S.C. 2602(a)(1)(A)); (2) that the Republic of Yemen Government has taken measures consistent with the Convention to protect its cultural patrimony (19 U.S.C. 2602(a)(1)(B)); (3) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (4) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Assistant Secretary also found that the material included in the determinations meets the statutory definition of “archaeological or ethnological material of the State Party” (19 U.S.C. 2601(2)).

The Agreement

On August 30, 2023, the Governments of the United States and the Republic of Yemen signed a bilateral agreement, “Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Yemen Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Yemen,” (the Agreement) pursuant to the provisions of 19 U.S.C. 2602(a)(2). The Agreement entered into force on April 15, 2024, following the exchange of diplomatic notes, and modifies the previously imposed emergency import restrictions on archaeological material dated from approximately 200,000 B.C. to A.D. 1773, as well as certain ethnological material of Yemeni cultural heritage from A.D. 1517 through 1918. A list of the categories of archaeological and ethnological material subject to the import restrictions is set forth later in this document.

Restrictions and Amendment to the Regulations

Import restrictions on the archaeological and ethnological material of Yemen previously reflected in § 12.104g(b) will be continued through

the Agreement without interruption. Accordingly, § 12.104g(a) of the CBP regulations is being amended to indicate that restrictions have been imposed pursuant to the Agreement, and the emergency import restrictions on certain categories of archaeological and ethnological material of Yemen are being removed from § 12.104g(b), as those restrictions are now encompassed in § 12.104g(a). Pursuant to the Agreement, and consistent with the CPIA, the Designated List originally published with the emergency restrictions in CBP Dec. 20–01 is being amended to correct certain typographical errors, to extend the date range for archaeological material to A.D. 1773, to clarify certain categories of archaeological material, to add the subcategory “Inscribed Documents” to the list of archaeological materials, to clarify that the ethnological material listed excludes Jewish ceremonial and ritual objects and manuscripts, and to reorganize the list of ethnological material by type of object instead of by material.

Designated List of Archaeological and Ethnological Material of Yemen

The Agreement between the United States and the Republic of Yemen includes, but is not limited to, the categories of objects described in the Designated List set forth below.

The Designated List includes archaeological and ethnological material from Yemen. The archaeological material in the Designated List includes, but is not limited to, objects made of stone, metal, ceramic, clay, glass, faience, semi-precious stone, paintings, plaster, textiles, leather, parchment, paper, wood, bone, ivory, shell, human remains, and/or other organic materials dated from approximately 200,000 B.C. to A.D. 1773. The ethnological material in the Designated List includes, but is not limited to, architectural materials, manuscripts, and religious and ceremonial objects from approximately A.D. 1517 to 1918. This would exclude Jewish ceremonial or ritual objects and manuscripts. The Designated List is representative only. Any dates and dimensions are approximate. For the reader's convenience, CBP is reproducing the Designated List contained in CBP Dec. 20–01 in its entirety with the previously detailed modifications.

Categories of Archaeological and Ethnological Material

- I. Archaeological Material
 - A. Stone
 - B. Metal
 - C. Ceramic and Clay

¹ Due to an ongoing conflict within Yemen, this rule shall use the “Republic of Yemen” to denote the State party to the agreement and “Yemen” when discussing the archaeological/ethnological material and cultural heritage subject to the import restrictions.

- D. Glass, Faience, and Semi-Precious Stone
- E. Painting
- F. Plaster
- G. Textiles
- H. Leather, Parchment, and Paper
- I. Wood, Bone, Ivory, Shell, and Other Organics
- J. Human Remains
- II. Ethnological Material
 - A. Architectural Elements
 - B. Manuscripts
 - C. Religious and Ceremonial Objects

I. Archaeological Material

Restricted archaeological material from Yemen includes the categories listed below, ranging in date from approximately 200,000 B.C. to A.D. 1773 and representing the following periods and cultures: Paleolithic, Neolithic, South Arabian, Abyssinian, Sasanian, and Islamic (including but not limited to Umayyad, Abbasid, Ziyadid, Zaydi, Najahid, Sulahid, Zurayid, Ayyubid, Rasulid, and Tahirid). The following list is representative only.

A. Stone

1. *Architectural Elements*—Primarily in limestone, marble, and sandstone; including, but not limited to, blocks from walls, floors, and ceilings; columns, capitals, bases, lintels, jambs, friezes, and pilasters; doors, door frames, and window fittings; engaged columns, altars, prayer niches, screens, fountains, mosaics, and inlays. May be plain, molded, carved, or inscribed in various languages and scripts. Common decorative motifs include ibex heads and full animals, oxen or bull heads, rosettes, geometric designs, and curvilinear vine and floral patterns; may be incised or carved in relief. Approximate dates: 1200 B.C. to A.D. 1773.

2. *Non-architectural Relief Sculpture*—In alabaster, limestone, marble, calcite, and other kinds of stone. Types include, but are not limited to, carved slabs and plaques, funerary and votive stelae, and bases and base revetments. These may be painted, incised, or carved with relief sculpture, decorated with moldings, and/or carry dedicatory or funerary inscriptions. South Arabian Period styles include, but are not limited to, face plaques and stelae; may be combined with ceramic or plaster sculpture; may be inscribed or painted. Common decorative motifs either incised or in high relief include oxen or bull heads, other animals, mythological creatures, human figures, which are usually clothed, and vegetative and floral patterns; may be inscribed in South Arabian script. Approximate dates: 1200 B.C. to A.D. 570.

3. *Statuary*—Primarily in alabaster, but also in calcite, limestone, sandstone, softstone (chlorite and others), and marble. Large- and small-scale, including, but not limited to, deities; human figures, which are usually clothed; animals such as bulls, ibex, and camels; and hybrid or mythological creatures. May be inscribed in South Arabian script. Includes fragments of statues. Some pieces may also include different material types, such as multiple types of stone, metal staffs, shell or bone eyes, and metal, glass, and semi-precious stone jewelry inlay. Approximate dates: 4000 B.C. to A.D. 570.

4. *Vessels and Containers*—Primarily in alabaster, softstone (chlorite and others), and limestone; may also be marble, basalt, or other stone. Vessels may be conventional shapes such as bowls, cups, jars, jugs, platters, and flasks, or shapes such as smaller funerary urns and incense burners. Common forms include, but are not limited to:

a. South Arabian Period containers for unguents, powders, and liquids in all shapes and sizes. They are flat-bottomed and often have lids. Some pieces have protruding pierced lug handles, which may or may not be in the shape of an animal, usually a bull or ibex. Vessels may be otherwise decorated or inscribed with South Arabian, or other script. Other forms include, but are not limited to, pedestal dishes, bowls, saucers, and three-legged cosmetic palettes, as well as small, rectangular, square-sided boxes, usually decorated with bull's heads, used as containers for smaller bottles. Incense burners from the South Arabian period are usually cuboid and decorated with astral symbols or South Arabian script. Includes miniature vessels and incense burners. Approximate dates: 1200 B.C. to A.D. 570.

b. Stone vessels continue in similar form through the Sasanian and Islamic Periods, particularly in softstone (chlorite and others) and alabaster. Includes all vessel types and lamps, usually with geometric incised decoration; may be inscribed with Arabic or other script. Approximate dates: A.D. 570 to 1773.

5. *Furniture*—In marble, alabaster, and other stone. May include thrones, tables, and other examples. Also includes furniture elements such as legs and feet that may have been attached to a wooden frame; may be funerary. May include South Arabian Period libation and sacrificial altars or tables, which are oblong or square slabs with raised rims; altars have a run-off channel for liquid, usually in the form of an animal, such

as a bull's head or ibex. Includes miniature tables. Approximate dates: 1200 B.C. to A.D. 1773.

6. *Tools and Weapons*—In flint/chert, obsidian, limestone, tuff, basalt, and other stones. Chipped stone types include, but are not limited to, blades, borers, scrapers, sickles, cores, and arrowheads. Ground stone types include, but are not limited to, grinders (e.g., mortars, pestles, millstones, whetstones), choppers, axes, celts, hammers, mace heads, and weights. Approximate dates: 200,000 B.C. to A.D. 1773.

7. *Jewelry, Seals, and Beads*—In marble, limestone, and various semi-precious stones, such as rock crystal, amethyst, garnet, jasper, agate, steatite, and carnelian. Seals or intaglios (small devices with at least one side engraved with a design for stamping or sealing) may be engraved with animals, human figures, and/or inscriptions in various languages. Beads include cylindrical, spherical, conical, disc, and other types; may have cut, incised, or raised decoration. Types include, but are not limited to, amulets, bracelets, and pendants. Approximate dates: 8000 B.C. to A.D. 1773.

B. Metal

1. *Non-Architectural Relief Sculpture*—Types include cast relief plaques or tablets, appliques, stelae, and masks; often in bronze or copper. Decoration may include human and animal figures, geometric, and floral motifs. May be inscribed/cast in South Arabian, Arabic, or other script. Approximate dates: 1200 B.C. to A.D. 1773.

2. *Statuary*—Primarily in copper, bronze, silver, or gold; includes fragments of statues. Range from larger-than-life-size to small figurines; forms include, but are not limited to, human figures, which may be clothed or not; animals such as camels, ibex, oxen, bulls, and lions; mythological creatures/figures; and trophies such as votive hands. May be painted or inscribed/cast in relief in South Arabian, Arabic, or other script. Approximate dates: 1200 B.C. to A.D. 570.

3. *Vessels and Containers*—Primarily in copper, bronze, or iron; Islamic Period includes more examples in silver and gold. May include forms such as bowls, cups, jars, jugs, strainers, buckets, cauldrons, boxes, oil lamps, incense burners, and scroll or manuscript containers; may occur in the shape of an animal or part of an animal. May be miniature. Decoration may include human or animal figures, or geometric or floral motifs, incised or in relief. Incense burners may be square or

cylindrical; front decorated with astral symbols and/or animals. May be inscribed/cast in relief in South Arabian, Arabic, or other script. Approximate dates: 1200 B.C. to A.D. 1773.

4. *Furniture*—Primarily in bronze and iron; may include thrones, tables, and other examples. Includes pieces of furniture and decorative fittings such as legs and feet that may have been attached to a wooden frame; or thin metal sheets with engraved or impressed designs. Approximate dates: 1200 B.C. to A.D. 1773.

5. *Tools and Instruments*—In copper, bronze, iron, silver, gold, and other metals. Types include, but are not limited to, hooks, weights, axes, scrapers, trowels, keys, ladles, tools of craftspeople such as carpenters, masons, and metal smiths. Approximate dates: 3000 B.C. to A.D. 570.

6. *Weapons and Armor*—Primarily in copper, bronze, and iron. Body armor, such as helmets, cuirasses, shin guards, shields, and horse armor; often decorated with elaborate engraved, embossed, or perforated designs. Launching weapons (spears, javelins, socketed arrowheads); hand-to-hand combat weapons (swords, daggers, jambiyas); and sheaths. Approximate dates: 1200 B.C. to A.D. 1773.

7. *Jewelry and Other Items for Personal Adornment*—In copper, iron, bronze, silver, gold, and other metals. Metal can be inlaid with materials such as colored stones and glass. Types include, but are not limited to, necklaces, amulets and pendants, rings, bracelets, anklets, earrings, diadems, wreaths and crowns, beads, buttons, purses, belts, belt buckles, mirrors, and make-up accessories and tools. Approximate dates: 1200 B.C. to A.D. 1773.

8. *Seals and Stamps*—Primarily in lead, tin, copper, bronze, silver, and gold. Types include, but are not limited to, rings, amulets, and seals with a shank or handle; designs may include animals, human figures, and/or inscriptions in various languages. Approximate dates: 1200 B.C. to A.D. 1773.

9. *Coins*—A reference book for ancient, pre-Islamic material in Yemen is M. Huth, *Coinage of the Caravan Kingdoms: Ancient Arabian Coins from the Collection of Martin Huth*, New York, 2010, pp. 68–152. A reference book for Islamic coinage to A.D. 1773 is S. Album, *Checklist of Islamic Coins*, Santa Rosa, 2011, pp. 116–127. Some of the best-known types are described below:

a. South Arabian Period—In gold, silver, and bronze/copper, with units

-ranging from tetradrachms down to various fractional levels.

i. Earliest coins from Yemen are imitations of silver tetradrachms from Athens, featuring a bust of Athena on the obverse and an owl on the reverse. The style of these imitations is distinctive, and they are usually marked with South Arabian monograms or graffiti. Approximate dates: 500 B.C. and later.

ii. Mineans produced schematic imitations of the Athenian coinage; these coins have angular shapes, often triangular. Style is distinctive with monograms with South Arabian letters. Approximate date: 200 B.C.

iii. Sabaeans struck distinctive local imitations of Athenian tetradrachms, with or without monograms, often with the curved symbol of Almaqah to the right of the owl, and of smaller units than previously. In the 1st century A.D., the head of Athena is replaced with a male bust resembling Augustus; owl on the reverse continues, as do monograms and the curved symbol. In the 2nd and 3rd centuries A.D., a beardless male head appears on the coins with the curved symbol, and a facing bucranium (a bull's head) appears on the reverse with the curved symbol and monograms. Approximate dates: 400 B.C. to A.D. 300.

iv. Himyarite coins feature beardless male heads on the obverse coupled with bearded male heads on the reverse. Various South Arabian monograms appear on the coins. Rulers include, but are not limited to, Yuhabirr, Karib'il Yehun'im Wattar, Amdan Yuhagbid, Amdan Bayan, Tha'ran Ya'ub, Shamnar Yuhana'm, and unknown kings. Approximate dates: 110 B.C. to A.D. 200.

v. Qatabanians also produced imitations of Athenian coins in the 2nd to 4th century B.C., with or without monograms; distinctive style. From the 2nd century B.C. to the 2nd century A.D., the head of Athena is replaced with male ruler portraits, including, but not limited to, those of Yad'ab Dhubyan Yuhargib, Dhub, Hawfi'amm Yuhana'm III, Shahr Yagul, Waraw'il Ghaylan, Shahr Hilal, Yad'ab Yanaf, and various unknown rulers. Reverses of early types have the owl, while later types have a second portrait on the reverse. Approximate dates: 400 B.C. to A.D. 200.

vi. Bronze coins from Hadhramaut have radiate male portraits in a circle on the obverse and a standing bull on the reverse; South Arabian symbols appear. Approximate dates: A.D. 200 to 400.

vii. Various South Arabian types imitate Athenian coins, Hellenistic Alexander tetradrachms with a head of

Herakles on the obverse and Zeus seated on the reverse, and Ptolemaic coins with a cornucopia on the reverse. Style is distinctive; designs are accompanied by South Arabian monograms.

b. Islamic Period—In gold, silver, and bronze. Including anonymous mints in Yemen and coins of unknown rulers attributed to Yemen. Non-exclusive mints are the primary manufacturers of the listed coins, but there may be other production mints.

i. Abbasid coins struck in gold, silver, and bronze, at non-exclusive mints San'a, Zabid, 'Adan, Dhamar, 'Aththar, and Baysh. Approximate dates: A.D. 786 to 974.

ii. Coins of the Amirs of San'a, struck in gold, at the mint of San'a. Approximate dates: A.D. 909 to 911.

iii. Rassid (1st period) coins struck in gold and silver at Sa'da, San'a, Tukhla', and 'Aththar. Approximate dates: A.D. 898 to 1014.

iv. Coins of the Amirs of Yemen, struck in silver, at an uncertain mint. Approximate dates: A.D. 1000 to 1100.

v. Coins of the Amirs of 'Aththar, struck in gold, at the mint of 'Aththar. Approximate dates: A.D. 957 to 988.

vi. Tarafid coins, struck in silver, at the mint of 'Aththar. Approximate dates: A.D. 991 to 1004.

vii. Ziyadid coins, struck in gold and silver, at non-exclusive mint Zabid. Approximate dates: A.D. 955 to 1050s.

viii. Khawlanid coins, struck in silver, at the mint of San'a. Approximate dates: A.D. 1046 to 1047.

ix. Najahid coins, struck in gold, at the mints Zabid and Dathina. Approximate dates: A.D. 1021 to 1158.

x. Sulaihid coins, struck in gold and debased silver, at non-exclusive mints Zabid, 'Aththar, 'Adan, Dhu Jibla. Approximate dates: A.D. 1047 to 1137.

xi. Zuray'id coins, struck in gold, at the mints of 'Adan and Dhu Jibla. Approximate dates: A.D. 1111 to 1174.

xii. Coins of Mahdid of Zabid, struck in silver, at the mint of Zabid. Approximate dates: A.D. 1159 to 1174.

xiii. Rassid (2nd period) coins, struck in gold and silver, at non-exclusive mints Zufar, San'a, Sa'da, Huth, Dhirwah, Kahlan, Muda', 'Ayyan, Bukur, al-Jahili, and Dhamar. Approximate dates: A.D. 1185 to 1390.

xiv. Ayyubid coins, struck in gold, silver, and bronze, at the mints of Zabid, 'Adan, Ta'izz, San'a, al-Dumluwa, Bukur, and Mayban. Approximate dates: A.D. 1174 to 1236.

xv. Rasulid coins, struck in gold, silver, and bronze, at non-exclusive mints 'Adan, Zabid, al-Mahjam, Ta'izz, San'a, Tha'bat, and Hajja. Approximate dates: A.D. 1229 to 1439.

xvi. Tahirid coins, struck in silver, at the mint of 'Adan. Approximate dates: A.D. 1517 to 1538.

xvii. Rassid (3rd period) coins, struck in silver and bronze, at the mints of San'a, Zafir, and Thula. Approximate dates: A.D. 1506 to 1572.

xviii. Ottoman coins, struck in gold, silver and bronze, at the mints of Zabid, San'a, 'Adan, Kawkaban, Ta'izz, Sa'da, al-Mukha, and Malhaz. Approximate dates: A.D. 1520 to 1773.

C. Ceramic and Clay

1. *Architectural Elements*—Baked clay (terracotta) elements used to decorate buildings. Elements include, but are not limited to, acroteria, antefixes, painted and relief plaques, revetments, carved and molded brick, and wall ornaments and panels. Approximate dates: 1200 B.C. to A.D. 1773.

2. *Non-architectural Relief Sculpture*—Types include, but are not limited to, carved slabs and plaques, funerary and votive stelae, and bases and base revetments. Common decorative motifs include ibex heads and full animals, oxen or bull heads, rosettes, and curvilinear vine and floral patterns, and may be incised or in high relief; inscribed with South Arabian, Arabic, or other script. Includes face plaques and stelae: funerary images of faces; may be combined with ceramic or plaster sculpture; may be inscribed or painted. Approximate dates: 1200 B.C. to A.D. 1773.

3. *Statuary*—Range from large to small figurines; forms include, but are not limited to, human figures, usually clothed; animals such as camels, ibex, oxen, bulls, and lions; or mythological creatures/figures; and trophies such as votive hands. May be glazed or painted; may include South Arabian script. Approximate dates: 1200 B.C. to A.D. 570.

4. *Vessels*—Types include, but are not limited to, utilitarian types and fine tableware, incense burners, and oil lamps.

a. *Post-Neolithic/Bronze Age*—Common wares include, but are not limited to, hand-built gray-brown or reddish-brown coarseware with large black or white inclusions, occasionally burnished; and fineware, which can have slipwash or burnish with incised or punctate decoration. Some pieces may also have imprints of basketry. Common forms include, but are not limited to, platters and shallow bowls with flat bases, deep bowls and basins with rounded bases, rimmed hemispheric bowls with rounded bases, hole-mouthed jars, necked jars, and

large storage jars. Approximate dates: 3500 to 900 B.C.

b. *South Arabian Period*—Common wares include, but are not limited to, hand-built reddish-brown, yellow, and gray fabrics, which may be unfinished, burnished, or slip-glazed; the most common is red-burnished slip with carinated vessel shapes. Common forms include, but are not limited to, small-rimmed jugs with flat base; small beakers and goblets; rimmed bowls, jars, and vases with ring bases; cooking pots with flat bases and straight walls; hemispherical bowls with ledge handles, often with black burnished slip; plates/platters with flat bases; goblets; amphorae; and oil lamps. Decoration includes, but is not limited to, paint, punctuation, incised or pressed designs including South Arabian script, and raised dots. Imported Roman terra sigillata ware, Nabatean painted pottery, Iranian fine orange-painted ware, and Indian red-polished ware are also common. Incense burners from this period may be square or cylindrical and decorated with astral symbols or South Arabian script. Includes miniature vessels. Approximate dates: 1200 B.C. to A.D. 570.

c. *Sasanian-Islamic Period*—Includes stoneware, pottery, porcelain, and other wares, which may be unglazed utilitarian wares or glazed types; local types include, but are not limited to, reddish, pink, and white fabrics with glaze styles including turquoise slip-painted, bright yellow glaze, green-painted glaze, salad ware (light green), pseudo-celadon glazed, brown-painted, and blue glazed on white slip; may include Arabic calligraphy. Imported types are also common and include, but are not limited to, Abbasid Period alkaline blue Sasanian-Islamic jars (A.D. 700 to 1100); Abbasid Period opaque white-glazed bowls, either plain or decorated with cobalt (A.D. 800 to 900); and sgraffiato types in various forms with red fabric and incised and painted designs on white slip including floral, geometric, human, and animal motifs (A.D. 1100 to 1400); other types from China, the Arabo-Persian Gulf, the Indian Ocean, and East Africa are also present. Oil lamps from this period typically have rounded bodies with a hole on the top and in the nozzle and may have handles or lugs and figural motifs; include glazed ceramic lamps, which may have a straight or round bulbous body with flared top and several branches. Approximate dates: A.D. 570 to 1773.

D. Glass, Faience, and Semi-Precious Stone

1. *Architectural Elements*—Mosaics; designs include, but are not limited to, landscapes, scenes of deities, humans, or animals, and activities such as hunting and fishing. There may also be vegetative, floral, or geometric motifs; often with religious imagery. Approximate dates: A.D. 500 to 1773.

2. *Vessels*—Forms include, but are not limited to, small jars, bowls, animal-shaped vessels, goblets, spherical forms, candle holders, perfume and unguent jars, and lamps; may have cut, incised, raised, enameled, molded, or painted decoration; various colors. South Arabian Period and early Islamic Period types may be colorless, blue, green, or orange and may be engraved; may include floral and/or geometric motifs; may include Arabic calligraphy. Approximate dates: 1200 B.C. to A.D. 1773.

3. *Jewelry*—Forms include beads that may be cylindrical, spherical, conical, disc-shaped, and other shapes; may have cut, incised, or raised decoration; various colors; molded and carved glass gemstones; may include other types of glass inlay. Approximate dates: 1200 B.C. to A.D. 1773.

E. Painting

1. *Rock Art*—Incised, pecked, or painted drawings on natural rock surfaces. Decoration includes crosses; humans; animals, particularly camels, ibex, and snakes; geometric and/or floral designs; and other designs; includes fragments. May include pre-Islamic graffiti, commonly in South Arabian script. Approximate dates: 12,000 B.C. to A.D. 100.

2. *Wall Painting*—Decoration includes crosses; humans; animals, particularly camels, ibex, and snakes; geometric and/or floral designs; and other designs; includes fragments. Painted on wood, stone, and plaster. May be on domestic or public walls or tombs. Approximate dates: 1200 B.C. to A.D. 1773.

F. Plaster

1. *Stucco*—Stucco reliefs, plaques, stelae, and inlays or other architectural decoration in stucco. Approximate dates: 1200 B.C. to A.D. 1773.

2. *Face Plaques, Stelae, and Statues*—Funerary images of faces and votive statues; may be combined with stone or ceramic sculpture; may be inscribed or painted. Approximate dates: 1200 B.C. to A.D. 1773.

G. Textiles

Linen cloth used for mummy wrapping. Approximate dates: 500 B.C. to A.D. 500.

H. Leather, Parchment, and Paper

1. *Books and Manuscripts*—Either scrolls, sheets, or bound volumes; including both secular texts and religious texts such as Qurans. Text is often written on vellum or other parchment (cattle, sheep, goat, or camel) and then gathered in leather bindings. Paper may also be used. Types include books and manuscripts, often written in brown ink, and then further embellished with colorful floral or geometric motifs; covers may also be stamped, gilded, or inset with metal, glass, and semi-precious stones. Approximate dates: A.D. 570 to 1773.

2. *Items for Personal Adornment*—Primarily in leather, including, but not limited to, belts, sandals, shoes, armor, necklaces, bracelets, and other types of jewelry.

I. Wood, Bone, Ivory, Shell, and Other Organics

1. *Architectural and Non-architectural Relief Sculpture*—Includes, but not limited to, carved and inlaid wood panels, rooms, beams, balconies, stages, panels, ceilings, and doors, frequently decorated with religious, floral, or geometric motifs; may have script in Arabic. Types include, but are not limited to, bone, ivory, and shell reliefs, plaques, stelae, and inlays; may be carved or sculpted; commonly include human or animal figures, floral, and/or geometric motifs. Approximate dates: 1200 B.C. to A.D. 1773.

2. *Statuary and Figurines*—Primarily small-size figurines; forms include, but are not limited to, human figures, which may be clothed or not; animals such as camels, ibex, oxen, bulls, and lions; and mythological creatures/figures. May be painted or inscribed/carved in relief in South Arabian, Arabic, or other script. Approximate dates: 1200 B.C. to A.D. 1773.

3. *Furniture*—Primarily in wood; may include thrones, other chairs, tables, and other forms. Approximate dates: 1200 B.C. to A.D. 1773.

4. *Personal Ornaments and Objects of Daily Use*—Types include, but are not limited to, amulets, combs, pins, spoons, small containers, bracelets, buckles, and beads. Wood, bone, ivory, and shell were also used either alone or as inlays in luxury objects including, but not limited to, furniture, chests and boxes, writing and painting equipment, musical instruments, games, cosmetic containers, combs, and jewelry. Approximate dates: 3500 B.C. to A.D. 1773.

5. *Seals and Stamps*—Small devices with at least one side engraved with a

design for stamping or sealing; they can be discoid, cuboid, or conoid; may include animals, human figures, and/or inscriptions in various languages. Approximate dates: 1200 B.C. to A.D. 1773.

6. *Inscribed Documents*—Palm-leaf stalks and wooden sticks inscribed in South Arabian script. Approximate dates: 1200 B.C. to 570 A.D.

J. Human Remains

Bones, bone fragments, mummies, and mummified remains.

II. Ethnological Material

Restricted ethnological material from Yemen includes the categories listed below, ranging in date from approximately A.D. 1517 to 1918, and including architectural elements, manuscripts encompassing secular and Islamic religious texts, and Islamic religious and ceremonial objects. The categories of restricted material below exclude ethnological Jewish ceremonial or ritual objects and manuscripts. The following list is representative only.

A. *Architectural Elements*—This category includes architectural elements and decoration from historic structures in all materials. Primarily in stone (especially limestone, marble, and sandstone), metal (especially copper, brass, lead, and alloys), ceramic or baked clay (terracotta), glass, plaster or stucco, and wood; also includes inlays in bone and ivory. Includes ceilings, rooms, walls, and blocks and bricks from walls, floors, and ceilings; arches, beams, columns, capitals, bases, lintels, jambs, friezes, parapets, crenellations, merlons, pilasters, and tent posts; doors, door frames and fixtures, and window frames, fixtures, fittings, and panes; altars, balconies, chandeliers, finials, prayer niches (mihrabs), cenotaphs, sepulchers, screens, stages, pulpits (minbars), panels, plaques, fountains, wall ornaments, revetments, mosaics, tiles, inlays; and other forms. May be plain, molded, carved, inlaid, gilded, plastered, and/or painted; elements may bear Arabic inscriptions. Common decorative motifs include geometric, floral, arabesque (intertwining), and religious motifs, and may be incised or in high relief. Ceramic or terracotta tiles, plaques, bricks, and other elements may be glazed and/or painted.

B. *Manuscripts*—Consisting of scrolls, sheets, bound volumes, or boards, primarily written in Arabic and including both secular texts and Islamic religious texts such as Qurans. Text is often written on vellum, other parchment (cattle, sheep, goat, or camel), or paper, then gathered in leather bindings. Texts may also be

written on wooden boards. Types include, but are not limited to, books, scrolls, manuscripts, and Islamic study tablets or Quran boards. Includes fragments. May be decorated with colorful religious, geometric, floral, or arabesque (intertwining) motifs and/or paintings.

C. *Religious and Ceremonial Objects*—This category includes objects typically used in Islamic communal religious and ceremonial settings in all materials. Primarily in stone, metal, ceramic, clay, glass, wood, bone, ivory, textiles, leather, and other organic materials.

1. *Non-architectural Monuments*—Primarily in stone (especially alabaster, limestone, and marble) or metal (especially copper, bronze, and brass). May take the form of carved slabs with religious, floral, geometric, or arabesque (intertwining) motifs. Types include, but are not limited to, plaques, stelae, memorial stones, tombstones, and cenotaphs; may bear Arabic inscriptions.

2. *Vessels and Containers*—Includes vessels and containers used in religious and ceremonial settings in stone (especially alabaster, limestone, and softstone), metal (especially silver, copper, bronze, brass, and other alloys), ceramic, glass, wood, bone, ivory, leather, and other materials. Types include, but are not limited to, mosque lamps; incense burners and braziers; candlesticks, candelabras, and sconces from religious settings; basins, ewers, and other vessels used for ablutions; reliquaries (and their contents); and scroll or manuscript containers, such as boxes, pouches, chests, cases, or caskets used to hold a Quran or other Islamic religious text. May be plain or decorated with floral, geometric, religious, arabesque (intertwining), or other motifs; may bear Arabic inscriptions.

3. *Furniture*—Primarily in wood and stone. Types include pulpits (minbars), prayer niches (mihrabs), screens, Quran holders or stands, lecterns, study tables, cabinets, and other furniture used in religious and ceremonial settings. May be carved, incised, painted, gilded, and/or inlaid with other materials; may be decorated with floral, geometric, religious, arabesque (intertwining), or other motifs; may bear Arabic inscriptions.

4. *Textiles*—Includes textiles used for religious and ceremonial purposes, primarily in linen, silk, and wool. Types include, but are not limited to, banners, hangings, and curtains used in religious and ceremonial settings; shrine covers; and shrouds. Often woven or embroidered in bright colors with floral, geometric, arabesque (intertwining), or

religious designs, and/or Arabic inscriptions.

Inapplicability of Notice and Delayed Effective Date

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

Executive Orders 12866 and 13563

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

12866 and, by extension, Executive Order 13563.

Regulatory Flexibility Act

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

Signing Authority

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

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

List of Subjects in 19 CFR Part 12

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

Amendments to the CBP Regulations

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

PART 12—SPECIAL CLASSES OF MERCHANDISE

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

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

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

■ 2. In § 12.104g, add an entry in alphabetical order for “Yemen” to the table in paragraph (a) and remove the entry for “Yemen” in the table in paragraph (b).

The addition reads as follows:

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

(a) * * *

State party	Cultural property	Decision No.
* * * * *	* * * * *	* * * * *
Yemen	Archaeological material of Yemen ranging in date from approximately 200,000 B.C. to A.D. 1773, and ethnological material of Yemen ranging in date from approximately A.D. 1517 through 1918.	CBP Dec. 24–15.

* * * * *

Robert F. Altneu,

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

Approved:

Aviva R. Aron-Dine,

Acting Assistant Secretary of the Treasury for Tax Policy.

[FR Doc. 2024–20388 Filed 9–9–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 24–16]

RIN 1515–AE91

Emergency Import Restrictions Imposed on Categories of Archaeological and Ethnological Material of Ukraine

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

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect the imposition of emergency import restrictions on categories of archaeological and ethnological material of Ukraine, pursuant to a determination made by the United States Department of State under the terms of the Convention on Cultural Property Implementation Act. The emergency import restrictions will be in effect until March 5, 2029, unless extended. This document contains the Designated List of Archaeological and Ethnological Material of Ukraine that describes the types of objects or categories of

archaeological and ethnological material to which the import restrictions apply.

DATES: Effective on September 10, 2024.

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

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological material. In certain limited circumstances, the CPIA authorizes the imposition of restrictions on an emergency basis (19 U.S.C. 2603). The emergency restrictions are effective for no more than five years from the date of the State Party's request and may be extended for three years where it is determined that the emergency condition continues to apply with respect to the covered material (19 U.S.C. 2603(c)(3)). These restrictions may also be continued, in whole or in part, pursuant to an agreement concluded within the meaning of the CPIA (19 U.S.C. 2603(c)(4)).

Determinations

Pursuant to 19 U.S.C. 2602(a), the government of Ukraine, a State Party to the Convention, requested on March 5, 2024, that import restrictions be imposed on certain archaeological and ethnological material, the pillage of which jeopardizes the cultural heritage of Ukraine. The CPIA authorizes the President (or designee) to apply import restrictions on an emergency basis if the President determines that an emergency condition applies with respect to any archaeological or ethnological material of any requesting State Party (19 U.S.C. 2603).

On July 26, 2024, the Assistant Secretary for Educational and Cultural Affairs, United States Department of

State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations necessary under the CPIA for the emergency imposition of import restrictions on categories of archaeological material and ethnological material of the cultural heritage of Ukraine. The Designated List below sets forth the categories of material to which the import restrictions apply. Thus, U.S. Customs and Border Protection (CBP) is amending § 12.104g(b) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(b)) accordingly.

Importation of covered material from Ukraine will be restricted until March 5, 2029, unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

Designated List of Archaeological and Ethnological Material of Ukraine

The Designated List includes, but is not limited to, categories of objects described below.

Archaeological material in the Designated List ranges in date from the Paleolithic period (c. 1.4 million years ago) through 1774 C.E. Ethnological material in the Designated List includes: ethnological religious and ritual objects, and objects related to funerary rites and burials dating from 200 C.E. to 1917 C.E.; ethnological manuscripts, written documents, and early prints dating from 900 C.E. to 1917 C.E.; ethnological architectural elements dating from 200 C.E. to 1917 C.E.; and ethnological paintings, military material, and traditional folk clothing and textiles dating from 1700 C.E. to 1917 C.E. The designated list set forth is representative only. Any dates and dimensions are approximate.

Categories of Archaeological and Ethnological Material

I. Archaeological Material

- A. Stone
- B. Metal
- C. Terracotta, Ceramic, Porcelain, Faience, and Fired Clay
- D. Plaster, Stucco, and Unfired Clay
- E. Bone, Ivory, Horn, and Shell
- F. Wood and Other Organic Materials
- G. Glass
- H. Human Remains

II. Ethnological Material

- A. Religious and Ritual Objects, and Objects Related to Funerary Rites and Burials
- B. Architectural Elements
- C. Manuscripts, Written Documents, and Early Prints
- D. Ethnological Paintings
- E. Military Material
- F. Traditional Folk Clothing and Textiles

Approximate simplified chronology of well-known periods:

Paleolithic: c. 1.4 million years ago–8000 B.C.E.

Mesolithic: c. 7000–4500 B.C.E.

Neolithic: c. 6000–3000 B.C.E. (c. 6000–4000 B.C.E. on the right bank of the Dnipro River and 5000–3000 B.C.E. in Polissia and the left bank of the Dnipro River)

Copper Age (or Eneolithic): c. 4000–2000 B.C.E.

Bronze Age: c. 2100–800 B.C.E.

Early Iron Age: c. 800–400 B.C.E.

Ancient Greek Period: c. 650 B.C.E.–47 B.C.E.

Roman Period: c. 47 B.C.E.–340 C.E.

Late Antiquity and Early Byzantine Periods: c. 340–880 C.E.

Kyivan Rus Period: c. 880–1240 C.E.

Late Medieval Period: c. 1240–1650 C.E.

Early Modern Period: c. 1650–1917 C.E.

I. Archaeological Material

Archaeological material includes categories of objects ranging in date from c. 1.4 million years ago through 1774 C.E.

A. Stone

1. *Large Sculpture and Statues*—Including anthropomorphic, zoomorphic, and multi-figure compositions. Made primarily of sandstone, limestone, marble, and shell rock. Neolithic menhir-like stones may represent stylized human images, while Bronze Age statues are usually rectangular with the head outlined and other body parts shown in relief. Scythian sculptures schematically depict warriors. Sculptures from the Eneolithic and Ancient Greek periods often take the form of schematic human busts. Ancient Greek and Roman sculptures often depict naturalistic images of various figures, including humans, mythological creatures, and animals. Medieval nomadic stelae depict humans schematically, often with pointed headdresses. Approximate date: 6000 B.C.E.–1774 C.E.

2. *Miniature Sculptures and Statues*—Made primarily of marble, quartz, and alabaster, these include anthropomorphic and zoomorphic forms and images of objects. Copper Age figurines vary in shape, often featuring prominent eyes, noses, or sex markers. Ancient Greek and Roman marble statuettes are naturalistic, depicting various figures. Approximate date: 6000 B.C.E.–1774 C.E.

3. *Architectural Elements*—Originating from religious, residential, and burial sites and used in walls, floors, vaults, and roofs. Constructed from slate, sandstone, limestone,

marble, and other stones. Elements include, but are not limited to, capitals and parts of columns, pilasters, friezes, door and window frames, keystones, altars, altar screens, mosaics, and tiles. Stone slabs with relief and inlaid sculpted compositions, depicting religious figures, animals, and floral motifs, were embedded into railings or other parts of buildings. Approximate date: 650 B.C.E.–1774 C.E.

4. *Mosaics*—Composed of painted pebbles, marble, limestone, and bricks. Floors made of painted pebbles decorated Ancient Greek-period inner courts and rooms. Early Christian churches in Crimea and Kyiv were decorated with mosaics made of marble of various colors, limestone, and bricks. These mosaics were crafted from small cube-shaped stones (tesserae) measuring approximately 4–6 cm x 3–5 cm, set in a limestone mortar or cement. Motifs include, but are not limited to, geometric patterns, palmettes, depictions of people, borders with meanders, waves, braids, pairs of animals, and griffins. They show a variety of colors, including black, white, dark blue, and brown. Approximate date: 700 B.C.E.–1774 C.E.

5. *Miniature Columns and Small Altars*—Used to decorate shrines, burials, and churches, miniature columns range in size from 10 to 100 cm high and could be rounded, fluted, twisted, or composed of semi-columns. Made primarily of white marble, gray limestone, or shell rock. Small altars are movable architectural structures with rectangular or rounded bases, sometimes column-shaped with a shallow round surface, ranging in height from 10 cm to 1 m. These items are found at Ancient Greek, Roman, Byzantine, and Medieval sites. Approximate date: 650 B.C.E.–1774 C.E.

6. *Furniture*—Including, but not limited to, tables, tripods, and stool legs often shaped like lion's paws, as well as throne or stool backs and armrests decorated with reliefs or sculptures. Typically made of marble and other stones and dating from the Ancient Greek and Roman periods. Approximate date: 650 B.C.E.–1774 C.E.

7. *Slabs with Relief Images and Inscriptions*—Made of marble, limestone, and other local stones, these slabs have been produced since the Bronze Age. Locally quarried slabs are often gray, porous, and rough, while slabs carved in Ukraine on imported marble are white and gray. Motifs on Ancient Greek and Roman period slabs include humans, lions, sphinxes, and griffins, with reliefs sometimes combined with paintings. Inscriptions in various scripts, including Latin,

Greek, and Cyrillic, are found on slabs of various shapes and sizes. Approximate date: 3000 B.C.E.–1774 C.E.

8. *Sarcophagi, Ossuaries, and Gravestones*—Sarcophagi and ossuaries are usually rectangular constructions made of jointed or carved slabs; their lids are also included, having roof-like shapes in the Roman period. Sizes vary depending on purpose: for cremations or inhumations, they range from half a meter to several meters. Gravestones are typically decorated with floral ornaments, rosettes, and cornices; usually rectangular with roof, arch, or cone-shaped tops. Late Antique, Medieval, and Early Modern gravestones include those shaped as crosses, tree trunks, or architectural structures. Approximate date: 650 B.C.E.–1774 C.E.

9. *Crosses and Icons*—Stone crosses are made primarily of marble or limestone and range in size from 10 cm to over half a meter. Stone icons are typically carved as rectangular or round plates usually from pink or blue slate or sandstone. Icons range from 5 to 25 cm in size. They are painted with images of single, frontally depicted, full-length or half-length figures of Christ, the Virgin Mary, or saints such as Nicholas, Theodore Stratelates, or others, or religious scenes with two to three figures shown frontally or in three-quarters view, such as the Annunciation, Presentation, Descent into Hell, and others. Icons usually have a frame, while crosses are sometimes set in frames made of other materials. Precious stones may be used in the decoration of small cultic objects. Approximate date: 300–1774 C.E.

10. *Vessels*—Made primarily of limestone, marble, and alabaster. Including, but not limited to, mortars and pestles of various sizes from the Bronze Age, and marble vessels for washing from the Ancient Greek and Roman periods. Alabaster vases and lamps were common in the Ancient Greek period. Church ceremonial vessels from the Medieval and Early Modern periods vary in shape from miniature narrow bottles (alabastra) to large open-shaped water basins (louteria). Approximate date: 3000 B.C.E.–1774 C.E.

11. *Tools*—Types include, but are not limited to, choppers, handaxes, axe heads, microlithic inlays, scrapers, blades, polishing tools, loom-weights, grindstones, wine-press stones, and anchors. Primarily made of flint, obsidian, granite, quartz, quartzite, shale, and steatite. Early Paleolithic tools were pebbles with chopped edges; later shapes continuing through the

Copper and Bronze Ages include flaked tools. Loom-weights vary from conical to elongated shapes. Approximate date: 1.4 million years ago–1774 C.E.

12. *Weapons*—Types include, but are not limited to, arrowheads, spearheads, darts, maces, and cannonballs. Stone weapon heads have been used since the Paleolithic period. Stone maces from the Neolithic period are often smoothed. Cannonballs, often made of porous stone, range from 10 to 30 cm in diameter. Approximate date: 1.4 million years ago–1774 C.E.

13. *Games*—Represented primarily by dice and chess pieces. Chess pieces from the Kyivan Rus period have one flat side and a spherical or anthropomorphic shape. Ancient Greek dice are flat pebbles with ancient engravings and marks. Dice are about 2–4 cm in diameter. Approximate date: 650 B.C.E.–1300 C.E.

14. *Adornments*—Types include, but are not limited to, beads, pendants, and inlays made from materials such as turquoise, marble, quartz, emerald, carnelian, jasper, onyx, ruby, amethyst, and lazurite. Sarmatian jewelry contemporary with the Ancient Greek and Roman periods features inlaid precious stones. Byzantine and Kyivan Rus periods are known for amethyst and lazurite beads and inlays. Imported inlays were used in Medieval and later periods. Approximate date: 6000 B.C.E.–1774 C.E.

B. Metal

1. *Coins*—In gold, silver, bronze, copper, and lead. Some coin types minted in or commonly found in archaeological contexts in Ukraine in various periods are listed below.

a. Ancient Greek cities in Ukraine, including Olbia, Panticapaeum, Chersonesus, and Tyras, minted coins of various weights and metals. Cast currency in dolphin, sturgeon, and arrowhead forms was also produced in this period. See Zograph, A. *Ancient Coinage, Part II, Ancient Coins of the Northern Black Sea Littoral*. (Oxford, 1977). Approximate date: 600–47 B.C.E.

b. In the Roman period, Panticapaeum continued to mint coins, and other Roman imperial coins were also used. See MacDonald, D. *An Introduction to the History and Coinage of the Kingdom of the Bosphorus, Classical Numismatic Studies 5*. (Lancaster, 2005). Approximate date: 47 B.C.E.–500 C.E.

c. Coins minted in the Kyivan Rus period include gold and silver zlatnyks with a portrait of the ruler and the trident (tryzub) symbol. Hexagonal cast ingots (hryvnia) were also produced. Bohemian deniers and dirhams of Islamic states were also used in the

Medieval period. Pierced coins and exfoliated (flaked) coins, including half-coins and forgeries, were common. Approximate date: 880–1240 C.E.

d. Coins in use during the Late Medieval and Early Modern periods include, but are not limited to, Mongolian dirhams, Lithuanian denars, Polish ducats, Crimean Khanate akces, Austro-Hungarian talers, Ottoman coins, and Russian rubles. Approximate date: 1240–1774 C.E.

2. *Medallions*—Usually featuring relief images, known since the Early Iron Age, with gold, silver, and bronze phaleras used during the Roman period. Approximate date: 1000 B.C.E.–1774 C.E.

3. *Relief Plaques and Reliefs*—Made of gold, silver, bronze, and lead. Used to decorate clothes, wooden, or leather objects, such as horse harnesses, quivers, scabbards, belts, and vessels. Decorations include animals and floral ornaments. Approximate date: 650 B.C.E.–1774 C.E.

4. *Jewelry*—Types include, but are not limited to, diadems, earrings, rings, necklaces, bracelets, crosses, pendants, fibulae, beads, and tubes. Scythian jewelry in the Animal Style was typically made of gold, less often of silver and bronze. Usually, these pieces depict predators attacking herbivorous animals and mythological creatures. Small gold pendants and beads were used to decorate clothes of these and later nomads. Byzantine and Kyivan Rus jewelry featured floral and geometric designs. Medieval period pendants include moon-shaped examples decorated with ornaments and temporal or temple rings of various shapes, including plain wrapped wire or featuring plates, pendants and ornaments. Bronze and silver fibulae of the Early Iron Age show a variety of forms and are much smaller than the massive Early Medieval fibulae shaped as anthropomorphic figurines or five-rayed ornaments. Approximate date: 3000 B.C.E.–1774 C.E.

5. *Vessels*—Primarily made of bronze, silver, and gold. Large riveted bronze cauldrons with thick walls and short stems or feet, up to 1 meter in diameter, known since the Bronze Age. Smaller Scythian vessels include, but are not limited to, cones, rhytons, kylixes, phiales, cups, ceremonial plates, kraters, ladles, and strainers. Sarmatians widely used Roman-type vessels like situlas and pans. Vessels corresponding to Greek, Roman, Celtic and Late Roman bronze vessel types are also known. Metal handles from Scythian, Greek-period, and other vessels are often shaped as anthropomorphic or

zoomorphic figures. Approximate date: 2500 B.C.E.–late 1774 C.E.

6. *Sculpture and Small Figurines*—Include bronze sculptures from the Ancient Greek and Roman periods, often fragmentary. Small figurines typically depicted deities, animals, and mythological creatures. Medieval examples show a more schematic style. Approximate date: 2500 B.C.E.–1774 C.E.

7. *Horse Harness Elements*—Including, but not limited to, shuffrons or chanfrons (face covers), often decorated in relief, psalia (bit and cheek-pieces), horseshoes, spurs, and stirrups. Scythian horse bridles were composed of bronze bits with stirrup-shaped ends, iron bits with looped ends, three-looped iron or bronze cheek-pieces, and nose plates. Sarmatian sets often included silver and lead bridle roundels, iron bits, cheek-pieces, frontlets with a hook, and phaleras. Medieval horse harnesses also featured phaleras, psalia, and other details made of precious metals. For example, the Khazar psalia were nail-shaped, and Kyivan Rus sets sometimes included horse head-covers made of several plates. Approximate date: 1000 B.C.E.–1774 C.E.

8. *Armor Elements*—Including, but not limited to, mail, knee and elbow guards, shields (and shield bosses or umbos), helmets, and belt sets. Scale armor consisted of iron, bronze, or bone scales sewn onto leather. Chain mail made of iron links was known in the Roman period and more frequent in the Kyivan Rus period. Approximate date: 900 B.C.E.–1774 C.E.

9. *Weapons*—Including, but not limited to, swords (including folded ones), daggers, arrowheads, spearheads, darts, maces, scepters, crossbows, cannons and cannonballs, and sabers. Scythians used leaf-shaped spearheads, bronze or sometimes iron arrowheads with a socket and two or three edges, iron swords and daggers, long swords, and war axes. Kyivan Rus warriors used star-shaped maces, axes, spears, swords, and arrows. Approximate date: 2500 B.C.E.–late 1774 C.E.

10. *Vehicle Elements*—Including, but not limited to, anchors, cart elements, and chariot wheels. Ancient Greek- and Roman-period chariot details often featured figurines. Approximate date: 2000 B.C.E.–300 C.E.

11. *Tools*—Including, but not limited to, knives, axes, tongs, needles, thimbles, medical instruments, strigils, miniature spoons, nails, hoes, plows, and sickles. May be made of bronze, copper, iron, silver, and gold. Precious metals were sometimes applied to miniature or ceremonial tools, which

are often decorated with ornaments or figurative terminals. Approximate date: 2500 B.C.E.–1774 C.E.

12. *Bells*—Typically made in bronze or iron, in various shapes and sizes, including spherical, with holes and balls inside; dome-shaped; cylindrical; and pear-shaped. Bells adorned jewelry and dress, as well as carts, chariots, and horse harnesses. Examples for cultic use were hollow, with slits and small balls inside; they were positioned on elongated sockets and crowned with images of animal- or bird-heads or figures. Approximate date: 700 B.C.E.–1300 C.E.

13. *Lighting Devices*—Including oil lamps and candle holders, sometimes elaborately decorated and typically made of bronze. Oil lamps were rounded or elongated containers with one or more nozzles and a handle. Candle holders are found in hanging, table, and standing varieties. They are often decorated with separately produced ornaments. Approximate date: 650 B.C.E.–late 1774 C.E.

14. *Seals or Sealings*—Medieval hanging lead seals used to certify documents are called molybdeboulas or bullas. They have at least one round flat side with a relief, and they often resemble medallions and were pierced to be hung. Later bullas take the shape of gold chrysobulls. They begin at about 2 cm in diameter, and their color varies from gray to brown. Approximate date: 200–1774 C.E.

15. *Icons and Crosses*—Including, but not limited to, relief metal icons, crosses, and encolpions (icon medallions). Encolpions, relief metal icons, and their frames were often made of mixed materials and carved, inlaid with precious stones and metals, or engraved. Both icons and crosses are found in various sizes, including smaller examples for wearing on the chest and large ceremonial ones. Approximate date: 300–1774 C.E.

16. *Mirrors*—Including, but not limited to, hand mirrors made of silver and bronze, with one polished flat side and carved decoration on the back. May be round with a handle or a loop at the center of the back. Handles typically take the form of either a loop or a plaque raised above two small posts; they are sometimes decorated with sculpted or carved animals on the terminals, or made in anthropomorphic form. Approximate date: 600 B.C.E.–200 C.E.

17. *Keys and Locks*—Including, but not limited to, cylindrical locks with C-shaped shackles. Later examples were flattened with more complex keyways. Some examples had protective shields. Approximate date: 800–1774 C.E.

18. *Lead Plates*—Including inscribed and uninscribed examples. May be folded or unrolled. Lead plates with traces of cast ornamentation are known. Vary in color from light gray to almost black with green or brown tints.

Approximate date: 700 B.C.E.–1300 C.E.

19. *Games*—Including dice and simple chess pieces, made from lead and bronze, shaped as knucklebones or cylinders with or without carving. Used across various periods, in sizes around 2–4 cm in diameter. Approximate date: 650 B.C.E.–1300 C.E.

C. Terracotta, Ceramic, Porcelain, Faience, and Fired Clay

1. *Architectural Ceramics*—Including, but not limited to, terracotta roof tiles with stamps, antefixes (ornamented or anthropomorphic), sculpted rainwater spouts (typically in a lion-head shape), drainpipes, stamped or engraved bricks, including “plinths” (wide and flat fired bricks resembling tiles). Roof-tile styles include ridge tiles, raised tiles (imbrices), and tegulae. May be decorated with stamped relief designs. Antefixes may be decorated with palmettes, anthropomorphic images, or painted. Includes relief plaques and medallions that may be part of antefixes and are decorated with mythological scenes. Bricks may have traces of graffiti or be stamped. Kyivan Rus bricks used in churches may bear trident-shaped relief marks. Approximate date: 650 B.C.E.–1774 C.E.

2. *Stove Tiles*—Including glazed and unglazed stove tiles. Glazed types may be smooth or have relief decoration. Glazed stove tiles are typically decorated in green, blue, white, brown, red, and other colors. Unglazed stove tiles are typically created from clays in brown, buff, pink, red, and yellow colors, and may have negative relief decoration. Stove tiles may be decorated with painted ornaments, such as heraldic, floral, anthropomorphic, and/or zoomorphic motifs, or state and family symbols. Sizes vary, but they are typically 10 to 50 cm in height. Approximate date: 1200–1774 C.E.

3. *Vessels*—Including utilitarian vessels, fine tableware, and special-purpose vessels, in conventional shapes such as amphorae, bowls, bottles, goblets, jars, pitchers, plates, storage vessels, and vases, as well as unconventional shapes such as anthropomorphic and zoomorphic forms. Includes vessel lids and fragments of vessels. Clay colors vary but are typically gray or red. Vessels may be glazed (typically black or red), enameled, or engobed. Vessels may be painted, incised, molded or stamped in relief, or incrustated, or bear applied

decoration. Types and characteristics of various periods are described below.

a. *Neolithic and Copper Age*—Vessel styles include Linear Band Ware or Linear Spiral-Meander Pottery with a globular shape and linear incised ornamentation such as spirals, and Cucuteni-Trypillia wares that may be decorated with incised or stamped designs, sometimes filled with white or red paste, or painted in monochrome, bichrome, or polychrome designs in white, red, brown, and black and engobed in red, orange, white, and other colors. Painted designs include geometric and organic motifs. Characteristic Trypillia forms include biconical pots and binocular-shaped cultic vessels, as well as anthropomorphic and zoomorphic vessels. Includes vessels that may have applied zoomorphic ornaments. Approximate date: 6000–2000 B.C.E.

b. *Bronze Age*—Vessel styles include types related to Corded Ware pottery with impressed or incised rope-like decorations and globular forms. Approximate date: 2100–800 B.C.E.

c. *Greek and Roman Pottery*—Ancient Greek pottery most often found in Ukraine includes, but is not limited to, kraters, table amphorae, bomoi, olpes, jars, oinochoes, kylixes, skyphoi, cups, pateras, phiales, lekythoi, plates, lekanes with lids, flasks, and gutti. The most recognizable types of painted vessels are Geometric, Black-figure, Red-figure, and White-ground. Greek and Roman tableware also includes vessels cast in molds such as Hellenistic cups and Roman Sigillata. Black glazed (lacquered) pottery includes several types with stamped ornaments. May bear short painted inscriptions (dipinti) or incised inscriptions (graffiti). The rims of pithoi were often incised with letters or ornaments. Approximate date: 700 B.C.E.–340 C.E.

d. *Byzantine and Medieval*—Vessels may be glazed and/or decorated with paint or relief ornaments. Transport amphorae are also found in this period. Approximate date: 340–1650 C.E.

e. *Miniature Vessels*—Miniature vessels are typically found in the above-mentioned shapes and styles, but in sizes as small as 1 cm in diameter. May be painted. Includes miniature clay spoons. Approximate date: 4000–47 B.C.E.

4. *Figurines and Models*—Including figurines representing anthropomorphic, zoomorphic, and mythical figures and models of objects, buildings, or vehicles. Styles common in various periods are described below. Approximate date: 4000 B.C.E.–1774 C.E.

a. *Copper Age Trypillian*—Figurines are typically abstract and stylized with

pierced, incised, and pinched details. Models of houses, boats, and sleighs drawn by oxen are typical in this period.

b. *Ancient Greek and Roman Period*—Figurines are usually naturalistic images of humans, half-human creatures, animals, and objects. Some figurines are made with separate movable limbs. Most figurines are hollow inside, with a technical opening (rounded, square, or triangular). May be painted, gilded, and/or decorated with applied elements, such as small clay balls, fruits, flowers, rosettes, leaves, and/or wreaths, which may bear incised details. Some figurines may have been created in molds. Clay cart models drawn by a horse are also found in the Roman period.

c. *Late Antique to Early Modern Period*—Figurines may be handmade or molded in anthropomorphic and zoomorphic forms. May be painted or incised.

5. *Miniature Altars*—Typically in cubic, rectangular, and rounded forms, but may also take the form of the club of Heracles. They are usually profiled, but sometimes bear relief images on their sides. Sizes typically vary from 10 to over 50 cm in height. Approximate date: 650 B.C.E.–300 C.E.

6. *Molds*—Types include jewelry molds and figurine molds. Sizes vary, but jewelry molds are typically 5–15 cm in length, while figurine molds reach up to 25–30 cm. Approximate date: 1000 B.C.E.–1300 C.E.

7. *Tools*—Including, but not limited to, loom-weights (may be round or pyramidal), coils, and fishing sinkers (may be pyramidal or quadrangular). Loom-weights and sinkers are typically pierced and smoothed but undecorated. Sizes vary, but are typically between 5–10 cm in diameter (rounded shapes) or up to 15 cm in height (pyramidal and quadrangular shapes). Approximate date: 6000 B.C.E.–1300 C.E.

8. *Musical Instruments*—Including wind and rattle-like instruments or toys that may be shaped like birds, eggs, boars, tortoises, other zoomorphic forms, and coffins. Approximate date: 3500 B.C.E.–1774 C.E.

9. *Lamps and Lighting*—Including, but not limited to, oil lamps and candle holders. Oil lamps vary in shape and type, ranging from open-shaped and hanging types to closed types with narrow nozzles, thin handles, and reliefs on the discus. Typically made from gray or red clay. May also be black-glazed or painted. Approximate date: 600 B.C.E.–1774 C.E.

10. *Smoking Pipes*—Early forms are typically short and rounded. Later forms are typically decorated and sometimes

stamped. Approximate date: 600 B.C.E.–1774 C.E.

11. *Items of Personal Adornment*—Includes, but not limited to, beads and pendants. May be plain, glazed, painted, and/or engraved. Some beads and pendants have a zoomorphic form. Beads and pendants of Egyptian faience (sintered quartz) are typically light blue and may retain traces of glaze. Forms in this material include, but are not limited to, scarabs, Bes, Horus-Harpocrates, and other Hellenized Egyptian deities, as well as lions. Approximate date: 3500 B.C.E.–1774 C.E.

12. *Games and Toys*—Includes, but is not limited to, gaming pieces such as dice, chess pieces, painted eggs, and disc- or square-shaped tokens. Tokens may bear the impression of a coin on one side. Clay eggs may be plain or painted. Approximate date: 2500 B.C.E.–1774 C.E.

D. Plaster, Stucco, and Unfired Clay Architectural Elements

Including fragments of plaster used in architectural contexts from the Ancient Greek period and from the Kyivan Rus through Early Modern periods. May be painted, incised, or stamped. Approximate date: 650 B.C.E.–1774 C.E.

E. Bone, Ivory, Horn, and Shell

1. *Plaques and Decorated Bones*—Made from the bones of bulls, goats, mammoths, and other animals or from fossilized bone. The bone may be untreated, polished, painted, cut, incised, and/or engraved. Bone plaques may be decorated with linear and geometric incisions (such as coils), images, symbols (such as tamgas) and/or inscriptions. Approximate date: 1.4 million years ago–1774 C.E.

2. *Figurines*—Decoration includes crosses; humans; animals, particularly camels, ibex, and snakes; geometric and/or floral designs; and other designs; includes fragments. Painted on wood, stone, and plaster. May be on domestic or public walls or tombs. Approximate dates: 1200 B.C. to 1773 C.E.

3. *Miniature Vessels and Boxes*—Including, but not limited to, pyxides and their lids and narrow boxes for needles. Often bear engraved decorations. Approximate date: 1000 B.C.E.–1650 C.E.

4. *Tools*—Including, but not limited to, harpoons, needles, coils, awls, knife- and sickle-handles, miniature spoons, and writing implements (styli). Sizes vary, but typically range from 2 to 10 cm in length. Handles may be sculpted. Approximate date: 1 million years ago–1774 C.E.

5. *Musical Instruments*—Including parts of wind instruments such as the

aulos, syrinx, syringa, and pan flute, and parts of stringed instruments such as the chelys or lyre, made from tortoiseshell. Approximate date: 650 B.C.E.–1300 C.E.

6. *Horse and Warrior's Equipment*—Including, but not limited to, bone psalia (bit and cheek-pieces), whip handles, plaques for maces, bows, and quivers, and arrowheads. Approximate date: 2500 B.C.E.–1300 C.E.

7. *Items of Personal Adornment*—Including, but not limited to, pins, bracelets, beads, rings, buckles, buttons, combs, furniture inlays, incrustations, box inlays, crosses, mirror handles, pommels, and powder containers. Combs may have engraved decoration, typically in circular form, and may be double-sided. Pommels are often carved as figurines. Amulets are often made of animal teeth and rings of tubular bones. Engraved pieces are commonly decorated with ornaments, marks, signs, and more. Plaques applied to decorate furniture, coffins, chests, and small boxes may bear elaborate reliefs. Buckles, buttons, and other accessories frequently feature engraved designs, images, and sometimes graffiti or carvings. Mirror handles and pins of the Ancient Greek and Roman periods may bear figurative carvings. Crosses and their inlay details were often made of bone, either engraved or carved. Trifold bone containers, approximately 10 cm in height, are interpreted as powder containers. They date to the Late Medieval to Early Modern periods and are often decorated with engravings. Approximate date: 1 million years ago–1774 C.E.

8. *Games*—Including gaming pieces such as dice, knucklebones, simple chess pieces, and other types. Knucklebones often have a variety of engraved marks on them. Chess pieces often have one flat side and a spherical or anthropomorphic shape; some may have a polychrome decoration. Approximate date: 650 B.C.E.–1774 C.E.

F. Wood and Other Organic Materials

1. *Architectural Elements*—Including, but not limited to, elements of towers, wells, churches, dwellings, and fences, particularly from the Medieval period. Carved wooden house decorations are found in the Medieval and Early Modern periods. Large elements may reach over 2 m, while carved elements may be smaller. Approximate date: 6000 B.C.E.–1774 C.E.

2. *Vehicle Elements*—Including, but not limited to, part of cartwheels, chariots, and boats. Cartwheels and fragments thereof, in both solid and spoked forms, may be found in Bronze Age burials. Includes elements of

Ancient Greek and Roman period chariots. Boats and parts thereof from the Medieval period were sometimes used as coffins. Approximate date: 2500 B.C.E.–1774 C.E.

3. *Furniture and Coffin Elements*—Including, but not limited to, parts of tables, tripods, thrones, chairs, and klines (beds), sometimes carved with sculptural details. Carved and inlaid furniture is particularly common in the Medieval and Early Modern periods. Approximate date: 650 B.C.E.–1774 C.E.

4. *Vessels*—Including, but not limited to, Scythian-period cups and trays, which are sometimes set with precious metal plaques, and Medieval-period plates, which may be engraved. Also includes barrels from the Medieval and Early Modern periods. Approximate date: 1000 B.C.E.–1774 C.E.

5. *Tools and Weapons*—Including, but not limited to, distaffs, knife handles, quivers, and weaving combs. Approximate date: 1000 B.C.E.–1774 C.E.

6. *Crosses and Icons*—Including both large ceremonial and smaller personal crosses or carved wooden inlays for crosses. Crosses from the Medieval period and later are often made of cypress. Ceremonial crosses may reach up to 1 m, while personal crosses range from 1 to 15 cm in height. Icons are typically made of from one to three panels of coniferous or deciduous wood that have been joined together, painted, and finished with transparent varnish. Painted images include single, frontally depicted, full-length or half-length figures of Christ, the Virgin Mary, or saints such as Nicholas, Theodore Stratelates, or others, or religious scenes with two to three figures shown frontally or in three-quarters view, such as the Annunciation, Presentation, Descent into Hell, and others. Icons range in size from 20 cm to 2 or 3 m. Approximate date: 300–1774 C.E.

7. *Musical Instruments*—Including, but not limited to, stringed instruments, wind instruments, and percussion instruments. Beck-flutes are typical of the Medieval period. Approximate date: 3000 B.C.E.–1774 C.E.

8. *Objects of Ceremonial and Daily Use*—Including, but not limited to, wooden and bark shoes, lids from Ancient Greek-type mirrors, chests, caskets, games—such as simple chess pieces—and game boards. Also includes inscriptions in various scripts and languages on wooden plaques, birchbark, and paper. Chests may be painted or engraved and range in size from 5 to 50 cm. Approximate date: 2000 B.C.E.–1774 C.E.

9. *Leather Objects*—Including, but not limited to, tokens, elements of dress

such as shoes and belts, saddle elements, quivers, and casket elements. Approximate date: 1000 B.C.E.–1774 C.E.

10. *Textiles*—Textiles and textile fragments are attested beginning in the Bronze Age and particularly in the Scythian period. May have floral ornaments in gold thread. Approximate date: 2500 B.C.E.–1774 C.E.

11. *Amber Objects*—Including, but not limited to, sculptures or figurines, usually schematic in style, dating particularly to the Copper and Bronze Ages and the Kyivan Rus period. Also includes jewelry and adornments such as beads, pendants, and inlays. Approximate date: 4000 B.C.E.–1240 C.E.

G. Glass

1. *Items of Personal Adornment*—Including, but not limited to, intaglios (also called gems), plain jewelry inlays, beads, rings, and bracelets. Intaglios are of various colors, but most commonly red or white. They have one flat surface with an engraved image, such as mythological figures and symbols. Inlays were most commonly made for rings, seals, and earrings. Beads, rings, and bracelets were made in a variety of colors, including red, blue, and yellow. Approximate date: 1000 B.C.E.–1774 C.E.

2. *Vessels*—Including both thicker, colored glass and transparent glass. Early vessel shapes include, but are not limited to, aryballoids (globular flasks). Thin transparent glass vessels, often with colored waves, are found beginning in the Roman period. Approximate date: 700 B.C.E.–1774 C.E.

3. *Games*—Including, but not limited to, dice and simple chess pieces. Chess pieces may be spherical or anthropomorphic in form; they are usually made of white, green, and brown glass and may be polychromatic. Approximate date: 700 B.C.E.–1300 C.E.

4. *Mosaics*—Glass tesserae were used for mosaics decorating floors, walls, and ceilings of Christian temples, as well as icons. Mosaic tesserae are around 1–2 cm and appear in various colors, including gold and blue. May be cobalt glass. Approximate date: 400–1300 C.E.

H. Human Remains

Including human remains and fragments of human remains, such as skeletal remains, soft tissue, and ash from the human body that may be preserved in burials, reliquaries, ossuaries, and other contexts. Bronze Age remains may include elongated skulls and mummified remains. Also includes Bronze Age skulls that have been painted and/or modeled, pierced,

or given other decorations, as well as bones painted with red ochre or other materials. Approximate date: 1.4 million years ago–1774 C.E.

II. Ethnological Material

Ethnological material includes the following categories: ethnological religious and ritual objects, and objects related to funerary rites and burials dating from c. 200 to 1917 C.E.; ethnological manuscripts, written documents, and early prints dating from c. 900 to 1917 C.E.; ethnological architectural elements dating from c. 200 to 1917 C.E.; and ethnological paintings, military material, and traditional folk clothing and textiles dating from c. 1700 to 1917 C.E.

A. *Religious and Ritual Objects, and Objects Related to Funerary Rites and Burials*—Religious and ritual objects include moveable objects typically used in Ukrainian communal religious and ceremonial settings in all materials, as well as objects related to funerary rites and burials. Primarily in stone, wood, ceramic, metal, hand mixed paints, and textiles. Approximate date: c. 200–1917 C.E.

1. *Sculptures*—Including stone icons, relief plates, facade reliefs on religious structures, large free-standing sculpture found in both exterior and interior religious settings, small decorative sculptures, roadside crosses or figures, baptismal fonts (sometimes lotus-shaped), altars, lamps, and candlesticks. Primary materials include local stone (pink or blue slate or sandstone), white limestone, and imported materials such as jasper, steatite, alabaster, or wood. Stone icons are small stone plates (5–25 cm) depicting Christ, the Virgin Mary, Nicholas, and other religious figures. Reliefs often feature religious and narrative images such as a warrior fighting a lion, two saintly warriors on horseback, nativity scenes (vertep), and others.

2. *Memorial Objects*—Including sarcophagi, epitaph plaques, and tombstones, such as Jewish matzevah, Crimean Tatar mezartash and bashtash (gravestones bearing the name, place, and dates of birth and death), grave crosses and sculptures, made of stone, marble, slate, and other materials. Objects are often adorned with intricate carvings (floral, human, and zoomorphic motifs) and inscriptions.

3. *Ritual Processional and Altar Objects*—Includes wooden and stone icons of various sizes. Icons are a type of religious image carved from rectangular or round stone plates (usually pink or blue slate or sandstone, 5–25 cm) or painted on wood panels, depicting single saints (Christ, the

Virgin Mary, Nicholas, Theodore Stratelates, etc.) frontally in either full-length or half-length, or religious scenes with two to three figures (Annunciation, Presentation, Descent into Hell, etc.) shown frontally or in three-quarter view. Intended for private use and close viewing. Wooden icons are made of one to three coniferous or deciduous wooden panels, joined together, prepared, covered with tempera paint (pigments ground in egg yolk), and finished with a transparent varnish. May be used in processions, altars, iconostases, or be free-standing. Size usually ranges from 20 cm to 2–3 m.

This category also includes ritual and ceremonial vessels, such as donation bowls, jugs and pitchers for holy water, Easter baskets (paskivnyk), vessels used in wedding ceremonies (lembyk, perepiytsia), Jewish seder plates, and Hanukkah menorah. Lembyk drinking vessels often take human or animal forms. Jewish objects are frequently glazed and decorated with flowers, birds, and animal motifs. The category also includes tabernacles (kivot; sometimes resembling miniature architecture), seven-branched candlesticks, reliquaries, icon cases (kiot), processional icons (feretron), altar crosses, backdrop crosses, hand-held crosses used in benedictions, collection boxes (skarbnichka), and processional staffs (pateritsa, bakulus, pastoral). These objects frequently bear relief carvings, gilding, and symbolic ornamentation. Metal liturgical and ceremonial objects include chests or arks, tabernacles, reliquaries, small portable arks (pyxes), royal doors, metal covers for icon-painted surfaces (shata, ryza, oklad), book covers, fans on long handles (rypida), large hanging chandeliers (panikadylo), wall-mounted lighting fixtures that reflect candlelight in synagogues (reflectors), Hanukkah lamps, thuribles (kadylo), ritual boxes for storing Sabbath spices (bsamim), Torah crowns, Torah shields (tas), small boxes for storing Torah scrolls (mezuzah), Torah pointers, chalices (potyr), Eucharistic plates (diskoi), metal arches to cover diskoi (stars), double-edged knives with short triangular blades (spears), clergymen's headwear (miters), cross-reliquaries (encolpion), pectoral crosses, clergymen's round-form insignia (panagia), and pastoral staffs (crosiers). These items were often made of bronze, copper, gold, or silver, adorned with precious stones, pearls, and enamels, and featured intricate decorations depicting religious scenes. Ceramic altar crosses sometimes imitate those of wood or metal, and sometimes adorn church

facades. This category also includes fragments of objects of the above-mentioned types.

4. *Church Furniture and Fixtures*—Including iconostases and altars, as well as their decorative frames, columns, cartouches, consoles, cornices, royal doors, and deacon's doors. Component parts when installed in the context of churches may form multi-tiered ensembles and serve as the framing structures for painted icons. These are typically carved from softwood or hardwood, decorated with chalk gesso, gilding, silver gilding (vermeil), and colored lacquers. Stylized grapevines are the most frequently occurring decorative motif. This category also includes altar tables (prestol), protheses (proskomydynik), canopies (kivoriy), anoloys (analoy), tetrapods (tetrapod), golgothas, tombs of the Lord, ambos (pulpits), thrones (synthronon), monastic benches (stasidias), pews, large chandeliers, and candelabrams of varying sizes. Most frequently carved from wood and embellished to a greater or lesser degree with reliefs, painting, and gilding.

5. *Religious Fabrics*—Including Christian processional banners (horuhva), various liturgical service cloths, katasarka indittion, ilyton, antimension fabrics made with woodcut or copperplate printing techniques with relics sewn inside, antymins depicting the Burial of Christ, pokrivets, chalice and diskos coverings (vozdukh, plaat, pelena), decorative curtains such as those for the royal doors of iconostases (Katapetasma), or those for covering a Torah ark (parokhet), decorative elements for synagogue curtains (lambrequin kaporets). Materials include velvet or homespun cloth, sometimes bearing embroidered or appliqué icons, ornamental motifs, and religious scenes or symbolism, and knotted wool. Religious garments include vestments for priests, deacons, and bishops made of white, gold-embroidered fabrics, miters, kippahs, yarmulkes, and prayer shawls (tallits) made of wool, cotton, silk, or linen.

B. *Architectural Elements*—Objects in this category were produced by skilled craftspeople in a nonindustrial society, with materials often hand-carved and/or made from joined wood, modeled, formed, or painted. Architectural elements are found in stone, wood, ceramic, plaster or stucco, and other painted media used to decorate civic and religious architecture. Approximate date: 200–1917 C.E.

1. *Stone*—Including capitals, balustrades and parapets, vases, lanterns, brackets or consoles, facade

reliefs, mascarons (sculpted faces), and cartouches (scrolls, coats of arms).

2. *Wood*—Including carved beams (svolok), carved doorways, balustrades, horse-head brackets (konyk), carved or painted window frames (lyshtvy), and shutters. May be adorned with symbolic carvings reflecting traditional Ukrainian styles.

3. *Ceramic and Terracotta*—Including exterior decorative elements, pipes, roof coverings, chimneys, and echea (acoustic jars). More rarely, may include ceramic cupolas with crosses, capitals, bell towers, and other exterior decorations. Interior architectural elements include ceramic icon cases, altars, and iconostases, frequently decorated with techniques such as relief appliqué, stamping, engraving, and colorful glazes or underglaze painting, tiles for wall and floor cladding, and stoves. Thick wall tiles, especially from the Lviv and Chernihiv regions, feature underglaze painting, imitating Dutch tiles. Hutsul folk tiles depict everyday or military scenes, or vegetal and animal motifs rendered in dark outlines and underglaze painting (engobes) in green, yellow, and brown. Ichnia tiles bear white surfaces and bird motifs.

4. *Metal*—Including bells and crosses on domes. Bells are hollow, pear-shaped, with bronze, brass, gold, or silver alloy clappers. These are often decorated with relief friezes, figures of saints, dedicatory inscriptions, and coats of arms. Crosses vary in form and may be adorned with geometric patterns (e.g., wavy, bent rods), plant motifs, or smaller crosses.

5. *Glass*—Including monumental mosaics and stained glass, colored stained glass found in domestic and religious settings, and small colored glass fragments (smalta) used in mosaics that bear ornamental, figural, or landscape scenes.

C. *Manuscripts, Written Documents, and Early Prints*—Manuscripts, portions of manuscripts, and works on paper include handmade, handwritten, hand-illustrated and/or illuminated sheets, bound volumes and their bindings, manuscript books, and non-industrial print media. Includes fragments. Approximate date: 900–1917 C.E.

Types include charters, bulls, autographs, and other paper artifacts; liturgical manuscripts, illuminated manuscripts, early printed books adorned with fabric, leather, and metal covers, and parchment. Early pre-industrial centers of printing include Lviv, Ostrih, Derman, Pochaiv, and Kyiv. Prints include woodcuts, engravings, etchings, and lithographs. These may feature images of Jesus Christ, the Virgin Mary, saints, and

religious feast scenes, sometimes illuminated with watercolors.

D. *Ethnological Paintings*—Paintings were made by artists who progressed from traditional icon painters, using similar techniques, hand mixing paints, and trained in workshops as apprentices to masters of the craft. Approximate date: 1700–1917 C.E.

1. *Icon Paintings on Glass*—A popular form of folk art especially in the nineteenth and early twentieth centuries, Hutsulshchyna, Bukovyna, and Pokuttia ethnographic regions; notable for their bright colors and rich floral ornamentation.

2. *Paper Cutouts*—This category also includes paper cutouts, another type of folk art. These objects are created by cutting forms from paper or thin cardboard and were used in interior decoration mainly in the nineteenth and early twentieth centuries.

E. *Military Material*—Military material was made by skilled metalworkers and armorers, traditionally working out of a small shop or house—or as employed by an imperial authority—using the same hand-striking process to produce weapons and armor. Approximate date: 1700–1917 C.E. Including standards (bunchuk), maces (pernach), including but not limited to those with metal spikes (buzdyhan), and those with wooden or metal handles, sometimes decorated with precious stones, horsehair, and gold spherical ornaments; sabers, axes (bartka), knives, battle hammers bearing a sharp iron hook attached to a thin handle, pistols, and rifles. Sabers may be decorated with valuable materials such as ivory and gold, and intricate designs. Hutsul bartkas (shepherd's axes) consist of long wooden handles adorned with geometric patterns using embossing, engraving, and inlay techniques. The Crimean Tatars' axe (ay balta) consists of heavily-ornamented, crescent-shaped blades. Pistols and rifles, especially ceremonial ones, feature detailed decorations with engraving, niello, and inlays.

F. *Traditional Folk Clothing and Textiles*—Traditional folk clothing and textiles were handwoven and sewn by members of guilds, operating in small businesses run out of weavers' homes. Approximate date: 1700–1917 C.E.

1. *Traditional Textiles*—Including woven or knotted woolen carpets with floral motifs, tapestries, gold-woven products that adorned the walls of magnates' rooms (makata), pile carpets made on vertical looms (kots), rectangular fabrics made of coarse wool, initially woven on a horizontal loom as smooth double-sided carpets (lizhnyk),

fabric for covering beds, woven on a horizontal loom with plain or twill weave from hemp or linen threads (vereta), and other domestic textiles, embroidered (rushnyks) or bearing hand-printed ornamental motifs.

2. *Folk Clothing*—Including items from the Hutsul regions and Carpathian regions such as fur coats made from sable, lynx, and fox fur (shuba), protective vests with sewn-on metal plates (kuyak), sleeveless leather cloaks made from fur and lined with satin (vilchura), fur hats (kuchma), wide belts with up to six buckles with rich metal décor (cheres), small bags (tabivka), and narrow bags for arrows (sahaidak, kolchan). Other garments include embroidered shirts, waist garments, wide-cut pants, narrow trousers, upper garments, jackets, belts, aprons, (all of which may be made of woolen fabric, sometimes dyed red or black), sometimes richly embroidered or brocaded. Embroidered fabrics bear regionally unique decorative and color schemes.

a. Garments of the Cossack type are sewn from long panels (kaftans, zhupans). Items may be made of red, gold-woven, gray, or blue cloth, or silk, with velvet, brocade, or fur details. Outer garments include coats made of sheepskin (kobenyak), cloth coats lined with cotton with fur (bekesha), or loose-cut coats with slit elbow sleeves (delia). Wide belts are made of gold-woven fabric, often highly embellished.

b. Crimean Tatar costume includes wide trousers (don, duman), wide-cut shirts, striped silk dress-coats, linen shirts (colmek-keten), vests (bagr-elek), jackets (marka), kamzols, eastern-style coats (anteri, havtani), sleeveless leather coats, and various types of trousers. These garments are often decorated with braids, cords, lace, and unique handmade buttons.

3. *Leather Footwear*—Including footwear made of thick cow or pig rawhide (postoly) or Moroccan leather in various colors (sapyantsi), low-heeled women’s shoes (cherevyky), and Crimean Tatar soft-soled boots of yellow or black leather (mest).

Inapplicability of Notice and Delayed Effective Date

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

Executive Orders 12866 and 13563

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

Regulatory Flexibility Act

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

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1) pertaining to the Secretary of the Treasury’s authority (or that of the Secretary’s delegate) to approve regulations related to customs revenue functions.

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

List of Subjects in 19 CFR Part 12

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

Amendments to the CBP Regulations

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

PART 12—SPECIAL CLASSES OF MERCHANDISE

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

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

* * * * *

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

* * * * *

■ 2. In § 12.104g, the table in paragraph (b) is amended by adding Ukraine to the list in alphabetical order to read as follows:

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

* * * * *
(b) * * *

State party	Cultural property	Decision No.
Ukraine	Archaeological material of Ukraine ranging in date from approximately the Paleolithic period (c. 1.4 million years ago) through 1774 C.E., and ethnological material of Ukraine ranging in date from approximately 200 C.E. to 1917 C.E.	CBP Dec. 24–16.

Robert F. Altneu,
*Director, Regulations & Disclosure Law
Division, Regulations & Rulings, Office of
Trade U.S. Customs and Border Protection.*

Approved:

Aviva R. Aron-Dine
*Acting Assistant Secretary of the Treasury
for Tax Policy.*

[FR Doc. 2024–20385 Filed 9–9–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0705]

RIN 1625–AA00

Safety Zone; Key West Paddleboard Classic, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waterways surrounding Key West, Florida, during the 27th Annual Key West Paddle Classic event. The safety zone is necessary to ensure the safety of event participants and spectators from potential hazards associated with this event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Key West or a designated representative.

DATES: This rule is effective from 7 a.m. until 5 p.m. on September 28, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0705 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 Hailye Wilson, Waterways Management Division Chief, Sector Key West, FL, U.S. Coast Guard; telephone 305–292–8768; email Hailye.M.Wilson@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 the Coast Guard did not receive the final details from the event sponsor that the annual Key West Paddle Classic event will be held on September 28, 2024. The Coast Guard has an existing safety zone for this event in 33 CFR 165.786, table to § 165.786, Item No. 4.1; however, the existing regulation only covers the event when it is scheduled on the last weekend of April. The Coast Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It is impracticable and contrary to the public interest to delay issuing this rule because it is necessary to protect the safety of participants, spectators, the public, and vessels transiting the waters adjacent to Key West, FL.

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 and contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The Captain of the Port Key West (COTP) has determined that potential hazards associated with open water swim events will be a safety concern for persons and vessels in the regulated area. This rule is needed to ensure the safety of the event participants, the general public, vessels and the marine environment in the navigable waters within the safety zone during the 27th Annual Key West Paddle Classic paddle board event.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. through 5 p.m. on September 28, 2024. The safety zone will cover all navigable waters within 50 yards in front of the lead safety

vessel preceding the first event participants, 50 yards behind the safety vessel trailing the last event participants, and at all times extend 100 yards on either side of safety vessels. The event course begins at Higgs Beach in Key West, Florida, moves west to the area offshore of Fort Zachary Taylor Historic State Park, north through Key West Harbor, east through Fleming Key Cut, south through Cow Key Channel, and west returning back to Higgs Beach, in Key West, FL. Approximately 100 paddle boarders and six safety vessels are anticipated to participate in the paddle board event. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the paddle board event. 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 location, duration, and time-of-day of the safety zone. This rule involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the navigable waters of Key West, Florida, during a paddle board event lasting nine hours. Although persons and vessels may not enter, transit through, anchor in, or remain within the zone without authorization from the COTP or a designated representative, they will be able to safely transit around this safety zone. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule will allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 10 hours that will prohibit entry within 100 yards from safety vessels being used to guide event participants, and thus is limited in time and scope. 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.T07–0705 to read as follows:

§ 165.T07–0705 Safety Zone; Key West Paddleboard Classic, Key West, FL.

(a) *Location.* The following regulated area is a moving safety zone beginning at Higgs Beach in Key West, Florida, moving west to the area offshore of Fort Zachary Taylor Historic State Park, moving north through Key West Harbor, moving east through Fleming Key Cut, moving south through Cow Key Channel, and moving west returning back to Higgs Beach. The safety zone will be extending 100-yards to either side of the race participants and safety vessels; extending 50 yards in front of the lead safety vessel preceding the first race participants; and extending 50 yards behind the safety vessel trailing the last race participants.

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

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP Key West or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Key West by telephone at (305) 292–8772, or a designated representative via VHF–FM radio on channel 16 to request

authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners via VHF–FM channel 16, or the COTP’s designated representative.

(d) *Enforcement period.* This section will be enforced from 7 a.m. until 5 p.m. on September 28, 2024.

Dated: September 5, 2024.

J.D. Ingram,

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

[FR Doc. 2024–20384 Filed 9–9–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0251]

RIN 1625– AA00

Safety Zone; Hurricanes, Tropical Storms, and Other Storms With High Winds; Captain of the Port Zone Sector Delaware Bay

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the navigable waters of the Sector Delaware Bay Captain of the Port (COTP) Zone to be enforced in the event of hurricanes, tropical storms, and other storms with high winds. This action is necessary to ensure the safety of the waters of the Sector Delaware Bay COTP Zone. It would establish actions to be completed by industry and vessels within the COTP Zone before and after hurricanes, tropical storms, and other storms with high winds threatening the States of Delaware, New Jersey, and Pennsylvania make landfall.

DATES: This rule is effective October 10, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0251 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 proposed

rulemaking, call or email LCDR Owen Mims, Chief Waterways Management Division, U.S. Coast Guard; 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
MTS Marine Transportation System
NPRM Notice of proposed rulemaking
NWS National Weather Service
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Delaware, New Jersey, and Pennsylvania have the potential to be affected by hurricanes and tropical storms on a yearly basis, especially between the months of June and November. Additionally, severe storms generating high winds and rough seas are also common in the winter months. On May 28, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Hurricanes, Tropical Storms, and Other Storms With High Winds; Captain of the Port Zone Sector Delaware Bay (89 FR 46043). There, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended June 27, 2024, we received two comments.

III. Legal Authority and Need for Rule

As noted above, Delaware, New Jersey, and Pennsylvania are subject to hurricanes and other storms generating high winds from year to year. This rule is necessary to protect mariners, port infrastructure, and the environment during and after these severe weather events. The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received two comments on our NPRM published May 28, 2024. One comment expressed support for the rule and did not recommend any changes. The other did not address the subject matter of the rule. We are finalizing the regulatory text of this rule without changes from the text proposed in the NPRM.

This rule establishes a safety zone on the navigable waters of the Sector Delaware Bay COTP Zone during hurricanes, tropical storms, and other storms with high winds. This safety zone provides for actions to be completed by local industry and vessels

in the COTP zone prior to and after landfall of hurricanes, tropical storms, and other storms with high winds threatening the States of Delaware, New Jersey, and Pennsylvania. Port Conditions (WHISKEY, X–RAY, YANKEE, ZULU, and RECOVERY) are standardized Coast Guard terms within the Coast Guard’s Atlantic Area for states of operation declared by the COTP and communicated to port facilities, vessels, and members of the Marine Transportation System (MTS). Notice of Port Conditions and their requirements will be given via Marine Safety Information Bulletins and Broadcast Notice to Mariners.

Actions to be taken by vessels are provided in the language of the rule. In addition, ports and waterfront facilities are encouraged to act when specific Port Conditions are declared. Under Port Condition WHISKEY, all ports and waterfront facilities shall remove all potential flying debris and secure potential flying hazards. Upon declaration of Port Condition X–RAY, all ports and waterfront facilities shall ensure that all requirements under Port Condition WHISKEY are implemented in addition to the removal of all hazardous materials, and securing all loose cargo, and cargo equipment. Upon a declaration of Port Condition YANKEE, all ports and waterfront facilities should ensure that all requirements under Port Condition X–RAY are implemented, and terminal operators shall cease all cargo operations not associated with storm preparations.

Under the rule, the COTP retains flexibility in exercising control over vessel traffic during periods of heavy weather, and the rule allows for the expedited resumption of the MTS following such events. The safety zone consists of all waters of the territorial seas within the Sector Delaware Bay COTP Zone, as defined in 33 CFR 3.25–05. Portions of the safety zone might be activated at different times, as conditions dictated. The regulatory text appears at the end of this document.

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 necessity to protect life, port infrastructure, and the environment during hurricanes, tropical storms, and other storms with high winds. The scope of the regulation is narrow and will only apply when a hurricane, tropical storm, or other storm with high winds impacts the navigable waters of the Sector Delaware Bay COTP Zone. These events are infrequent and of short duration. Regulatory restrictions will be lifted as soon as practicable.

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 received no comments from the Small Business Administration on this rulemaking. 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 that would prohibit entry in certain waters of the Sector Delaware Bay COTP Zone for the duration needed to ensure safe transit of vessels and industry before and after a hurricane, tropical storm, or other storm with high winds. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–01, 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 § 165.522 to read as follows:

§ 165.522 Safety Zone; Hurricanes, Tropical Storms, and other Storms with High Winds; Captain of the Port Zone Sector Delaware Bay.

(a) *Regulated areas.* All navigable waters, as defined in 33 CFR 2.36, within the Captain of the Port Zone (COTP), Sector Delaware Bay, as described in 33 CFR 3.25–05, or some portion of those waters, as specified and communicated under paragraph (c)(6) of this section. Port conditions and safety zone activation may vary for different portions of the COTP Zone at different times, based on storm conditions and its projected track.

(b) *Definitions*—(1) *Captain of the Port* means Commander, Coast Guard Sector Delaware Bay.

(2) *Representative* means any Coast Guard commissioned, warrant, or petty officer or civilian employee who has been authorized to act on the behalf of the Captain of the Port.

(3) *Port Condition WHISKEY* means a condition set by the COTP when National Weather Service (NWS) weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP Zone within 72 hours.

(4) *Port Condition X–RAY* means a condition set by the COTP when NWS weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP zone within 48 hours.

(5) *Port Condition YANKEE* means a condition set by the COTP when NWS weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP zone within 24 hours.

(6) *Port Condition ZULU* means a condition set by the COTP when NWS weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP zone within 12 hours.

(7) *Port Condition RECOVERY* means a condition set by the COTP when NWS weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) are no longer predicted for the regulated area. This port condition remains in effect until the regulated areas are deemed safe and are reopened to normal operations.

(c) *Regulations*—(1) *Port Condition WHISKEY*. All vessels must exercise due diligence in preparation for potential storm impacts. All oceangoing tank barges and their supporting tugs and all self-propelled oceangoing vessels over 500 gross tons (GT) must make plans to depart no later than setting of Port Condition YANKEE unless authorized by the COTP. The COTP may modify the geographic boundaries of the regulated area and actions to be taken under Port Condition WHISKEY, based on the trajectory and forecasted storm conditions.

(2) *Port Condition X–RAY*. All vessels must ensure that potential flying debris and hazardous materials are removed, and that loose cargo and cargo equipment is secured. Vessels at facilities must carefully monitor their moorings and cargo operations. Additional anchor(s) must be made ready to let go, and preparations must be made to have a continuous anchor watch during the storm. Engine(s) must be made immediately available for

maneuvering. Also, vessels must maintain a continuous listening watch on VHF Channel 16. All oceangoing tank barges and their supporting tugs and all self-propelled oceangoing vessels over 500 GT must prepare to depart the port and anchorages within the affected regulated area. These vessels shall depart immediately upon the setting of Port Condition YANKEE. During this condition, slow-moving vessels may be ordered to depart to ensure safe avoidance of the incoming storm. Vessels that are unable to depart the port must contact the COTP to receive permission to remain in port. Vessels with COTP's permission to remain in port must implement their pre-approved mooring arrangement. The COTP may require additional precautions to ensure the safety of the ports and waterways. The COTP may modify the geographic boundaries of the regulated area and actions to be taken under Port Condition X–RAY based on the trajectory and forecasted storm conditions.

(3) *Port Condition YANKEE*. Affected ports are closed to all inbound vessel traffic. All oceangoing tank barges and their supporting tugs and all self-propelled oceangoing vessels over 500 GT must depart the regulated area. The COTP may require additional precautions to ensure the safety of the ports and waterways. The COTP may modify the geographic boundaries of the regulated area within the Delaware Bay COTP Zone and actions to be taken under Port Condition YANKEE based on the trajectory and forecasted storm conditions.

(4) *Port Condition ZULU*. When Port Condition ZULU is declared, cargo operations are suspended, except final preparations that are expressly permitted by the COTP as necessary to ensure the safety of the ports and facilities. Other than vessels designated by the COTP, no vessels may enter, transit, move, or anchor within the regulated area. The COTP may modify the geographic boundaries of the regulated area and actions to be taken under Port Condition ZULU based on the trajectory and forecasted storm conditions.

(5) *Port Condition RECOVERY*. The COTP Zone, or portions of it designated as regulated areas, are closed to all vessels. Based on assessments of channel conditions, navigability concerns, and hazards to navigation, the COTP may permit vessel movements with restrictions. Restrictions may include, but are not limited to, preventing, or delaying vessel movements, imposing draft, speed, size, horsepower, or daylight restrictions, or

directing the use of specific routes. Vessels permitted to transit the regulated area shall comply with the lawful orders or directions given by the COTP or representative.

(6) *Regulated Area Notice*. The Coast Guard will provide notice, via Broadcast Notice to Mariners, Marine Safety Information Bulletins, or by on-scene representatives, of where, within the COTP Zone, a declared Port Condition is to be in effect.

(7) *Exception*. This regulation does not apply to authorized law enforcement agencies operating within the regulated area.

Dated: Sept. 3, 2024.

Kate F. Higgins-Bloom,

Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2024–20391 Filed 9–9–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2023–0330; FRL–4908.1–02–OAR]

RIN 2060–AV20

Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is finalizing requirements for sources that reclassify from major source status to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. The requirements of this final rule apply to all sources that choose to reclassify after September 10, 2024. The final amendments include a requirement that sources subject to certain major source NESHAP used to meet the Agency's obligations under the Clean Air Act (CAA) for seven specific persistent and bioaccumulative pollutants must remain subject to those NESHAP even if the sources reclassify to area source status. This requirement is based on the EPA's analysis of the statute and of comments received on the EPA's 2023 proposal to amend requirements for NESHAP-regulated sources that choose to reclassify from major to area source status. These final amendments will assure that sources accounting for not less than 90 per centum of the aggregate emissions of each persistent and bioaccumulative hazardous air pollutant (HAP) listed in

CAA remain subject to standards promulgated under the CAA, as the Act requires, and will thereby ensure continued health protections from NESHAP that regulate those HAP. Additionally, we are finalizing clarifications to notification requirements and updating language regarding submittal of confidential business information.

DATES: This final rule is effective September 10, 2024.

ADDRESSES: The U.S. Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2023-0330. All documents in the docket are listed on the <https://www.regulations.gov/> website. Although listed, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov/>, or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact U.S. EPA, Attn: Nathan Topham, Mail Drop: D243-02, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, North Carolina 27711; telephone number: (919) 541-0483; email address: topham.nathan@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this action the use of “we,” “us,” or “our” is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CRA Congressional Review Act
CDX Central Data Exchange
ERT Electronic Reporting Tool
FR Federal Register
HAP hazardous air pollutants(s)
ICR Information Collection Request

MACT maximum achievable control technology
MM2A Major MACT to Area
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
tpy tons per year
UMRA Unfunded Mandates Reform Act

Background information. On September 27, 2023, the EPA proposed revisions to the NESHAP General Provisions of 40 CFR part 63. In this action, we are finalizing certain decisions and revisions for the NESHAP General Provisions based on the 2023 proposal and in response to comments. Other proposed options are still being considered for possible future action, as discussed below. We summarize the comments we timely received regarding aspects of the proposed rule that are directly related to this final rule and provide our responses in this preamble. A “track changes” version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

- I. General Information
 - A. Does this action apply to me?
 - B. Where can I get a copy of this document and other related information?
 - C. Judicial Review and Administrative Reconsideration
- II. Background
 - A. What is the statutory authority for this action?
 - B. What actions has the EPA taken under section 112(c)(6)?
 - C. What actions has the EPA taken dealing with major source reclassifications?
 - D. What did we propose on September 27, 2023, regarding sources choosing to reclassify?
- III. What is included in this final rule?
 - A. What are the amendments to the General Provisions of 40 CFR part 63 promulgated as part of this action?
 - B. What are the effective and compliance dates of the standards?
- IV. What is the rationale for our final decisions and amendments for the General Provisions of 40 CFR part 63?
 - A. Requirements and Limitations on Reclassification
 - B. Other Aspects of the September 2023 Proposal
- V. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review
 - B. Paperwork Reduction Act (PRA)
 - C. Regulatory Flexibility Act (RFA)
 - D. Unfunded Mandates Reform Act (UMRA)
 - E. Executive Order 13132: Federalism

- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All
- K. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially impacted by this rule include major sources of HAP that are subject to certain major source NESHAP requirements and that reclassify from a major to an area source of HAP pursuant to the requirements in 40 CFR part 63, subpart A, implementing section 112 of the CAA. If you have any questions regarding the applicability of any aspect of this final rule, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112>. Following publication in the **Federal Register** (FR), the EPA will post the FR version and key technical documents at this same website.

C. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by November 12, 2024. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements established herein.

Section 307(d)(7)(B) of the CAA further provides that only an objection

to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Specifically, the EPA is acting pursuant to its general regulatory authority under section 301, and to the specific mandate of section 112(c)(6) of the CAA, which requires the EPA to take action with respect to seven specific, persistent, bioaccumulative HAP. CAA section 112(c)(6) states, “With respect to alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Administrator shall, not later than 5 years after November 15, 1990, list categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(2) or (d)(4) of this section.”¹

CAA section 112(c)(6) requires the EPA to address the seven specific HAPs in two steps. First, CAA section 112(c)(6) requires the EPA to identify

and list the source categories that account for 90% of the total emissions of the seven HAPs. Next, CAA section 112(c)(6) requires the EPA to “assur[e]” that those sources remain subject to the standards the EPA established under CAA sections 112(d)(2) and (d)(4). Per section 301, the EPA has general authority “to prescribe regulations as are necessary to carry out his function under this chapter.” See 42 U.S.C. 7601(1). Accordingly, the EPA is in this final rule establishing a requirement that the sources in those source categories identified and listed by the EPA under CAA section 112(c)(6) remain subject to the requirements established under CAA section 112(d)(2) or (d)(4), as required by CAA section 112(c)(6), even if any such source reclassifies from a major to an area source after the effective date of the final rule.

Some background on the standards the EPA sets under CAA section 112 is helpful to understand the implications of the CAA section 112(c)(6) requirement. Under section 112 of the CAA the EPA is required to establish emissions standards for “major sources” and “area sources” of HAP to control and reduce their emissions. Section 112(a)(1) defines “major” source, in relevant part, as “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls,² in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants”; and 112(a)(2) defines “area” source, in relevant part, as “any stationary source of hazardous air pollutants that is not a major source.” 42 U.S.C. 7412(a)(1) and (2).

Section 112 of the CAA establishes a two-stage regulatory process to develop standards for emissions of HAP from major stationary sources, whereas there is typically a one-stage process to develop standards for area sources. Generally, the first stage for major stationary sources involves establishing standards based on maximum achievable control technology (MACT), and the second stage involves

evaluating the predicted results of those standards to determine whether additional standards are needed to address any remaining risk associated with HAP emissions. This second stage is commonly referred to as the “residual risk review.” In addition to the residual risk review, section 112(d)(6) of the CAA also requires the EPA to review major and area source standards set under CAA section 112 every 8 years and revise the standards as necessary, taking into account any “developments in practices, processes, or control technologies.” This review is commonly referred to as the “technology review.”

In the first stage of the CAA section 112 standard setting process, the EPA promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for the two types. For major sources, CAA section 112(d)(2) provides that the technology-based NESHAP must reflect the maximum degree of HAP emission reductions achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards are commonly referred to as MACT standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT “floor.” For area sources, by contrast, CAA section 112(d)(5) allows the EPA discretion to set standards based either on generally available control technologies or management practices (GACT standards) or on MACT standards. GACT standards are based on typical performance within a source category and are generally less stringent than MACT standards.

For categories of major sources and any area source categories subject to MACT standards, the second stage in standard-setting focuses on identifying and addressing any remaining (*i.e.*, “residual”) risk pursuant to CAA section 112(f) and concurrently conducting a technology review pursuant to CAA section 112(d)(6). For categories of area sources subject to GACT standards, there is no requirement to address residual risk, but, similar to the major source categories, the section 112(d)(6) technology review is required.

In addition to the general standard setting and review processes described above, CAA section 112(c)(6) requires the EPA to ensure that sources responsible for 90 percent of the aggregate emissions of each of seven

¹ CAA section 112(c)(6) also states that “This paragraph shall not be construed to require the Administrator to promulgate standards for such pollutants emitted by electric utility steam generating units.”

² “Potential to emit” is defined in the NESHAP General Provisions as “the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable.” See definition in 40 CFR 63.2.

specified pollutants are subject to standards under sections (d)(2) or (d)(4) of this section. 42 U.S.C. 7412(c)(6). To accomplish this, as noted previously, the section required the EPA to list, by November 15, 1995, source categories that account for 90 percent of the aggregate emissions of the listed pollutants, and to promulgate CAA section 112(d)(2) or (4) standards for those source categories by November 15, 2000.

As noted earlier, CAA section 112(d)(2) MACT standards take into consideration costs and non-air quality health and environmental impacts. CAA section 112(d)(4), by contrast, authorizes the EPA to set a health-based standard for a limited set of hazardous air pollutants for which a health threshold has been established, and provides that this health-based standard must provide for “an ample margin of safety.” 42 U.S.C. 7412(d)(4). In sum, therefore, CAA section 112(c)(6) specifies that the EPA must list source categories that account for 90 percent of the emissions of the seven listed HAPs and “assure” those sources are subject to MACT or health-based emission standards, rather than the GACT standards that generally apply to area sources. Further, the section ensures that sources subject to these NESHAP are also subject to the additional reviews required for major sources under CAA sections 112(f) and 112(d)(6).

B. What actions has the EPA taken under CAA section 112(c)(6)?

The EPA has taken several previous actions to identify and list categories and subcategories of sources that account for 90 percent of the aggregate emissions of each of the seven HAP listed in CAA section 112(c)(6). In 1998, the EPA issued a document entitled *Source Category Listing for Section 112(d)(2) Rulemaking Pursuant to Section 112(c)(6) Requirements*, 63 FR 17838, 17839 (April 10th, 1998). In that document, the EPA explains how it developed a 1990 base-year emissions inventory for the seven HAP enumerated in section 112(c)(6) of the CAA and used that inventory as the baseline for determining whether 90 percent of those emissions are subject to standards. In the same document, based on that inventory, the EPA identified source categories that, cumulatively, met the 90 percent requirement in CAA section 112(c)(6). That is, the EPA determined that emissions from the listed source categories accounted for 90 percent of the total emissions of the seven listed HAP, as of the base-year emissions inventory.

That 1990 baseline inventory and the category listing have undergone several updates since their initial publication in 1998. For example, in a document dated November 8, 2002, the EPA identified 5 area source categories that were no longer needed to meet the 90 percent requirement of CAA section 112(c)(6). *National Emission Standards for Hazardous Air Pollutants: Revision of Source Category List for Standards Under Section 112(c)(6) and 112(k) of the Clean Air Act*, 67 FR 68124 (2002).³ Further, in the same document, the EPA removed the Open Burning of Scrap Tires source category from the 1990 baseline inventory. Due to the impact these updates had on the inventory, the EPA promulgated emission standards for several additional source categories,⁴ while determining that certain other categories or subcategories are not necessary to meet the 90 percent requirement under CAA section 112(c)(6).

In 2001, Sierra Club filed suit in the U.S. District Court for the District of Columbia asserting, among other allegations, that the EPA had failed to promulgate emission standards sufficient to satisfy the 90 percent requirement in CAA section 112(c)(6). See *Sierra Club v. Jackson*, No. 01–1537 (D.D.C.). In an order issued March 31, 2006 (“2006 order”), the district court set a deadline (later extended) for the EPA to complete that task. *Sierra Club v. Johnson*, 444 F. Supp. 2d 46, 59 (D.D.C. 2006). In the course of that suit, the EPA explained that “once [it] completes emission standards for the remaining source categories under section 112(c)(6), it intends to issue a document that explains how it has satisfied the requirements of section 112(c)(6) in terms of issuing emission standards for the source categories that account for the statutory thresholds identified in section 112(c)(6).” *Id.*

On March 21, 2011, having promulgated standards sufficient to meet the 90 percent requirement under CAA section 112(c)(6), the EPA published a document in the **Federal Register** announcing it had met its statutory obligation. *Completion of Requirement to Promulgate Emission*

³ Section 112(k) of the CAA requires the EPA in relevant part to “identify not less than 30 hazardous air pollutants which, as the result of emissions from area sources, present the greatest threat to public health in the largest number of urban areas,” and to “assure that sources accounting for 90 percent or more of the aggregate emissions of each of the 30 identified hazardous air pollutants are subject to standards” under CAA section 112(d).

⁴ The EPA concluded in 2015 that sufficient standards had been promulgated to reach the 90 percent thresholds and does not reopen that conclusion here.

Standards, 76 FR 15308 (March 21, 2011). The March 21, 2011, document contained the EPA Administrator’s conclusion that the “EPA has completed sufficient standards to meet the 90-percent requirement under . . . section 112(c)(6)” (76 FR 15308). The Administrator based that determination on a technical memorandum “document[ing] the actions the Agency has taken to meet these requirements.” *Id.* The technical memorandum, entitled *Emission Standards for Meeting the Ninety Percent Requirement under Section 112(c)(6) of the Clean Air Act* and available at Docket ID No.: EPA–HQ–OAR–2004–0505, included an updated 1990 baseline inventory, an updated list of the source categories necessary to meet the 90 percent requirement, and a list of emission standards the EPA has promulgated for these source categories.

In 2011, Sierra Club filed suit in U.S. Court of Appeals for the District of Columbia (D.C. Circuit) challenging the March 21, 2011, document. The D.C. Circuit vacated the document, holding that the document was a legislative rulemaking that must be issued through a notice and comment rulemaking. *Sierra Club v. EPA*, 699 F.3d 530, 535 (D.C. Cir. 2012). In 2013, Sierra Club filed a motion with the district court, seeking enforcement of the 2006 order. In an opinion dated July 25, 2014, the district court held that the EPA failed to comply with the 2006 order and directed the EPA to initiate a process of notice and comment rulemaking before the Agency reissues, reconsiders or modifies its determination regarding CAA section 112(c)(6).

Therefore, the EPA issued a proposed rule on December 16, 2014 (79 FR 74656), as ordered by the D.C. Circuit, and provided an opportunity for comment on the EPA’s proposed determination that it had fulfilled the requirements of CAA section 112(c)(6). On June 3, 2015, the EPA issued a **Federal Register** document finalizing the EPA’s determination that the Agency had promulgated a sufficient number of section 112(d)(2) and (d)(4) emissions standards to satisfy the CAA section 112(c)(6) requirement that sources accounting for not less than 90 percent of the aggregate emissions of seven specific HAP be subject to standards under CAA sections 112(d)(2) or 112(d)(4) (80 FR 31470).⁵ As of the

⁵ Following a challenge to the 2015 rule, the court remanded the record to the EPA for explanation of its reliance on surrogates. In that case, the court remanded the rule so the EPA could provide additional information about the how the chosen surrogates relate to the CAA section 112(c)(6) HAP

2015 final rule, therefore, the EPA determined that it had “assur[ed]” that “sources accounting for not less than 90 per centum of the aggregate emissions of” the seven HAP enumerated in CAA section 112(c)(6) are “subject to standards under subsection (d)(2) or (d)(4).” 42 U.S.C. 112(c)(6).

C. What actions has the EPA taken dealing with major source reclassifications?

Shortly after the EPA began promulgating individual NESHAP following the 1990 CAA Amendments, the Agency received multiple requests to clarify when a major source of HAP could avoid CAA section 112 requirements applicable to major sources by taking enforceable limits to constrain its emissions below the major source thresholds and reclassifying as an area source. In response, the EPA issued a 1995 memorandum, referred to as the “1995 Seitz Memorandum,”⁶ which provided guidance on timing issues related to avoidance of CAA section 112 requirements for major sources.

In the 1995 Seitz Memorandum, the EPA interpreted the relevant statutory language under CAA section 112 to find that facilities that are major sources of HAP may switch to area source status at any time until the “first compliance date” of the standard.⁷ Under this interpretation, facilities that met the major source definition on the first substantive compliance date of an applicable major source NESHAP were required to continue to comply with that major source NESHAP even if the source subsequently became an area source by taking physical or operational limitations on the source’s capacity to emit. This position was commonly referred to as the “Once In, Always In” (OIAI) policy.

On January 25, 2018, the EPA issued a memorandum from William L. Wehrum, Assistant Administrator of the Office of Air and Radiation, to the EPA Regional Air Division Directors, withdrawing the OIAI policy.⁸ That memorandum, titled “Reclassification of

Major Sources as Area Sources Under Section 112 of the Clean Air Act” and referred to as the Major MACT to Area (MM2A) Memorandum, discussed the statutory provisions that govern when a facility subject to major source NESHAP requirements under section 112 of the CAA may reclassify as an area source and, so long as it remains below the major source thresholds, avoid major source NESHAP requirements and other requirements applicable to major sources under CAA section 112.⁹

In the MM2A Memorandum, the EPA announced the future publication of a proposed rule to solicit input from the public on regulatory revisions needed to be consistent with the reading of the statute described in the Memorandum. On July 26, 2019, the EPA proposed regulatory text to implement the reading of the statute discussed in the MM2A Memorandum.¹⁰

The EPA published the 2020 MM2A final rule (85 FR 73854) on November 19, 2020. The rule formalized the withdrawal of the OIAI policy from the 2018 MM2A Memorandum and codified that a major source can reclassify to area source status at any time upon reducing its emissions and potential to emit HAP to below the CAA section 112 major source thresholds.

D. What did we propose on September 27, 2023, regarding sources choosing to reclassify?

In September 2023, the EPA proposed to add requirements under the NESHAP program for sources seeking to reclassify from major source status to area source status. See 88 FR 66336, September 27th, 2023. The aim of this proposal was to provide safeguards to prevent reclassified sources from increasing their emissions beyond the major source NESHAP requirements applicable at the time of reclassification. Specifically, the EPA proposed to codify in a new paragraph, 40 CFR 63.1(c)(6)(iv), that any major source choosing to reclassify to area source status must implement one of the following control methods or a combination: (1) continue to employ the emission control methods (e.g., control device and/or emission reduction practices) required under the major source NESHAP requirements, including previously approved alternatives under the applicable

NESHAP and associated monitoring, recordkeeping, and reporting (MRR); (2) comply with the control methods prescribed for reclassification under a specific NESHAP subpart; or (3) install and operate the emission controls that the permitting authority has reviewed and approved as ensuring the emissions of HAP from units or activities previously covered will not increase above the emission standard or level that was required under the major source NESHAP requirements at the time of reclassification. For this last option, the proposal would have required the record of the permitting authority decision to identify the specific units and control methods and include the data and analysis for the emission controls as well as the determination that MRR is adequate to assure compliance.

In addition to the safeguards, the EPA also proposed that limits taken by sources to reclassify from major to area sources must be federally enforceable as a condition of reclassification.¹¹ Specifically, we proposed to codify in a new paragraph, 40 CFR 63.1(c)(6)(iii), that, as a condition of reclassification, any limitations taken by a major source or required by a permitting authority to reclassify to area source status must be federally enforceable. The EPA decided not to propose edits to the definition of PTE under 40 CFR 63.2, opting rather to address the PTE definitions in the New Source Review, Title V, NESHAP, and related programs in a separate rulemaking or guidance at a later date.

Additionally, in light of the special attention Congress paid to specific pollutants in section 112(c)(6) of the CAA, we sought comment on whether additional restrictions are warranted for source categories that are subject to standards under CAA section 112(d)(2) or 112(d)(4) for the persistent and bioaccumulative HAP listed in CAA section 112(c)(6). Specifically, we sought comment on whether any of the following additional restrictions are warranted to achieve Congress’ directive that source categories emitting these HAP be subjected to MACT standards under CAA section 112(d)(2) or (d)(4). First, we sought comment on restricting any sources¹² that are subject to a major source NESHAP and that are included

being regulated by the NESHAP. *Sierra Club v. EPA*, 863 F.3d 834 (D.C. Cir. 2017).

⁶ “Potential to Emit for MACT Standards—Guidance on Timing Issues,” from John Seitz to the EPA Regional Air Division Directors (May 16, 1995) (“1995 Seitz Memorandum”) (available in the docket for this action).

⁷ Per the 1995 memo, the “first substantive compliance date” was defined as the first date a source must comply with an emission limitation or other substantive regulatory requirement (i.e., leak detection and repair programs, work practice measures, etc., but not a notice requirement) in the applicable standard.

⁸ See notice of issuance of this guidance memorandum at 83 FR 5543 (February 8, 2018).

⁹ 40 CFR 63.6(a)(2) states: “If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement”.

¹⁰ See 84 FR 36304 (July 26, 2019).

¹¹ 40 CFR 63.2 defines “federally enforceable” in relevant part as “all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator.”

¹² See EPA-HQ-OAR-2004-0505-0010 for a list of source categories and corresponding NESHAP subparts used to reach the 90 percent threshold. See table 1.1 of EPA-HQ-OAR-2004-0505-0006 for the CAA section 112(c)(6) emission inventory.

in the EPA's 90 percent list for any of the CAA section 112(c)(6) HAP from reclassifying from major to area source status. Second, we sought comment on requiring sources subject to a major source NESHAP to remain subject to that NESHAP for emissions of the section 112(c)(6) HAP even if those sources reclassify and no longer remain subject to the major source NESHAP for emissions of non-112(c)(6) HAP. Third, we considered allowing such sources to reclassify but requiring them to "continue to employ the emission control methods (e.g., control device and/or emission reduction practices) required under the major source NESHAP requirements, including previously approved alternatives under the applicable NESHAP and associated monitoring, recordkeeping, and reporting (MRR)." See 88 FR at 66346. Finally, we sought comment on whether any other restrictions on sources or source categories emitting CAA section 112(c)(6) HAP may be warranted.

III. What is included in this final rule?

A. What are the amendments to the General Provisions of 40 CFR part 63 promulgated as part of this action?

This action amends the General Provisions of 40 CFR part 63 to require sources subject to certain major source NESHAP subparts to remain subject to those NESHAP regardless of whether they reclassify to area source status. Specifically, after September 10, 2024, sources that are subject to the NESHAP used to reach the 90 percent requirements articulated in CAA section 112(c)(6) as of September 10, 2024 must remain subject to such NESHAP even if they reclassify to area source status. Additionally, this final rule makes minor amendments to reporting requirements for submission of confidential business information and clarifies what notifications for a reclassifying facility must contain.

The EPA intends for these two actions to be severable from one another. Specifically, the EPA separately analyzed and determined the appropriateness of requirements for those sources that are subject to NESHAP used to reach the 90 percent threshold requirements in CAA section 112(c)(6), and of the unrelated minor amendments and clarifications to notification and reporting requirements for sources that reclassify. Each of the requirements in this final rule is functionally independent, such that each may operate independently of the other. Thus, the EPA has independently considered and adopted each portion of this final rule, and each is severable

should there be judicial review. If a court were to invalidate either one of these elements, the EPA intends the remainder of this action to remain effective.

Importantly, we have designed the different elements of this final rule separately and each can function sensibly and independently. Specifically, the requirement for sources to remain subject to NESHAP listed under CAA section 112(c)(6) will operate independently and is in no way impacted by the separate clarifications to reporting requirements for sources that reclassify, and vice versa. Further, the supporting bases for each element of the final rule reflect the Agency's judgment that the element is independently justified and appropriate, and that each element can function independently even if one or more other parts of the rule has been set aside.

B. What are the effective and compliance dates of the standards?

The revisions to General Provisions of 40 CFR part 63 being promulgated in this action are effective on September 10, 2024.

IV. What is the rationale for our final decisions and amendments for the General Provisions of 40 CFR part 63?

For each issue, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses.

A. Requirements and Limitations on Reclassification

1. What requirements and limitations were in the proposal for sources choosing to reclassify?

As described in section II.C. of this preamble, the EPA proposed to add requirements for sources that reclassify from major to area source status. This included proposed requirements for reclassified sources to take federally enforceable limits on their potential to emit, and for reclassified sources to maintain the MACT-level controls even after reclassification, which were termed "safeguards." The EPA also sought comment on whether there should be additional restrictions on sources that emit specific pollutants covered by CAA section 112(c)(6).

2. What has changed since proposal?

In the 2023 proposal, the EPA noted that the proposed "safeguards" would prevent emission increases from sources that elect to reclassify, and the EPA sought comment on whether additional measures or limitations were needed for

source categories that are subject to standards under CAA section 112(d)(2) or 112(d)(4) for HAP listed pursuant to CAA section 112(c)(6).

The EPA is not, at this time, finalizing the proposed safeguards. During the public comment period, the EPA received substantial comments regarding the proposed safeguard requirements, and the EPA is still evaluating those comments. Because the issue requires more study, the EPA is leaving the 2023 proposal open as we assess finalizing a rule based on that aspect of the proposal. The EPA continues to be concerned about the possibility of sources reclassifying and then increasing emissions above the levels previously allowed under the applicable NESHAP. Therefore, the EPA continues to consider comments on the 2023 proposal and is working to develop solutions to prevent emissions backsliding. As discussed in the 2023 proposal, the EPA recognizes that backsliding would not be consistent with the intent or spirit of the Act.

In the interim, the EPA finds there is sufficient clarity in the language of CAA section 112(c)(6) and in related public comments submitted on the proposed rule to finalize a requirement that sources in source categories used to satisfy that section's 90-percent threshold must remain subject to the relevant NESHAP even if they reclassify to area source status.¹³ This action addresses the EPA's obligation under CAA section 112(c)(6) to assure sources from the listed source categories are subject to CAA section 112(d)(2) or (d)(4) controls.

The EPA is continuing to evaluate whether additional actions are warranted to mitigate the impacts of the 2020 MM2A final rule, including to address the potential that sources may reclassify and then increase HAP emissions above the levels allowed under the applicable NESHAP. Since the EPA is only taking final action with respect to a limited aspect of the September 2023 proposal, we are only responding to comments related to the aspects of the proposal that we are finalizing in this action.¹⁴ The EPA continues to consider other aspects of the 2023 proposal, including safeguards and federal enforceability for limits

¹³ We note that a small number of the NESHAP used for meeting the 90 percent threshold are NESHAP that apply to area sources. For these NESHAP, covered sources that are already area sources are not affected by this rule, because those sources are subject to standards under CAA section 112(d)(2) or (d)(4), notwithstanding the fact that they are area sources.

¹⁴ We have included a list of comments that are within scope for the final rule in the docket for this action, Docket ID No.: EPA-HQ-OAR-2023-0330.

used to support reclassification of sources. We will respond to the remaining comments when we take final action on other aspects of the September 2023 proposal.

3. What comments did we receive on the interaction of CAA section 112(c)(6) and limits for sources choosing to reclassify, and what are our responses?

Comment: Several commenters agreed with the EPA that the reclassification of sources that agree to keep their aggregate emissions of hazardous air pollutants below the major source threshold should not result in those sources avoiding compliance with the MACT standards for the seven persistent and bioaccumulative air toxics listed in CAA section 112(c)(6). The commenters suggested that allowing sources that reclassify to avoid the CAA section 112(c)(6) MACT requirements would defeat one of the primary purposes of the Act's air toxics provisions, which is to ensure sources that emit these specific pollutants are subject to the most protective standards possible. Several commenters argued that maintaining the requirements placed on these sources through the NESHAP program will ensure that the EPA meets Congress' directive and ensures continued protection of public health.

One commenter argued that the EPA is legally required to include a restriction to expressly prevent reclassification by sources subject to a major source NESHAP used to reach the 90 percent threshold for the specific pollutants listed in CAA section 112(c)(6), because that threshold reflects Congressional expectations on the scope of program coverage for specified pollutants, and the EPA cannot now ignore CAA section 112(c)(6). The commenter asserted that the EPA has authority to impose restrictions to protect overall NESHAP program integrity. Specifically, the commenter asserted the EPA should account for the fact that NESHAP standards, including those developed for CAA section 112(c)(6), were developed and implemented for decades without any considered design of allowing major sources to drop from major source NESHAP regulation. The commenter also asserted that the EPA has full authority to disallow reclassification by sources that were relevant to satisfaction of CAA section 112(c)(6) requirements, and the EPA may choose to disallow this on a temporary basis at least until a future program review is completed on the impacts of the MM2A final rule, which could be combined with future rulemakings to ensure that area source

standards are developed or strengthened to align with their major source NESHAP categories.

Response: As discussed further in section IV.A.4. of this preamble, the EPA agrees with commenters that CAA section 112(c)(6) obligates the EPA to assure sources accounting for 90 percent of emissions of seven specific HAP remain subject to standards under sections 112(d)(2) or (d)(4) of the CAA. Allowing the sources subject to the NESHAP used to reach the 90 percent thresholds for these pollutants to reclassify and thereby avoid complying with those NESHAP would undermine the statutory requirement to "assur[e]" that the sources regulated under CAA section 112(c)(6) remain subject to standards under CAA section 112(d)(2) or 112(d)(4). In this final rule, the EPA is adding a restriction to the General Provisions of 40 CFR part 63 that will require sources that are subject to the NESHAP used to reach the CAA's 90 percent requirements for CAA section 112(c)(6) as of September 10, 2024 to remain subject to those specific major source NESHAP subparts regardless of whether they reclassify to area source status after September 10, 2024.

Comment: One commenter argued that the 2020 MM2A rule eliminated the EPA's ability to ensure sources subject to previously promulgated standards continue to comply with MACT standards. Therefore, the commenter claimed that CAA section 112(c)(6) requires that the Agency prevent any sources within the categories the EPA has used to reach the statutory 90-percent threshold for any of the CAA section 112(c)(6) HAP from reclassifying from major source status to area source status, because in the commenter's view, reclassification would allow the sources to increase their emissions above the levels allowed in the applicable NESHAP.

Two commenters argued that the language of CAA section 112(c)(6) requires the EPA to assure that a minimum of 90 percent of emissions of each pollutant are subject to MACT standards, and that the standards must be MACT limits promulgated under CAA section 112(d)(2) and not substitute restrictions adopted under other authorities. One commenter noted, for example, there are no health thresholds enabling the use of standards under CAA section 112(d)(4) for the pollutants listed in CAA section 112(c)(6).

Two commenters noted that CAA section 112(c)(6) creates an independent mandate that comprises both listing sources and promulgating standards (*Sierra Club v. EPA*, 699 F.3d 530, 531

(D.C. Cir. 2012)) and thereby imposes a substantive duty to issue CAA section 112(c)(6) standards, and to undertake any additional source-listing or standard setting required to reach the 90 percent threshold. *Id.* at 535. The commenters also noted that the CAA eliminates any prerequisite that the EPA make "a finding of health or environmental threat from area sources to determine if such sources need to be included to meet the 90 percent requirement" (63 FR 17,838, 17,842 (April 10, 1998)) and also requires the EPA "to establish and subject these listed sources to MACT standards, . . . even if it would have otherwise had the discretion to apply a less-stringent standard to any area sources on the list." (*Sierra Club v. EPA*, 863 F.3d 834, 835 (D.C. Cir. 2017) (*Sierra Club II*)).

One commenter noted that the EPA has purported to satisfy those duties by listing and promulgating standards for a series of source categories that contain the sources accounting for 90 percent of the aggregate emissions of each of the seven pollutants listed in CAA section 112(c)(6). The commenter also noted, however, that these source categories also include hundreds of sources that the EPA predicts could be eligible for reclassification based on the EPA's analysis of the categories and sources that the EPA believes likely to achieve cost savings by escaping MACT. (EPA-HQ-OAR-2023-0330-0020). The commenter concluded that the EPA lacks the statutory authority to exempt sources from MACT standards within the categories it has identified as necessary to satisfy CAA section 112(c)(6)'s mandate.

Two commenters stated that the EPA should confirm that because sources in the categories on its CAA section 112(c)(6) list are minimally necessary to satisfy CAA section 112(c)(6)'s independent requirements, the Agency cannot allow those sources to escape MACT standards, and the EPA should finalize a rule requiring sources in those categories to continue to comply with MACT standards regardless of whether their post-compliance emissions exceed the major-source threshold. The commenters stated that otherwise the 2020 MM2A rule, even with the additional safeguards contained in the 2023 MM2A proposal, would be flatly inconsistent with CAA section 112(c)(6).

Response: The EPA agrees that CAA section 112(c)(6) requires the EPA to assure that sources accounting for 90 percent of the aggregate emissions of the HAP listed in CAA section 112(c)(6) are subject to standards under CAA sections 112(d)(2) or 112(d)(4). The EPA is promulgating a requirement that assures

that outcome for sources subject to the NESHAP used reach the 90 percent thresholds required by CAA section 112(c)(6). See section IV.A.4 for discussion of the EPA's rationale for the promulgated requirement. Such sources may still reclassify from major to area source status, but they must remain subject to the NESHAP used to assure that 90 percent of the emissions of the section 112(c)(6)-listed HAP are subject to standards under CAA section 112(d)(2) or 112(d)(4).

Comment: One commenter argued that the EPA also has authority, and an obligation, to adopt the proposed restriction to prevent CAA section 112(c)(6) sources from reclassifying as a necessary revision under CAA section 112(d)(6) under the decision in *Louisiana Environmental Action Network v. EPA*, 955 F.3d 1088, 1099 (D.C. Cir. 2020), which found that CAA section 112(d)(6) obligates the EPA to revise standards to correct "unlawfully omitted" controls. The commenter also asserted that the statutory authority for restricting reclassification for CAA section 112(c)(6) sources is independent and severable of those supporting the EPA's other proposed safeguards.

Response: The EPA agrees that the statutory authority under CAA section 112(c)(6) is distinct from the EPA's authority for proposed safeguards. However, the EPA does not agree that CAA section 112(d)(6) requires the amendments included in this final rule. *Louisiana Environmental Action Network v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020) requires the EPA to address regulatory gaps when the EPA undertakes a CAA section 112(d)(6) technology review, such as establishing missing MACT standards for listed air toxins known to be emitted from a particular source category. In this rule, the EPA has determined that CAA section 112(c)(6) obligates the EPA to assure that sources subject to the NESHAP used to establish 90 percent thresholds under that provision remain subject to those NESHAP, such that the sources in that source category remain in the pool of sources evaluated pursuant to the reviews conducted under CAA sections 112(f) and 112(d)(6). However, this authority under CAA section 112(c)(6) is distinct from the EPA's gap-filling obligation in promulgating technology reviews under CAA section 112(d)(6) pursuant to *Louisiana Environmental Action Network v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020). See section IV.A.4. of this preamble for discussion of our rationale and statutory authority.

Comment: One commenter urged the EPA to require reclassified sources to

continue to comply with HAP-specific MACT standards and asserted that those sources should not be allowed to characterize as "controls" measures that would produce an increase in any HAP. The commenter noted that many of the regulated HAP are harmful in extraordinarily small quantities and are specifically listed in CAA section 112(c)(6), whereas other HAP are not. The commenter predicted that aggregate limits, even for sources outside the scope of CAA section 112(c)(6), would allow for dangerous increases in toxics that are only ever emitted in very small quantities, and of which affected communities would have no knowledge.

Response: As discussed further in section IV.A.4. of this preamble, the EPA has determined that given the special attention paid by Congress to the specific HAP included in CAA section 112(c)(6), the agency must disallow sources subject to NESHAP used to meet the 90 percent requirement of CAA section 112(c)(6) from avoiding compliance with those NESHAP through reclassification. Therefore, such sources must remain subject to those NESHAP, regardless of whether they reclassify to area source status.

However, the EPA is not at this time finalizing the proposed safeguards. During the public comment period, the EPA received substantial comments regarding the proposed safeguard requirements, and the EPA is still evaluating those comments. Because the issue requires more study, the EPA is leaving the proposal open as the EPA assesses finalizing a rule based on that aspect of the 2023 proposal. The EPA continues to be concerned about the possibility of sources increasing emissions as a result of reclassification and continues to consider comments on the 2023 proposal. In the interim, to address this concern in part, the EPA finds there is sufficient clarity regarding a subset of MACT-subject sources—those in categories relied on to satisfy CAA section 112(c)(6)—to justify acting now by finalizing a requirement for CAA section 112(c)(6)-affected sources to remain subject to the specific NESHAP that are used to meet the 90 percent thresholds under CAA section 112(c)(6) regardless of whether the sources reclassify.

Comment: Two commenters stated that allowing facilities to reclassify does not jeopardize the EPA's original goal of regulating 90 percent of the emissions of CAA section 112(c)(6) HAP because only 200 facilities have reclassified since the EPA changed its policy towards reclassification (see 88 FR 66349). One commenter added that those reclassifications do not

automatically result in an increase in HAP emissions to just under the major source thresholds from detuning of controls.

Response: As discussed in section IV.A.4. of this preamble, the EPA has determined that allowing sources that reclassify to avoid the NESHAP used to meet the statutory requirement of CAA section 112(c)(6) is inconsistent with the Congressional mandate that the EPA "assur[e]" sources accounting for 90 percent of the emissions of the seven specific HAP listed in CAA section 112(c)(6) are subject to standards under CAA sections 112(d)(2) or 112(d)(4). Therefore, the EPA is finalizing a requirement that sources subject to these NESHAP must continue to comply even if the sources reclassify to area source status. The EPA disagrees with the commenter that such a restriction would only be justified if there were past evidence of sources' taking advantage of reclassification to increase their emissions to just below the major source thresholds. Congress clearly intended sources in the section 112(c)(6) source categories to continue to be subject to CAA section 112(d)(2) or (d)(4) standards, rather than GACT standards or whatever other standards (if any) apply to area sources in the source category. The EPA disagrees with the comment that we can assume that source categories required to reach the 90 percent threshold in CAA section 112(c)(6) will continue to be subject to standards under CAA sections 112(d)(2) or (d)(4) merely because there have not been a large number of reclassifications to date. The number of reclassifications to date is not relevant to ensuring that the EPA meets the statutory requirement in CAA section 112(c)(6). This action seeks to assure that sources subject to the NESHAP used to meet the statutory 90 percent requirement remain subject to standards under CAA sections 112(d)(2) or 112(d)(4), as section 112(c)(6) requires. As discussed further in section IV.A.4. of this preamble, the EPA finds this action is needed to meet the Agency's statutory obligation to "assure" that sources that account for 90 percent of the emissions of the seven HAP listed in CAA section 112(c)(6) remain subject to standards under CAA section 112(d)(2) or 112(d)(4), given that the 2020 MM2A rule would otherwise permit such sources to reclassify to area source status and no longer be subject to major source NESHAP requirements.

Comment: One commenter argued that the EPA should not adopt additional restrictions on MM2A for sources of persistent and bioaccumulative HAP under CAA section 112(c)(6) because the proposed

“safeguards” in the 2023 proposal are sufficient without further restrictions. The commenter asserted that if the 2020 MM2A rule operates properly, it should incentivize major sources to become area sources, through the adoption of innovative pollution control strategies—whether those are based on elements of existing major source NESHAP or are based on technological or material breakthroughs.

Response: The EPA has determined that the final amendments are required by CAA section 112(c)(6). The EPA is not at this time finalizing the proposed safeguards. During the public comment period, the EPA received substantial comments regarding the proposed safeguard requirements, and the EPA is still evaluating those comments. Because the issue requires more study, the EPA is leaving the proposal open as the EPA assesses finalizing a rule based on that aspect of the 2023 proposal. The EPA continues to be concerned about the possibility of sources increasing emissions as a result of reclassification and continues to consider comments on the 2023 proposal. In the interim, to address this concern in part, the EPA finds there is sufficient clarity regarding a subset of MACT-subject sources—those in categories relied on to satisfy CAA section 112(c)(6)—to justify acting now by finalizing a requirement for CAA section 112(c)(6)-affected sources to remain subject to the specific NESHAP that are used to meet the 90 percent thresholds under CAA section 112(c)(6) regardless of whether the sources reclassify.

Comment: One commenter argued that the EPA has no authority to impose constraints on reclassification under CAA section 112(c)(6). The commenter asserted that the CAA section 112(c)(6) requirement for the EPA to list and regulate a sufficient number of source categories to “assur[e] that sources accounting for not less than 90 percent of the aggregate emissions of each pollutant [listed under CAA section 112(c)(6)] are subject to standards under subsection (d)(2) or (d)(4)” is unambiguously a one-time requirement. The commenter argued that it does not impose any obligation on the EPA to monitor the regulated source categories and make adjustments over time to maintain the 90 percent requirement. Similarly, the commenter asserted this provision imposes no obligation on affected sources to continue to comply with a NESHAP that the EPA relied upon in making the 90 percent determination. The commenter added it would be unreasonable in any event to construe the statute as imposing such obligations because the

EPA would forever have to track the number of affected sources, the emissions of such affected sources, and changes to those sources that might affect the EPA’s prior 90 percent determination, and the EPA would be required to adjust existing emissions standards or impose new emissions standards to maintain 90 percent coverage.

Response: This rule does not revisit the 2015 determination that sufficient source categories have been subjected to standards under CAA sections 112(d)(2) or (d)(4) to satisfy the section 112(c)(6) 90 percent requirement. However, as discussed further in section IV.A.4., the EPA has determined that the CAA requires that the EPA set standards sufficient to “assure” that sources in the categories and subcategories used to reach the 90 percent threshold are subject to section 112(d)(2) or (d)(4) standards. The EPA’s determination of which NESHAP are necessary to achieve the 90 percent thresholds was made prior to the MM2A rulemaking, at a time when major sources, under the OIAI policy, were required to continue to comply with previously applicable major source NESHAP, even if the sources reduced emissions below major source thresholds. Allowing for sources subject to the NESHAP required to meet the 90 percent threshold to no longer be subject to these standards is contrary to the Agency’s obligation to “assur[e]” those sources remain subject to standards under CAA sections 112(d)(2) or (4). The limitation promulgated today implements the statutory requirement under CAA section 112(c)(6) to assure source categories accounting for 90 percent of the aggregate emissions of the specific listed HAP are subject to CAA section 112(d)(2) or (d)(4) standards. Congress could not have envisioned requiring the EPA to list and regulate categories and subcategories of sources, and to assure those categories and subcategories of sources are subject to standards under CAA section 112(d)(2) and 112(d)(4), only to have those sources reclassify and avoid the standards that Congress explicitly required the EPA to establish for these source categories. Therefore, we have determined that even if a facility reclassifies, the sources at the facility that are subject to these NESHAP must remain subject, to assure they are subject to standards under CAA sections 112(d)(2) or 112(d)(4), as required by CAA section 112(c)(6).

Comment: A commenter opposed the option the EPA requested public comment on that would require sources to comply with the applicable major source standards for the seven HAP

listed in CAA section 112(c)(6) while allowing sources to reclassify for other HAP. The commenter acknowledged that the EPA has the authority to apply GACT instead of MACT standards for area source emissions of pollutants other than the seven HAP listed in CAA section 112(c)(6). However, the commenter asserted that the EPA did not adequately justify why GACT standards would be more appropriate than MACT for all source categories rather than the rule-specific decisions the EPA has made in the past when developing MACT standards for area source standards promulgated under CAA section 112(c)(6) and GACT standards for other HAP from those area source categories. In addition, the commenter explained that this option would be impractical because the EPA relies on surrogates for the seven HAP listed in CAA section 112(c)(6), and there is no rule-specific analysis that could be used to support a pollutant-by-pollutant reconciliation of the 2020 MM2A Rule with the CAA section 112(c)(6) requirements for each pollutant. The commenter argued that the EPA did not explain how this proposed option would support Congress’ goals of reducing HAP emissions and associated public health risks from these pollutants. Therefore, the commenter recommended that the EPA prevent CAA section 112(c)(6) listed sources from reclassifying as area sources for all HAP.

Similarly, another commenter emphasized that if the EPA does not completely repeal the 2020 MM2A rule, the EPA should not allow sources of the seven HAP listed in CAA section 112(c)(6) to reclassify as area sources and avoid the required emission reductions because the CAA specifically requires the EPA to ensure that 90 percent of the aggregate emissions for each pollutant are reduced to the maximum degree achievable.

Response: The EPA agrees with the commenter that it would not be appropriate to require sources of the seven HAP listed in CAA section 112(c)(6) to continue to comply only with standards addressing those CAA section 112(c)(6) HAP while no longer complying with other parts of the same NESHAP that do not directly address the 112(c)(6) HAP. As the commenter states, many of these NESHAP regulate the CAA section 112(c)(6) HAP through surrogates and it would be impractical to attempt to bifurcate compliance with a NESHAP. There is often a large degree of overlap in the controls, monitoring, recordkeeping, and reporting requirements that deal with CAA section 112(c)(6) HAP and other HAP. It

would create unnecessary burden and confusion to require sources to separate emissions of CAA section 112(c)(6) HAP from other pollutants. As explained further in section IV.A.4. below, the EPA finds that CAA section 112(c)(6) requires that while sources subject to NESHAP used for 112(c)(6) can still reclassify under the 2020 MM2A rule for purposes of other NESHAP not used to meet the CAA section 112(c)(6) requirements, those sources must continue to comply with all aspects of the CAA section 112(c)(6)-listed NESHAP regardless of whether they reclassify to area source status.

Comment: Several commenters asked the EPA to not allow major source emitters of mercury, dioxins, and PCBs and the other persistent and bioaccumulative pollutants listed in CAA section 112(c)(6) to reclassify as area sources, increase HAP emissions, and avoid monitoring and reporting requirements. Another commenter recommended that the EPA require all sources that emit persistent, bioaccumulative, or highly toxic HAP to follow the applicable NESHAP's emission control methods and monitoring, recordkeeping, and reporting requirements. One commenter emphasized that sources must comply with standards under CAA section 112(d)(2), and the EPA must not allow substitute standards, which could result in higher HAP emissions.

Response: The EPA agrees with commenters that sources used to meet the CAA's requirement to subject sources of 90 percent of the aggregate emissions of the HAP listed in 112(c)(6) should remain subject to those NESHAP, regardless of whether they reclassify to area source status. See section IV.A.4. for further discussion of our rationale.

4. What is the rationale for our final approach for CAA 112(c)(6) sources?

In this action, the EPA is finalizing requirements specific to CAA section 112(c)(6)-affected source categories. Specifically, to fulfill the EPA's statutory obligation to assure that sources accounting for 90 percent of the emissions of the seven HAP listed in section 112(c)(6) are subject to standards under CAA section 112(d)(2) or 112(d)(4), the EPA is requiring that such sources remain subject to the relevant NESHAP for their source category regardless of whether the sources reclassify to area-source status. The EPA finds that the 2020 MM2A rulemaking interfered with our obligations under CAA section 112(c)(6), because that rulemaking allowed major sources to reclassify to area source status but did

not address the section 112(c)(6) requirement that such sources remain subject to standards issued under section 112(d)(2) or (d)(4). The Agency is therefore taking this action to assure that even if CAA section 112(c)(6)-affected sources reclassify, they remain subject to standards under CAA section 112(d)(2) or 112(d)(4). The EPA finds that this interpretation of CAA section 112(c)(6) comports with the text and purpose of the statute, relevant case law, and the context of CAA section 112(c)(6) within CAA section 112. The EPA is not revisiting our determination that we do not have an ongoing obligation to update the list of source categories used to reach the CAA section 112(c)(6) 90 percent requirements.

In this action the EPA is fulfilling our obligations under CAA section 112(c)(6), which provides that with respect to seven persistent and bioaccumulative HAP, the EPA shall "list categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(2) or (d)(4)." The EPA finds the best interpretation of CAA section 112(c)(6) is that the provision required the EPA to "list" source categories and "assure" that sources within those categories are and remain "subject to standards under subsection (d)(2) or (d)(4)." That is, we find that CAA section 112(c)(6) established two obligations for EPA: (1) to list categories and subcategories of sources to reach the 90 percent threshold; and (2) to assure such sources are subject to CAA section 112(d)(2) or 112(d)(4) requirements. The EPA satisfied the first obligation by listing and identifying categories and subcategories of sources to account for 90 percent of the aggregate emissions of each of the seven HAP listed in CAA section 112(c)(6) in prior actions, which are discussed in section II.B. of this preamble. When we issued our listing determinations, the OIAI policy in effect at that time ensured the second obligation—to assure that affected sources are subject to standards under CAA section 112(d)(2) or 112(d)(4)—would be satisfied in perpetuity, because listed sources could not avoid CAA section 112(d)(2) or (d)(4) controls by reclassifying. However, since the EPA withdrew the OIAI policy and allowed major sources to reclassify to area source status, and no longer be subject to major source NESHAP requirements and as a result possibly relaxing their emissions controls, the EPA finds that we are now obligated to promulgate this

rulemaking to assure that sources in the listed categories nonetheless remain subject to standards under CAA section 112(d)(2) or 112(d)(4).

For these reasons, the EPA finds it is necessary to require that any source subject to major source NESHAP used to reach the CAA section 112(c)(6) 90 percent thresholds on September 10, 2024 remains subject to the same NESHAP regardless of whether the source reclassifies. In other words, a facility cannot avoid these CAA section 112(c)(6)-specific NESHAP by otherwise reclassifying from major to area source status after the effective date of this final rule. This final rule does not prevent reclassification for such sources. If a source is subject to multiple NESHAP, including some that are used to reach the CAA section 112(c)(6) 90 percent thresholds and others that are not, the source must remain subject to the CAA section 112(c)(6) NESHAP but is not required to remain subject to other major source NESHAP after reclassification.

The EPA finds support for this action in the special attention Congress paid to the seven HAP in CAA section 112(c)(6), by introducing additional requirements for these specific pollutants. The EPA finds that by allowing sources emitting these seven HAP to reclassify to area source status without maintaining CAA section 112(d)(2) or (d)(4) requirements for the NESHAP used to meet the 90 percent thresholds under CAA section 112(c)(6), the 2020 MM2A rule violated Congress' mandate that the EPA "assure" these sources are subject to CAA section 112(d)(2) or 112(d)(4) requirements. This mandate reflects Congress' clear intent that the EPA not only list source categories sufficient to cover 90 percent of the seven HAP identified in section 112(c)(6), but also ensure that these source categories remain subject to standards under CAA section 112(d)(2) or 112(d)(4), as opposed to the lesser GACT-level standards that frequently apply to area sources. In light of the ability of a major source to reclassify to an area source at any time as a result of the 2020 MM2A final rule, the EPA finds that the best way to achieve Congress' direction to, "assur[e] that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(2) or (d)(4)," is for CAA section 112(c)(6) listed source categories to maintain CAA section 112(d)(2) or (d)(4) controls and other requirements in the NESHAP. This will also ensure that any future revisions to these NESHAP (e.g., promulgated under CAA sections 112(f) or 112(d)(6) to amend the applicable

NESHAP) will apply to these sources. Sources covered by CAA section 112(c)(6)-listed NESHAP that are subject to title V permitting requirements remain subject to those requirements if they reclassify to area source status. In general, area sources subject to a NESHAP are required to have a title V permit unless the EPA has exempted the source category from title V permit. See, e.g., 40 FR 70.3(b)(2). In addition, because certain NESHAP require sources to comply with title V permitting requirements, sources that remain subject to such NESHAP through this rulemaking must therefore also continue to comply with title V permitting requirements.

The EPA finds that its interpretation of CAA section 112(c)(6) also comports with the D.C. Circuit's description of the EPA's CAA section 112(c)(6) obligations in *Sierra Club v. EPA*, 863 F.3d 834 (D.C. Cir. 2017), and is supported by commenters to the 2023 MM2A proposal. In *Sierra Club v. EPA*, the court read CAA section 112(c)(6) to create two requirements for the EPA: (1) to list categories and subcategories of sources of the seven specific HAP that account for 90 percent of the aggregate emissions of each; and (2) to establish and subject the listed sources to MACT standards. 863 F.3d 834, 835 (D.C. Cir. 2017). In that case, the court explained that CAA section 112(c)(6) requires the EPA, "to establish and subject these listed sources to MACT standards, . . . even if [the EPA] would have otherwise had the discretion to apply a less-stringent standard to any area sources on the list." *Id.* Two commenters to the 2023 MM2A proposed rule agreed with this interpretation, stating that CAA section 112(c)(6) creates an independent mandate that comprises both listing sources and promulgating standards. Further, these commenters noted that allowing CAA section 112(c)(6) sources to reclassify to avoid meeting MACT standards would defeat the primary purpose of the provision, which is to ensure that both major and area sources of these specific HAP are subject to the most protective standards possible. We note that a number of area source categories have been subjected to MACT standards under CAA section 112(c)(6), including gold mines, electric arc furnace steelmaking, and area source coal fired boilers because these sources emit the specific HAP listed in CAA section 112(c)(6).

The EPA has previously established the list of source categories comprising the 90 percent thresholds in prior rulemakings and is not re-opening that determination. In this regard, the EPA is not revisiting the finding in the 2020

MM2A rulemaking (84 FR 36311) that it would not be reasonable to read CAA section 112(c)(6) to require an unattainable goal of continuing to meet the 90 percent threshold requirement even as overall emissions decline due to compliance with MACT standards. In that rulemaking, however, the EPA did not sufficiently consider the import of allowing 112(c)(6)-affected sources to reclassify—namely that in some cases, such sources could escape MACT standards and thereby undermine the protections that Congress laid out in CAA section 112(c)(6).

Prior to the 2018 MM2A memo and 2020 MM2A rulemaking, the EPA had previously satisfied our obligation under CAA section 112(c)(6) to "assure" sources in listed source categories remain subject to CAA section 112(d)(2) or (d)(4) standards, because no major NESHAP sources were able to reclassify as area sources after the first substantive compliance date of the applicable NESHAP. However, now that major sources are able to reclassify at any time as a result of the 2020 MM2A final rule, the EPA finds this action is necessary to ensure that both obligations reflected in CAA section 112(c)(6) are met. Because of the 2020 MM2A rulemaking, CAA section 112(c)(6)-listed major sources may currently reclassify to area source status without any requirement that they remain subject to CAA section 112(d)(2) or (d)(4) standards—thereby thwarting the second mandate of CAA section 112(c)(6). This rule addresses that problem.

The EPA's prior actions and statements regarding CAA section 112(c)(6) are not at odds with this action. The EPA's prior CAA section 112(c)(6) actions focused on listing source categories to satisfy the 90 percent threshold requirement. However, because the OIAI policy was in place at the time of those actions, the EPA did not consider that sources subject to the listed NESHAPs could subsequently reclassify, and that the EPA's obligation to assure that those listed source categories are subject to CAA sections 112(d)(2) and (d)(4) standards could be abrogated. In the 2015 listing rulemaking, the EPA explained, "CAA section 112(c)(6) requires the EPA to ensure that source categories responsible for at least 90 percent of the aggregate emissions of each of the 7 specified pollutants are subject to standards under CAA sections 112(d)(2) or 112(d)(4)" (80 FR 31470, 31471, June 3, 2015). Because the OIAI policy was in place at the time of that rulemaking, the EPA had no occasion to consider that a facility included in the listed source categories identified in

that rulemaking would be able to reclassify after the first substantive compliance date and subsequently evade CAA section 112(d)(2) or (d)(4) standards. The EPA noted at the time of the 2015 rulemaking that the "CAA section 112(c)(6) determination is a simple, discretionary accounting of the EPA's previous regulatory efforts." The EPA continues to agree with that conclusion in that the first aspect of the EPA's CAA section 112(c)(6) authority, and what was addressed in that rulemaking, was a listing exercise. This action is meant to maintain the status quo by ensuring that sources in those previously listed source categories that account for 90 percent of the enumerated HAP in CAA section 112(c)(6) remain subject to the standards called for in the statute.

In the 2020 MM2A rulemaking the EPA disagreed with commenters who claimed that CAA section 112(c)(6) created a continuous obligation such that affected sources could not reclassify. The EPA does not revisit that determination here, but in any event the Agency's reason for disagreement with such comments is distinct from the Agency's rationale here. This rulemaking does not upset the previously established 90 percent thresholds, nor create a "never-ending cycle of listing and regulation in order to achieve an unattainable goal of ensuring that 90 percent of emissions are regulated," which the EPA expressed concerns about in the 2020 MM2A rule (85 FR 73861) and does not reconsider here. Rather this rulemaking closes a regulatory gap to address the EPA's obligation under CAA section 112(c)(6) that was opened with the 2018 MM2A memorandum and 2020 rulemaking. Further, this rulemaking does not prevent any source from reclassifying, rather we are adding requirements to ensure that reclassification for certain sources does not undermine Congress's intent that these sources are subject to standards under CAA section 112(d)(2) or 112(d)(4).

The EPA's authority for this action is distinct from the EPA's authority to either allow or prevent sources subject to a NESHAP applicable only to major sources from reclassifying (i.e., the MM2A and OIAI policies). As the EPA explained in the 2020 MM2A final rule, those policies centered on the "major source" and "area source" definitions under CAA sections 112(a)(1) and (2). By contrast, in this rulemaking, the EPA is acting to fulfill an obligation under CAA section 112(c)(6) that applies regardless of how the Agency addresses

the broader question of whether major CAA section 112 sources may reclassify.

Though not implicated in this action, we believe the broader questions regarding reclassification deserve further consideration. The EPA will consider revisiting these questions in a future action. Legal and policy questions surrounding the 2020 MM2A rule remain unsettled. The EPA finds there is general support in the text, purpose, and legislative history of CAA section 112 for the idea that certain sources should maintain MACT standards even if they reclassify. The EPA believes that allowing sources to increase their emissions after reclassification beyond the level allowed under the relevant NESHAP does not comport with the broader structure of CAA section 112. If such emissions increases were contemplated by the statute, Congress would set MACT standards at either (1) the maximum degree of emissions reduction, or (2) reductions sufficient to bring emissions below the major source threshold, whichever is less stringent. Clearly, Congress did not do so. In fact, Congress acknowledged the possibility of requiring elimination of HAP emissions through MACT standards (CAA section 112(d)(2)(A)). At present, however, the EPA is not addressing this discrepancy. Rather, we are addressing only CAA section 112(c)(6)-affected sources, while we continue to evaluate ways to address the tension between MM2A and the requirements of the rest of CAA section 112.

In the interest of timely addressing what the EPA finds is a particular concern due to the need to fulfill CAA section 112(c)(6), the EPA is finalizing this action to apply only prospectively, *i.e.*, just with respect to sources that have not yet reclassified. The EPA is not at this time requiring sources that have already reclassified to come back into compliance with the relevant NESHAP, as this would involve complicated questions about appropriate compliance schedules among other issues. However, the EPA continues to consider whether additional actions are needed for sources that have already reclassified.

B. Other Aspects of the September 2023 Proposal

1. What did we propose related to reclassification effective date, notifications, and CBI reporting?

In the September 2023 proposal, the EPA proposed that reclassifications that occur after the effective date of this action will be effective upon the date of electronic submittal of the notification to the EPA. Additionally, the EPA

proposed to clarify the original intent of the language in 40 CFR 63.9(j) to more clearly indicate that applications for reclassification must be submitted to the Compliance and Emissions Data Reporting Interface (CEDRI) and contain the information required in 40 CFR 63.9(j)(1) through (4). We also proposed to update the procedures for submittal of confidential business information to include electronic submittal procedures.

2. How have these aspects of the proposed rule changed since proposal?

We received significant public comments on the proposed clarifications related to reclassification effective date and submission of the required notification of reclassification on the interaction between the proposal and state permitting programs. We have determined that these comments warrant further evaluation and are not finalizing these aspects of the proposal in this action. We also received public comments on the clarifications to the notification already required under 40 CFR 63.9(j). These comments and our responses are in section IV.B.3. below. We did not receive public comments on the proposed changes to the CBI submittal procedures.

3. What comments did we receive on the proposed clarifications to notification requirements and procedural issues related to proposed amendatory text?

Comment: One commenter stated that the proposed requirement that reclassifications will only become effective once a permit containing the proposed enforceable requirements is issued and electronic notification is submitted to the EPA through CEDRI, per 40 CFR 63.9(j), is inconsistent with how permits and legal enforceability have historically been understood under the CAA. The commenter recommended that the EPA should not require electronic notification to be an element of determining reclassification. The commenter explained that if applicable major source NESHAP continue to apply until electronic notification is submitted, permits issued to reclassifying sources would need to include a compliance schedule for both the applicable major source NESHAP requirements and the safeguards because both would be applicable until electronic certification could be submitted.

One commenter agreed that sources should notify the Agency of reclassification and such notification is for everyone's benefit as it makes clear which regulatory standards apply to sources upon reclassification.

One commenter agreed that emission and PTE change notifications should be submitted through CEDRI to increase public access to this information. Another commenter requested additional clarification regarding the content and format of the information that would be required to be submitted through CEDRI, and 2 commenters generally supported the proposed notification requirement if it would not be too burdensome. A commenter supported the requirement that the reclassification effective date must match the electronic notification submittal date to the EPA. Otherwise, the commenter expressed concerns that sources would not provide adequate notice before reclassifying, which would be "neither administrable nor logically tenable" and could make monitoring efforts more difficult.

Two commenters maintained that the proposed notification requirement would be burdensome and unnecessary and pointed out that the EPA does not currently require this type of reporting for Prevention of Significant Deterioration, Nonattainment New Source Review, or title V opt-outs. In addition, several commenters remarked that reclassified sources are already required to submit notifications of any permit modifications under the title V program, subject to related permitting authority requirements and make reclassification information available to the public through the state permitting process. One commenter warned that the proposed requirement could supersede enforceable permit conditions and result in potential compliance concerns for sources and permitting agencies.

Several commenters disagreed with the proposed requirement that future reclassifications would not be effective until the source electronically submits the notification to the EPA. One commenter contended that the EPA does not have the authority under CAA section 112 and that the EPA did not identify the CAA provision for this proposed requirement. The commenter emphasized that according to the definitions of "major source" and "area source" in CAA sections 112(a)(1) and (2), a source's HAP PTE is the primary factor for identifying major versus area sources, and 2 commenters indicated that a source's reclassification effective date should coincide with the effective date of the change in PTE. Furthermore, one commenter asserted that since the EPA did not explain the legal basis for the proposed requirement to link reclassification effectiveness to the electronic notification submittal, the

proposed requirement would violate CAA section 307(d)(3).

A commenter objected to the proposed approach that additional requirements would apply to prior reclassifications. The commenter explained that major source status and associated obligations cease after reclassifying to area source status, so the EPA would not have the statutory authority to impose new, additional requirements for sources that already reclassified.

Response: In this final action, the EPA is codifying the clarifying language regarding the information that is already required in the notification that must be submitted pursuant to section 40 CFR 63.9(j) by sources that reclassify. This clarifying language does not substantively change what is already required to be submitted by sources that reclassify from major to area source status. Because this is a clarification of existing requirements there is no added burden related to the clarifications to reporting language made in this final action. Regarding the comments associated to reclassification effective date and submission of the required notification of reclassification and the interaction between the proposal and state permitting programs, we have determined that these comments warrant further evaluation and we are not responding to these comments nor finalizing these aspects of the proposal in this action.

Comment: One commenter states that the EPA did not publish the proposed regulatory language in the **Federal Register**. Instead, the commenter notes that the EPA placed the regulatory language in a separate document in the docket. The commenter asserts that the EPA runs the risk of creating discrepancies between the description of the proposed text in the **Federal Register** and the proposed regulatory text available in the docket. Such discrepancies prevent source owners/operators and other stakeholders, including members of the general public who may not have sufficient familiarity with online dockets, from receiving adequate notice of the EPA's proposed action, thus impairing their ability to provide informed comments. According to the commenter, the EPA also runs the risk of running afoul of its statutory duty under the Administrative Procedure Act to provide the public with adequate notice.

Response: The proposal met all APA and CAA notice-and-comment requirements. Nothing in the APA or the CAA requires the EPA to publish proposed rule text in the **Federal Register**. The APA does not require

publication of proposed rule text in the **Federal Register**. Section 553(b)(3) of the APA provides that a notice of proposed rulemaking shall include "either the terms or substance of the proposed rule or a description of the subjects and issues involved." Thus, the APA clearly provides flexibility to describe the "subjects and issues involved" as an alternative to inclusion of the "terms or substance" of the proposed rule. *See also Rybachek v. U.S. EPA*, 904 F.2d 1276, 1287 (9th Cir. 1990) (EPA's failure to propose in advance the actual wording of a regulation does not make the regulation invalid where EPA's discussion of the regulatory provisions "clearly describe[s] the subjects and issues involved."').

Although in the past the EPA has at times published proposed amendatory regulatory text, the EPA's practice has varied. *See, e.g., Hazardous Air Pollutants: Proposed Regulations Governing Constructed, Reconstructed or Modified Major Sources*, 59 FR 15504 (April 1, 1994) ("The proposed regulatory text is not included in the **Federal Register** notice, but is available in Docket No. A-91-64 or by request from the EPA contact persons designated earlier in this note. The proposed regulatory language is also available on the Technology Transfer Network (TTN), of EPA's electronic bulletin boards."); *Federal Standards for Marine Tank Vessel Loading and Unloading Operations and National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading and Unloading Operations*, 59 FR 25004 (May 13, 1994) ("The proposed regulatory text and other materials related to this rulemaking are available for review in the docket."). Even when we do include the proposed text in the **Federal Register**, we often include a redline version of proposed regulations in the docket for rulemakings to assist the public in understanding the proposed regulatory changes. In our experience, stakeholders find the redline version far more useful than the proposed amendatory language in the format required by the Office of the Federal Register. Although appropriate for the task of revising the CFR, this language can be difficult to assess without the accompanying full regulatory text. Given this and given that we rarely receive comments on the proposed amendatory language or on proposed regulatory language at all, we determined that for rulemakings such as this, it would be more efficient to take the approach here of making both easily accessible but not including the

proposed amendatory text in the document.

4. What is the rationale for our final approach for the other aspects of the September 2023 proposal?

In light of the comments received on the proposed clarifications regarding reclassification effective date, we are not finalizing any regulatory changes related to this provision. However, we note that the notification of change in information already required under 40 CFR 63.9(j) for sources that reclassify is not an optional notification and must be submitted within 15 days after reclassification. We are finalizing the clarifications to the required components of a notification of reclassification as proposed. The regulatory language related to this issue does not add any new requirements, rather, the EPA is clarifying what these reports must already contain. We are also finalizing the regulatory language related to submission of CBI as proposed. The EPA did not receive public comments on these proposed changes and the final regulatory language which allows for and provides the procedures for submitting CBI electronically.

V. Statutory and Executive Order Reviews

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

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

This action is a "significant regulatory action" as defined in Executive Order 12866, as amended by Executive Order 14094. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for Executive Order 12866 review. Documentation of any changes made in response to the Executive Order 12866 review is available in the docket.

The EPA has not prepared a quantitative analysis of the potential costs and benefits associated with this action because it is highly uncertain which facilities may reclassify in the future and as result of the final rule continue to be subject to CAA 112(c)(6) NESHAP requirements, and no emissions changes are projected to result from the CAA section 112(c)(6) requirements.¹⁵ Instead, these

¹⁵ In the Regulatory Impact Analysis for the 2020 MM2A Final Rule, the EPA assumed in the primary

requirements maintain the status quo for sources subject to the NESHAP used to meet the EPA's obligations under CAA section 112(c)(6), even if those sources reclassify. The costs incurred for a given facility due to compliance with any individual NESHAP are better attributed to those individual NESHAP rules—rather than the General Provisions of 40 CFR part 63. Any future potential costs for facilities that may choose to voluntarily reclassify will experience cost savings that will outweigh any additional cost of achieving area source status. This final rule does not require any action by facilities that reclassified prior to the effective date of this final rule. Whether any cost or cost savings is incurred by any source choosing to reclassify is highly case specific and we are not providing quantitative estimates of costs in this final rule, however, we have included technical memoranda (e.g., MM2A Cost Memorandum) for the 2020 final MM2A rule and the regulatory impact analysis (RIA) from that rulemaking in the docket for this action to provide illustrative examples of the types of costs and costs savings that may occur due to reclassifications. While the EPA does not expect this action to directly impact the level of control of any particular NESHAP standards, this final rule will ensure that HAP emissions reductions of the specific pollutants addressed in CAA section 112(c)(6) are achieved, and the corresponding public health and environmental benefits from decreased HAP emissions, are maintained at sources that reclassify from major sources of HAP to area sources of HAP.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. The final amendments to the General Provisions relate to voluntary actions taken by a source after consideration of the net impacts of this action. Therefore, this action would not impose any new information collection burden. The General Provisions do not themselves require any reporting and recordkeeping activities, and no information collection request (ICR) was

scenario that all facilities under 75% of the major source HAP emissions threshold that could potentially reclassify would do so over a 5-year time period from promulgation (2,700 facilities). While we are still within that time frame, the EPA has not seen nearly that many reclassifications occurring since the rule was promulgated. At the time of this final rule, around 200 facilities have reclassified. This represents over 90% fewer reclassifications than our illustrative analysis included in the 2020 final rule. A list of facilities that have reclassified from major source to area source status at the time of proposal is available in the docket for this action.

submitted in connection with their original promulgation or their subsequent amendment. Any recordkeeping and reporting requirements are imposed only through the incorporation of specific elements of the General Provisions in the individual NESHAP, which are promulgated for particular source categories that have their own ICRs. The PRA costs for sources that reclassify will be properly accounted for in the ICRs for the NESHAP they were subject to. The PRA costs for sources who must remain subject to a particular NESHAP or NESHAP are properly accounted for in the ICRs for the NESHAP they remain subject to.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the Agency is certifying that this rule will not have a significant economic impact on a substantial number¹⁶ of small entities because the rule has no net burden on the small entities subject to the rule. Small entities that are subject to major source NESHAP requirements would not be required to take any action under this final rule; any action a source takes to reclassify as an area source for those permitted to do so would be voluntary. We expect that sources that reclassify will do so in order to experience expected cost savings that will outweigh any additional expected cost of achieving area source status. This final rule only affects potential voluntary future decisions on the part of sources. We cannot project how many sources will reclassify in the future, or whether those facilities will be owned by small entities. This final rule will not prevent any sources from reclassifying who would otherwise be eligible to do so. This action solely requires that sources subject to certain NESHAP must remain subject to those NESHAP, even if they reclassify. This final rule imposes no additional costs or requirements for sources that have already reclassified. The final MM2A rule already required electronic notification to the EPA and we are not requiring those sources who

have already submitted notifications to resubmit their notifications.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. This final rule does not require any action on the part of any sources or by tribal governments. This action solely requires that sources subject to certain NESHAP must remain subject to those NESHAP, even if they reclassify. Thus, Executive Order 13175 does not apply to this action. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA consulted with tribal officials during the development of this action. A summary of that consultation is provided in the docket for this rule (Docket ID No.: EPA-HQ-OAR-2023-0330).

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

The EPA interprets Executive Order 13045 as applying only to regulatory actions considered significant under section 3(f)(1) of Executive Order 12866 and that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it does not directly regulate any emission source and will not have any direct impact on children's health. The emissions reductions achieved by individual NESHAP are properly accounted for in those individual NESHAP rather than the General Provisions. This action will not change the level of emissions reductions achieved by those NESHAP. While we

¹⁶ We note that during development of the 2020 final rule, an analysis of 69 facilities that had reclassified found that 28 of those facilities were owned by 28 small entities based on the Small Business Administration (SBA) small business size standards at the time. This analysis is included in the public docket for the 2020 final rule (Docket ID No.: EPA-HQ-OAR-2019-0282-0650).

do not expect this action to have any direct impact on children's health, continued compliance with NESHAP used for CAA section 112(c)(6) by a source that reclassifies will provide continued protection achieved by those NESHAP(s) that the source remains subject to.

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

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. The final amendments to the General Provisions in this action are procedural changes and do not impact the technology performance nor level of control of the NESHAP governed by the General Provisions.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

The EPA believes that this type of action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on communities with environmental justice concerns. We are unable to quantitatively estimate the potential environmental justice (EJ) impact of this rule because the final amendments to the General Provisions are procedural changes and do not impact the technology performance nor level of control of the NESHAP governed by the General Provisions.

While the EPA does not expect this action to directly impact the level of control of any particular NESHAP standards, this final rule will assure that emissions reductions of persistent, bioaccumulative HAP, and the corresponding public health and environmental benefits from decreased HAP emissions are maintained for all populations, including communities with EJ concerns.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United

States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Michael S. Regan,
Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 63 of title 40, chapter I, of the Code of Federal Regulations as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

- 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

- 2. Amend § 63.1 by adding paragraph (c)(6)(iii).

§ 63.1 Applicability.

* * * * *

(c) * * *

(6) * * *

(iii) After September 10, 2024, affected sources subject to the following 40 CFR part 63 subparts on September 10, 2024, must remain subject to those subparts, and any modifications thereafter, even if the source becomes an area source by reducing both its actual emissions and potential to emit hazardous air pollutants to below major source thresholds: F, G, H, I, L, R, X, CC, GG, II, JJ, KK, LL, MM, EEE, HHH, JJJ, LLL, RRR, UUU, FFFF, JJJJ, MMMM, PPPP, ZZZZ, CCCCC, DDDDD, FFFFF, IIIII, LLLLL, YYYYY, JJJJJ, EEEEEEE.

* * * * *

- 3. Amend § 63.9 by:

- a. Revising paragraph (j) and paragraph (k) introductory text; and
■ b. Adding paragraph (k)(3).

The revisions and addition read as follows:

§ 63.9 Notification requirements.

* * * * *

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator within 15 calendar days after the change. The owner or operator of a major source that reclassifies to area source status is also subject to the

notification requirements of this paragraph. The owner or operator may submit the application for reclassification with the regulatory authority (e.g., permit application) according to paragraph (k) of this section to fulfill the requirements of this paragraph, but the information required in paragraphs (j)(1) through (4) of this section must be included. A source which reclassified after January 25, 2018, and before January 19, 2021, and has not yet provided the notification of a change in information is required to provide such notification no later than February 2, 2021, according to the requirements of paragraph (k) of this section. Beginning January 19, 2021, the owner or operator of a major source that reclassifies to area source status must submit the notification according to the requirements of paragraph (k) of this section. A notification of reclassification must contain the following information:

(1) The name and address of the owner or operator;

(2) The address (i.e., physical location) of the affected source;

(3) An identification of the standard being reclassified from and to (if applicable); and

(4) Date of effectiveness of the reclassification.

(k) *Electronic submission of notifications or reports.* If you are required to submit notifications or reports following the procedure specified in this paragraph (k), you must submit notifications or reports to the EPA via the EPA's Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The notification or report must be submitted by the deadline specified. The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as confidential business information (CBI). Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report or notification, you must submit the information claimed to be CBI according to the procedures in paragraph (k)(3) of this section.

* * * * *

(3) If you wish to assert a CBI claim for some of the information submitted under paragraph (k) of this section, you must submit a complete file, including information claimed to be CBI, to the EPA following the procedures in paragraphs (k)(3)(i) through (iv) of this section. Where a subpart specifies a

specific file format for the report or notification for which you are asserting a claim of CBI, the complete file that you submit under this paragraph (k)(3) must be in the same file format specified in the subpart.

(i) Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data are not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(ii) You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described in paragraph (k) of this section.

(iii) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address oaqpscbi@epa.gov, and as described above, should include clear CBI markings. Electronic Reporting Tool (ERT) files should be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should be flagged to the attention of the Sector Lead for the subpart for which you are submitting your notification or report. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email oaqpscbi@epa.gov to request a file transfer link.

(iv) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: U.S. EPA, Attn: OAQPS Document Control Officer, Mail Drop: C404-02, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, NC 27711. ERT files should also be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should also be flagged to the attention of the Sector Lead for the subpart for which you are submitting your notification or report. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings

should not show through the outer envelope.

[FR Doc. 2024-20074 Filed 9-9-24; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-HQ-ES-2021-0149; FXES1113090FEDR-245-FF09E21000]

RIN 1018-BG02

Endangered and Threatened Wildlife and Plants; Technical Corrections for Seven Species on the List of Endangered and Threatened Wildlife and Six Species on the List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; technical amendments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the correction of errors in the Lists of Endangered and Threatened Wildlife and Plants (Lists) made in previous publications. These corrections of publication errors are editorial in nature and involve no substantive changes to the Lists or any applicable regulations.

DATES: This rule is effective September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Rachel London, Manager, Branch of Delisting and Foreign Species, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone 703-358-2491. 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:

Background

The List of Endangered and Threatened Wildlife and the List of Endangered and Threatened Plants ("Lists"), which are set forth in title 50 of the Code of Federal Regulations (CFR) at §§ 17.11 and 17.12, respectively, contain certain information on the endangered species and threatened species federally listed pursuant to the Endangered Species Act of 1973, as

amended (ESA; 16 U.S.C. 1531 *et seq.*). The information in the Lists includes each listed species' common name and scientific name, the geographic area where the species is listed for purposes of the ESA, its listing status (e.g., endangered), and nonregulatory information providing citations to applicable **Federal Register** publications and regulations.

The regulations at 50 CFR 17.11(c) and 17.12(b) direct us to use the most recently accepted scientific name of any wildlife or plant species, respectively, that we have determined to be an endangered or threatened species.

Purpose of Final Rule

This final rule revises the Lists at 50 CFR 17.11(h) and 17.12(h) to correct the editorial errors identified below under Summary Table of Editorial Corrections. These corrections are purely administrative and are based on previously published rulemaking documents.

We are publishing this rule without a prior proposal because we previously provided a public comment period on the proposed rules for these taxa and because this is a noncontroversial action that is in the best interest of the public and that should be undertaken in as timely a manner as possible. None of these changes are regulatory in nature; they are for accuracy and clarity. These revisions do not alter species' protections or status in any way. Any actions altering a species' protection or status would require a separate rulemaking action following the procedures of 50 CFR part 424.

Summary Table of Editorial Corrections

The table below identifies the editorial corrections we are making in this rule. The table provides the current listing information for each species to be corrected, the type of error and a description of the correction we are making, and the correction itself.

Where the table refers to the "2016 Reformatting" that means an August 4, 2016, final rule (81 FR 51550) that we published to update the format of the Lists. The purpose of the 2016 Reformatting was to make the Lists easier to understand by changing the format to reflect current practices and standards, to correct identified errors in entries such as footnotes and spelling, and to update common names, among other changes. Following the 2016 Reformatting's publication, however, we identified editorial errors in the updated Lists.

Where the table refers to the "1983 Republication" that means a July 27, 1983, final rule (48 FR 34182) in which

we republished the Lists. At that time we republished the Lists annually to incorporate all changes (*i.e.*, additions, reclassifications, and deletions) published as final rules in the **Federal Register** to date. We have identified an error in the 1983 Republication of the List.

Where the table refers to the “2003 Rule” that means an August 6, 2003, final rule (68 FR 46684) in which we designated critical habitat for 15

previously listed species in California and southern Oregon. The 2003 Rule revised the Lists to add references for each species’ newly designated critical habitat. However, this rule also introduced several errors to the Lists.

In the table below, “E” means “endangered,” and “T” means “threatened.” These refer to the listing status of a species. The ESA defines an “endangered species” at 16 U.S.C.

1532(6), and a “threatened species” at 16 U.S.C. 1532(20).

All corrections described in the table are editorial in nature; that is, the correct species’ scientific name or listing status were already set forth in a previous rulemaking published in the **Federal Register** (FR), which we cite in the table. We also correct erroneous FR citations in the Lists, as described in the table below.

TABLE 1—EDITORIAL CORRECTIONS TO THE LISTS

Current listed name	Error: Action	Correction
WILDLIFE		
Kangaroo rat, San Bernadino Merriam's (<i>Dipodomys merriami parvus</i>).	Error in 2016 Reformatting: Correcting year of publication in two FR citations.	63 FR 3835, 1/27/1998; 63 FR 51005, 9/24/1998.
Shapo (<i>Ovis vignei vignei</i>)	Error in 1983 Republication: Correcting scientific name and adding relevant listing citation based on 41 FR 24062 (June 14, 1976).	<i>Ovis vignei</i> ; 41 FR 24062, 6/14/1976; 41 FR 26019, 6/24/1976.
Squirrel, northern Idaho ground (<i>Spermophilus brunneus brunneus</i>).	Error in 2016 Reformatting: Correcting scientific name based on 80 FR 35860 (June 23, 2015) and correcting page number in one FR citation.	<i>Urocitellus brunneus</i> ; 65 FR 17779, 4/5/2000.
Gallinule, Hawaiian common (Alae ula) (<i>Gallinula chloropus (=galeata) sandvicensis</i>).	Error in 2016 Reformatting: Correcting scientific name based on 80 FR 35860 (June 23, 2015).	<i>Gallinula galeata sandvicensis</i> .
Plover, western snowy [Pacific Coast population DPS] (<i>Charadrius alexandrinus nivosus</i>).	Error in 2016 Reformatting: Correcting scientific name based on 77 FR 36728 (June 19, 2012).	<i>Charadrius nivosus nivosus</i> .
Beetle, Ohlone tiger (<i>Cicindela ohlone</i>)	Error in 2016 Reformatting: Correcting month of publication in one FR citation.	66 FR 50340, 10/3/2001.
Fairy shrimp, vernal pool (<i>Branchinecta lynchi</i>)	Error in 2003 Rule: Correcting status based on 59 FR 48136 (September 19, 1994).	Status: T.
PLANTS		
Florida Brickell-bush (<i>Brickellia mosieri</i>)	Error in 2016 Reformatting: Adding missing status based on 79 FR 52567 (September 4, 2014).	Status: E.
Hairy Orcutt grass (<i>Orcuttia pilosa</i>)	Error in 2003 Rule: Correcting status based on 62 FR 14338 (March 26, 1997).	Status: E.
Sacramento Orcutt grass (<i>Orcuttia viscida</i>)	Error in 2003 Rule: Correcting status based on 62 FR 14338 (March 26, 1997).	Status: E.
Loulu (<i>Pritchardia affinis</i>)	Error in 2016 Reformatting: Removing erroneous entry based on 80 FR 35860 (June 23, 2015).	Remove entry for <i>Pritchardia affinis</i> , as it is the same taxon as <i>P. maideniana</i> .
Greene's tuctoria (<i>Tuctoria greenei</i>)	Error in 2003 Rule: Correcting status based on 62 FR 14338 (March 26, 1997).	Status: E.
Solano grass (<i>Tuctoria mucronata</i>)	Error in 2003 Rule: Correcting status based on 43 FR 44810 (September 28, 1978).	Status: E.

The corrections described in the table above are not regulatory in nature; they are administrative and for the purposes of accuracy and clarity. The corrections do not alter a species’ protections or status; an action changing a species’ protection or status would require a separate rulemaking following the procedures set forth at 50 CFR part 424.

Administrative Procedure Act

Because we provided a public comment period on the proposed rules for these taxa, and because this action to correct the Lists is administrative in nature, we find good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately. This rule is an administrative action to provide accurate information for the subject species on the Lists of Endangered and

Threatened Wildlife and Plants at 50 CFR 17.11(h) and 17.12(h), respectively; it does not alter a species’ protections or status. The public would not be served by delaying the effective date of this rulemaking action.

Required Determinations

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with regulations issued pursuant to section 4(a) of the ESA. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951), Executive Order 13175, and the Department of the Interior’s manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretary’s Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to

remain sensitive to Indian culture, and to make information available to Tribes. We have determined that this rule will not affect Tribes or Tribal lands.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

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

■ a. Under MAMMALS, revising the entries for “Kangaroo rat, San Bernadino Merriam’s”, “Shapo”, and “Squirrel, northern Idaho ground”;

■ b. Under BIRDS, revising the entries for “Gallinule, Hawaiian common (Alae ula)” and “Plover, western snowy [Pacific Coast population DPS]”;

■ c. Under INSECTS, revising the entry for “Beetle, Ohlone tiger”; and

■ d. Under CRUSTACEANS, revising the entry for “Fairy shrimp, vernal pool”.

The revisions read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
MAMMALS				
Kangaroo rat, San Bernadino Merriam’s.	<i>Dipodomys merriami paryus</i>	Wherever found	E	63 FR 3835, 1/27/1998; 63 FR 51005, 9/24/1998; 50 CFR 17.95(a). ^{CH}
Shapo	<i>Ovis vignei</i>	Wherever found	E	41 FR 24062, 6/14/1976; 41 FR 26019, 6/24/1976.
Squirrel, northern Idaho ground ..	<i>Uroditellus brunneus</i>	Wherever found	T	65 FR 17779, 4/5/2000.
BIRDS				
Gallinule, Hawaiian common (Alae ula).	<i>Gallinula galeata sandvicensis</i> ..	Wherever found	E	32 FR 4001, 3/11/1967.
Plover, western snowy [Pacific Coast population DPS].	<i>Charadrius nivosus nivosus</i>	Pacific Coast population DPS—U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast).	T	58 FR 12864, 3/5/1993; 50 CFR 17.95(b). ^{CH}
INSECTS				
Beetle, Ohlone tiger	<i>Cicindela ohlone</i>	Wherever found	E	66 FR 50340, 10/3/2001.
CRUSTACEANS				
Fairy shrimp, vernal pool	<i>Branchinecta lynchi</i>	Wherever found	T	59 FR 48136, 9/19/1994; 50 CFR 17.95(h). ^{CH}

■ 3. Amend § 17.12, in paragraph (h), in the List of Endangered and Threatened Plants, under FLOWERING PLANTS, by:

■ a. Revising the entries for “*Brickellia mosieri*”, “*Orcuttia pilosa*”, and “*Orcuttia viscida*”;

■ b. Removing the entry for “*Pritchardia affinis*”; and

■ c. Revising the entries for “*Tuctoria greenei*” and “*Tuctoria mucronata*”.

The revisions read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
FLOWERING PLANTS				
*	*	*	*	*
<i>Brickellia mosieri</i>	Florida Brickell-bush	Wherever found	E	79 FR 52567, 9/4/2014; 50 CFR 17.96(a). ^{CH}
*	*	*	*	*
<i>Orcuttia pilosa</i>	Hairy Orcutt grass	Wherever found	E	62 FR 14338, 3/26/1997; 50 CFR 17.96(a). ^{CH}
*	*	*	*	*
<i>Orcuttia viscida</i>	Sacramento Orcutt grass	Wherever found	E	62 FR 14338, 3/26/1997; 50 CFR 17.96(a). ^{CH}
*	*	*	*	*
<i>Tuctoria greenei</i>	Greene's tuctoria	Wherever found	E	62 FR 14338, 3/26/1997; 50 CFR 17.96(a). ^{CH}
<i>Tuctoria mucronata</i>	Solano grass	Wherever found	E	43 FR 44810, 9/28/1978; 50 CFR 17.96(a). ^{CH}
*	*	*	*	*

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024-20314 Filed 9-9-24; 8:45 am]

BILLING CODE 4333-15-P

Proposed Rules

Federal Register

Vol. 89, No. 175

Tuesday, September 10, 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 ENERGY

10 CFR Part 1008

[DOE–HQ–2023–0058]

RIN 1903–AA18

Privacy Act of 1974: Implementation of Exemptions

AGENCY: U.S. Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE, the Department) is proposing to revise its regulations to exempt certain records maintained under a newly established system of records—DOE–85, Research, Technology, and Economic Security Due Diligence Review Records—from the notification and access provisions of the Privacy Act of 1974. The Department proposes to exempt portions of this system of records from these subsections of the Privacy Act because of requirements related to classified information.

DATES: To be assured of consideration, written comments on this proposed rulemaking must be received at one of the addresses listed in the **ADDRESSES** section, on or before October 10, 2024. Comments received following the aforementioned date may be considered if it is practical to do so.

ADDRESSES: Please refer to section V (Public Participation—Submission of Comments) for additional information on the comment period. To comment on the System of Records Notice (SORN) associated with this proposed rulemaking, which is published elsewhere in this issue of the **Federal Register**, please refer to that SORN's own **Federal Register** Notice, using docket number DOE–HQ–2023–0058.

You may submit comments identified by docket number DOE–HQ–2023–0058, as follows:

Federal eRulemaking Portal: www.regulations.gov. Include the docket number DOE–HQ–2023–0058 in the “Enter Keyword or ID” field and click on “Search.” On the next web page,

click on “Submit a Comment” action and follow the instructions in the portal.

Mail/Hand Delivery/Courier [For paper, disk, or CD-ROM submissions] to: Ken Hunt, U.S. Department of Energy, 1000 Independence Avenue SW, Office 8H–085, Washington, DC 20585.

Comments received, including any personal information, will be posted without change to www.regulations.gov.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available. The www.regulations.gov web page contains instructions on how to access all documents, including public comments, in the docket. See section V of this document for further information on how to submit comments through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Kyle David, U.S. Department of Energy, 1000 Independence Avenue SW, Office 8H–085, Washington, DC 20585; facsimile: (202) 586–8151; email: kyle.david@hq.doe.gov; telephone: (240) 686–9485.

SUPPLEMENTARY INFORMATION:

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 - B. Review Under the Regulatory Flexibility Act
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 - D. Review Under the National Environmental Policy Act of 1969
 - E. Review Under Executive Order 12988
 - F. Review Under Executive Order 13132
 - G. Review Under Executive Order 13175
 - H. Review Under the Unfunded Mandates Reform Act of 1995
 - I. Review Under Executive Order 12360
 - J. Review Under Executive Order 13211
 - K. Review Under the Treasury and General Government Appropriations Act, 1999
 - L. Review Under the Treasury and General Government Appropriations Act, 2001
- V. Public Participation—Submission of Comments

VI. Approval by the Office of the Secretary of Energy

I. Authority and Background

A. Authority

DOE has broad authority to manage the agency's collection, use, processing, maintenance, storage, and disclosure of Personally Identifiable Information (PII) pursuant to the following authorities: 42 United States Code (U.S.C.) 7101 *et seq.*, 50 U.S.C. 2401 *et seq.*, 5 U.S.C. 1104, 5 U.S.C. 552, 5 U.S.C. 552a, 42 U.S.C. 7254, 5 U.S.C. 301, and 42 U.S.C. 405 note.

B. Background

The Privacy Act of 1974 (the Act) (5 U.S.C. 552a) embodies fair information practice principles in a statutory framework governing the means by which the U.S. Government collects, maintains, uses, and disseminates personally identifiable information. 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 the 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.

The Privacy Act includes two sets of provisions that allow agencies to claim exemptions from certain requirements in the statute. These provisions allow agencies in certain circumstances to promulgate rules to exempt a system of records from certain provisions of the Privacy Act. For this system of records, pursuant to 5 U.S.C. 552a(k)(1), the Department exempts this system of records from subsections (c)(3); (d); (e)(1), (e)(4)(G), (4)(H), and (4)(I); and (f) of the Privacy Act. This exemption is needed to protect information relating to DOE activities from disclosure to subjects or others related to these activities. Specifically, the exemption is required to safeguard classified information. Pursuant to the Privacy Act and Office of Management and Budget (OMB) Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*, DOE is issuing this notice of proposed rulemaking to make clear to the public the reasons why this particular

exemption is being proposed and to seek public comment.

II. Discussion

The Department is giving notice of its intention to exempt portions of a newly established system of records—DOE–85, Research, Technology, and Economic Security Due Diligence Review Records—from subsections (c)(3); (d); (e)(1), (e)(4)(G), (4)(H), and (4)(I); and (f) of the Privacy Act of 1974. To claim this exemption, DOE is amending 10 CFR 1008.12 by adding a new paragraph, (b)(1)(ii)(O). The Department proposes to exempt portions of this system of records from these subsections of the Privacy Act because of requirements related to classified information.

The purpose of this system is to enhance DOE's capabilities to aggregate, link, analyze and maintain information used by the Department to assess research, technology, and economic security (RTES) risk. RTES risks may include risk of foreign government interference and exploitation, intellectual property (IP) loss, national security risk, conflicts of interest, and conflicts of commitment, and other parameters defined in DOE/NNSA policy. The RTES analysis builds on pre-existing information provided by individuals and organizations that interact with DOE/NNSA, paired with public records (see categories of records), and in some cases, classified information. Consistent with NSPM–33, applicable law, and existing DOE/NNSA policies, the system records may be shared as appropriate with other Federal funding agencies and internally within DOE/NNSA to help ensure a coordinated and consistent approach to risk assessment.

For this system of records, the system is exempted from subsections (c)(3); (d); (e)(1), (e)(4)(G), (4)(H), and (4)(I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1). This exemption is needed to protect information relating to DOE activities from disclosure to subjects or others related to these activities. Specifically, the exemption is required to safeguard classified information.

The exemption proposed here is a standard national security exemption exercised by many Federal intelligence agencies. Although the Research, Technology, and Economic Security (RTES) Office is not an intelligence agency, the system of records utilized by the RTES Office may include classified information obtained from Federal intelligence sources.

A System of Records Notice for DOE–85 Research, Technology, and Economic Security Due Diligence Review Records

is also published elsewhere in this issue of the **Federal Register**.

Exemptions for DOE–85 Research, Technology, and Economic Security Due Diligence Review Records from this particular subsection of the Act are justified, on a case-by-case basis to be determined at the time a request is made for the following reasons:

From subsection (k)(1) because providing individuals access to classified information could cause serious damage to the national defense or foreign policy.

III. Section 1008.12 Analysis

This notice of proposed rulemaking proposes adding paragraph (b)(1)(ii)(O), referencing “Research, Technology, and Economic Security Due Diligence Review Records (DOE–85)”. This addition will demonstrate that SORN DOE–85 is included among the other SORNs taking a (k)(1) exemption under the Privacy Act of 1974. Per current regulations located at 10 CFR 1008.12(b)(1)(ii), this exemption allows DOE to “prevent serious damage to the national defense or foreign policy that could arise from providing individuals access to classified information.”

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866, 13563, and 14094

Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), as supplemented and reaffirmed by E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011) and amended by E.O. 14094, “Modernizing Regulatory Review,” 88 FR 21879 (April 11, 2023), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess

available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (OIRA) has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in this preamble, this proposed regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed regulatory action is not a “significant regulatory action” within the scope of E.O. 12866. Accordingly, this action is not subject to review under E.O. 12866 by OIRA of the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that an agency prepare an initial regulatory flexibility analysis for any regulation for which a general notice of proposed rulemaking is required, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). As required by Executive Order 13272, *Proper Consideration of Small Entities in Agency Rulemaking*, 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website (www.energy.gov/gc/office-general-counsel).

DOE reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE certifies that the proposed rule, if adopted, would not have significant economic impact on a substantial number of small entities. The factual basis for this certification is set forth below.

This proposed rule would update DOE's policies and procedures concerning the disclosure of records held within a system of records pursuant to the Privacy Act of 1974. This proposed rule would apply only to activities conducted by DOE's Federal employees and contractors, who would be responsible for implementing the rule requirements. DOE does not expect there to be any potential economic impact of this proposed rule on small businesses. Small businesses, therefore, should not be adversely impacted by the requirements in this proposed rule. For these reasons, DOE certifies that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, and therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act of 1995

This proposed rule does not impose a collection of information requirement subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (NEPA), DOE has analyzed this proposed action in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion (CX) for rulemakings interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. 10 CFR part 1021, subpart D, appendix A, paragraph A5. DOE has determined that this proposed rule is covered under the CX found in DOE's NEPA regulations at paragraph A5 of appendix A to subpart D, 10 CFR part 1021, because it is an amendment to an existing regulation that does not change the environmental effect of the amended regulation and, therefore, meets the requirements for the application of this CX. *See* 10 CFR 1021.410. Therefore, DOE has determined that this proposed rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and does not require an Environmental Assessment or an Environmental Impact Statement.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, Section 3(a) of Executive Order 12988, "Civil Justice

Reform," 61 FR 4729 (February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to ensure the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for the affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; (6) specifies whether administrative proceedings are to be required before parties may file suit in court and, if so, describes those proceedings and requires the exhaustion of administrative remedies; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of the standards. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

F. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has tentatively determined that it would not preempt State law and

would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under Executive Order 13175

Under Executive Order 13175 (65 FR 67249, November 6, 2000) on "Consultation and Coordination with Indian Tribal Governments," DOE may not issue a discretionary rule that has "Tribal" implications and imposes substantial direct compliance costs on Indian Tribal governments. DOE has determined that this proposed rule would not have such effects and concluded that Executive Order 13175 does not apply to this proposed rule.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104-4) requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and Tribal governments, and the private sector. (Pub. L. 104-4, sec. 201 *et seq.* (codified at 2 U.S.C. 1531 *et seq.*)). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant Federal intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. (62 FR 12820) (This policy is also available at: www.energy.gov/gc/guidance-opinions under "Guidance & Opinions" (Rulemaking).) DOE examined this proposed rule according to UMRA and its statement of policy and has determined that this proposed rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure by State, local, and

Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Executive Order 13211

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the OIRA, which is part of OMB, a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1)(i) is a significant regulatory action under Executive Order 12866, or any successor order; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This proposed regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Review Under the Treasury and General Government Appropriations Act, 1999

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 any proposed rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

L. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516) provides for Federal agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (February 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (October 7, 2002). Pursuant to OMB Memorandum M–19–15, *Improving Implementation of the Information Quality Act* (April 24, 2019), DOE published updated guidelines which are available at: www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.

DOE has reviewed this proposed rule and will ensure that information produced under this regulation remains consistent with the applicable OMB and DOE guidelines.

V. Public Participation—Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested individuals are invited to participate in this proceeding by submitting data, views, or arguments with respect to this proposed rule using the method described in the **ADDRESSES** section at the beginning of this proposed rule. To help the Department review the submitted comments, commenters are requested to reference the paragraph(s), (e.g., § 1008.22(d)), to which they refer where possible. Individuals that want to comment on this proposed rulemaking may do so by following the directions below. To comment on the System of Records Notice (SORN) associated with this rulemaking, which is also published elsewhere in this issue of the **Federal Register**, please refer to that SORN’s own **Federal Register** Notice, using docket number DOE–HQ–2023–0058.

1. *Submitting comments*
www.regulations.gov. The www.regulations.gov web page will require you to provide your name and contact information. Your contact information will be viewable by DOE’s Office of Privacy Management and Compliance staff only. Your contact information will not be publicly viewable except for your first and last

names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment. However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to www.regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through www.regulations.gov cannot be claimed as CBI. Comments received through www.regulations.gov will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through www.regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that www.regulations.gov provides after you have successfully uploaded your comment.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

2. *Confidential Business Information*. Pursuant to the provisions of 10 CFR 1004.11, anyone submitting information or data he or she believes to be confidential and exempt by law from public disclosure should submit two well-marked copies: one copy of the document marked “CONFIDENTIAL”

including all the information believed to be confidential, and one copy of the document marked “NON-CONFIDENTIAL” with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination as to the confidentiality of the information and treat it according to its determination.

It is DOE’s policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

3. *Campaign form letters.* Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters’ names compiled into one or more PDFs. This reduces comment processing and posting time.

VI. Approval by the Office of the Secretary of Energy

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects in 10 CFR Part 1008

Administration practice and procedure, Freedom of information, Privacy, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on September 3, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 3, 2024.

Treena V. Garrett,

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

For the reasons set forth in the preamble, the Department of Energy proposes to amend part 1008 of chapter X of title 10 of the Code of Federal Regulations as set forth below:

PART 1008—RECORDS MAINTAINED ON INDIVIDUALS (PRIVACY ACT)

■ 1. The authority citation for part 1008 continues to read as follows:

Authority: 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; 5 U.S.C. 552; 5 U.S.C. 552a; 42 U.S.C. 7254; and 5 U.S.C. 301. Section 1008.22(c) also issued under 42 U.S.C. 405 note.

■ 2. Section 1008.12, as proposed to be amended at 88 FR 82788 (November 27, 2023), is further amended by adding paragraph (b)(1)(ii)(O) to read as follows:

§ 1008.12 Exemptions.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(O) Research, Technology, and Economic Security Due Diligence Review Records (DOE-85).

* * * * *

[FR Doc. 2024–20152 Filed 9–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2138; Project Identifier MCAI–2024–00124–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2016–20–12, AD 2018–17–21, and AD 2019–14–04, which apply to certain Airbus SAS Model A318, A319, A320, and A321 series airplanes. AD 2019–14–04 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations and terminates the provisions of AD 2018–17–21, which in turn terminates the provisions of AD 2016–20–12. Since the FAA issued AD 2019–14–04, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation

Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 25, 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–2024–2138; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–2138.

- For Airbus material identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; website airbus.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.

FOR FURTHER INFORMATION CONTACT:

Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email Timothy.P.Dowling@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 the **ADDRESSES** section. Include “Docket No. FAA–2024–2138; Project Identifier MCAI–2024–00124–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 Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email *Timothy.P.Dowling@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 2019–14–04, Amendment 39–19682 (84 FR 35812, July 25, 2019) (AD 2019–14–04), for certain Airbus SAS Model A318, A319, A320, and A321 series airplanes. AD 2019–14–04 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States

of the European Union. EASA issued AD 2018–0231, dated October 25, 2018 (EASA AD 2018–0231) (which corresponds to FAA AD 2019–14–04), to correct an unsafe condition.

AD 2019–14–04 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive fuel airworthiness limitations. The FAA issued AD 2019–14–04 to address the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane. AD 2019–14–04 specifies that accomplishing the revision required by that AD terminates all requirements of AD 2018–17–21, Amendment 39–19375 (83 FR 44209, August 30, 2018) (AD 2018–17–21). AD 2018–17–21 specifies that accomplishing the revision required by that AD terminates all requirements of AD 2016–20–12, Amendment 39–18678 (81 FR 72507, October 20, 2016) (AD 2016–20–12). This proposed AD would supersede AD 2016–20–12 and AD 2018–17–21 as those ADs have already been terminated.

Actions Since AD 2019–14–04 Was Issued

Since the FAA issued AD 2019–14–04, EASA superseded AD 2018–0231 and issued EASA AD 2024–0047, dated February 19, 2024 (EASA AD 2024–0047) (referred to after this as the MCAI), for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, 232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. Model A320–215 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after November 6, 2023, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

The FAA is proposing this AD to address the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2138.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0047. This material specifies new or more restrictive airworthiness limitations for fuel airworthiness limitations items and critical design configuration control limitations (CDCCLs).

This proposed AD would also require Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS), Part 5, Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018, which the Director of the Federal Register approved for incorporation by reference as of August 29, 2019 (84 FR 35812, July 25, 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 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 NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would retain all of the requirements of AD 2019–14–04. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2024–0047 already described, as proposed for incorporation by reference. Any differences with EASA AD 2024–0047 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections) and Critical Design Configuration Control

Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (l)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0047 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0047 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0047 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 2024–0047. Material required by EASA AD 2024–0047 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2024–2138 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA

requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under “Additional AD Provisions.” This new format includes a “New Provisions for Alternative Actions, Intervals, and CDCCLs” paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action, interval, or CDCCL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,920 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2019–14–04 to be \$7,650 (90 work-hours × \$85 per work-hour).

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

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing

regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive (AD) 2016–20–12, Amendment 39–18678 (81 FR 72507, October 20, 2016); AD 2018–17–21, Amendment 39–19375 (83 FR 44209, August 30, 2018); and AD 2019–14–04, Amendment 39–19682 (84 FR 35812, July 25, 2019); and
 - b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2024–2138; Project Identifier MCAI–2024–00124–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 25, 2024.

(b) Affected ADs

This AD replaces Airworthiness Directive (AD) 2016–20–12, Amendment 39–18678 (81

FR 72507, October 20, 2016); AD 2018–17–21, Amendment 39–19375 (83 FR 44209, August 30, 2018); and AD 2019–14–04, Amendment 39–19682 (84 FR 35812, July 25, 2019) (AD 2019–14–04).

(c) Applicability

This AD applies to Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 6, 2023.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(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 the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2019–14–04, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 13, 2018: Within 90 days after August 29, 2019 (the effective date of AD 2019–14–04), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS), Part 5, Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018. The initial compliance time for doing the tasks is at the time specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS), Part 5, Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018, or within 90 days after August 29, 2019, whichever occurs later. Accomplishing the revision of the existing maintenance or inspection program required by paragraph (i) of this AD terminates the requirements of this paragraph.

(h) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2019–14–04, with a new exception. Except as required by paragraph (i) 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), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

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

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0047, dated February 19, 2024 (EASA AD 2024–0047). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(j) Exceptions to EASA AD 2024–0047

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0047.

(2) Paragraph (3) of EASA AD 2024–0047 specifies revising “the 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 2024–0047 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0047, 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 2024–0047.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0047.

(k) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0047.

(l) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as

appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (m) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(ii) AMOCs approved for AD 2019–14–04 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(iii) AMOCs approved previously for AD 2019–14–04 are approved as AMOCs for the corresponding provisions of EASA AD 2024–0047 that are required by paragraph (i) of this AD, except AMOCs that specify Airbus A318/A319/A320/A321 Airworthiness Limitation Section (ALS), Part 5, Revision 06, or Revision 07 are not approved as AMOCs for paragraph (i) of this AD.

(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.

(m) Additional Information

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email timothy.p.dowling@faa.gov.

(n) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2024–0047, dated February 19, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on August 29, 2019 (84 FR 35812, July 25, 2019).

(i) Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS), Part 5, Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018.

(ii) [Reserved]

(5) 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.

(6) For Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—ELAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; website airbus.com.

(7) 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.

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

Issued on September 4, 2024.

Suzanne Masterson,

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

[FR Doc. 2024-20258 Filed 9-9-24; 8:45 am]

BILLING CODE 4910-13-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1226

[Docket No. CPSC-2013-0014]

Revision to the Voluntary Standard for Soft Infant and Toddler Carriers

AGENCY: Consumer Product Safety Commission.

ACTION: Request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Soft Infant and Toddler Carriers, incorporates by reference ASTM F2236-14, Standard Consumer Safety Specification for Soft Infant and Toddler Carriers. ASTM notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of soft infant and toddler carriers.

DATES: Comments must be received by September 24, 2024.

ADDRESSES: You can submit comments, identified by Docket No. CPSC-2013-0014, 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 to 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-2013-0014, into the "Search" box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT:

Zachary Foster, Project Manager, Division of Human Factors, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2034; email: zfoster@cpsc.gov.

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be "substantially the same as" voluntary standards, or they may be "more stringent" than the applicable voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Section 104(b)(4)(B) of the CPSIA specifies the process for when a voluntary standards organization revises a standard that the Commission incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the

Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice that it has determined that the revised standard does not improve the safety of the consumer product and that it is retaining the existing standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the **Federal Register**). 15 U.S.C. 2056a(b)(4)(B).

In 2014, the Commission adopted a mandatory rule for soft infant and toddler carriers under section 104(b)(1) of the CPSIA, which was codified in 16 CFR part 1226. The rule incorporated by reference ASTM F2236-14, *Standard Consumer Safety Specification for Soft Infant and Toddler Carriers*, with no modifications. 79 FR 17422 (March 28, 2014). At the time the Commission published the final rule, ASTM F2236-14 was the current version of the voluntary standard. ASTM F2236-14 applies to soft infant and toddler carriers, which it describes as a product normally of sewn fabric construction, which is designed to contain a full-term infant to a toddler, generally in an upright position, in close proximity to the caregiver. The ASTM standard includes performance requirements, test methods, and requirements for warning labels and instructional literature, to address hazards to infants associated with soft infant and toddler carriers.

After the Commission adopted the mandatory standard in 2014, ASTM approved two more revisions: ASTM F2236-16 and ASTM F2236-16a. However, ASTM did not notify CPSC of these revisions under CPSIA section 104(b)(4)(B). Consequently, these revised standards did not become the mandatory standards by operation of law, and the Commission did not update the mandatory standard to incorporate by reference these revised ASTM standards.

On August 26, 2024, ASTM notified CPSC that it had approved and published ASTM F2236-24. CPSC staff is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of consumer products covered by the standard. The Commission invites public comment on that question, to inform staff's

assessment and any subsequent Commission consideration of the revisions in ASTM F2236–24.¹

The currently incorporated voluntary standard (ASTM F2236–14) and the revised voluntary standard (ASTM F2236–24) are available for review in several ways. A read-only copy of the existing, incorporated standard (ASTM F2236–14) is available for viewing, at no cost, on the ASTM website at: <https://www.astm.org/READINGLIBRARY/>. A read-only copy of the revised standard (ASTM F2236–24), including red-lined versions that identify the changes from the 2014 version to the 2024 version, are available, at no cost, on ASTM's website at: <https://www.astm.org/CPSC.htm>. Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; <https://www.astm.org>. Alternatively, interested parties can schedule an appointment to inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: 301–504–7479.

Comments must be received by September 24, 2024. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

[FR Doc. 2024–20066 Filed 9–9–24; 8:45 am]

BILLING CODE 6355–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 23–362, FCC 24–84; FR ID 239002]

Implications of Artificial Intelligence Technologies on Protecting Consumers From Unwanted Robocalls and Robotexts

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) proposes steps to

protect consumers from the abuse of Artificial Intelligence (AI) in robocalls alongside actions that clear the path for positive uses of AI, including its use to improve access to the telephone network for people with disabilities. Specifically, the document proposes to: define AI-generated calls, adopt new rules that would require callers disclose to consumers when they receive an AI-generated call, adopt protections for consumers to ensure that callers adequately apprise them of their use of AI-generated calls when consumers affirmatively consent to receive such calls, adopt protections to ensure that positive uses of AI that have already helped people with disabilities use the telephone network can thrive without threat of Telephone Consumer Protection Act (TCPA) liability. The document also seeks additional comment and information on developing technologies that can alert consumers to unwanted or illegal calls and texts, including AI-generated calls.

DATES: Comments are due on or before October 10, 2024, and reply comments are due on or before October 25, 2024.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in this document. Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). You may submit comments, identified by CG Docket No. 17–59, by any of the following methods by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing ECFS: <https://www.fcc.gov/ecfs>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8 a.m. and 4 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- **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 FURTHER INFORMATION CONTACT: For further information, please contact Richard D. Smith, Attorney Advisor, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at Richard.Smith@fcc.gov or (717) 338–2797 or Noah Cherry, Attorney Advisor, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at Noah.Cherry@fcc.gov or (202) 418–7835. For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, send an email to PRA@fcc.gov or contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) and Notice of Inquiry (NOI) in CG Docket No. 23–362, FCC 24–84, adopted on August 7, 2024, and released on August 8, 2024. The full text of this document is available for public inspection at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-24-84A1.pdf>. To request materials in accessible formats for people with disabilities (e.g., braille, large print, electronic files, audio format, etc.), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), or (202) 418–0432 (TTY).

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal Communications Commission via email to PRA@fcc.gov and to Cathy Williams, FCC, via email to Cathy.Williams@fcc.gov.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of the NPRM is

¹ The Commission voted (5–0) to approve this notice on August 30, 2024.

available at <https://www.fcc.gov/proposed-rulemakings>.

Initial Paperwork Reduction Act of 1995 Analysis. This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due November 12, 2024.

Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

Notice of Proposed Rulemaking

1. Complaints regarding unwanted and illegal robocalls and robotexts are consistently the top category of consumer complaints that the Commission receives. As a result, it is critical that the Commission stay abreast of new technologies that may impact the privacy protections afforded to consumers under the TCPA. The Commission thus proposes and seeks comment on measures designed to ensure that its rules keep pace with the fast-developing changes in AI technologies. In so doing, the Commission also seeks to ensure that the Commission's rules do not hinder the potential benefits that AI technologies can offer, including making telecommunications more readily accessible to individuals with disabilities.

AI-Generated Call Definition

2. For purposes of identifying the types of calls that would be subject to

the new rules proposed below, the Commission proposes to define “AI generated call” as “a call that uses any technology or tool to generate an artificial or prerecorded voice or a text using computational technology or other machine learning, including predictive algorithms, and large language models, to process natural language and produce voice or text content to communicate with a called party over an outbound telephone call.” The Commission acknowledges that AI technologies are evolving quickly and seek comment both on this proposed definition and on how to best ensure that any definition the Commission adopt keeps pace with these changes.

3. The Commission believes this definition is consistent with Federal and state AI definitions cited in the *AI NOI*, and tailored to reflect the privacy protections under the Telephone Consumer Protection Act (TCPA), Telephone Consumer Protection Act of 1991, Public Law 102–243, 105 Stat. 2394 (1991), codified at 47 U.S.C. 227, by focusing on AI-generated voice or text calls used to interact with consumers in outbound telephone calls. For example, the TCPA's prohibition on using an artificial or prerecorded voice message extends only to outbound calls that are “made” or “initiated” by the caller. The TCPA's requirements do not extend to technologies used to answer inbound calls. As a result, this definition avoids unintentionally encumbering uses of AI technologies that consumers never interact with and widely used existing customer service technologies on inbound calls. In addition, for the new disclosure that the Commission proposes in the NPRM to apply to autodialed text messages, the message would first have to be sent using equipment that meets the definition of an “automatic telephone dialing system” as defined by the TCPA. And second, they would need to meet the definition of “AI-generated call” that the Commission proposes pursuant to the NPRM.

4. The Commission seeks comment on this proposed definition. Is this proposed definition suitable for addressing both the potential benefits and harms raised by AI technology? In other words, does the proposed definition capture the potentially harmful uses of AI that consumers would want an opportunity to avoid by having the option to not get those calls while excluding the positive uses of AI that the Commission would not want to deter with an express prior consent requirement? Is the proposed definition overinclusive or underinclusive? What changes, if any, should the Commission

consider in adopting a definition of AI for these purposes?

5. Alternatively, the Commission seeks comment on whether it is necessary to define “AI-generated call” with specificity, given that the TCPA expressly covers “artificial or prerecorded voice,” and given that the Commission has already determined that voice cloning and similar technologies qualify under that statutory phrase. If the Commission does not define an AI-generated call in this context, how would callers determine whether the disclosure obligations proposed below apply to the calls and texts messages that they are sending?

AI-Generated Call Disclosure

6. The Commission proposes and seeks comment on new disclosure rules that would apply to AI-generated calls. First, The Commission proposes requiring callers making calls using AI-generated artificial or prerecorded voice messages to include clear and conspicuous disclosure that the consumer's consent to receive artificial and prerecorded calls may include consent to receive AI-generated calls, defined by the proposal the Commission describes above. Further, the Commission proposes requiring callers making autodialed text messages that include AI-generated content to provide clear and conspicuous disclosure that the consumer's consent to receive such messages may include consent to receive AI-generated content as defined by the proposal the Commission describes above. Finally, the Commission also proposes requiring callers using AI-generated voice to, at the beginning of each call, clearly disclose to the called party that the call is using AI-generated technology. The Commission's rules already require callers to obtain prior express consent from consumers to make artificial or prerecorded voice calls or autodialed calls absent an exemption. To facilitate consumers' ability to make an informed decision to manage unwanted calls, the Commission's rules require that callers making artificial or prerecorded voice calls disclose, at the beginning of the message, certain information that would enable the called party to identify the person or entity initiating the call. For calls that require the prior express written consent of the called party and which contain AI-generated messages, the Commission proposes that the written agreement authorizing delivery of such calls include clear and conspicuous disclosure informing the called party that they specifically authorize the caller to make calls containing AI-generated content.

7. The Commission seeks comment on requiring additional disclosures at the point of consent. For calls that already require prior express consent, would it benefit consumers to require them to provide separate consent to receive AI-generated calls? The Commission believes that in, reliance on the Commission's prior express consent framework dating back several decades, many callers have already captured prior express consent to place autodialed and/or artificial or prerecorded voice calls in a manner that comports with the TCPA and the Commission's current rules. These callers, many of which are large consumer-facing institutions, rely on these consents at scale to place a large volume of artificial or prerecorded calls on a daily basis. Given this, should the Commission's proposed changes to disclosures at the point of consent apply prospectively only? In other words, should the Commission grandfather existing consents to place autodialed and/or artificial or prerecorded voice calls—either indefinitely or for a limited time? Would doing so minimize operational disruptions to obtain new consent? In conjunction with the Commission's cost/benefit analysis, the Commission seeks comment on the burdens that may be entailed by callers if they are required to disclose to those consumers from whom they already obtained consent that they intend to use AI-generated calls. To what extent would any new disclosure requirements, whether or not applied prospectively, create the risk of unwarranted liability that callers may face for practices that are currently compliant, but may not be going forward? Would retroactive changes frustrate consumers from receiving, and callers from placing, mutually beneficial communications that are wanted and expected? On the other hand, would bifurcating consent risk confusing consumers when they receive AI-generated calls when they believe they withheld consent to receive AI-generated calls? The Commission also seeks comment on the potential benefits of such disclosures to those consumers who have already provided their consent to be called. Would pre-call disclosures that AI-generated voice is used, as discussed below, mitigate the harm of receiving "artificial voice" calls to which consumers already consented, but may not wish to receive in the future?

8. The Commission also seeks comment on the potential benefits and drawbacks of any new disclosures, made at the beginning of each AI-

generated artificial or prerecorded voice call, that AI-generated voice was used. Would it add value to consumers beyond the current requirement, which is simply that callers must disclose their identity when making an artificial voice or prerecorded call, and not specifically whether the call is an AI-generated call? Would consumers benefit from new disclosures that apply to "AI-generated calls," but not to "artificial or prerecorded voice" calls outside the new definition? The Commission notes that its rules do not require pre-call disclosures about the technology used in artificial or prerecorded voice calls. Should the Commission consider different approaches that might better promote greater consumer awareness of AI-generated calls while minimizing any burdens such disclosures entail for smaller entities? In addition, the Commission seeks comment on whether any specific categories or usage of AI-generated calls should be excluded from the pre-call consent or on-call AI-generated disclosure requirements. For example, the Commission proposes below to create an exemption for calls made by individuals with disabilities to facilitate their ability to communicate over the telephone network.

9. The Commission also seeks comment on whether the proposed disclosure at the beginning of an AI-generated voice call should include a special tone, icon, badging, or other indication that is visual, auditory, or otherwise to the called party. If so, which means is the most effective and cost efficient to ensure that consumers are made aware of the use of AI-generated content on the call? Should the Commission require that callers provide consumers the option to opt out of AI-generated voice calls if a consumer wishes to continue receiving non-AI robocalls from a caller? If so, how should the Commission effectuate such an option in a way that minimizes the risk of abuse by requiring consumers to make multiple opt-out requests to stop unwanted calls? The Commission seeks comment on these and any other related issues in this context.

Promoting Access to Telephone Service by Individuals With Disabilities

10. The Commission propose to exercise its authority under sections 227(b)(2)(B) and (C) of the Act to exempt from the TCPA's requirements artificial or prerecorded voice calls made by an individual with a speech or hearing disability using any technology, including artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate over the telephone. The

Commission does so to ensure that its protections against AI abuses do not deter development and use of AI-powered tools that enable people with disabilities to better use the telephone network. The Commission emphasizes that its proposed exemptions extend to the use of any technology that assists individuals with disabilities to communicate by artificial or prerecorded voice and are not limited to AI technologies. Consistent with its treatment of certain healthcare-related calls, the Commission proposes to exempt artificial or prerecorded voice calls made by individuals with speech and hearing disabilities who are using AI-generated voice when making an outbound telephone call in order to assist in communicating with a called party from the TCPA's consent and identification requirements.

11. It is the Commission's view that this exemption would be consistent with Congress' and the Commission's emphasis on access to telecommunications services by persons with disabilities as an important national policy objective. In 1990, Congress enacted the Americans with Disabilities Act, which established the Telecommunications Relay Service (TRS) program. The intent of section 225, which governs telecommunications services for people who have hearing and speech disabilities, is "to further the [Communication] Act's goal of universal service by providing to individuals with hearing or speech disabilities telephone services that are functionally equivalent to those provided to individuals without hearing or speech disabilities." In 1996, Congress recognized that, with the nation's "increasing dependence on telecommunications tools, people with disabilities remain unable to access many products and services that are vital to full participation in our society." Accordingly, Congress added section 255 of the Communications Act "to amend this situation by bringing the benefits of the telecommunications revolution to all Americans, including those who face accessibility barriers to telecommunications products and services." In addition, the Commission has recognized the importance of accessibility, explaining that "the federal government must promote innovative and affordable solutions to ensure that people with disabilities have equal access to communications services and that they do not bear disproportionate costs to obtain that access."

12. As discussed above, section 227(b)(2)(B) authorizes the Commission to adopt, by rule or order, exemptions

from the TCPA's requirements for artificial or prerecorded voice calls to residential telephone lines that are "not made for a commercial purpose" and for "such classes or categories of calls made for commercial purposes" that do not adversely affect the privacy rights of the called party and do not transmit an unsolicited advertisement. The Commission tentatively concludes pursuant to both these provisions that an exemption for the use of AI and other related technologies that assist individuals with disabilities to communicate by artificial or prerecorded voice over the telephone to residential telephone lines would promote the public interest in substantial ways by ensuring that beneficial uses of these technologies are not impeded by the TCPA's requirements. Consistent with the statutory requirement, the Commission also proposes that calls made under this exemption must not contain any unsolicited advertisement. The Commission seeks comment on this proposal.

13. *Residential Telephone Exemption.* Access to telecommunications services is an increasingly critical tool in our society with increasing numbers of people using such services to work from home, learn in educational settings, access healthcare, access government and emergency services, and keep in touch with family and friends. This is particularly critical for individuals with disabilities. In addition, the Commission finds no reason to believe that the privacy interests that section 227 is designed to protect will be adversely affected by this limited exemption. For example, the Commission does not expect the volume of such calls to be significant. Moreover, because such calls cannot contain unsolicited advertisements, the Commission predicts that most calls made to residential lines pursuant to this exemption will primarily be made to individuals who are often expecting them (e.g., friends, family). The Commission seeks comment on this view. Would the proposed exemption benefit persons with disabilities and encourage development of technologies that assist persons with disabilities in communicating by telephone? Could the exemption be abused, for example, by scammers who attempt to use those technologies to defraud or otherwise harm consumers? If so, how can the Commission modify the proposal to avoid such abuses?

14. *Wireless Exemption.* As discussed above, section 227(b)(2)(C) authorizes the Commission to exempt from this the TCPA's restrictions, by rule or order,

calls to a number assigned to a cellular service "that are not charged to the called party, subject to such conditions as the Commission may prescribe as necessary in the interests of the privacy rights. For similar reasons to those discussed above, the Commission tentatively concludes that the use of AI and other related technologies that assist individuals with disabilities to communicate by artificial or prerecorded voice in calls to wireless telephone numbers should not be impeded by the TCPA's requirements. The Commission therefore proposes to exempt such calls pursuant to the condition that they must not contain any telemarketing or advertisement. The Commission believes that compliance with this condition would not unduly impair the ability of individuals with disabilities to use the telephone network or impose burdensome compliance obligations. The Commission seeks comment on this proposal.

15. The statute requires that any calls to wireless telephone numbers that are exempted from the TCPA's restrictions be "not charged to the called party." The Commission seeks comment on how this condition can be satisfied in the Commission's proposal. The Commission believes that it is unreasonable to expect individuals with disabilities to ascertain in every instance whether the called party is charged for an incoming call. As noted above, the TCPA authorizes the Commission to "prescribe technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone." Could the Commission require or encourage wireless providers and others under this or other authority to ensure that these calls are not charged to the called party? Are there other alternative solutions that the Commission should consider? The Commission has concluded that the TCPA's "not charged" requirement precludes exempting incoming calls that count against the recipient's allotted minutes or texts. Given the substantial public interest considerations, should the Commission take a different view in this context? To what extent is the "not charged to the called party" condition a practical impediment to the use of the exemption in the current wireless marketplace? For example, to what extent are wireless consumers still charged for incoming calls? The Commission seeks comment on these and any other considerations relevant to its proposal.

16. *TRACED Act.* The Commission tentatively concludes that the exemptions discussed above satisfy the

relevant provisions of the TRACED Act. Section 8 of the TRACED Act amended section 227(b)(2) of the Communications Act to require that the Commission ensure that any exemption granted under sections 227(b)(2)(B) or (C) allowing callers to make artificial voice, prerecorded voice, or autodialed calls without consent include certain conditions. Specifically, section 8 requires that any such exemption contain requirements with respect to: "(i) the classes of parties that may make such calls; (ii) the classes of parties that may be called; and (iii) the number of such calls that a calling party may make to a particular called party."

17. The Commission proposes that the "class of parties that may make such calls" under the exemption is any individual with a speech or hearing disability that utilizes an AI or other technology to assist in communicating by artificial or prerecorded voice over the telephone. The Commission believes this class of individuals is sufficiently clear. The Commission seeks comment on whether it needs to broaden this class of parties to ensure that the Commission encompasses any other individuals with disabilities who make use of artificial or prerecorded voice technologies to communicate over the telephone. If so, how should the Commission define this class of parties? At this time, the Commission will not require that individuals demonstrate proof of such a disability, because the Commission finds that such a requirement would be potentially burdensome and a potential privacy invasion given the lack of any basis at this time to conclude that there are grounds for abuse. The Commission proposes that "the classes of parties that may be called" in this instance extends to calls made to parties for purposes that do not include unsolicited advertising or telemarketing. In this instance, the public policy goal of ensuring that individuals with disabilities are not encumbered with any impediments from telephone usage exceeds any concern regarding adverse privacy risks, which seem to be minimal in this context. The Commission seeks comment on this proposal.

18. Lastly, the Commission tentatively concludes that limiting such calls to those that do not include unsolicited telemarketing establishes a functional limit on the number of such calls made in this context (i.e., individuals with hearing or speech disabilities utilizing artificial or prerecorded voice technologies on calls in which they are present and communicating) that is consistent with the objectives of promoting access to telephone service

by individuals with disabilities. The Commission tentatively concludes that “the number of such calls that a calling party may make” should not be a specific numerical limitation in this context because such a limitation would risk depriving individuals with disabilities of basic access to telephone service while necessitating that they track the number of such calls that they are making each day, an outcome inconsistent with national policy objectives and laws designed to promote such usage.

19. The Commission seeks comment on these tentative conclusions, including any alternative means to satisfy the TRACED Act’s requirements in a way that promotes access to telephone service without unduly burdening individuals with disabilities.

20. *Alternatives.* As an alternative to creating an exemption for artificial or prerecorded voice calls made by an individual with a speech or hearing disability using any technology, including artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate over the telephone, the Commission seeks comment on whether it can define “artificial or prerecorded voice” in a way that excludes from the requirements of the TCPA the use of technologies that are designed to assist individuals with disabilities to communicate by voice over the telephone network. The Commission notes that the TCPA does not define the terms “artificial” or “prerecorded voice.” As a result, can the Commission define those terms in a way that would allow these types of calls by individuals with disabilities?

21. In addition, do the Commission’s obligations to ensure that telecommunications and advanced communications services and equipment be accessible and usable by people with disabilities authorize us to exclude positive uses of AI and other technologies that benefit individuals with disabilities from the TCPA’s restrictions on the use of artificial or prerecorded voice messages? How would the Commission reconcile such an approach with the Commission’s prior rulings in the *Soundboard Declaratory Ruling* confirming that the presence of a live agent on a call selecting the prerecorded messages to be played “does not negate the clear statutory prohibition against initiating a call using a prerecorded or artificial voice” and the *AI Declaratory Ruling* in which the Commission found that AI and other technologies that generate human voices fall within the TCPA. How could the Commission ensure any

such approach does not create a loophole that could be used by telemarketers or bad actors to circumvent the TCPA’s protections? The Commission seeks comment on these and other alternatives that might assist us in formulating a means to ensure that the TCPA’s restrictions on robocalls do not inadvertently impede the ability of individuals with disabilities to use the telephone network.

Costs and Benefits

22. The Commission seeks comment on the potential costs and benefits of taking any of its proposed regulatory measures to address the use of AI technologies. Specifically, the Commission seeks comment on whether and to what degree the changes the Commission proposes here will improve consumers’ ability to identify, manage, and benefit from the use of calls that contain AI-generated voices. In addition, the Commission seeks comment on any potential costs of its proposals on callers, including smaller entities, to disclose the use of AI-generated technologies and honor requests not to make such calls to consumers who do not provide consent. The Commission seeks comment on these and any other considerations that may shed light on the potential costs and benefits of adopting its proposals.

Legal Authority

23. *TCPA.* The Commission tentatively concludes that section 227 provides us with legal authority to adopt the proposals. As noted above, the TCPA authorizes the Commission to make “technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone.” In addition, the legislative history contemplated the Commission’s need for the flexibility to address future technologies that impact the TCPA’s consumer privacy protections from unwanted robocalls.

24. The TCPA also prohibits the use of an artificial or prerecorded voice message in calls to a residential or wireless telephone number absent the prior express consent of the called party or a recognized exemption. The Commission has recently confirmed that the TCPA’s restrictions on the use of “artificial or prerecorded voice” encompass current AI technologies that resemble human voices and/or generate call content using a prerecorded voice. As a result, the Commission believes that the proposals set forth herein to disclose the use of AI-generated calls and exempt individuals with disabilities from the TCPA’s prohibitions on

artificial or prerecorded voice calls are authorized by the TCPA. The Commission seeks comment on this tentative conclusion including whether any other legal authorities such as those that govern the provision of communications services to individuals with disabilities may lend additional support to its tentative conclusion. Alternatively, is there any reason to conclude that these existing legal authorities do not provide the Commission with sufficient statutory authority to ensure that the use of emerging AI technologies, as the Commission proposes to define it, does not erode consumer protections under the TCPA?

Digital Equity and Inclusion

25. The Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with our proposals. Specifically, the Commission seeks comment on how its proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission’s relevant legal authority.

Notice of Inquiry

Real-Time Call Detection, Call Alerting, and Call Blocking Technologies

26. The Commission seeks comment on the development and availability of technologies on either the device or network level that can: (1) detect incoming calls that are potentially fraudulent and/or AI-generated based on real time analysis of voice call content; (2) alert consumers to the potential that such voice calls are fraudulent and/or AI-generated; and (3) potentially block future voice calls that can be identified as similar AI-generated or otherwise fraudulent voice calls based on analytics. Specifically, what steps can the Commission take to encourage the development and deployment of these technologies, including to consumers regardless of their economic means or the type of telephone service to which they subscribe? Further, the Commission seeks comment on the privacy implications of call detection technologies that analyze the content of calls in real time to identify calls that are potentially fraudulent and/or feature AI-generated voice without the required

disclosure proposed above. To that end, the Commission asks whether the Commission should adopt rules governing the use of call detection, alerting, or blocking technologies to protect the privacy of both callers and called parties.

27. The record highlights several examples of call detection and alerting technologies that can help detect scam calls or calls that use AI-generated voice based on real time content analysis of the incoming call. For example, Google announced it is “testing a new call monitoring feature that will warn users if the person they’re talking to is likely attempting to scam them and encourage them to end such calls.” This technology will “utilize Gemini Nano—a reduced version of the company’s Gemini large language model for Android devices that can run locally and offline—to look for fraudulent language and other conversation patterns typically associated with scams. Users will receive real-time alerts during calls where these red flags are present.” Other technologies under development seek to authenticate human voice as a method of thwarting calls featuring AI-generated voices, such as scam calls that do not disclose the use of AI. For example, OriginStory states it is developing a new technique that “authenticates the human origin of voice recordings at the point of creation and then embeds this authentication as a watermark or signature in the stream, establishing a chain of trust from the moment the voice is captured to when it reaches the listener.” Microsoft’s Azure Operator Call Protection is a data-based service offered to telephone service providers at the network level that “detects potential phone scams, performs real-time AI-driven analysis of consumer phone calls, and alerts subscribers when they are at risk of being scammed.” The same technologies capable of detecting scam calls or calls using AI-generated voice could potentially be programmed to block future calls that can be identified as similar based on analytics. How far along are these and similar technologies in development? Have they proven useful in protecting consumers? Are there other examples of these kinds of technologies in existence today or in development, including any capable of detecting AI-generated voice? To ensure that providers do not interfere with consumer privacy rights as part of AI detection efforts, the Commission emphasizes that they must continue to comply with existing Federal and state laws regarding lawful interception, including the Electronic

Communications Privacy Act (ECPA), and that nothing discussed herein proposes to alter any prohibitions under existing statutes.

28. Should the Commission act to further the development and deployment of such technologies? Are there legal, technical, and/or practical barriers to wide-scale deployment and adoption of such applications? Does the Commission have the statutory authority and technical expertise to address these barriers? To what extent do these technologies duplicate or complement STIR/SHAKEN and other caller ID authentication solutions? How do issues regarding IP interconnection across voice service networks impact the ability of providers to enable real-time monitoring of voice traffic using AI technologies? Will technologies that enable real-time monitoring of voice traffic require service providers to upgrade their network infrastructure? If so, how long and at what cost will it take providers to upgrade their networks? Do these technologies require new devices at potentially greater cost to consumers? Will these detection and alerting technologies be provided to consumers at an additional cost, thereby increasing the overall cost of voice services to consumers? How can the Commission ensure the benefits of these technologies are available to all consumers, including across the various mobile telephone platforms, as well as on landlines? For example, how do these technologies monitor robocalls in languages other than English? Should these technologies monitor languages based on population, subscriber preference, Census data, or some other appropriate metric? What role should industry standards play in the development and implementation of call detection technologies that analyze call content in real time such as those discussed above? Do these technologies risk blocking or inhibiting legitimate AI-generated calls, such as public safety calls, calls from people with disabilities using AI-enabled services, or other exempted calls? If so, how will they mitigate the inadvertent blocking of such calls and messages?

Privacy Implications of Real-Time Call Detection, Call Alerting, and Call Blocking Technologies

29. While the AI-enabled call detection, alerting, and blocking technologies discussed above promise to be effective tools in protecting consumers from unwanted calls, including scam calls, the Commission believes that these tools pose *significant* privacy risks, insofar as they appear to rely on analysis and processing of the

content of calls—which are very sensitive data—by application or device providers, who already have access to the personally identifiable information (PII) of their users. Accordingly, the Commission seeks comment on the privacy implications of call detection, alerting, and blocking technologies. The Commission also seeks comment on whether Commission should consider requirements to protect the privacy of callers and called parties, and, if so, what such requirements should be. If the Commission adopts privacy requirements in this area, should the Commission rely on notice-and-consent principles, or should the Commission instead adopt substantive protections such as minimization requirements for data collection, purpose limitations for data processing, and categorical restrictions on sharing and disclosure?

30. The Commission first seeks comment on how these technologies capture and analyze call content data and on any steps that developers and users of these tools can use or are already using to protect the privacy of both callers and called parties. How do these systems process call content data? Do these systems store call data on the device or at the network level? If so, for how long? Do these applications anonymize data while the data are being analyzed? How do they store such data, and do they share it with third parties? If they do share such data, for what purposes, and how do they ensure that third parties cannot use the data for extraneous or unrelated commercial purposes? Do providers of these technologies and applications make their data practices clear to consumers? Do they provide notice to the caller and rely on opt-out or opt-in consent, prior to their initiation? Do they provide notice and enable consent to called parties? The Commission also seeks comment on what rights are afforded to consumers with respect to any data collected? Can consumers view those data? Correct those data? Request destruction of those data? Are the data portable? Do these systems ensure malicious actors cannot access these data? To what purposes do entities that offer these applications and technologies currently process any data they collect? What are the valid or reasonably related purposes to which such entities should be permitted to process the collected data?

31. The Commission also seeks comment on what Federal and state privacy laws already apply to the use of call detection, alerting, and blocking technologies, including the ECPA and state wiretapping and interception laws?

Do these laws address the privacy concerns identified above?

32. To the extent commenters do not think that provider practices or existing laws are sufficient, the Commission next seeks comment on whether and how the Commission should address the privacy concerns discussed above. Starting with the traditional privacy principles of notice and consent, should the Commission adopt a rule requiring consent of the called party prior to analyzing any incoming calls? Should the caller be afforded notice and consent? If so, would this potentially frustrate the benefits of call detection, alerting, and blocking technologies, by allowing malicious actors to effectively veto their use? If not, what protections exist for non-malicious callers who have a legitimate privacy interest in not having the contents of their calls collected and processed by unknown third parties? What level of consent is appropriate for the called party and, to the extent applicable, the caller?

33. The Commission also seeks comment on whether substantive privacy protections might be more appropriate in this area than notice and consent requirements. For example, should the Commission adopt rules that prohibit or limit to some degree any technology or application that analyzes the content of calls in real time from: (1) recording the content of the call; (2) retaining a transcript, recording, or meta data associated with the call; (3) disclosing the content of the call to any person or other party; and/or (4) using the analysis of the call for any other purpose than determining whether to identify and alert the recipient that a call is likely to be fraudulent or AI-generated? The Commission believes that rules such as these would be consistent with the privacy protections that parties developing AI-enabled call analytic systems acknowledge are required under existing Federal law. Would such rules help prevent unscrupulous purveyors of similar call detection applications from violating consumers' privacy while also creating an additional layer of protection against privacy violations by virtue of the Commission's rulemaking and enforcement authority? How could the Commission craft such rules to ensure that they protect consumer privacy without disrupting existing services that combat robocalls? For example, would consent-based exemptions accomplish this goal?

34. The Commission also seeks comment on how developers train the large language models that aid in call detection, alerting, and blocking technologies. What data sets do

developers use to train the large model, and do they include call data? How do these applications ensure compliance with Federal and state wiretap laws, including states with two-party consent requirements? Should the Commission require standards to limit the use of personal information for training AI models used for call content analysis?

35. As the Commission considers the necessity of such rules discussed above, the Commission seeks comment on whether the Communications Act grants the Commission the authority to adopt rules regarding the implementation of any AI-enabled call detection, alerting, or blocking technologies, including by adopting specific requirements to protect subscribers' privacy. Section 227(c) of the Communications Act directs the Commission to "protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object." To do this, the Act directs the Commission "to compare and evaluate alternative methods and procedures (including the use of electronic databases, *telephone network technologies*, special directory markings, industry-based or company-specific 'do not call' systems, and any *other alternatives*, individually or in combination) for their effectiveness in protecting such privacy right."

36. Finally, the Act directs the Commission to "develop proposed regulations to implement the methods and procedures that the Commission determines are most effective and efficient to accomplish the purposes of this section." The Commission seeks comment on whether the call detection, alerting, and blocking technologies the Commission discusses constitute both a telephone network technology and an alternative method identified by the Commission that protects subscriber's privacy rights to avoid receiving objectionable telephone solicitations. Does the Commission have the authority to develop regulations related to the methods and procedures for the implementation of any AI-enabled call detection, alerting, and blocking technologies?

Other

37. *NIST AI Risk Management Framework*. On January 26, 2023, the U.S. Department of Commerce's National Institute of Standards and Technology (NIST) released the NIST AI Risk Management Framework (AI RMF) "to offer a resource to the organizations designing, developing, deploying, or using AI systems to help manage the many risks of AI and promote trustworthy and responsible

development and use of AI systems." The Commission seeks comment on how this framework could further the Commission's understanding related to the risks surrounding the use of AI technologies to combat unwanted and fraudulent calls.

Procedural Matters

38. *Paperwork Reduction Act*. This document may contain new or modified information collection requirements subject to Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees."

39. *Regulatory Flexibility Act*. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of the rule and policy changes contained in the *NPRM*. The IRFA is set forth in this document. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments in the **DATES** section of this document and must have a separate and distinct heading designating them as responses to the IRFA.

40. *Ex Parte Rules*. The proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in

the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Initial Regulatory Flexibility Analysis

41. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies proposed in the NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the NPRM. The Commission will send a copy of the NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and the IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules

42. The Commission initiates this proceeding to protect consumers from unwanted robocalls by proposing rules to address the emerging use of AI technologies to ensure that consumers continue to receive the protections

afforded under the Telephone Consumer Protection Act (TCPA). The TCPA sets forth specific requirements relating to the use of artificial and prerecorded voice messages in telephone calls. As the use of AI-generated calls becomes increasingly prevalent, it is critical that the Commission's rules ensure that consumer privacy is not eroded by the use of these emerging technologies. The proposed rules are therefore designed to ensure that the Commission's rules keep pace with technological changes while not impeding the beneficial uses of AI technologies. Specifically, the Commission proposes to define AI-generated calls to ensure that consumers know when they receive an AI-generated call; to adopt protections for consumers to ensure that callers adequately apprise them of their potential use of AI-generated calls when consumers consent to receive such calls; and to ensure that positive uses of AI that assist people with disabilities to use the telephone network can thrive without threat of TCPA liability.

Legal Basis

43. The proposed action is authorized pursuant to sections 1–4, 225, 227, 255, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 225, 227, 255, and 403.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

44. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

45. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. We, therefore describe at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the

SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

46. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

47. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.” U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments— independent school districts with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, the Commission estimates that at least 48,724 entities fall into the category of “small governmental jurisdictions.”

48. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including voice over internet protocol (VoIP) services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception,

establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

49. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

50. *Wireless Carriers and Service Providers.* Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these service providers. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

51. *Telemarketing Bureaus and Other Contact Centers.* This industry comprises establishments primarily engaged in operating call centers that initiate or receive communications for others—via telephone, facsimile, email, or other communication modes—for purposes such as (1) promoting clients products or services, (2) taking orders for clients, (3) soliciting contributions for a client, and (4) providing information or assistance regarding a client's products or services. These establishments do not own the product

or provide the services they are representing on behalf of clients. The SBA small business size standard for this industry classifies firms having \$25.5 million or less in annual receipts as small. According to U.S. Census Bureau data for 2017, there were 2,250 firms in this industry that operated for the entire year. Of this number 1,435 firms had revenue of less than \$10 million. Based on this information, the majority of firms in this industry can be considered small under the SBA small business size standard.

52. *Telephone Apparatus Manufacturing.* This industry comprises establishments primarily engaged in manufacturing wire telephone and data communications equipment. These products may be stand-alone or board-level components of a larger system. Examples of products made by these establishments are central office switching equipment, cordless and wire telephones (except cellular), private branch exchange (PBX) equipment, telephone answering machines, local area network (LAN) modems, multi-user modems, and other data communications equipment, such as bridges, routers, and gateways. The SBA small business size standard for Telephone Apparatus Manufacturing classifies businesses having 1,250 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 189 firms in this industry that operated for the entire year. Of this number, 177 firms operated with fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

53. The NPRM seeks comment on issues that may alter the Commission's current information collection, reporting, recordkeeping, or compliance requirements for small entities. Specifically, the NPRM proposes and seeks comment on how to define AI in a way that is relevant to fulfilling the Commission's statutory responsibilities under the TCPA, requiring callers to disclose when a caller uses an AI-generated voice, removing impediments to beneficial uses of AI to promote access to telephone service by individuals with disabilities, and requests information on additional call blocking and call alerting technologies that can assist consumers in avoiding unwanted AI-generated calls or scams, including whether the Commission should require specific language for the disclosure, or audio-visual prompts that

indicate an AI-generated voice is being used. Affected small entities may need to alter existing calling practices when making calls that contain an AI-generated voice to disclose to the called party that the call is using an AI-generated technology. Measures may have to be taken by small telecommunications providers or equipment makers to ensure that individuals with disabilities can use technologies to make calls that contain artificial or prerecorded voices without running afoul of the TCPA.

54. The Commission invites comment on the costs and burdens of the proposals in the NPRM that may impact small entity callers. The Commission expects the information received in comments, including, where requested, cost and benefit analyses, will help the Commission identify and evaluate relevant compliance matters for small entities that may result if the proposals and associated requirements discussed in the NPRM are ultimately adopted.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

55. The RFA requires an agency to describe any significant alternatives that could minimize impacts to small entities that it has considered in reaching its approach, which may include the following four alternatives, (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for such small entities.

56. In the NPRM, the Commission seeks comment on several alternatives considered that may impact small entities. For example, the Commission proposes that callers disclose when a caller uses an AI-generated voice on a call but seek comment on whether certain usage or categories of calls that contain AI-generated voice messages should be excluded from this requirement. This would avoid placing certain compliance burdens on small entity callers to make such disclosures, and minimize some economic impact for these entities. The Commission also seeks comment on alternative definitions of AI in this context to ensure that the scope of calls that fall under that definition is consistent with the privacy protections afforded under

the TCPA and whether it may inadvertently encumber technologies that do not fall within the TCPA. Next, the Commission seeks comment on whether there are ways in which the telecommunications industry might assist to ensure that calls made by individuals with disabilities under the proposed exemption do not run afoul of the condition that such calls not be charged to the called party. The Commission seeks comment on alternative ways to accomplish this objective including voluntary efforts by industry or equipment manufacturers.

57. The Commission expects to more fully consider the economic impact and alternatives for small entities following review of comments and costs and benefits analysis filed in response to the NPRM. The Commission's evaluation of this information will shape the final alternatives it considers, the final conclusions it reaches, and any final actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

58. None.

Ordering Clauses

59. Accordingly, *it is ordered*, pursuant to sections 1–4, 225, 227, 255, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 227, 255, and 403 that the *Notice of Proposed Rulemaking and Notice of Inquiry* is hereby *Adopted*.

60. *It is further ordered* that, pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, interested parties may file comments on the *Notice of Proposed Rulemaking and Notice of Inquiry* on or before 30 days after publication in the **Federal Register**, and reply comments on or before 45 days after publication in the **Federal Register**.

61. *It is further ordered* that the Commission's Office of Secretary, *shall send* a copy of the *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Communications common carriers, Communications equipment, Individuals with disabilities, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.
Marlene Dortch,
Secretary.

Proposed Rules

For the reasons discussed above, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

Subpart L—Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

- 2. Amend § 64.1200 by:
 - a. Removing the word “or” at the end of paragraph (a)(3)(iv);
 - b. Removing the period at the end of paragraph (a)(3)(v) and adding “; or” in its place;
 - c. Adding paragraphs (a)(3)(vi), (a)(9)(v), and (a)(13);
 - d. Revising paragraph (b)(1);
 - e. Removing the word “and” at the end of paragraph (f)(9)(i)(A);
 - f. Removing the period at the end of paragraph (f)(9)(i)(B) and adding “; and” in its place; and
 - g. Adding paragraphs (f)(9)(i)(C) and (f)(20).

The additions and revisions read as follows:

§ 64.1200 Delivery restrictions.

- (a) * * *
- (3) * * *
- (vi) Is made by an individual with a speech or hearing disability using any technology, including artificial intelligence technologies, designed to facilitate the ability of such individuals to communicate using an artificial or prerecorded voice over the telephone and does not include or introduce an advertisement or constitute telemarketing.

* * * * *

- (9) * * *
- (v) Calls made by individuals with speech or hearing disabilities using any technology, including artificial intelligence (AI) technologies, designed to facilitate the ability of such individuals to communicate using an artificial or prerecorded voice over the telephone, provided that the calls must not include any telemarketing or advertising content.

* * * * *

(13) Callers making an AI-generated call subject to the requirements contained in paragraphs (a)(1) through (3) of this section must provide clear and conspicuous disclosure that they intend to use AI-generated voice or text content on such calls when obtaining the prior express consent of the called party.

(b) * * *

(1) At the beginning of the message, state clearly the identity of the business, individual, or other entity that is responsible for initiating the call, and disclose whether the call uses an artificial intelligence-generated voice. If a business is responsible for initiating the call, the name under which the entity is registered to conduct business with the State Corporation Commission (or comparable regulatory authority) must be stated;

* * * * *

(f) * * *

(9) * * *

(i) * * *

(C) For AI-generated calls, that the caller intends to make use of AI-technology to generate voice or text content and the person signing the agreement specifically agrees to receive calls that include AI-generated content.

* * * * *

(20) The term *AI-generated call* means a call that uses any technology or tool to generate an artificial or prerecorded voice or a text using computational technology or other machine learning, including predictive algorithms, and large language models, to process natural language and produce voice or text content to communicate with a called party over an outbound telephone call.

* * * * *

[FR Doc. 2024–19028 Filed 9–9–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2024–0130; FXES111109FEDR–245–FF09E21000]

RIN 1018–BH45

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Alabama Hickorynut and Threatened Status With Section 4(d) Rule for *Obovaria cf. unicolor*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Alabama hickorynut (*Obovaria unicolor*) as an endangered species and the undescribed *Obovaria* cf. *unicolor* as a threatened species under the Endangered Species Act of 1973 (Act), as amended. Both species are freshwater mussels. This document also serves as our 12-month finding on a petition to list the Alabama hickorynut. For *Obovaria* cf. *unicolor*, we also propose a rule issued under section 4(d) of the Act to provide for the conservation of the species. If we adopt this rule as proposed, it would apply the protections of the Act to these species. We find that designation of critical habitat for both the Alabama hickorynut and *Obovaria* cf. *unicolor* is prudent but not determinable at this time.

DATES: We will accept comments received or postmarked on or before November 12, 2024. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 25, 2024.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-R4-ES-2024-0130, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment."

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R4-ES-2024-0130, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available at <https://www.regulations.gov> under Docket No. FWS-R4-ES-2024-0130.

FOR FURTHER INFORMATION CONTACT: Bill Pearson, Field Supervisor, U.S. Fish and

Wildlife Service, Alabama Ecological Services Field Office, 1208 Main Street, Daphne, AL 36526; telephone 251-441-5870. 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 see Docket No. FWS-R4-ES-2024-0130 on <https://www.regulations.gov> for a document that summarizes this rulemaking.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act (16 U.S.C. 1531 *et seq.*), a species warrants listing if it meets the definition of an endangered (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants listing, we must list the species promptly and designate the species' critical habitat to the maximum extent prudent and determinable. We have determined that the Alabama hickorynut meets the Act's definition of an endangered species and that *Obovaria* cf. *unicolor* meets the Act's definition of a threatened species; therefore, we are proposing to list them accordingly. Listing a species as an endangered species or a threatened species can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. We propose to list the Alabama hickorynut as an endangered species, and we propose to list *Obovaria* cf. *unicolor* as a threatened species with a rule issued under section 4(d) of the Act (a "4(d) rule").

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We

have determined that the Alabama hickorynut is endangered due to the following threats: sedimentation, altered flow regimes, point and nonpoint source pollution, climate change, direct and indirect impacts of development and anthropogenic disturbances, and sea level rise associated with climate change. We have further determined that *Obovaria* cf. *unicolor* is threatened due to the following threats: sedimentation, altered flow regimes, point and nonpoint source pollution, climate change, direct and indirect impacts of development and anthropogenic disturbances, and sea level rise associated with climate change.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns and the locations of any additional populations of these species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for these species, their habitats, or both.

(2) Threats and conservation actions affecting these species, including:

(a) Factors that may be affecting the continued existence of these species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors;

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species; and

(c) Existing regulations or conservation actions that may be addressing threats to these species.

(3) Additional information concerning the historical and current status of these species.

(4) Information to assist with applying or issuing protective regulations under section 4(d) of the Act that may be necessary and advisable to provide for the conservation of the *Obovaria* cf. *unicolor*. In particular, we seek information concerning:

(a) The extent to which we should include any of the Act's section 9 prohibitions in the 4(d) rule; and

(b) Whether we should consider any additional or different exceptions from the prohibitions in the 4(d) rule.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determinations may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that one or both species are a different status, or we may conclude that one or both species do not warrant listing as either an endangered species or a threatened species. In addition, for *Obovaria* cf.

unicolor, we may change the parameters of the prohibitions or the exceptions to those prohibitions in the protective regulations under section 4(d) of the Act if we conclude it is appropriate in light of comments and new information received. For example, we may expand the prohibitions if we conclude that the protective regulation as a whole, including those additional prohibitions, is necessary and advisable to provide for the conservation of the species. Conversely, we may establish additional or different exceptions to the prohibitions in the final rule if we conclude that the activities would facilitate or are compatible with the conservation and recovery of the species. In our final rule, we will clearly explain our rationale and the basis for our final decisions, including why we made changes, if any, that differ from this proposal.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to in the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

In April 2010, the Alabama hickorynut was included in a petition from the Center for Biological Diversity and others (CBD 2010, entire) requesting that the Service list 404 aquatic, riparian, and wetland species as endangered or threatened species under the Act. In response to the petition, on September 27, 2011, the Service published in the **Federal Register** (76 FR 59836) a partial 90-day finding in which we announced our finding that the petition contained substantial information indicating that listing may be warranted for numerous species, including the Alabama hickorynut.

On February 27, 2020, the Center for Biological Diversity filed a lawsuit against the Service, alleging, among other claims, that the Service violated the Act (16 U.S.C. 1533(b)(3)(B)) by delaying the 12-month finding for the

listing of the Alabama hickorynut. The parties entered a settlement agreement on July 24, 2023, in which the Service committed to submit the 12-month finding to the **Federal Register** by September 2, 2024. This document complies with the settlement agreement.

We note that the April 2010 petition specified an accepted range for the Alabama hickorynut of the eastern Gulf Coast drainages of the Mobile River Basin, the Pascagoula River drainage, the Pearl River drainage, and the Lake Pontchartrain drainages. However, as discussed below under I. Proposed Listing Determination, Background, preliminary data support that Alabama hickorynut (*Obovaria unicolor*) is found only in the Mobile River Basin, and the individuals from the other three drainages are a distinct species still undescribed, *Obovaria* cf. *unicolor*. Because the Alabama hickorynut was petitioned with the accepted range including all four drainages and because the genetic analysis distinguishing two distinct species is still unpublished, we evaluated the Alabama hickorynut and the undescribed species throughout the entire accepted petitioned range.

Peer Review

A species status assessment (SSA) team prepared an SSA report for Alabama hickorynut, including the undescribed *Obovaria* cf. *unicolor*. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act, we solicited independent scientific review of the information contained in the SSA report for the Alabama hickorynut and *Obovaria* cf. *unicolor*. We sent the SSA report to five independent peer reviewers and received no responses.

I. Proposed Listing Determination

Background

The SSA report (Service 2023, pp. 9–16) presents a thorough review of the taxonomy, life history, and ecology of the Alabama hickorynut (*Obovaria unicolor*) and *Obovaria* cf. *unicolor*.

Species taxonomic status remains unclear for the Alabama hickorynut.

Genetics data support Alabama hickorynut (*Obovaria unicolor*) as a Mobile River Basin endemic and the individuals of the western drainages (Pascagoula, Pearl, and Pontchartrain) comprising a distinct species yet to be formally described, *Obovaria cf. unicolor* (Inoue et al. 2013, pp. 2670–2683). Genetics work by the U.S. Geological Survey (USGS) is upcoming to resolve the taxonomic uncertainty. In the SSA report, we evaluated both the Alabama hickorynut and *Obovaria cf. unicolor* because the petitioned entity included the entire range of both species and because *Obovaria cf. unicolor* has not yet been formally described. Both species have a lifespan of 20 to 44 years. The two entities are allopatric, meaning they occur in separate, non-overlapping geographical areas. In the SSA report, we have assumed similarities between the two species in biology and ecology, but we have assessed their differences in geographic occupancy and threats faced.

The Alabama hickorynut (*Obovaria unicolor*) has a generally round to oval shape with a moderately thick shell. The species is moderately inflated and grows up to a length of 50 to 70 millimeters (mm). Males grow to be slightly larger than females (Haag and Rypel 2011, pp. 225–247). Posterior and anterior margins are rounded. The umbo is inflated and elevated above the hinge line (Williams et al. 2008, pp. 476–477; Haag, from Mirarchi et al. 2004, p. 99). The lateral teeth are short and straight. The pseudocardinal teeth are triangular and erect with two divergent teeth in the left valve and one in the right valve. The nacre inside the shell is usually white but occasionally pink (Williams et al. 2008, pp. 476–477). *Obovaria cf. unicolor* has yet to be formally described, but has a similar morphology to Alabama hickorynut.

The Alabama hickorynut and *Obovaria cf. unicolor* occupy large creeks and streams to large rivers with sand, gravel, and silt substrates in slow to moderate current (Williams et al. 2008, p. 477; Mirarchi et al. 2004, p. 99). Historically, the Alabama hickorynut occupied the mainstem of the Tombigbee and Alabama Rivers along with their associated large tributaries. *Obovaria cf. unicolor* historically occupied the mainstem and associated large tributaries of the Pascagoula, Pearl, Tangipahoa, Tickfaw, and Amite Rivers. Occurrence data collected over time indicate that both species were historically found in low densities and were relatively rare in mussel assemblages.

The Alabama hickorynut and *Obovaria cf. unicolor* have complex life

cycles that rely on fish hosts for successful reproduction, similar to other mussels. Both species are long-term brooders, gravid from August to the following June, with glochidia being fully developed by November (Haag and Warren 2003, p. 83). Several host fish species have been documented for the Alabama hickorynut and *Obovaria cf. unicolor*, and all host fishes appear to be relatively common species of darters (Percidae) of the genera *Ammocrypta*, *Etheostoma*, and *Percina*.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals

through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the U.S. Fish and Wildlife Service and National Marine Fisheries Service (hereafter, the Services) can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably

reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess the viability of Alabama hickorynut and *Obovaria cf. unicolor*, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species’

ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species’ viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species’ life-history needs. The next stage involved an assessment of the historical and current condition of the species’ demographics and habitat characteristics, including an explanation of how each species arrived at its current condition. The final stage of the SSA involved making predictions about the species’ responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R4–ES–2024–0130 on <https://www.regulations.gov>.

Summary of Biological Status and Threats

In this discussion, we review the biological conditions of the species and their resources, and the threats that influence the species’ current and future conditions, in order to assess each species’ overall viability and the risks to that viability.

Population and Species Needs

The individual, population-level, and species-level needs of the species are summarized below in table 1. For additional information, please see the

SSA report (Service 2023, pp. 19–20). Briefly, for populations to be sufficiently resilient, they must have adequate water quality, natural flow regimes, stable habitat, and substrates on a larger scale. Connectivity is also an important factor for populations because it facilitates gene flow within and among populations, thereby promoting adaptive potential, and it enables movement and dispersal of individuals to suitable habitat. Natural flow regimes are an important resource need for Alabama hickorynut and *Obovaria cf. unicolor* populations as flows are a habitat requirement for all life stages. More specifically, the species require flowing water for sheltering (habitat requirement), feeding, reproduction, and dispersal. Altered flow regimes may thus cause decreased spawning, recruitment, and survival. Adequate water quality is a need at the individual level for sheltering, reproduction, and feeding (to ensure food source is present). Stable habitat, and in particular the presence of stable sand, gravel, and silt substrates, is an important resource need for sheltering and feeding, especially for juveniles and adults due to their limited movement and dispersal abilities during these life stages. At the species level, both species need a sufficient number and distribution of healthy populations to withstand environmental and demographic stochasticity (resiliency), withstand catastrophes (redundancy), and adapt to biological and physical changes in their environment (representation). Genetic diversity should be high enough that the species will be able to adapt to changing environmental factors through the process of natural selection.

TABLE 1—SUMMARY OF THE INDIVIDUAL RESOURCE NEEDS BY LIFE STAGE OF THE ALABAMA HICKORYNUT (*Obovaria unicolor*) AND *Obovaria cf. unicolor*

Life stage	Resources needed
Fertilized Eggs	• Mature males upstream from mature females. • Suitable flow.
Glochidia	• Suitable water quality and quantity. • Interactions with appropriate host fish. • Connectivity to suitable habitat for dispersal by fish. • Suitable flow.
Juveniles	• Suitable water quality and quantity for glochidia and host fish. • Suitable, stable substrate. • Sufficient food availability within sediment. • Sufficient water flow.
Adults	• Suitable water quality and quantity. • Suitable, stable substrate. • Sufficient food availability in water column. • Suitable flow. • Suitable water quality and quantity.

Summary of Threats

To assess the status of the Alabama hickorynut and *Obovaria* cf. *unicolor*, we first examined the following influences on viability in our SSA analysis: sedimentation; altered flow regimes; point and nonpoint source pollution, which come from a variety of sources, including urbanization, agriculture, forestry, and mining; and a constricted range and reduced connectivity from impoundments (Service 2023, p. 21). We then determined which influences were most significant for viability of both the species, then modeled those influences and carried them forward in our analysis. Those influences include: habitat loss, degradation, and fragmentation (Factor A); water quality degradation (Factor A); altered flow regimes (Factor A); sedimentation from land use (Factor A); the influences of climate change on stream flow, water temperature, and sea level rise (Factor E); and their cumulative effects. We summarize these threats, as well as their sources and the responses of the Alabama hickorynut and *Obovaria* cf. *unicolor* to those threats, below. For a detailed description of threats that may influence the viability of both species, please refer to chapter 4 of the SSA report (Service 2023, pp. 21–36).

Sedimentation

Sedimentation due to a variety of sources, including agriculture, forestry practices, urbanization, bank erosion, and gravel mining, is considered a stressor to Alabama hickorynut and *Obovaria* cf. *unicolor* throughout their ranges. Sediment is composed of both organic (biological material) and inorganic (sand, silt, clay) particulate matter formed through various processes including weathering, wind/wave/ice action, and tectonic uplift (Perkins et al. 2022, p. 2). Sediment is listed as the most common pollutant in rivers, streams, lakes, and reservoirs and is estimated to cause approximately \$16 billion in damage every year (EPA 2005, pp. 9–25; Du Plessis 2019, pp. 86–87). While all streams carry some sediment, aquatic ecosystems are negatively affected if sediment loads are excessive enough to alter channel formation, stream productivity, or both.

River channel erosion, precipitation runoff, and wind transport account for 30 percent of the total sediment load in aquatic systems, while land-use activities such as agriculture (Peacock et al. 2005, p. 548), logging (Beschta 1978, entire), mining (Seakem Group et al. 1992, p. 17), urbanization (Guy and Ferguson 1963, entire), and hydrological

alteration (Hastie et al. 2001, entire) account for the remaining 70 percent (Du Plessis 2019, pp. 86–87). Agricultural activities have been found to produce the most significant amount of sedimentation (e.g., livestock grazing/trampling near water's edge; Nolte et al. 2013, p. 296).

Increased sedimentation may result in decreases in feeding and respiration, which could result in negative alterations to mussel's energetic metabolism and growth (Dimock and Wright 1993, p. 183; La Peyre et al. 2019, p. 5). Specifically, as sedimentation increases, clearance rates (i.e., volume of water completely cleared of particles per unit time) decrease and pseudofeces (i.e., waste) increase to prevent gill filaments from clogging (Bayne and Newell 1983, entire; Madon et al. 1998, p. 401). If the stressor becomes long-term, mussels may find feeding to be outweighed by the energetic cost of sorting food vs. non-food material, decreasing the individual's body condition (Bayne and Widdows 1978, p. 137; Madon et al. 1998, p. 401).

Increased sedimentation is expected to interfere with mussel-host fish interaction, further impacting the reproductive success of mussels due to physical abrasion of the host fish's gills or decreased visibility within the water column. Successful glochidial attachment and metamorphosis has been found to be reduced at concentrations ranging from 1,250 to 5,000 milligrams per liter (mg/L) of montmorillonite clay in the water column (Beussink et al. 2007, pp. 15–17). This reduction is attributed to physical abrasion of fish gill tissues from increased suspended sediment; increased fish mucus production in attempt to protect the gill from physical abrasion; coughing, which may dislodge glochidia from the gills; or declines in keratocytes (i.e., wound-healing cells), which would harm glochidia's ability to encapsulate (Beussink et al. 2007, pp. 15–17).

Dams and Impoundments

The detrimental effects of impoundments and dams on aquatic habitats and freshwater mussels are relatively well-documented (Watters 1999, p. 261). Increased demand for transportation, power, and water needs in the 1920s and 1930s led to rapid industrialization (Haag 2012, p. 329). Currently, there are an estimated 3,404 dams within the Mobile River basin. More than 1,000 miles of small and large river habitat in the Mobile River drainage have been impounded for navigation, flood control, water supply,

and/or hydroelectric production purposes (58 FR 14330 at 14335, March 17, 1993). These impoundments kill riverine mussels during construction and dredging, suffocate them by accumulating sediments, lower food and oxygen availability for the mussels by the reducing water flow, and cause local extirpation of host fish. Within the eastern United States, extinction and/or extirpation of native freshwater mussels has been attributed to impoundment and inundation of riffle habitats in all major river basins (Haag 2008 p. 107; Neves et al. 1997, p. 63).

After a dam is installed and reservoir created, the aquatic habitat typically accumulates more silt, loses shallow water habitat, decreases in water flow, accumulates more pollutants (adhered to sediment particles), and overall accumulates more nutrient-poor water (due to decaying algae within the reservoir, which depletes dissolved oxygen) (Watters 1999, p. 261). Typically, mussels are abundant in shallower waters and cannot tolerate impoundment depths and temperatures or fluctuating conditions found in tailwaters of dams (Fagin 2020, p. 2). Further, impoundments become sediment traps, which may increase the chance of smothering and decrease species' interactions with host fish. Mussels living in the tailwaters may experience fluctuations in temperatures and water levels (Watters 1999, p. 262). These fluctuations may expose individuals to dewatering events and/or excessively warm- or cold-water temperatures (Watters 1999, p. 262). Ultimately, the survival and overall reproductive success of mussels is influenced both upstream and downstream of dams.

Within the range of *Obovaria* cf. *unicolor*, plans for a new reservoir on the Pearl River downstream of Ross Barnett Reservoir near Jackson, Mississippi, are under consideration (Lindeman 2013, pp. 202–203). Of particular note is the proposed One Lake project, which includes a new dam and commercial development area 9 miles (14.5 kilometers) south of the current Ross Barnett Reservoir Dam near Interstate 20. The intent of the One Lake project is to dredge the Pearl River in order to widen, deepen, and straighten an additional 10 miles (16.1 kilometers) of waterway for flood control protection and commercial development opportunities. The One Lake project is still being debated, and the project's future is uncertain. If the One Lake project is implemented, it will likely alter the hydrologic regime and geomorphology of the Pearl River (similar to how the construction of Ross

Barnett Reservoir altered the system in the 1960s). This potential altered regime could increase channel instability and erosion through drastic changes in water outflows at dams, which can lead to bank collapse.

Also within the range of *Obovaria cf. unicolor*, plans for new reservoirs on Big Cedar Creek in the Pascagoula River drainage have been proposed in the past as the Lake George Project; however, the current status of the project is unknown. If the Lake George project is implemented, it will likely alter the hydrologic regime and geomorphology of the Big Cedar Creek and subsequently the Pascagoula River. This potential altered regime could lead to increased channel instability.

Channelization

Channelization activities profoundly alter riverine habitats by reducing habitat heterogeneity and aquatic diversity (Ebert 1993, p. 157; Watters 1999, p. 268). These activities affect many physical characteristics of streams through accelerated erosion (*i.e.*, headcutting), increased bedload (sediment that moves along the streambed), reduced depth, decreased habitat diversity, geomorphic instability (channel modification and subsequent instability), and riparian canopy loss (Hartfield 1993, p. 139). Further, changes in water velocity and depth associated with channelization increase turbulence and suspended sediments. These impacts contribute to loss of habitat for the Alabama hickorynut and *Obovaria cf. unicolor*, as well as interfere with gravid female host-fish interactions.

One of the largest water development projects within the United States, the Tennessee-Tombigbee Waterway (TTW) in Alabama and Mississippi is within the Alabama hickorynut's range. While the project was authorized in 1946, the TTW did not begin construction until 1972. The TTW constructed to provide more direct access from the Tennessee River to the Gulf of Mexico, was completed in 1984 and includes 10 lock and dams as well as 377 km of channelization (Haag 2012, p. 330). This project significantly altered the Tombigbee River, which had been the last free-flowing, unpolluted, diverse stream systems within the Mobile Basin, into a series of artificial canals and reservoirs. The construction of the TTW has significantly negatively impacted the Alabama hickorynut's range and abundance by rendering the majority of the mainstem of the Tombigbee River inhospitable to the Alabama hickorynut. The impacts of this channelization are ongoing.

No other new channelization projects are on the horizon; however, the U.S. Army Corps of Engineers (USACE) is undergoing planning efforts to improve navigation in the TTW, which will include deepening the channel. Because the underlying geology is particularly sensitive to disturbance, further bed instability is likely throughout the channel and downstream without effective planning and designs to prevent head-cuts.

Dredging and channelization of fluvial (flowing water) systems include the widening and deepening of stream channels, which increases channel capacity, shortens stream length, and increases stream gradient (Pierce and King 2013, p. 223). These activities allow greater volumes of water to move through the system at a faster rate; however, they also hydrologically disconnect river channels from the adjacent floodplain. Within the southeastern United States, channelization has been used for navigation and to reduce flooding, and it is likely even more extensive than damming (Haag 2012, p. 330).

Channels dredged for navigation or flood control will eventually begin to refill with material. To ensure minimum depth, the channel is often periodically re-dredged. Subsequent dredge spoil (*i.e.*, unconsolidated mixed sediment composed of rock, soil, and/or shell material) and contaminants associated with the waste are often deposited in upland areas (Watters 1999, p. 268). Over time, this waste may re-enter the water via surface runoff, biological uptake and cycling, and/or leaching into groundwater (Watters 1999, p. 268), and may subsequently affect the Alabama hickorynut and *Obovaria cf. unicolor* directly or may affect their habitats.

Gravel Mining

The Alabama hickorynut and *Obovaria cf. unicolor* are not found in impounded waters and are intolerant of lentic (standing water) habitats that may be formed by gravel mining or other landscape-altering practices. Incompatible sand and gravel mining, with its disruption of topography, vegetation, and flow pattern of streams, is considered a major stressor to the Bogue Chitto River in the Pearl River drainage where *Obovaria cf. unicolor* occurs (TNC 2004, p. 16). Although Louisiana has reduced the number of gravel mining permits issued, mining in the floodplain continues to be a significant threat to *Obovaria cf. unicolor* in that state.

In *Obovaria cf. unicolor*'s range in the Pascagoula River drainage, the results of historical sand and gravel dredging

impacts have been a concern for the Bouie and Leaf Rivers (Mississippi Department of Environmental Quality (MDEQ) 2000, pp. 1–98). Historically, the American Sand and Gravel Company (1995, p. B4) has mined sand and gravel using a hydraulic suction dredge, operating within the banks or adjacent to the Bouie and Leaf Rivers. Large gravel bars of the river and its floodplain were removed over a period of 50 years, creating open-water areas that function as deep lake systems (American Sand and Gravel Company 1995, pp. B4–B8). The creation of these large, open-water areas has accelerated geomorphic processes, specifically headcutting (erosional feature causing an abrupt drop in the streambed) that has adversely affected the flora and fauna of many coastal plain streams (Patrick et al. 1993, p. 90). The infilling of these gravel pits and their downstream effects back to a natural riverine state is predicted to take hundreds of years (Grimball and Heitmuller 2012, p. 158). Mining in active river channels typically results in incision upstream of the mine by knickpoints (breaks in the slope of a river or stream profile caused by renewed erosion attributed to a bottom disturbance that may retreat upstream), sediment deposition downstream, and an alteration in channel morphology that can have impacts for years (Mossa and Coley 2004, pp. 1–20). The upstream migration of knickpoints, or headcutting, may cause undermining of structures, lowering of alluvial water tables (aquifer comprising unconsolidated materials deposited by water and typically adjacent to rivers), channel destabilization and widening, and loss of aquatic and riparian habitat. This geomorphic change may cause the extirpation of riparian and lotic (flowing water) species (Patrick et al. 1993, p. 96).

Contaminants

Metals—Freshwater mussels are one of the most sensitive species to metals, ammonia, and ion constituents including copper, alachlor (*i.e.*, an herbicide), nickel, chloride, sulfate, zinc, and potassium (Wang et al. 2017, p. 1). Despite limited research, data indicate mussels representing different families or tribes have similar sensitivities to most chemicals, regardless of mode of toxic exposure (Wang et al. 2017, p. 1). This information indicates thresholds identified for other freshwater mussels can be used to infer the response of the Alabama hickorynut and *Obovaria cf. unicolor*.

Metals naturally occur in aquatic ecosystems and are primarily introduced to waterways due to weathering of rocks, soil erosion, and/or dissolution of water-soluble salts (Garbarino et al. 1995, p. 1). While naturally occurring metals often move through aquatic ecosystems without detrimental effects to aquatic biota, this is not necessarily the case with anthropogenic sources of metals. Industrial and forestry activities within the region that do not employ best management practices (BMPs) and directly discharge into river systems significantly increase heavy metal loads (Suryawanshi 2017, p. 625; Uttermann et al. 2019, p. 200). As a result, river systems that are habitat for the Alabama hickorynut and *Obovaria cf. unicolor* may have metal contamination, which may negatively impact the species; however, we do not have specific data about the streams the two species inhabit.

Nutrients and ions—The southeastern United States is affected by intense pressures of fossil fuel mining, urban development/sprawl, agricultural and forestry practices, and increasing demands for fresh water (Archambault et al. 2017, p. 395). Runoff associated with these practices when BMPs are not employed (*i.e.*, fertilizers, pesticides, industrial and wastewater effluents, mining discharge, and sediment) increases nutrient and ion concentrations in waterways that (depending on magnitude and duration) may exceed freshwater mussel thresholds (Salerno et al. 2020, pp. 1–2).

Climate Change

Climate change has the potential to increase vulnerability of the Alabama hickorynut and *Obovaria cf. unicolor* to catastrophic events or to alter habitat suitability (*e.g.*, water temperature, dissolved oxygen, sea level rise) within the species' range. Over the years, climate change impacts (impaired waters and reduced water supply security) have been reportedly more frequent and intense (Intergovernmental Panel on Climate Change (IPCC) 2022, p. 1931). Extreme heat and precipitation trends have altered ecosystem processes (*e.g.*, freshwater cycling). Further, projected droughts will become more intense because of higher temperatures, and the progressive loss of seasonal water storage will lead to lower summer stream flows (IPCC 2022, p. 1932). Population growth and agricultural activities are expected to continue to place high demands on the water supply within the range of the species, impacting stream flow. These lower

stream flows may negatively impact the Alabama hickorynut and *Obovaria cf. unicolor*.

Conservation Efforts and Regulatory Mechanisms

Most of the land within the ranges of the Alabama hickorynut and *Obovaria cf. unicolor* is privately owned, with some exceptions. The Alabama hickorynut currently occupies 58 protected river miles of habitat in the Buttahatchee River, 28 protected river miles in the Sipsey River, and 30 protected river miles of the Noxubee River, all of which are tributaries to the Tombigbee River. The protected land of the Buttahatchee is Wildlife Mississippi property and the Sam R. Murphy Wildlife Management Area. In the Sipsey River, the protected land is State-owned Forever Wild land, and in the Noxubee River, the protected land is federally owned as the Sam D. Hamilton Noxubee National Wildlife Refuge.

For *Obovaria cf. unicolor*, there are currently occupied protected lands in the Pascagoula River system and in the Pearl River system. In the Pascagoula River system, there are a total of 113 protected river miles, most of which are within the Pascagoula Wildlife Management Area (WMA) in the Pascagoula River, Black Creek, and Red Creek. The Nature Conservancy protects 7 river miles of currently occupied habitat in the Chickasawhay River, and there are 16 river miles protected on the Leaf River by the Camp Shelby and Mississippi Land Trust and the Mississippi River Trust. In the Pearl River system, there are a total of 69 protected river miles that are currently occupied. Three river miles are protected in the upper Pearl River as Wildlife Mississippi property, and 66 river miles are protected on the lower Pearl River as the Bogue Chitto National Wildlife Refuge.

Neither Alabama hickorynut or *Obovaria cf. unicolor* are protected under state laws. However, some streams that are occupied by the species have water quality protections in place. The Clean Water Act of 1972 (33 U.S.C. 1251 *et seq.*) regulates dredge and fill activities that would adversely affect streams and wetlands. Such activities are commonly associated with dry land projects for development, flood control, and land clearing, as well as for water-dependent projects such as docks/marinas and maintenance of navigational channels. The USACE and the Environmental Protection Agency (EPA) share the responsibility for implementing the permitting program under section 404 of the Clean Water Act. Permit review and issuance follows

a process that encourages avoidance, minimizing and requiring mitigation for unavoidable impacts to the aquatic environment and habitats. This includes protecting the riverine habitat occupied by Alabama hickorynut and *Obovaria cf. unicolor*. This law has resulted in some enhancement of water quality and habitat for aquatic life, particularly by reducing point-source pollutants. For Alabama hickorynut, two occupied waterways have Total Maximum Daily Loads (TMDLs) established by Alabama Department of Environmental Management (ADEM) for *E. coli*: the Luxapallila River and the Noxubee River. For *Obovaria cf. unicolor*, Tallahala Creek in the Pascagoula drainage has a TMDL established by Mississippi Department of Environmental Quality (MDEQ) for biological impairment, total nitrogen, pH, and total phosphorous.

Cumulative Effects

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

Current Conditions

Delineating Populations

To assess resiliency of Alabama hickorynut and *Obovaria cf. unicolor* populations, we first delineated populations in the most biologically meaningful way. We based our delineations on occurrence records through time, on our knowledge of the species' habitat and resource needs, and on expert input. We determined there to be three total Alabama hickorynut populations and six total *Obovaria cf. unicolor* populations. We also delineated subpopulations for each species to refine occupancy, influence of threats, and average abundance. The Alabama hickorynut has 13 subpopulations within its three populations, and *Obovaria cf. unicolor* has 16 subpopulations within its six populations.

Delineating Representative Units

Representation is the ability of a species to adapt to both near-term and long-term changes in its physical and biological environment. Differences in life-history traits, habitat features, and/or genetics often aid in the delineation of representative units, which are used to assess species representation. For representative unit delineation, we consulted with experts in each State and considered differences in ecological setting and connectivity at a larger scale. Based on the natural lack of large-scale connectivity, the Alabama hickorynut in the Mobile River Basin was split into two representative units: Eastern Mobile River Basin (Alabama and Cahaba Rivers) and Western Mobile River Basin (Tombigbee River). *Obovaria cf. unicolor* was divided into five representative units: the Pascagoula, the Pearl, the Tangipahoa, the Tickfaw, and the Amite Rivers. The Tangipahoa, Tickfaw, and Amite Rivers all drain into Lake Pontchartrain, and occurrences extend very close to the mouth of each river; however, the influence of salt water in Lake Pontchartrain likely limits any connectivity between these representative units.

Current Resiliency

Sufficiently resilient populations of the Alabama hickorynut and *Obovaria cf. unicolor* should be robust following normal demographic and environmental stochastic events or disturbances. We assessed the resilience of each Alabama hickorynut and *Obovaria cf. unicolor* population by synthesizing the best available information about habitat condition and population demographics. Based on the individual and population needs of the Alabama hickorynut and *Obovaria cf. unicolor* (such as adequate water quality/quantity; the presence of stable, unaltered habitat; and appropriate population size and connectivity to support reproduction and recruitment within a population), we developed an approach using key habitat and demographic factors to assess population resiliency. We assessed two demographic condition parameters (persistence through time (amount of historical range that is still currently occupied) and estimated average abundance) and one habitat condition parameter (amount of altered habitat (impoundment, channelization, head cutting, etc.)). Based on the Alabama hickorynut's lifespan, we determined the time period from 2000 to 2023 to represent the current condition of these species. We ranked subpopulations based on estimated average abundance

by reviewing count data from occurrence records and using expert elicitation based on the experts' knowledge of historical numbers. We considered a subpopulation to have a low abundance if the estimated average count per sample is 0 to 5 individuals. A subpopulation with moderate abundance has an estimated average count per sample of 6 to 10 individuals, and a subpopulation with high abundance has an estimated average count of more than 10 individuals.

In order to better facilitate comparisons of current and future conditions, we categorized resiliency into three levels, as follows:

- High—population substantially contributes to overall species viability by having more than 75 percent of its historical range that is currently occupied, relatively low amounts of altered habitat, and high abundance.
- Moderate—population contributes to overall species viability by having 50–75 percent of its historical range that is currently occupied, relatively moderate amounts of altered habitat, and ample abundance.
- Low—population is likely persisting but also likely does not contribute to overall species viability because less than 50 percent of its historical range is currently occupied, there is relatively high amounts of altered habitat, and low abundance.

i. Alabama Hickorynut (*Obovaria Unicolor*)

Alabama River—There are two subpopulations within the Alabama River population: mainstem Alabama River and Pine Barren Creek. The Alabama hickorynut historically occupied at least 233 river miles in the Alabama River and 11 river miles in Pine Barren Creek. Degradation and loss of habitat due to impoundment resulted in the extirpation of this population. Live individuals were last detected in the Alabama River mainstem in 1999 (Mcgregor et al. 2000, pp. 215–237) and last detected in Pine Barren Creek in 1917. Our analysis indicated that 100 percent of the Alabama River population's habitat has been altered.

Cahaba River—Historically, Alabama hickorynut occupied 117 river miles in the Cahaba River, a major tributary to the Alabama River. The species is now considered extirpated from this system. Surveys from 2000 to present have only detected relic, weathered shells. Seventy-four river miles of the historical range within the Cahaba River are altered.

Tombigbee River—The Alabama hickorynut occurred throughout approximately 1,077 river miles of the

mainstem Tombigbee River and several large tributaries: the Buttahatchee River, the East Fork of the Tombigbee, the Sucarnoochee River, the Sipsey River, the Black Warrior River, Luxapallila Creek, the Noxubee River, Lubbub Creek, Trussels Creek, Tibbee Creek, Bogue Chitto Creek, and Santa Bogue Creek. The construction of the TTW, which artificially connects the Tennessee River to the Tombigbee River, has led to the extirpation of many species from the river's main channel (Bennett et al. 2008, p. 467). Today, the Alabama hickorynut is considered extirpated from the mainstem Tombigbee River (approximately 300 river miles) and the Black Warrior River (approximately 170 river miles) due to impoundment, dredging, and the creation of the TTW. Most of the tributaries also experienced a reduction in extant range due to these effects. As discussed previously, the Alabama hickorynut is naturally a larger river species, occupying mostly mainstem rivers and then branching out into larger tributaries of those rivers. In the Tombigbee River system, the species has lost suitable habitat in the mainstem Tombigbee and is now isolated to several tributaries. We do not find there is much, if any, subpopulation connectivity between these tributaries due to the loss of the connecting mainstem Tombigbee habitat. However, historically, these units would all have been connected, so we consider the entire Tombigbee River system one population with 13 subpopulations. Of the 1,077 river miles historically occupied in this population, only 362 river miles are considered to be currently occupied, meaning the Alabama hickorynut currently occupies 33.62 percent of its historical range in the Tombigbee population. As a result, we consider the Tombigbee population to have low resiliency.

Currently, the Alabama hickorynut is extant in seven subpopulations of the Tombigbee population, and the species is considered extirpated in six subpopulations. Extant subpopulations are the East Fork of the Tombigbee, the Buttahatchee River, the Sipsey River, Luxapallila Creek, Lubbub Creek, the Noxubee River, and the Sucarnoochee River. Although the species is still extant in those subpopulations, it experienced range contraction in five of the seven extant subpopulations. All the extant subpopulations were classified as having low abundance except for the Sipsey River, which is considered to have high abundance. The Alabama hickorynut is considered extirpated from the following subpopulations: the

mainstem Tombigbee River, Tibbee Creek, Santa Bogue Creek, the Black Warrior River, Trussels Creek, and Bogue Chitto Creek.

The stronghold for the entire species is in the Sipsey River. Samples collected from the Sipsey River frequently contain counts of Alabama hickorynut that are orders of magnitude higher than counts currently found anywhere else within the species' range. The Sipsey River supports other rare mussel species that have also experienced precipitous declines elsewhere within their range in the Mobile River Basin, including Alabama spike (*Elliptio arca*), Alabama moccasinshell (*Medionidus acutissimus*), and Southern clubshell (*Pleurobema decisum*), indicating that the Sipsey River has maintained its ecological integrity through time (Mirarchi et al. 2004, entire; Williams et al. 2008, entire; Haag and Warren 2010, pp. 655–667). As noted above, the Sipsey River is the only subpopulation that we consider to have a “high” abundance rating.

Alabama Hickorynut: Summary Resiliency Results

Of the three populations of Alabama hickorynut in the Mobile River Basin, two are considered extirpated (Alabama and Cahaba), and one has low resiliency (Tombigbee). The species historically has been known to occur in 1,438 river miles in Alabama and Mississippi in the Mobile River Basin. The species currently occupies 362 river miles across its range, meaning it currently occupies 25.17 percent of its historical range. Overall, resiliency is considered low, meaning the species is not likely to withstand environmental stochasticity (fire, flood, storms) or disease and mortality events.

ii. *Obovaria cf. Unicolor*

Pascagoula River—*Obovaria cf. unicolor* historically occupied 549 river miles and is presumed to still occupy the full extent of the river system. The Pascagoula population is divided into five subpopulations: Pascagoula River, Leaf River, Chickasawhay River, Black Creek, and Red Creek. The Service surveyed the Pascagoula River for the species in 2023, and we confirmed current presence with a moderate abundance level. The other four subpopulations do not have current records of the species; however, these rivers and creeks have also not been surveyed recently. A system-wide mussel survey is planned for 2024 by the Mississippi Department of Fish, Wildlife, and Parks (MDWFP). We still assume presence throughout the entire Pascagoula River system despite not

having current records because the Pascagoula River is undammed and not impounded, with 0 miles of the species' range altered. Additionally, 113 river miles of the system are considered protected. Because we predict the Pascagoula River population occupies all of its historical range within the river system, the population is considered to have high resiliency.

Upper Pearl River, above Ross Barnett Reservoir—Above the Ross Barnett Reservoir in the Pearl River system, *Obovaria cf. unicolor* historically occupied 92 river miles within two subpopulations: 27 river miles in the Yockanookany River and 65 river miles in the mainstem Pearl River. Currently, the species occupies 32 river miles within this population: 27 river miles in the Yockanookany River and 5 river miles in the mainstem Pearl River.

The Yockanookany River is considered unaltered and 18 river miles are protected in the Natchez Trace Parkway. Twenty-seven river miles of the 65 historically occupied river miles of the mainstem Pearl River in this population are considered altered. Three river miles are in the mainstem Pearl River are protected by Wildlife Mississippi property. The species occupies 34.78 percent of its historical range in the upper Pearl River population. Where found in the upper Pearl population, *Obovaria cf. unicolor* is considered to have low abundance.

Therefore, the upper Pearl River population above Ross Barnett Reservoir is considered to have low resiliency.

Lower Pearl River, below Ross Barnett Reservoir—Of the total 589 river miles historically occupied in the lower Pearl population, *Obovaria cf. unicolor* still currently occupies 112 river miles, which is 19.02 percent of its historical range. Historically, there were three subpopulations in the Pearl River system below the Ross Barnett Reservoir; however, the Strong River subpopulation, which historically occupied 46 river miles, is now considered extirpated. *Obovaria cf. unicolor* is extant in the Bogue Chitto River and in the mainstem Pearl River. All of the historical range in the lower Pearl population has been altered, and where the species is still found, its abundance is considered low. The lower Pearl River population below Ross Barnett Reservoir is considered to have low resiliency.

Tangipahoa River—*Obovaria cf. unicolor* historically occurred in 78 river miles of the Tangipahoa River and currently occupies 60 river miles of this system, meaning it occupies 76.92 percent of its historical range within the Tangipahoa River. Twenty river miles of

the historical range are considered altered. The Tangipahoa River population is considered to have high resiliency.

Tickfaw River—*Obovaria cf. unicolor* historically occurred in 44 river miles of the Tickfaw and currently occupies 35 river miles of this system, meaning it occupies 79.55 percent of its historical range within the Tickfaw River. The entire historical range within this population is considered unaltered. The Tickfaw River population is considered to have high resiliency.

Amite River—*Obovaria cf. unicolor* historically occurred in 102 river miles of the Amite River but has not been detected in the system since 1988, so the Amite population is considered extirpated. There are 49 river miles within the historical range that are considered altered.

Obovaria cf. Unicolor: Summary Resiliency Results

Of the six populations of *Obovaria cf. unicolor*, one population is considered extirpated (Amite), two populations are considered to have low resiliency (Upper Pearl and Lower Pearl), and three populations are considered to have high resiliency (Pascagoula, Tangipahoa, and Tickfaw). The species historically has been known to occur in 1,454 river miles in Mississippi and Louisiana. The species currently occupies 788 river miles across its range, meaning it currently occupies 54.2 percent of its historical range. Overall, *Obovaria cf. unicolor* has moderate resiliency.

Current Representation

Representation is the ability of a species to adapt to both near-term and long-term changes in its physical and biological environment. The greater the genetic diversity a species has, the more successfully a species can respond to changing environmental conditions. In the absence of population-level genetic data for the Alabama hickorynut and *Obovaria cf. unicolor*, we considered environmental diversity across each species' range. The best available data indicate two representative units (*i.e.*, two major river systems) where the Alabama hickorynut was historically found, the Alabama River system and the Tombigbee River system, and four representative units where *Obovaria cf. unicolor* is currently found, the Pascagoula River system, the Pearl River system, the Tangipahoa River, and the Tickfaw River.

Alabama Hickorynut

Of the two representative units for Alabama hickorynut, only one remains

extant. The species has been extirpated from the Eastern Mobile River Basin and now only occupies about 25 percent of its historical range. Although still extant, the Western Mobile River Basin representative unit has been left highly fragmented with no connectivity between subpopulations. The Alabama hickorynut was extirpated from the mainstem of the Tombigbee because of the TTW. This also eliminated gene flow between the tributaries of the Tombigbee River. The variety of trend information available across its range (*i.e.*, loss of populations in tributaries or major river systems, declines in population extent and size in portions of the species' range) indicate that the Alabama hickorynut's overall ability to adapt to changing environmental conditions is minimal. This is largely due to pervasive human alteration of habitats, such as the construction and operation of impoundments. Thus, overall representation for the Alabama hickorynut is considered low.

Obovaria cf. Unicolor

Of the five representative units for *Obovaria cf. unicolor*, four remain extant. The Pearl River unit, though still extant, lost nearly 80 percent of its historical range due to human habitat alteration and degradation, which exemplifies that like Alabama hickorynut, *Obovaria cf. unicolor* also has minimal ability to adapt to changing environmental conditions. The loss of connectivity is a significant issue in the Pearl River representative unit. However, *Obovaria cf. unicolor* has representative units still spread across its historical range. One representative unit is considered extirpated, and because the species has shown that it is intolerant of major environmental changes (sedimentation, significant changes in water chemistry, habitat destabilization), we do not expect that the species will return to the unit without significant efforts to address the identified threats in this unit. For these reasons, we consider *Obovaria cf. unicolor* to have moderate representation.

Current Redundancy

Redundancy refers to the ability of a species to withstand a catastrophic event. To determine species' redundancy, we assess the species' distribution across its range. The greater the size, resiliency, and/or number of populations, and the more widely they are distributed, the greater the likelihood that the species will be able to withstand and bounce back from a significant loss (*e.g.*, extirpation of a population) from a catastrophic event.

Alabama Hickorynut

Of the three populations known for Alabama hickorynut, only one, the Tombigbee River population, remains extant, and this population has low resiliency. Within the Tombigbee River population, 7 of the 13 subpopulations are still extant. However, all but one of the extant subpopulations are considered to have low abundance, and two of the subpopulations span less than 10 river miles within their tributaries, making them more vulnerable to potential extirpation; the other subpopulations each span at least 20 river miles. All of the extant subpopulations face ongoing headcutting, sedimentation, and erosional issues from surrounding land use practices and dredging operations in the main channel. Due to the lack of connectivity between subpopulations, the species' ability to rebound or recolonize areas after catastrophic events is severely limited. We consider the Alabama hickorynut to have a low level of redundancy overall because only one extant population remains with a low level of resiliency.

Obovaria cf. Unicolor

Of the six populations of *Obovaria cf. unicolor*, one is considered extirpated and five are extant. Three of the extant populations, the Pascagoula, the Tangipahoa, and the Tickfaw, are considered to have a high level of resiliency. The other two extant populations, the upper Pearl (above Ross Barnett Reservoir) and the lower Pearl (below Ross Barnett Reservoir), have low resiliency. Although the Tangipahoa and Tickfaw populations show a high level of resiliency in the current condition, these two populations represent a small proportion of the total range of the species. The Tangipahoa population made up 5.4 percent of the species' historical range, and currently makes up 7.6 percent of the species' range. The Tickfaw population made up 3 percent of the species' historical range, and now makes up 4.4 percent of the species' range. In contrast, the Pascagoula currently makes up 70 percent of the occupied range and has high resiliency, the lower Pearl currently makes up 14 percent of the occupied range and has low resiliency, and the upper Pearl makes up 4 percent of the currently occupied range and has low resiliency. Overall, we consider *Obovaria cf. unicolor* to have moderate redundancy.

Future Conditions

As a part of the SSA, we considered multiple future influences and projected

responses by Alabama hickorynut and *Obovaria cf. unicolor*. Because we determined that the current condition of Alabama hickorynut is consistent with an endangered status (see Determination of Alabama hickorynut Status, below), we are not presenting the results of the future scenarios for Alabama hickorynut in this proposed rule. Below, we present the results for *Obovaria cf. unicolor*. Please refer to the SSA report (Service 2023, pp. 51–55) for the full analysis of future scenarios for both species. *Obovaria cf. unicolor* is most susceptible to climate change, sea level rise, and destruction and/or modification of habitat. We developed multiple future scenarios to capture the range of uncertainties regarding sea level rise and the projected responses by *Obovaria cf. unicolor*.

Climate Change

Climate change predictions under all scenarios are likely to exacerbate the currently declining trend of *Obovaria cf. unicolor*. Most climate change models predict an increase in extreme weather events, such as droughts and heavy precipitation (IPCC 2022 p. 15), and they project that average annual temperatures will increase, cold days will become less frequent, the freeze-free season will lengthen by up to a month, temperatures exceeding 95 degrees Fahrenheit (°F) will increase, and heat waves will become longer (Ingram et al. 2013, p. 32; IPCC 2021, entire). Since the 1970s, moderate to severe droughts in the Southeast have increased by 12 percent during spring months and by 14 percent during summer months (Jones et al. 2015, p. 126). Declines of 65–83 percent in mussel density were observed after severe droughts in the upper reaches of the Sipsey River, and decreases in dissolved oxygen and increases in temperature were cited as causes for the decline (Haag and Warren 2008, pp. 1165–1178). As mentioned, *Obovaria cf. unicolor* is sensitive to drops and fluctuations in dissolved oxygen and to elevated temperatures (van Ee et al. 2022, pp. 1–14) since it is naturally adapted to larger riverine systems. The effects of higher temperatures and reduced flows are expected to affect subpopulations of the species in upstream reaches first, reducing overall population resiliency (Haag and Warren 2008, pp. 1165–1178).

Sea Level Rise

Sea level rise (SLR) impacts future resilience of *Obovaria cf. unicolor* by influencing the area occupied and habitat available through increased salinity. To estimate loss/degradation of

habitat due to inundation from SLR, we used the National Oceanic and Atmospheric Administration's (NOAA's) shapefiles available at their online sea level rise viewer (NOAA 2020, unpaginated). Projected SLR scenarios from NOAA provide a range of inundation levels from low to extreme. We chose NOAA's intermediate-high and extreme scenarios, which correspond to the representative concentration pathway (RCP)4.5 and RCP8.5 emission scenarios, to encompass the breadth of possible scenarios (IPCC 2013, p. 20). Local scenarios are available at a location near Mobile Bay in Alabama, and they provide estimates of SLR affecting the range of *Obovaria cf. unicolor* at decadal time steps out to the year 2100. We found the average+ SLR estimate for the intermediate and extreme NOAA scenarios from this station and used the estimate (rounded to the nearest foot, because shapefiles are only available at 1-foot increments) to project estimated habitat loss at years 2040 and 2070. Where SLR estimates overlap with known occupied portions of the river system, we assume that area is no longer occupiable by *Obovaria cf. unicolor*.

As expected, projections of SLR only impacted *Obovaria cf. unicolor* in occupied habitat of coastal drainages. *Obovaria cf. unicolor* has projected SLR impacts in the three Pontchartrain drainages: the Amite, the Tickfaw, and the Tangipahoa. The Amite population is already considered extirpated, but we expect SLR to result in contraction of the Tickfaw and Tangipahoa populations in the future, which would reduce each of these population's resiliency from high resiliency to moderate resiliency, and thus reduce their contribution to species representation and redundancy in the future. In the Tickfaw, we project a loss of 8.4 to 17.9 river miles, which corresponds to a 24 to 51 percent range reduction, and in the Tangipahoa, we project a loss of 4.5 to 7.3 river miles, which corresponds to a 7.5 to 12.1 percent range reduction.

Future Viability Summary

In summary, we expect decreased resiliency, redundancy, and representation in the future for *Obovaria cf. unicolor*. The magnitude of reduction in resiliency, redundancy, and representation for this species will depend on the climate change scenario realized and the outcomes of future water engineering projects, which are the two main influences that are expected to exacerbate the negative impacts that populations are

experiencing due to habitat fragmentation and range constriction.

Obovaria cf. unicolor will be vulnerable to future impacts throughout its remaining range. The effects of climate change from sea level rise will reduce the already limited ranges of the Tangipahoa and Tickfaw populations. *Obovaria cf. unicolor* will also experience negative impacts from the increased temperatures, increased occurrences of drought, and reduced dissolved oxygen across the species' range. Meanwhile, the effects of future channel modification projects have the potential to reduce resiliency in the Upper Pearl, Lower Pearl, and Pascagoula populations. Only one population will have high resiliency (Pascagoula), two will have moderate resiliency (Tangipahoa and Tickfaw), and one will have low resiliency (Pearl); the Amite population would remain extirpated. Additionally, due to this expected decrease in future population resiliency and to the expected continued reduction in population ranges, species redundancy and representation are also expected to decrease in the future. Representation will move from currently moderate to low. This will result in decreased adaptive capacity. Redundancy will move from currently moderate to low.

Determination of Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an "endangered species" as a species in danger of extinction throughout all or a significant portion of its range and a "threatened species" as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

i. Alabama Hickorynut

Alabama Hickorynut—Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determined the primary threats affecting the biological status of Alabama hickorynut include the following: sedimentation, altered flow regimes, point and nonpoint source pollution, and direct and indirect impacts of development and anthropogenic disturbances (Factor A), and impacts of climate change, including sea level rise (Factor E). We delineated 16 Alabama hickorynut subpopulations in three populations across the species' historical range; 13 subpopulations in one population are extant. In our current condition analysis, we assessed habitat condition and population demographics to determine the species' current resiliency. Populations with occurrences since 2000 were considered current. Two Alabama hickorynut populations in the Mobile River Basin have been extirpated (Alabama and Cahaba) and are not expected to naturally re-establish. The one extant Alabama hickorynut population exhibits low current resiliency (Tombigbee).

Based on differences in ecological settings and connectivity at a larger scale, we delineated two representative units for the Alabama hickorynut in the Mobile River Basin: the extirpated Eastern Mobile River Basin (Alabama and Cahaba Rivers) and the Western Mobile River Basin (Tombigbee River). The extant Western Mobile River Basin representative unit is highly fragmented with no connectivity between subpopulations following the completion of the TTW in 1984. This project led to the extirpation of the species from the Tombigbee mainstem due to dredging, channelization, and installation of impoundments, which eliminated gene flow between the tributaries of the Tombigbee River. We determined that the Alabama hickorynut's overall ability to adapt to changing environmental conditions (representation or adaptive capacity) is low.

With one population in low resiliency, the Alabama hickorynut has low redundancy. However, some redundancy is possible within the population, with 7 of the 13 subpopulations distributed such that it would be unlikely for one catastrophic event to extirpate all the subpopulations at once. However, six of seven subpopulations have low abundance, making them more vulnerable to

potential extirpation by catastrophic events.

Our analysis of the species' current condition, as well as the conservation efforts discussed above, show that the Alabama hickorynut is currently in danger of extinction throughout all of its range due to the severity and immediacy of threats currently impacting its populations. The threats are occurring across the entire range of this species, and the species currently exhibits low resiliency, redundancy, and representation. Thus, after assessing the best scientific and commercial data available, we determined that the species meets the definition of an endangered species throughout all of its range.

Alabama Hickorynut—Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. We have determined that the Alabama hickorynut is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Alabama hickorynut warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d. 69 (D.D.C. 2020) (*Everson*), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of their range.

Alabama Hickorynut—Determination of Status

Our review of the best available scientific and commercial information indicates that the Alabama hickorynut meets the Act's definition of an endangered species. Therefore, we propose to list the Alabama hickorynut as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

ii. *Obovaria cf. unicolor*

Obovaria cf. unicolor—Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determined that the primary threats affecting the biological status of *Obovaria cf. unicolor* include: sedimentation, altered flow regimes, point and nonpoint source pollution,

and direct and indirect impacts of development and anthropogenic disturbances (Factor A), and impacts of climate change, including sea level rise (Factor E).

Historically, *Obovaria cf. unicolor* was known from 1,454 river miles in Mississippi and Louisiana. The species currently occupies 788 river miles, or 54 percent of its historical range. We delineated 13 subpopulations in 6 populations across the species' historical range. The Amite population of *Obovaria cf. unicolor* is extirpated. Of five extant populations, two exhibit low current resiliency (Upper Pearl, Lower Pearl), and three exhibit high current resiliency (Pascagoula, Tangipahoa, Tickfaw).

Although *Obovaria cf. unicolor* is extant in four of five representative units: Pascagoula, Pearl, Tangipahoa, and Tickfaw, connectivity within and between the representative units is very low due to unsuitable habitat conditions. The species declines in abundance and distribution indicate it may not be able to tolerate major environmental changes; therefore, we determined *Obovaria cf. unicolor* also has minimal ability to adapt to changing environmental conditions (adaptive capacity). However, three *Obovaria cf. unicolor* populations currently with high resiliency are distributed across the species range, so the species currently has moderate redundancy. Given that *Obovaria cf. unicolor* is still present in four representative units, three of the populations are high resiliency, and these populations are distributed across the range, *Obovaria cf. unicolor* is not currently in danger of extinction.

In the future, continued modification to channels and resource extraction are expected to occur within the range of *Obovaria cf. unicolor*. Additionally, one to 5 feet of sea level rise (depending on the sea level rise scenario) would affect the Tickfaw and Tangipahoa populations, causing a range contraction for the species. Species resilience will decrease, with only one population with high resiliency (Pascagoula), two with moderate resiliency (Tangipahoa and Tickfaw), and one with low resiliency (Pearl); the Amite population will remain extirpated. Representation will move from currently moderate to low. This will result in decreased adaptive capacity. Redundancy will move from currently moderate to low.

Thus, after assessing the best scientific and commercial data available, we determine that *Obovaria cf. unicolor* is not currently in danger of extinction but is likely to become in danger of extinction within the

foreseeable future throughout all of its range.

Obovaria cf. unicolor—Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. The court in *Everson* vacated the aspect of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (hereafter "Final Policy"; 79 FR 37578, July 1, 2014) that provided if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range.

Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant; and (2) the species is in danger of extinction in that portion. Depending on the case, it might be more efficient for us to address the "significance" question or the "status" question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Everson*, we now consider whether the species is in danger of extinction in a significant portion of its range. In undertaking this analysis for *Obovaria cf. unicolor*, we choose to address the status question first.

We evaluated the range of the *Obovaria cf. unicolor* to determine if the species is in danger of extinction in any portion of its range. The range of the species can theoretically be divided into portions in an infinite number of ways. We focused our analysis on portions of the species' range that may meet the definition of an endangered species. For *Obovaria cf. unicolor*, we considered whether the threats or their effects on the species are greater in any biologically meaningful portion of the species' range than in other portions such that the species is in danger of extinction in that portion.

We examined the following threats: sedimentation, altered flow regimes, point and nonpoint source pollution, impacts of climate change, including sea

level rise, and direct and indirect impacts of development and anthropogenic disturbances, including cumulative effects.

The Pearl River unit (upper and lower populations) is the only unit that could conceivably be in danger of extinction now. The Amite population is extirpated, and lost historical range cannot be a significant portion of a species' range under the Final Policy. The Pascagoula, Tangipahoa, and Tickfaw populations all currently exhibit high resiliency. On the other hand, the Pearl River unit has highly fragmented habitat and low resiliency, representation, and redundancy. Additionally, within this unit, *Obovaria cf. unicolor* has lost a large portion of its range, and the Pearl River (above and below the reservoir) has experienced a high degree of channel modification and changes in flow regime, resulting in degraded and unsuitable habitat conditions for *Obovaria cf. unicolor*. Therefore, the populations in this unit may have a different status than the rest of the range (*i.e.*, this portion may be in danger of extinction).

As a result, we move to the significance question. We considered whether the portion may (1) occur in a unique habitat or ecoregion for the species; (2) contain high-quality or high-value habitat relative to the remaining portions of the range; (3) contain habitat that is essential to a specific life-history function for the species and that is not found in the other portions (for example, the principal breeding ground for the species); or (4) contain a large geographic portion of the suitable habitat relative to the remaining portions of the range for the species. The Pearl River unit is not a significant portion of the range because it does not represent a large geographic portion of *Obovaria cf. unicolor*'s range (*i.e.*, it constitutes approximately 18 percent of the occupied range), it is not high-quality habitat relative to the remaining portion of the range (the highest quality habitat is in the Pascagoula unit), and it does not provide unique or important resources to a particular life stage of *Obovaria cf. unicolor*.

Therefore, no portion of the species' range provides a basis for determining that the species is in danger of extinction in a significant portion of its range, and we determine that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This does not conflict with the courts' holdings in *Desert Survivors v. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018), and *Center for Biological Diversity v. Jewell*, 248 F.

Supp. 3d, 946, 959 (D. Ariz. 2017), because, in reaching this conclusion, we did not apply the aspects of the Final Policy, including the definition of “significant” that those court decisions held to be invalid.

Obovaria cf. Unicolor—Determination of Status

Our review of the best available scientific and commercial information indicates that *Obovaria cf. unicolor* meets the Act's definition of a threatened species. Therefore, we propose to list *Obovaria cf. unicolor* as a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

The recovery planning process begins with development of a recovery outline made available to the public soon after a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions while a recovery plan is being developed. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) may be established to develop and implement recovery plans. The recovery planning process involves the identification of

actions that are necessary to halt and reverse the species' decline by addressing the threats to its survival and recovery. The recovery plan identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (“downlisting”) or removal from protected status (“delisting”), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery outline, draft recovery plan, final recovery plan, and any revisions will be available on our website as they are completed (<https://www.fws.gov/program/endangered-species>), or from our Alabama Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.*, restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their ranges may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

If these species are listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of Alabama would be eligible for Federal funds to implement management actions that promote the protection or recovery of Alabama hickorynut or *Obovaria cf. unicolor*. Information on our grant programs that are available to aid species recovery can be found at: <https://www.fws.gov/service/financial-assistance>.

Although the Alabama hickorynut and *Obovaria cf. unicolor* are only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new

information on these species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7 of the Act is titled, “Interagency Cooperation,” and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the Federal action is likely to result in jeopardy or adverse modification.

In contrast, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. Although the conference procedures are required only when an action is likely to result in jeopardy or adverse modification, action agencies may voluntarily confer with the Service on actions that may affect species proposed for listing or critical habitat proposed to be designated. In the event that the subject species is listed or the relevant critical habitat is designated, a conference opinion may be adopted as a biological opinion and serve as compliance with section 7(a)(2) of the Act.

Examples of discretionary actions for Alabama hickorynut and *Obovaria cf. unicolor* that may be subject to conference and consultation under section 7 are land management or other landscape-altering activities on Federal lands administered by the USACE, U.S.

Department of Agriculture (including the Natural Resources Conservation Service, Farm Services Agency, and U.S. Forest Service), U.S. Department of Energy, U.S. Department of Transportation, U.S. Environmental Protection Agency (EPA), and U.S. Fish and Wildlife Service, as well as actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the USACE under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Federal agencies should coordinate with the local Service Field Office (see **FOR FURTHER INFORMATION CONTACT**, above) with any specific questions on section 7 consultation and conference requirements.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, and the Service’s implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. Certain exceptions to these prohibitions apply to employees or agents of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations

governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued: for scientific purposes, for enhancing the propagation or survival of the species, or for take incidental to otherwise lawful activities. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

II. Protective Regulations Under Section 4(d) of the Act for *Obovaria cf. unicolor*

Background

Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as she deems necessary and advisable to provide for the conservation of species listed as threatened species. Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. With these two sentences in section 4(d), Congress delegated broad authority to the Secretary to determine what protections would be necessary and advisable to provide for the conservation of threatened species, and even broader authority to put in place any of the section 9 prohibitions for a given species.

The courts have recognized the extent of the Secretary’s discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld, as a valid exercise of agency authority, rules developed under section 4(d) that included limited prohibitions against takings (see *Alsea Valley Alliance v. Lautenbacher*, 2007 WL 2344927 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 WL 511479 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, “once an animal is on the threatened list, the Secretary has an

almost infinite number of options available to [her] with regard to the permitted activities for those species. [She] may, for example, permit taking, but not importation of such species, or [she] may choose to forbid both taking and importation but allow the transportation of such species” (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

The provisions of this species’ proposed protective regulations under section 4(d) of the Act are one of many tools that we would use to promote the conservation of *Obovaria cf. unicolor*. The proposed protective regulations would apply only if and when we make final the listing of *Obovaria cf. unicolor* as a threatened species. Nothing in 4(d) rules change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability of the Service to enter into partnerships for the management and protection of *Obovaria cf. unicolor*. As mentioned previously in Available Conservation Measures, section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, even before the listing of any species or the designation of its critical habitat is finalized, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. These requirements are the same for a threatened species regardless of what is included in its 4(d) rule.

Section 7 consultation is required for Federal actions that “may affect” a listed species regardless of whether take caused by the activity is prohibited or excepted by a 4(d) rule (under general application of the “blanket rule” option (for more information, see 89 FR 23919, April 5, 2024) or a species-specific 4(d) rule). A 4(d) rule does not change the process and criteria for informal or formal consultations and does not alter the analytical process used for biological opinions or concurrence letters. For example, as with an endangered species, if a Federal agency determines that an action is “not likely to adversely affect” a threatened species, this will require the Service’s written concurrence (50 CFR 402.13(c)).

Similarly, if a Federal agency determines that an action is “likely to adversely affect” a threatened species, the action will require formal consultation with the Service and the formulation of a biological opinion (50 CFR 402.14(a)). Because consultation obligations and processes are unaffected by 4(d) rules, we may consider developing tools to streamline future intra-Service and interagency consultations for actions that result in forms of take that are not prohibited by the 4(d) rule (but that still require consultation). These tools may include consultation guidance, Information for Planning and Consultation effects determination keys, template language for biological opinions, or programmatic consultations.

Provisions of the Proposed 4(d) Rule

Exercising the Secretary’s authority under section 4(d) of the Act, we have developed a proposed rule that is designed to address *Obovaria cf. unicolor*’s conservation needs. As discussed previously under Summary of Biological Status and Threats, we have concluded that *Obovaria cf. unicolor* is likely to become in danger of extinction within the foreseeable future primarily due to sedimentation, altered flow regimes, point and nonpoint source pollution, impacts of climate change, including sea level rise, and direct and indirect impacts of development and anthropogenic disturbances. There are other activities that could affect the species and its habitat if they occur in areas occupied by the species, such as impacts to water quality and quantity.

Section 4(d) requires the Secretary to issue such regulations as she deems necessary and advisable to provide for the conservation of each threatened species and authorizes the Secretary to include among those protective regulations any of the prohibitions that section 9(a)(1) of the Act prescribes for endangered species. We are not required to make a “necessary and advisable” determination when we apply or do not apply specific section 9 prohibitions to a threatened species (*In re: Polar Bear Endangered Species Act Listing and 4(d) Rule Litigation*, 818 F. Supp. 2d 214, 228 (D.D.C. 2011) (citing *Sweet Home Chapter of Cmty. for a Great Or. v. Babbitt*, 1 F.3d 1, 8 (D.C. Cir. 1993), *rev’d on other grounds*, 515 U.S. 687 (1995))). Nevertheless, even though we are not required to make such a determination, we have chosen to be as transparent as possible and explain below why we find that, if finalized, the protections, prohibitions, and exceptions in this proposed rule as a whole would satisfy the requirement in

section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the *Obovaria cf. unicolor*.

The protective regulations we are proposing for *Obovaria cf. unicolor* incorporate prohibitions from section 9(a)(1) of the Act to address the threats to the species. The prohibitions of section 9(a)(1) of the Act, and implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce.

In particular, this proposed 4(d) rule would provide for the conservation of the *Obovaria cf. unicolor* by prohibiting the following activities, unless they fall within specific exceptions or are otherwise authorized or permitted: importing or exporting; take; possession and other acts with unlawfully taken specimens; delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce.

Under the Act, “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulations at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating take would help preserve the species’ remaining populations and decrease synergistic, negative effects from other ongoing or future threats. Therefore, we propose to prohibit take of *Obovaria cf. unicolor*, except for take resulting from those actions and activities specifically excepted by the 4(d) rule.

Exceptions to the prohibition on take would include all of the general exceptions to the prohibition on take of

endangered wildlife, as set forth in 50 CFR 17.21, and additional exceptions, as described below.

Despite the prohibitions regarding threatened species, we may under certain circumstances issue permits to carry out one or more otherwise-prohibited activities, including those described above. The regulations that govern permits for threatened wildlife state that the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened species. These include permits issued for the following purposes: for scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act (see 50 CFR 17.32). The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

In addition, to further the conservation of the species, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, a State conservation agency, or a federally recognized Tribe, who is designated by their agency or Tribe for such purposes, may, when acting in the course of their official duties, take threatened wildlife without a permit if such action is necessary to: (i) Aid a sick, injured, or orphaned specimen; or (ii) dispose of a dead specimen; or (iii) salvage a dead specimen that may be useful for scientific study; or (iv) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live capturing and releasing the specimen unharmed, in an appropriate area.

We recognize the special and unique relationship with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we must cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or

agent of a State conservation agency that is a party to a cooperative agreement with us in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, would be able to conduct activities designed to conserve *Obovaria cf. unicolor* that may result in otherwise prohibited take without additional authorization.

The proposed 4(d) rule would also provide for the conservation of the species by allowing exceptions that incentivize conservation actions or that, while they may have some minimal level of take of *Obovaria cf. unicolor*, are not expected to rise to the level that would have a negative impact (*i.e.*, would have only de minimis impacts) on the species' conservation. The proposed exceptions to the prohibitions include (1) channel and bank restoration projects, (2) silviculture practices and forest management activities that implement State-approved best management practices (BMPs), and (3) transportation projects that avoid instream disturbance in waters occupied by *Obovaria cf. unicolor*. These proposed exceptions to the prohibitions are described further below and are expected to have negligible impacts to *Obovaria cf. unicolor* and its habitat.

The first exception is for incidental take resulting from channel and bank restoration projects for creation of natural, physically stable, ecologically functioning streams, taking into consideration connectivity with floodplain and groundwater aquifers. This exception includes a requirement that stream bank restoration projects require planting appropriate native vegetation, including woody species appropriate for the region and habitat. Actions related to these restoration projects that would negatively affect *Obovaria cf. unicolor* include individual mussels being removed, crushed, and/or killed by heavy equipment operations and rip-rap placement; removal, destruction, and/or replacement of habitat; increased turbidity from streambed disturbance; and alterations to flow and turbidity from permanent (weirs) or temporary (causeways) structures needed for construction. This provision of the proposed 4(d) rule for channel and bank restoration would promote conservation of *Obovaria cf. unicolor* by excepting incidental take resulting from activities that would improve channel conditions and restore degraded, physically unstable streams or stream segments. We anticipate these activities will advance ecological conditions within a watershed to a more natural state that would benefit *Obovaria cf. unicolor*, providing for its conservation.

The second exception is for incidental take resulting from silviculture practices and forest management activities that use State-approved BMPs to protect water and sediment quality and stream and riparian habitat. Silviculture and forest management activities that use State-approved BMPs to protect water and sediment quality and stream and riparian habitat would provide for the conservation of *Obovaria cf. unicolor*. Best management practices would have to be designed to reduce sedimentation, erosion, and bank destruction, thereby protecting instream habitat for the species. We recognize that silvicultural operations are widely implemented in accordance with State-approved BMPs (as reviewed by Cristan et al. 2018, entire), and the adherence to these BMPs broadly protects water quality, particularly related to sedimentation (as reviewed by Cristan et al. 2016, entire; Warrington et al. 2017, entire; Schilling et al. 2021, entire). This provision of the 4(d) rule would promote conservation of *Obovaria cf. unicolor* by excepting from the prohibition on incidental take those silviculture and forest management activities that use State-approved BMPs because this exception would allow these activities to continue while protecting *Obovaria cf. unicolor*'s habitat.

The third exception is for incidental take resulting from transportation projects that avoid or do not include activities that disturb instream habitat. Bridge designs that include spanning the stream and avoiding stream bank disturbance reduce sedimentation and erosion, thereby protecting instream habitat for *Obovaria cf. unicolor*. This provision of the 4(d) rule would promote conservation of *Obovaria cf. unicolor* by encouraging project designs that preserve and potentially improve stream habitat.

III. Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are

essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Rather, designation requires that, where a landowner requests Federal agency funding or authorization for an action that may affect an area designated as critical habitat, the Federal agency consult with the Service under section 7(a)(2) of the Act. If the action may affect the listed species itself (such as for occupied critical habitat), the Federal agency would have already been required to consult with the Service even absent the designation because of the requirement to ensure that the action is not likely to jeopardize the continued existence of the species. Even if the Service were to conclude after consultation that the proposed activity is likely to result in destruction or adverse modification of

the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement "reasonable and prudent alternatives" to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106-554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed

journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act for Alabama hickorynut and in the 4(d) rule for *Obovaria cf. unicolor*. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Critical Habitat Determinability

We determine that designating critical habitat for the Alabama hickorynut and *Obovaria cf. unicolor* is prudent. Our regulations at 50 CFR 424.12(a)(2) state that designation of critical habitat is not determinable when one or both of the following situations exist:

- (i) Data sufficient to perform required analyses are lacking, or
- (ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of "critical habitat."

We reviewed the available information pertaining to the biological needs of the species and habitat characteristics where these species are

located. The species' needs of both the Alabama hickorynut and *Obovaria* cf. *unicolor* are sufficiently well known, but a careful assessment of the economic impacts that may occur due to a critical habitat designation is ongoing. Until these efforts are complete, information sufficient to perform a required analysis of the impacts of the designation is lacking; therefore, we find designation of critical habitat for both the Alabama hickorynut and *Obovaria* cf. *unicolor* is prudent but not determinable at this time. We plan to publish a proposed rule to designate critical habitat for both the Alabama hickorynut and *Obovaria* cf. *unicolor* concurrently with the availability of an economic analysis of the proposed designation.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

Regulations adopted pursuant to section 4(a) of the Act are exempt from

the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and do not require an environmental analysis under NEPA. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations and species-specific protective regulations promulgated concurrently with a decision to list or reclassify a species as threatened. The courts have upheld this position (*e.g.*, *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995) (critical habitat); *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 2005 WL 2000928 (N.D. Cal. Aug. 19, 2005) (concurrent 4(d) rule)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), the President's memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with Federally recognized Tribes and Alaska Native Corporations (ANCs) on a government-to-government basis. In accordance with Secretary's Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

We have determined that no Tribal lands fall within the range of the Alabama hickorynut or *Obovaria* cf. *unicolor*, and no Tribes will be affected if we list these species.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Alabama Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Alabama Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

- 2. In § 17.11, amend paragraph (h) by adding entries for “Hickorynut, [no common name]” and “Hickorynut, Alabama” to the List of Endangered and Threatened Wildlife in alphabetical order under CLAMS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
CLAMS				
*	*	*	*	*
Hickorynut, [no common name].	<i>Obovaria</i> cf. <i>unicolor</i>	Wherever found	T	[Federal Register citation when published as a final rule]; 50 CFR 17.45(i). ^{4d}
Hickorynut, Alabama	<i>Obovaria unicolor</i>	Wherever found	E	[Federal Register citation when published as a final rule].
*	*	*	*	*

■ 3. Further amend § 17.45, as proposed to be amended on March 20, 2023, at 88 FR 16776 and on July 26, 2023, at 88 FR 48294, by adding paragraph (i) to read as follows:

§ 17.45 Species-specific rules—snails and clams.

* * * * *

(i) Hickorynut, [no common name] (*Obovaria* cf. *unicolor*)—(1)

Prohibitions. The following prohibitions that apply to endangered wildlife also apply to *Obovaria* cf. *unicolor*. Except as provided under paragraph (i)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(3) and (4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.

(v) Take incidental to an otherwise lawful activity caused by:

(A) Channel and bank restoration projects for creation of natural,

physically stable, ecologically functioning streams, taking into consideration connectivity with floodplain and groundwater aquifers. Stream bank restoration projects require planting appropriate native vegetation, including woody species appropriate for the region and habitat.

(B) Silviculture practices and forest management activities that implement State-approved best management practices to protect water and sediment quality and stream and riparian habitat.

(C) Transportation projects that avoid or do not include activities that disturb instream habitat, including, but not limited to, bridge designs that span the stream and avoid stream bank disturbance.

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024–20158 Filed 9–9–24; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 89, No. 175

Tuesday, September 10, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–SC–24–0054]

Meeting of the Fruit and Vegetable Industry Advisory Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), is announcing a two-day meeting of the Fruit and Vegetable Industry Advisory Committee (FVIAC). This meeting is being convened to examine the full spectrum of fruit and vegetable industry issues and provide recommendations and ideas on how the USDA can tailor programs and services to better meet the needs of the U.S. produce industry. Agenda items may include, but are not limited to, administrative matters and consideration of recommendations pertaining to labor and production, food safety, infrastructure and sustainability, consumption and nutrition, and data reporting and analysis.

DATES: A hybrid, two-day meeting will be held October 8, 2024, from 1:00 p.m. to approximately 4:00 p.m. Eastern Time (ET) and October 9 from 9:00 a.m. to approximately 3:00 p.m. ET.

Written Comments: Written public comments will be accepted until 11:59 p.m. ET on October 1, 2024, via <https://www.regulations.gov>: Document #AMS–SC–24–0054. Comments submitted after this date will be provided to AMS, but the Committee may not have adequate time to consider those comments prior to the meeting. AMS, Specialty Crops Program, strongly prefers that written comments be submitted electronically. However, written comments may also be submitted (*i.e.*, postmarked) via mail to the person listed in the **FOR FURTHER**

INFORMATION CONTACT section by or before the deadline.

Oral Comments: The Committee will hear oral public comments via the webinar on October 8, 2024. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, October 1, 2024, and can register for only one speaking slot. Instructions for registering and participating in person or via the webinars can be found at <https://www.ams.usda.gov/event/usda-fruit-and-vegetable-industry-advisory-committee-meeting-4>.

ADDRESSES: The Committee meeting will be held at the USDA National Training and Development Center, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406 and via webinar. The webinar can be accessed via the internet and/or phone. Members of the public must register in advance for the webinar. Instructions for registering and participating in the webinar can be found at <https://www.ams.usda.gov/event/usda-fruit-and-vegetable-industry-advisory-committee-meeting-4>.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Designated Federal Officer, Fruit and Vegetable Industry Advisory Committee, USDA–AMS–Specialty Crops Program, 1124 1st St. S, Winter Haven, FL 33880; Telephone: (202) 658–8616; Email: SCPFVIAC@usda.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. 10), the Secretary of Agriculture (Secretary) established FVIAC in 2001 to examine the full spectrum of issues faced by the fruit and vegetable industry and to provide suggestions and ideas to the Secretary on how USDA can tailor its programs to meet the fruit and vegetable industry's needs.

The Designated Federal Officer from the Specialty Crops Program leads the effort to administer the Committee's activities. Representatives from USDA mission areas and other government agencies affecting the fruit and vegetable industry are periodically called upon to participate in the Committee's meetings as determined by the Committee. AMS is giving notice of the Committee meeting to the public so that they may participate and present their views via written comments. The meeting is open to the public and accessible via webinar.

Public Comments: Comments should address specific topics noted on the meeting agenda.

Written Comments: Written public comments will be accepted until 11:59 p.m. ET October 1, 2024, via <https://www.regulations.gov>: Document #AMS–SC–24–0054. Comments submitted after this date will be provided to AMS, but the Committee may not have adequate time to consider those comments prior to the meeting. AMS, Specialty Crops Program strongly prefers that written comments be submitted electronically. However, written comments may also be submitted (*i.e.*, postmarked) via mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section by or before the deadline.

Oral Comments: The Committee will hear oral public comments via the webinar on October 8, 2024. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, October 1, 2024, and can register for only one speaking slot. Instructions for registering and participating in the webinars can be found at <https://www.ams.usda.gov/event/usda-fruit-and-vegetable-industry-advisory-committee-meeting-4>.

Meeting Accommodations: The USDA provides reasonable accommodation to individuals with disabilities. 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. Determinations for reasonable accommodation will be made on a case-by-case basis.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee. 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.

The USDA prohibits discrimination in all its programs and activities 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).

Dated: September 5, 2024.

Cikena Reid,

Committee Management Officer.

[FR Doc. 2024–20419 Filed 9–9–24; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Renew an Information Collection

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Research Service's (ARS) intention to request an extension of a currently approved information collection, Form AD–761, USDA Patent License Application for Government Invention that expires October 31, 2025.

DATES: Comments must be received on or before November 12, 2024.

ADDRESSES: Comments may be sent to Diana D. Halsey, Business Licensing Officer, USDA, ARS, Office of Technology Transfer, 301–785–2741, license@usda.gov.

FOR FURTHER INFORMATION CONTACT: Diana D. Halsey, Business Licensing Officer, USDA, ARS, Office of Technology Transfer, 301–785–2741, license@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: USDA Patent License Application.

OMB Number: 0518–0003.

Expiration Date of Approval: October 31, 2025.

Type of Request: To extend a currently approved information collection.

Abstract: The USDA patent licensing program grants patent licenses to qualified businesses and individuals who wish to commercialize inventions arising from federally supported research. The objective of the program is to use the patent system to promote the utilization of inventions arising from such research. The licensing of federally owned inventions must be done in

accordance with the terms, conditions and procedures prescribed under 37 CFR part 404. Application for a license must be addressed to the Federal agency having custody of the invention. Licenses may be granted only if the license applicant has supplied the Federal agency with a satisfactory plan for the development and marketing of the invention and with information about the applicant's capability to fulfill the plan. 37 CFR 404.8 sets forth the information which must be provided by a license applicant. For the convenience of the applicant, USDA has itemized the information needed on Form AD–761, and instructions for completing the form are provided to the applicant. The information submitted is used to determine whether the applicant has both a complete and sufficient plan for developing and marketing the invention and the necessary manufacturing, marketing, technical and financial resources to carry out the submitted plan.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Description of Respondents:

Businesses or other for-profit individuals.

Estimated Number of Respondents: 75.

Frequency of Responses: One time per invention.

Estimated Total Annual Burden on Respondents: 225 hours.

This data will be collected under the authority of 44 U.S.C. #3506(c)(2)(A).

Copies of this information collection and related instructions can be obtained without charge from Diana D. Halsey, Business Licensing Officer, USDA, ARS, Office of Technology Transfer by calling 301–785–2741.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, such as 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.

Comments may be sent to license@usda.gov. 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.

Brian T. Nakanishi,

Assistant Administrator.

[FR Doc. 2024–20412 Filed 9–9–24; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Modoc Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Modoc National Forest within Modoc County, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on September 25, 2024, from 3 p.m. to 7 p.m. Pacific Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person and virtual oral comments must pre-register by 11:59 p.m. Pacific Daylight Time, on September 24, 2024. Written public comments will be accepted by 11:59 p.m. Pacific Daylight Time, on September 24, 2024. Comments submitted after this date will be provided to the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All committee 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 Modoc National Forest Supervisor's Office Conference Room, located at 225 West 8th Street Alturas, California 96101. The public may also

join virtually via webcast, teleconference, videoconference or Homeland Security Information Network virtual meeting. Meeting details and resource advisory committee information can be found online at www.fs.usda.gov/main/modoc/workingtogether/advisorycommittees or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to samantha.jager@usda.gov or via mail (postmarked) to RAC Coordinator, 225 West 8th Street, Alturas, California 96101. 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. Pacific Daylight Time, September 24, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to samantha.jager@usda.gov or via mail (postmarked) to RAC Coordinator, 225 West 8th Street, Alturas, California 96101.

FOR FURTHER INFORMATION CONTACT: Chris Christofferson, Designated Federal Officer, by phone at 530-233-5811 or email to chris.christofferson@usda.gov; or Samantha Jager, RAC Coordinator, by phone at 530-708-7291 or email to samantha.jager@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss any old business from last year;
2. Hear from Title II project proponents and discuss Title II project proposals;
3. Make funding recommendations on Title II projects;
4. Discuss committee vacancies;
5. Approve meeting minutes;
6. Schedule the next meeting.

The agenda will include time for individuals to make oral statements of three minutes or less. To be scheduled on the agenda, individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date. Written comments may be submitted to the Forest Service up to 14 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 committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities. USDA is an equal opportunity provider, employer, and lender.

Dated: August 13, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-18414 Filed 9-9-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed Administrative Settlement Agreement and Order on Consent for the Cabin 29/East Area of the Mammoth Stamp Mill Site, Inyo National Forest, Mono County, California

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of settlement; request for comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, notice is hereby given of a proposed Administrative Settlement Agreement and Order on Consent (ASAOC), between the Forest Service, United States Department of Agriculture, and Cabin Permittees (respondents), regarding respondents' access under their special use permit to the Cabin 29/East Area (affected property) of the Mammoth Stamp Mill Site (site) located on the Inyo National Forest, Mono County, California. Hazardous substances and/or pollutants or contaminants have come to be located at the site.

DATES: Comments must be received in writing by October 10, 2024.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the offices of the United States Department of Agriculture, Forest Service, Inyo National Forest, 351 Pacu Lane, Bishop, California 93514, or from Ronald McClain with USDA's Office of the General Counsel, email:

Ronald.mcclain@usda.gov, phone: 202-720-4500. Comments should reference the Mammoth Stamp Mill Cabin 29/East Area, Inyo National Forest, Mono County, California, and should be addressed to Ronald McClain, USDA Office of the General Counsel, 1400 Independence Ave. SW, Washington, DC 20250-1412. The United States' response to any comments received will be available for public inspection at the USDA, Office of the General Counsel, 1400 Independence Ave. SW, Washington, DC 20250-1412, and at the Forest Service's Inyo National Forest, 351 Pacu Lane, Bishop, California 93514.

FOR FURTHER INFORMATION CONTACT:

Technical information: Dennis Geiser, Forest Service Region 5, 1323 Club Drive, Vallejo, CA 94592, phone 707-562-8729, email: j.geiser@usda.gov.

Legal information: Ronald McClain, USDA Office of the General Counsel, 1400 Independence Ave. SW, Washington, DC 20250-1412; phone 202-720-4500, Fax: 202-720-0973; email: Ronald.mcclain@usda.gov.

Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The proposed ASAOC between the Forest Service, the Department of Justice, and respondents, is entered into in accordance with section 122(g)(4) of CERCLA, as amended, 42 U.S.C. 9622(g)(4). Among other things, the ASAOC requires respondents to voluntarily relinquish their special use permit to the Forest Service to resolve respondents' potential civil liability under section 107 of CERCLA, 42 U.S.C. 9607. The ASAOC further requires respondents to release the United States from any collateral action which may be brought by respondents as a result of the voluntary relinquishment of their special use permit. The Forest Service will provide full and complete contribution protection for respondents with regard to the site pursuant to sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(g)(5), or as otherwise may be provided by law, in accordance with section XIV of the ASAOC (Effect of Settlement/Contribution); and will release respondents from obligations of their special use permit requiring removal of improvements upon the affected property.

For thirty (30) days following the date of publication of this notice, the United States will receive written comments relating to the ASAOC. The United States will consider all comments received and may modify or withdraw its consent to the ASAOC if comments received disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate.

Jody Holzworth,

Deputy Regional Forester, Pacific Southwest Region.

[FR Doc. 2024–20340 Filed 9–9–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ouachita National Forest; Scott and Sebastian Counties, Arkansas; Heavener Coal Leasing Project; Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; withdrawal.

SUMMARY: The Ouachita National Forest is withdrawing its notice of intent to prepare an environmental impact statement for the Heavener Coal Leasing Project. The original notice of intent was published in the **Federal Register** (FR

Vol. 88, No. 246) on December 26, 2023. The Ouachita National Forest's decision to withdraw the notice of intent is based on the project proponent's (Ouro Mining Inc.) decision to withdraw their request for a lease of Federal metallurgical coal.

FOR FURTHER INFORMATION CONTACT:

Questions concerning this notice should be directed to the Southern Region's Lead Executive for Energy and Infrastructure, Mike Donaldson, at michael.donaldson1@usda.gov or 404–556–1081. 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.

Keith Lannom,

Associate Deputy Chief, National Forest System.

[FR Doc. 2024–20341 Filed 9–9–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Stocks Reports. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by November 12, 2024 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0007, by any of the following methods:

- *Email:* OMBOfficer@nass.usda.gov. Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS

Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT:

Joseph J. Prusacki, Acting Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202)720–2707. Copies of this information collection and related instructions can be obtained without charge from Richard Hopper, NASS—OMB Clearance Officer, at (202)720–2206 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Stocks Reports.

OMB Control Number: 0535–0007.

Expiration Date of Approval: April 30, 2025.

Type of Request: Intent to Seek Approval to Revise and Extend an Information Collection for 3 years.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, stocks, disposition, and prices. The *Stocks Report* surveys, provide estimates of stocks of grains, hops, oilseeds, peanuts, potatoes, and rice that are stored off-farm. These off-farm stocks are combined with on-farm stocks to estimate stocks in all positions. The grain *Stocks Reports* are a principle economic indicator as defined by OMB. Stocks statistics are used by the U.S. Department of Agriculture to help administer programs; by State agencies to develop, research, and promote the marketing of products; and by producers and buyers to find their best market opportunity(s). The *Stocks Reports* are instrumental in providing timely, accurate data to help grain market participants. Since the previous approval, NASS made minor adjustments to the number of respondents contacted and the overall respondent burden based on regular list maintenance activities. The current expiration date for this docket is April 30, 2025. NASS intends to request that the survey be approved for another 3 years.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*), and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, title III of Public Law 115–435, codified in 44 U.S.C. ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA. NASS uses the information only for statistical purposes and publishes only tabulated total data.

Estimate of Burden: This information collection comprises 14 individual surveys that are conducted either 1, 4, 5, or 12 times a year for an estimated total of 28,500 responses. Average reporting burden for this collection of information ranges from 10 to 25 minutes per response.

Respondents: Farms and businesses.

Estimated Number of Respondents: 10,000.

Estimated Total Annual Burden on Respondents: 5,900 hours.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, August 6, 2024.

Joseph J. Prusacki,

Acting Associate Administrator.

[FR Doc. 2024–20405 Filed 9–9–24; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Advisory Committee on Agriculture Statistics

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of intent to reestablish the Advisory Committee on Agriculture Statistics and call for member nominations.

SUMMARY: The U.S. Department of Agriculture (USDA) is seeking to reestablish the Advisory Committee on Agriculture Statistics for two-years as a discretionary committee and call for member nominations to fill vacancies. Effective October 1, 1996, responsibility for the census of agriculture program was transferred to the National Agricultural Statistics Service (NASS) at USDA from the Bureau of the Census, U.S. Department of Commerce. Effective February 2, 1997, NASS also received the transferred program positions and staff from the Bureau of the Census, U.S. Department of Commerce. Responsibility for the Advisory Committee on Agriculture Statistics was established by agency authority, was transferred, along with its allocated slot, to USDA with the census of agriculture program. The Committee is also established in accordance with the provisions of the Federal Advisory Committee Act (FACA).

DATES: The nomination period for interested candidates will remain open and continuous during the two-year charter period. Nomination received during this period will be considered for any open positions on the committee. Applications will remain valid for a one-year period. A resubmission may be required annually if not appointed to the committee.

ADDRESSES: Contact Joseph J. Prusacki, Acting Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (314) 595–9501, or email SM.NASS.OA@usda.gov.

You may submit nominations by any of the following methods:

- *Email:* submit the completed form to: SM.NASS.OA@usda.gov.
- *Mail/Hand Delivery/Courier:* Nominations should be mailed to Joseph J. Prusacki, Acting Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 5041, South Building, Washington, DC 20250–2010.

FOR FURTHER INFORMATION CONTACT:

Joseph J. Prusacki, Acting Associate Administrator, National Agricultural Statistics Service, (314) 595–9501.

SUPPLEMENTARY INFORMATION:

Authority: The Advisory Committee on Agriculture Statistics was originally established by the Secretary of Commerce on July 16, 1962. The Committee is also established in

accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10.

Purpose: The purpose of the Committee is to advise the Secretary on the conduct of the periodic censuses and surveys of agriculture, other related surveys, and the types of agricultural information to obtain from respondents. The Committee also prepares recommendations regarding the content of agriculture reports and presents the views and needs for data of major suppliers and users of agriculture statistics. The Committee draws on the experience and expertise of its members to form a collective judgment concerning agriculture data collected and the statistics issued by the National Agricultural Statistics Service (NASS).

Each person nominated to serve on the committee is required to submit the following form: AD–755 (Advisory Committee Membership Background Information, OMB Number 0505–0001), available on the internet at <https://www.usda.gov/sites/default/files/documents/ad-755.pdf>. This form may also be requested by telephone or email using the information above. Completed forms may be mailed or emailed directly to SM.NASS.OA@usda.gov. Members serve staggered two-year terms, with terms for half of the Committee members expiring in any given year. Nominations are being sought for 22 open Committee seats. Members serve a two-year term and may apply to be reappointed for up to three terms for a total of six consecutive years at the Secretary of Agriculture's discretion. The Chairperson of the Committee shall be elected by members to serve a one-year term.

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. 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.

The duties of the Committee are solely advisory. The Committee will make recommendations to the Secretary of Agriculture with regards to the agricultural statistics programs of NASS, and such other matters as it may deem advisable, or which the Secretary of Agriculture; the Under Secretary for

Research, Education, and Economics; or the Administrator of NASS may request. The Committee will meet at least annually. All meetings are open to the public. Committee members are reimbursed for official travel expenses only.

Description of Duties: The duties of the Committee are solely advisory in nature. The Committee makes recommendations to the Secretary of Agriculture regarding the agricultural statistics program of NASS, and such other matters as it may deem advisable, or which the Secretary of Agriculture; the Under Secretary for Research, Education, and Economics; or the Administrator of NASS may request. **Agency or Official to Whom the Committee Reports:** The Committee reports to the Secretary of Agriculture through the Under Secretary for Research, Education, and Economics.

Committee Membership: The Secretary of Agriculture will appoint the membership of the Committee. Furthermore, members will serve for two-year terms, and may serve no more than three consecutive terms for a total of six consecutive years. Membership will consist of 22 individuals with diverse capabilities distinguished by their broad range of knowledge and interest in, though not limited to, agricultural economics, rural sociology, farm policy analysis, and agricultural education. Members will also be drawn from Educational and Research Organizations; Farm Service and Marketing Organizations; State Government Agricultural Agencies; and Farm, Ranch and Agriculture Producers. A representative from the Bureau of the Census, U.S. Department of Commerce, and a representative from the Economic Research Service, USDA, shall serve as ex-officio members of the Committee.

This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. 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.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, (including gender identity and sexual orientation), disability, age, marital status, familial or parental status, income derived from a public assistance program, political beliefs, genetic information, 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).

Ethics Statement: To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or Subcommittee member shall participate in any “specific party matters” (*i.e.*, matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the Designated Federal Officer (DFO) any specific party matter in which the member’s immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee’s recommendations.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee’s advice and recommendations. Members who are appointed as “Representatives” are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as “Special Government Employees” (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGEs are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to

exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

Recordkeeping: The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule (GRS) 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at: USDA—National Agricultural Statistics Service—About NASS—Advisory Committee on Agriculture Statistics

Dated: August 21, 2024.

Cikena Reid, Committee Management Officer, USDA.

[FR Doc. 2024–20408 Filed 9–9–24; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Generic Clearance for Survey Research Studies. There are minimal changes to burden hours and number of contacts to accommodate the proposed testing for the upcoming three-year period.

DATES: Comments on this notice must be received by November 12, 2024 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0248, by any of the following methods:

- **Email:** ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.
- **E-fax:** (855) 838–6382.
- **Mail:** Mail any paper, disk, or CD-ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence

Avenue SW, Washington, DC 20250–2024.

• *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT:

Joseph J. Prusacki, Acting Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from Richard Hopper, NASS–OMB Clearance Officer, at (202) 720–2206 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION: *Title:* Generic Clearance to Conduct Survey Research Studies.

OMB Control Number: 0535–0248.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The National Agricultural Statistics Service (NASS) of the United States Department of Agriculture (USDA) will request approval from the Office of Management and Budget (OMB) for a generic clearance that will allow NASS to rigorously develop, test, and evaluate its survey instruments and methodologies. The primary objectives of the National Agricultural Statistics Service are to prepare and issue State and national estimates of crop production, livestock production, economic statistics, and environmental statistics related to agriculture and to conduct the Census of Agriculture. This request is part of an on-going initiative to improve NASS surveys, as recommended by both its own guidelines and those of OMB.

In the last decade, rigorously researched techniques have been increasingly instituted by NASS and other Federal agencies and are now routinely used to improve the quality and timeliness of survey data and analyses, while simultaneously reducing respondents' cognitive workload and burden. The purpose of this generic clearance is to allow NASS to continue to adopt and use these rigorously researched techniques to improve its current data collections efforts. These tests will also be used to aid in the development of new surveys.

NASS envisions using a variety of survey improvement techniques, as appropriate to the individual project under investigation. These include focus groups, cognitive and usability laboratory and field techniques, exploratory interviews, behavior coding, respondent debriefing, pilot surveys, and split-panel tests. After obtaining participants' permission, NASS plans to audio-record some cognitive interviews and usability interviews, in order to allow for more complete and accurate summaries of these qualitative interviews. This is a standard procedure for cognitive interviews and usability interviews at many other survey organizations, including Federal agencies. The consent form would be used for audio recording some cognitive interviews and usability interviews for research purposes. For these types of interviews, there will be no collection of Personally Identifiable Information (PII) or any identifying information about the operator or operation.

In addition to the testing techniques listed above NASS will be including parallel testing with this renewal request. NASS is investigating methodologies using additional sources of farm operators (including web scraping). These methodologies will be tested against the NASS's current multi-frame methodology.

Following standard OMB requirements NASS will submit a change request to OMB individually for each survey improvement project it undertakes under this generic clearance and provide OMB with a copy of the questionnaire (if one is used), and all other materials describing the project.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320. Participation in all surveys and studies conducted under this approval will be voluntary.

All NASS employees and NASS contractors must also fully comply with

all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, title III of Public Law 115–435, codified in 44 U.S.C. ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA. NASS uses the information only for statistical purposes and publishes only tabulated total data.

Estimate of Burden: Public reporting burden for these collections of information is estimated to average from 15 minutes to 1.5 hours per respondent, dependent upon the survey and the technique used to test for that particular survey. The overall average is estimated to be 0.60 hours per response.

Respondents: Farmers, ranchers, farm managers, farm contractors, agribusinesses, and households.

Estimated Number of Respondents: 25,000.

Frequency of Responses: On occasion.

Estimated Total Annual Burden: 15,000 hours.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, August 6, 2024.

Joseph J. Prusacki,

Acting Associate Administrator.

[FR Doc. 2024–20403 Filed 9–9–24; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE**International Trade Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Surveys for User Satisfaction, Impact and Needs**

AGENCY: International Trade Administration, 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 12, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Katelynn Byers, PRA Process Administrator by phone, 202–989–5979, and by email, Katelynn.Byers@trade.gov or PRA@trade.gov. Please reference OMB Control Number 0625–0275 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 Katelynn Byers, PRA Process Administrator by phone, 202–989–5979, and by email, Katelynn.Byers@trade.gov or PRA@trade.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The International Trade Administration provides a multitude of international trade related programs to help U.S. businesses. These programs include information products, services, and trade events. To accomplish its mission effectively, ITA needs ongoing feedback on its programs. This information collection item allows ITA to solicit clients' opinions about the use of ITA products, services, and trade events. To promote optimal use and provide focused and effective improvements to ITA programs, we are

requesting approval for this clearance package; including: Use of surveys to collect feedback immediately after ITA assistance is provided to clients; use of annual surveys (*i.e.*, relationship-based surveys) to gauge overall satisfaction, impact and needs for clients with ITA assistance provided over a period time; use of multiple data collection methods (*i.e.*, web-enabled surveys sent via email, telephone interviews, automated telephone surveys, and in-person surveys via mobile devices/laptops/tablets at trade events/shows) to enable clients to conveniently respond to requests for feedback; and a forecast of burden hours. Without this information, ITA is unable to systematically determine the actual and relative levels of performance for its programs and products/services and to provide clear, actionable insights for managerial intervention. This information will be used for program evaluation and improvement, strategic planning, allocation of resources and stakeholder reporting.

II. Method of Collection

The International Trade Administration is seeking approval for the following data collection methods to provide flexibility in conducting customer satisfaction surveys and to reduce the burden on respondents: (1) An email message delivering a hot link to a web enabled survey with an email reminder sent if the client does not respond to the survey; (2) a telephone survey/interview; (3) a web-enabled survey conducted in-person at trade shows/events via a laptop, tablet or mobile phone so participants can immediately respond without having to provide their email address, and (4) intercept and always-on surveys implemented through ITA's web presence.

III. Data

OMB Control Number: 0625–0275.

Form Number(s): N/A.

Type of Review: Regular submission, revision of a current information collection.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Estimated Number of Respondents: 50,000.

Estimated Time per Response: 5–30 minutes.

Estimated Total Annual Burden Hours: 25,000 hours.

Estimated Total Annual Cost to Public: \$754,651.33.

Respondent's Obligation: Voluntary.

Legal Authority: Public Law 15 U.S.C. *et seq.* and 15 U.S.C. 171 *et seq.*

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–20345 Filed 9–9–24; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE**International Trade Administration**

[A–533–919, A–803–001, A–201–859, A–469–826]

Mattresses From India, Kosovo, Mexico, and Spain: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty orders on mattresses from India, Kosovo, Mexico, and Spain.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Paul Senoyuit (India) at (202) 482–6106, Sean Carey (Kosovo) at (202) 482–3964, Benjamin Blythe (Mexico) at (202) 482–3457, and Joy Zhang (Spain) at (202) 482–1168, AD/CVD Operations, Offices II, VII, IV, and III, respectively, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2024, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of mattresses from India, Kosovo, Mexico, and Spain in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act).¹ On August 28, 2024, the ITC notified Commerce of its final determinations, pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of mattresses from India, Kosovo, Mexico, and Spain.²

Scope of the Orders

The products covered by these orders are mattresses from India, Kosovo, Mexico, and Spain. For a complete description of the scope of these orders, see the appendix to this notice.

Antidumping Duty Orders

Based on the above-referenced affirmative final determinations, in accordance with section 735(c)(2) and 736 of the Act, Commerce is issuing these AD orders. Because the ITC determined that imports of mattresses from India, Kosovo, Mexico and Spain are materially injuring a U.S. industry, unliquidated entries of such merchandise entered or withdrawn from warehouse for consumption, are subject

to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duty deposits equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of mattresses from India, Kosovo, Mexico, and Spain. With the exception of entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determinations, as further described below, antidumping duties will be assessed on unliquidated entries of mattresses from India, Kosovo, Mexico, and Spain, entered, or withdrawn from warehouse, for consumption, on or after March 1, 2024, the date of publication of the *Preliminary Determinations*.³ Because Commerce made final affirmative determinations of sales at LTFV, Commerce directed CBP to continue suspension of liquidation of mattresses from India, Kosovo, Mexico, and Spain entered or withdrawn from warehouse for consumption, on or after July 22, 2024, the date of publication of the *Final Determinations*.⁴

Continuation of Suspension of Liquidation and Cash Deposits

Except as noted in the “Provisional Measures” section of this notice, in accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of mattresses from India, Kosovo, Mexico, and Spain effective the date of the publication of the *ITC Final Determination*. These instructions suspending liquidation will remain in effect until further notice.

Further, Commerce intends to instruct CBP to require cash deposits equal to

the estimated weighted-average dumping margins indicated in the tables below. Accordingly, effective the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determinations, CBP will suspend the entries of liquidation of entries of subject merchandise and require, at the same time as importers would normally deposit estimated duties on subject merchandise, a cash deposit equal to the rates listed in the table below. The relevant all-others rate for each applicable country applies to all producers or exporters not specifically listed, as appropriate.

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of mattresses from India, Kosovo, Mexico, and Spain, Commerce extended the four-month period to six months in each of these investigations. Commerce published the *Preliminary Determinations* on March 1, 2024.⁵

The extended provisional measures period, beginning on the date of publication of the *Preliminary Determinations*, ended on August 27, 2024. Therefore, in accordance with section 733(d) of the Act, Commerce intends to instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of mattresses from India, Kosovo, Mexico, and Spain entered or withdrawn from warehouse, for consumption after August 27, 2024, the final day on which the provisional measures were in effect, through the day preceding the date of publication of the ITC's final determinations. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as published in Commerce's *Final Determinations* are as follows:

¹ See *Mattresses from India: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 59047 (July 22, 2024) (*India Final Determination*); see also *Mattresses From Kosovo: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 59043 (July 22, 2024) (*Kosovo Final Determination*); *Mattresses From Mexico: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 59062 (July 22, 2024) (*Mexico Final Determination*); *Mattresses from Mexico: Final Affirmative Determination of Sales at Less Than Fair Value; Correction*, 89 FR 64877 (August 8, 2024); and *Mattresses From Spain: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 59059 (July 22, 2024) (*Spain Final Determination*) (collectively, *Final Determinations*).

² See ITC's Letter, Investigation No. 731–TA–1632, 1634, 1635, and 1639 (Final), dated August 28, 2024.

³ See *Mattresses from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 15140 (March 1, 2024); see also *Mattresses from Kosovo: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 15132 (March 1, 2024); *Mattresses from Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 15152 (March 1, 2024); and *Mattresses from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 15126 (March 1, 2024) (collectively, *Preliminary Determinations*).

⁴ See *India Final Determination*; see also *Kosovo Final Determination*; *Mexico Final Determination*; and *Spain Final Determination*.

⁵ *Id.*

INDIA

Exporter/producer	Weighted-average dumping margin (percent)
International Comfort Technologies Private Limited; Sheela Foam Limited	* 42.76
Raj Majal Fabrics	* 42.76
Varahamurti Flexirub Industries Private Limited; Amore International, Durfi Retail Private Limited; Springfit Marketing INC ..	13.35
All Others	13.35

* Rate based on facts available with adverse inferences.

KOSOVO

Exporter/producer	Weighted-average dumping margin (percent)
Ventius International LLC	63.66
Nisco Thailand Co., Ltd	* 344.70
All Others	63.66

* Rate based on facts available with adverse inferences.

MEXICO

Exporter/producer	Weighted-average dumping margin (percent)
Ureblock S.A. de C.V./Espumas de Oriente S.A. de C.V	37.59
GAIM Regiomontana S.A. de C.V	* 61.97
Colchones Wendy S.A. de C.V	* 61.97
All Others	37.59

* Rate based on facts available with adverse inferences.

SPAIN

Exporter/producer	Weighted-average dumping margin (percent)
Healthcare Foam, S.L. Unipersonal/Comotex Sistemas Del Descanso, S.L. Unipersonal	4.61
Interplasp Fabrica de Espuma de Poliuretano	* 280.28
All Others	4.61

* Rate based on facts available with adverse inferences.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the final rule titled “*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*” in the **Federal Register**.⁶ On September 27, 2021, Commerce also published the notice titled “*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*” in the **Federal Register**.⁷ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or

suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.⁸

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce’s online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication

of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called “AISL—Annual Inquiry Service List.”⁹

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of

⁹ This segment will be combined with the ACCESS Segment Specific Information (SSI) field, which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL—January Anniversary.” Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

⁶ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

⁷ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

⁸ *Id.*

administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹⁰ the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹¹

Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to mattresses from India, Kosovo, Mexico, and Spain pursuant to section 736(a) of the Act and 19 CFR 351.211(b). Interested parties can find a list of antidumping duty orders currently in effect at <https://www.trade.gov/data-visualization/adcvd-proceedings>.

Dated: September 4, 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

Scope of the Orders

The products covered by these orders are all types of youth and adult mattresses. The term "mattress" denotes an assembly of materials that at a minimum includes a "core," which provides the main support system of the mattress, and may consist of innersprings, foam, other resilient filling, or a combination of these materials. Mattresses also may contain: (1) "upholstery," the material between the core and the top panel of the ticking on a single-sided mattress, or between the core and the top and bottom panel of the ticking on a double-sided mattress; and/or (2) "ticking," the outermost layer of fabric or other material (e.g., vinyl) that encloses the core and any upholstery, also known as a cover.

The scope of these orders is restricted to only "adult mattresses" and "youth mattresses." "Adult mattresses" are frequently described as "twin," "extra-long twin," "full," "queen," "king," or "California king" mattresses. "Youth mattresses" are typically described as "crib," "toddler," or "youth" mattresses. All adult and youth mattresses are included regardless of size and size description or how they are described (e.g., frameless futon mattress and tri-fold mattress).

The scope encompasses all types of "innerspring mattresses," "non-innerspring mattresses," and "hybrid mattresses." "Innerspring mattresses" contain innersprings, a series of metal springs joined together in sizes that correspond to the dimensions of mattresses. Mattresses that contain innersprings are referred to as "innerspring mattresses" or "hybrid mattresses." "Hybrid mattresses" contain two or more support systems as the core, such as layers of both memory foam and innerspring units.

"Non-innerspring mattresses" are those that do not contain any innerspring units. They are generally produced from foams (e.g., polyurethane, memory (viscoelastic), latex foam, gel infused viscoelastic (gel foam), thermobonded polyester, polyethylene) or other resilient filling.

Mattresses covered by the scope of these orders may be imported independently, as part of furniture or furniture mechanisms (e.g., convertible sofa bed mattresses, sofa bed mattresses imported with sofa bed mechanisms, corner group mattresses, day-bed mattresses, roll-away bed mattresses, high risers, trundle bed mattresses, crib mattresses), or as part of a set (in combination with a "mattress foundation"). "Mattress foundations" are any base or support for a mattress. Mattress foundations are commonly referred to as "foundations," "boxsprings," "platforms," and/or "bases." Bases can be static, foldable, or adjustable. Only the mattress is covered by the scope if imported as part of furniture, with furniture

mechanisms, or as part of a set, in combination with a mattress foundation.

Excluded from the scope of these orders are "futon" mattresses. A "futon" is a bi-fold frame made of wood, metal, or plastic material, or any combination thereof, that functions as both seating furniture (such as a couch, love seat, or sofa) and a bed. A "futon mattress" is a tufted mattress, where the top covering is secured to the bottom with thread that goes completely through the mattress from the top through to the bottom, and it does not contain innersprings or foam. A futon mattress is both the bed and seating surface for the futon.

Also excluded from the scope are airbeds (including inflatable mattresses) and waterbeds, which consist of air- or liquid-filled bladders as the core or main support system of the mattress.

Also excluded is certain multifunctional furniture that is convertible from seating to sleeping, regardless of filler material or components, where such filler material or components are upholstered, integrated into the design and construction of, and inseparable from, the furniture framing, and the outermost layer of the multifunctional furniture converts into the sleeping surface. Such furniture may, and without limitation, be commonly referred to as "convertible sofas," "sofabeds," "sofa chaise sleepers," "futons," "ottoman sleepers," or a like description.

Also excluded from the scope of these orders are any products covered by the existing antidumping duty orders on uncovered innerspring units from the People's Republic of China, South Africa, and the Socialist Republic of Vietnam. See *Uncovered Innerspring Units from the People's Republic of China, South Africa, and Socialist Republic of Vietnam: Continuation of Antidumping Duty Orders*, 84 FR 55285 (October 16, 2019).

Also excluded from the scope of these orders are bassinet pads with a nominal length of less than 39 inches, a nominal width of less than 25 inches, and a nominal depth of less than 2 inches.

Additionally, also excluded from the scope of these orders are "mattress toppers." A "mattress topper" is a removable bedding accessory that supplements a mattress by providing an additional layer that is placed on top of a mattress. Excluded mattress toppers have a height of four inches or less.

Also excluded from the scope are the following hospital and patient care setting surfaces. Products that fall within the below categories and meet all of the exclusion factors in the respective category qualify for such exclusion, regardless of whether they may be referenced as a mattress.

Air Surfaces with all of the following characteristics: with the foot end comprised of either die-cut construction foam or air bladders to allow extension and retraction of the surface; enclosed in a fluid-resistant polyurethane-coated ticking with a zipper; with welded seams on the ticking, which are two or more layers of coated material thermally fused together with a permanent bond; with the core including air bladders, with or without foam inside; with a unique device identifier label for medical devices

¹⁰ See *Procedural Guidance*, 86 FR at 53206.

¹¹ See *Final Rule*, 86 FR at 52335.

issued by an FDA-accredited agency and listed in the FDA administered Global Unique Device Identification Database.

Stretcher Surfaces with all of the following characteristics: with a nominal thickness of 5 inches or less; with the foam core width tapered at one end; enclosed in a fluid-resistant polyurethane-coated ticking with a zipper; with welded seams on the ticking, which are two or more layers of coated material thermally fused together with a permanent bond; with the exterior of the ticking containing a welded flap to cover the ticking zipper; with loop velcro attached to the ticking to allow for the stretcher surface to be firmly affixed to the stretcher; with a unique device identifier label for medical devices issued by an FDA-accredited agency and listed in the FDA administered Global Unique Device Identification Database.

Birthing Bed Surfaces with all of the following characteristics: with a nominal thickness of 5 inches or less; with a foam core in two pieces that have either a V-shaped cutout or U-Shaped cutout; enclosed in a fluid-resistant polyurethane-coated ticking with a zipper; with welded seams on the ticking, which are two or more layers of coated material thermally fused together with a permanent bond; with attachment fasteners extending from the bottom of the surface comprised of snaps or plastic hook(s); with a unique device identifier label for medical devices issued by an FDA-accredited agency and listed in the FDA-administered Global Unique Device Identification Database.

Foam Surfaces with all the following characteristics: with a nominal thickness of 6.5 inches or less; with a foam core that has articulation lines cut into the foam and/or die-cut construction in a portion of the foam to allow movement of the surface; enclosed in a fluid-resistant polyurethane-coated ticking with a zipper; with the ticking made of material meeting ASTM F1671B-07 requirements for porosity and ISO 10993 requirements for biocompatibility; with welded seams on the ticking, which are two or more layers of coated material thermally fused together with a permanent bond; with brackets or attachment knobs embedded in the surface core to allow the surface to be firmly affixed to the hospital bed frame; with a unique device identifier label for medical devices issued by an FDA-accredited agency and listed in the FDA-administered Global Unique Device Identification Database, where the label includes the manufacturer's name and address as well as the product's name, date of manufacture, serial number, and Global Trade Identification Number (GTIN).

The products subject to these orders are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 9404.21.0010, 9404.21.0013, 9404.21.0095, 9404.29.1005, 9404.29.1013, 9404.29.1095, 9404.29.9085, 9404.29.9087, and 9404.29.9095. Products subject to this investigation may also enter under HTSUS subheadings: 9401.41.0000, 9401.49.0000, and 9401.99.9081. Although the HTSUS subheadings are provided for convenience and customs purposes, the written

description of the merchandise subject to these orders is dispositive.

[FR Doc. 2024–20346 Filed 9–9–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502, C–489–823, C–489–817, C–489–834]

Circular Welded Carbon Steel Standard Pipe and Tube Products From the Republic of Türkiye; Welded Line Pipe From the Republic of Türkiye; Certain Oil Tubular Goods From the Republic of Türkiye; and Large Diameter Welded Pipe From the Republic of Türkiye: Preliminary Results of Countervailing Duty Changed Circumstances Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Borusan Birleşik Boru Fabrikaları Sanayi ve Ticaret A.S. (Borusan Boru) is the successor-in-interest to Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB) in the context of the countervailing duty (CVD) orders on circular welded carbon steel standard pipe and tube products (standard pipe), welded line pipe (WLP), certain oil tubular goods (OCTG), and large diameter welded pipe (LDWP) from the Republic of Türkiye (Türkiye). Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Ajay K. Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1986, March 7, 1986, December 1, 2015, September 10, 2014, and May 2, 2019, respectively, Commerce published in the **Federal Register** CVD orders on standard pipe, WLP, OCTG, and LDWP.¹ On January 9,

¹ See *Countervailing Duty Order: Certain Welded Carbon Steel Pipe and Tube Products from Turkey*, 51 FR 7984 (March 7, 1986) (*Standard Pipe CVD Order*); *Welded Line Pipe from the Republic of Turkey: Countervailing Duty Order*, 80 FR 75054 (December 1, 2015) (*Welded Line Pipe CVD Order*); *Certain Oil Country Tubular Goods from India and the Republic of Turkey: Countervailing Duty Orders and Amended Affirmative Final Countervailing Duty Determination for India*, 79 FR 53688

2024, Borusan Boru requested that, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), Commerce conduct expedited changed circumstances reviews (CCR) to determine that Borusan Boru is the successor-in-interest to BMB and, as a result of these determinations, to: (1) assign it the cash deposit rates currently applicable to BMB pursuant to *Standard Pipe CVD Order*, *Welded Line Pipe CVD Order*, and *OCTG CVD Order*; and (2) continue to exclude it from *LDWP CVD Order*.² In its request, Borusan Boru stated that it undertook an official, legal name change from Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB) to Borusan Birleşik Boru Fabrikaları Sanayi ve Ticaret A.S. (Borusan Boru) following the termination of its partnership with Salzgitter Mannesmann GmbH (Salzgitter) in 2023, but that the company experienced no significant changes which would impact the extent of its subsidization.³ No interested parties filed comments opposing the CCR request.

On February 26, 2024, Commerce published the notice initiating these CCRs to consider whether Borusan Boru is the successor-in-interest to BMB.⁴ On April 22, 2024, we issued a supplemental questionnaire to Borusan Boru, to which we received a timely response on May 8, 2024.⁵

Scope of the Orders

The merchandise covered by these orders is standard pipe, WLP, OCTG, and LDWP from Türkiye. For a complete description of the scope of each of these orders, see the appendix to this notice.⁶

(September 10, 2014) (*OCTG CVD Order*); and *Large Diameter Welded Pipe from the Republic of Turkey: Countervailing Duty Order*, 84 FR 18771 (May 2, 2019) (*LDWP CVD Order*).

² See Borusan Boru's Letter, "Notification of Company Name Change and Request for Changed Circumstances Review, If Deemed Necessary: Name Change of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Mannesmann Pipe U.S.," dated January 8, 2024 (Borusan Boru's CCR Request).

³ *Id.* at 4.

⁴ See *Circular Welded Carbon Steel Standard Pipe and Tube Products from the Republic of Turkey; Welded Line Pipe from the Republic of Turkey; Certain Oil Tubular Goods from the Republic of Turkey; and Large Diameter Welded Pipe from the Republic of Turkey: Notice of Initiation of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews*, 89 FR 14052 (February 26, 2024) (*Initiation Notice*).

⁵ See Borusan Boru's Letter, "Supplemental Questionnaire Response," dated May 8, 2024 (Borusan Boru's SQR).

⁶ See *Standard Pipe CVD Order*, 51 FR at 7984; *Welded Line Pipe CVD Order*, 80 FR at 75054; *OCTG CVD Order*, 79 FR at 53689; and *LDWP CVD Order*, 84 FR at 18773.

Preliminary Results

In these CCRs, pursuant to section 751(b) of the Act, Commerce conducted a successor-in-interest analysis. In a CVD CCR, Commerce will normally make an affirmative successorship finding where there is no evidence of significant changes in the respondent's operations, ownership, and corporate or legal structure during the relevant period (*i.e.*, the "look-back window") that could have affected the respondent's subsidy levels.⁷ Where a significant change has occurred, Commerce will assess whether that change affects the nature and extent of the respondent's subsidization and, therefore, whether the respondent is the same subsidized entity as the predecessor, with reference to one or more of the following objective criteria: (1) continuity in the cross-owned or consolidated respondent company's financial assets and liabilities; (2) continuity in its production and commercial activities; and (3) continuity in the level of the government's involvement in the respondent's operations or financial structure.

Where Commerce makes an affirmative CVD successorship finding, the successor's merchandise will be entitled to enter under the predecessor's cash deposit rate.⁸ Here, as detailed below, there is no evidence of significant changes between BMB and successor in interest in Borusan Boru's operations, ownership or corporate or legal structure during the look back period which could have impacted the successor in interest company's subsidy levels.⁹ That is, record evidence indicates that despite significant changes, Borusan Boru essentially operates as the same subsidized entity as its predecessor with respect to subject merchandise.

⁷ See *Certain Pasta from Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review*, 74 FR 47225 (September 15, 2009) (*Pasta from Türkiye*), unchanged in *Certain Pasta from Turkey: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 74 FR 54022 (October 21, 2009). In this instance, the relevant look back period is December 31, 2022 (the end of the period of review associated with the most recent opportunity to request a review), to January 8, 2024 (the date of Borusan Boru's CCR request).

⁸ See *Notice of Initiation and Preliminary Results of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China*, 85 FR 5193 (January 29, 2020), unchanged in *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Results of Changed Circumstances Reviews*, 85 FR 14638 (March 13, 2020).

⁹ See Borusan Boru's CCR Request; and Borusan Boru's SQR.

Continuity in Borusan Boru's Ownership

Borusan Boru provided documentation demonstrating that its ownership was unchanged during the "look-back window."¹⁰ However, Borusan Boru stated that the ownership of its majority shareholder, BMB Holding A.S. (BMBH), changed following the termination of BMBH's partnership with Salzgitter in November 2023.¹¹ According to Borusan Boru, in Salzgitter's place, Borusan Istikbal Ticaret T.A.S. (Borusan Istikbal), an existing affiliated company, became one of the owners of BMBH.¹² In recent proceedings, Commerce has examined, but did not attribute to BMB, subsidies received by Borusan Istikbal.¹³ Additionally, Borusan Boru stated that there were no changes with respect to the Government of Türkiye's (GOT) involvement with the Borusan Group of companies, including Borusan Istikbal.¹⁴ Therefore, consistent with *Pasta from Türkiye*, we determine that the inclusion of Borusan Istikbal in the ownership of BMBH does not constitute a significant change that could affect the extent of Borusan Boru's subsidization.

Continuity in Borusan Boru's Operations

Borusan Boru provided information demonstrating that there were no significant changes in its suppliers or customer base during the "look-back

¹⁰ See Borusan Boru's SQR at 2 and Exhibits 14 and 15.

¹¹ *Id.* at 3 and Exhibit 17.

¹² *Id.*; see also Borusan Boru's CCR Request at Attachment 6.

¹³ See *Circular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review*, in Part, *Calendar Year 2019*, 86 FR 29754 (June 3, 2021), and accompanying Preliminary Decision Memorandum (PDM) at 6–7, unchanged in *Circular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Results and Rescission*, in Part, of *Countervailing Duty Administrative Review*; *Calendar Year 2019*, 86 FR 67681 (November 29, 2021); see also *Oil Country Tubular Goods from the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent To Rescind in Part*; 2018, 86 FR 7069 (January 26, 2021), and accompanying PDM at 7–8, unchanged in *Oil Country Tubular Goods from the Republic of Turkey: Final Results and Partial Rescission of Countervailing Duty Administrative Review*; 2018, 88 FR 24842 (May 10, 2021); *Circular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Partial Rescission*; *Calendar Year 2018*, 85 FR 18917 (April 3, 2020), and accompanying PDM at 8–9 unchanged in *Circular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Results of Countervailing Duty Administrative Review*; *Calendar Year 2018*, 86 FR 6866 (January 25, 2021).

¹⁴ See Borusan Boru's SQR at 1–2 and Exhibits 10–12.

window."¹⁵ Borusan Boru stated that it purchased the assets of Berg Steel, a U.S. company, during the "look-back window," including production facilities in Mobile, Alabama, and Panama City, Florida.¹⁶ As stated in the *Initiation Notice*, Commerce does not assign cash deposit rates or calculate subsidy rates for U.S. companies and we do not measure subsidies received by U.S. companies.¹⁷ Therefore, we find that this change does not affect the extent of Borusan Boru's subsidization by the GOT.

Continuity in Borusan Boru's Corporate and Legal Structure

Borusan Boru provided evidence demonstrating that there were no significant changes to its legal structure during the "look-back window."¹⁸ Therefore, we determine that there were no significant changes that could have affected Borusan Boru's subsidization levels.

Thus, record evidence preliminarily indicates that Borusan Boru is the successor-in-interest to BMB. In accordance with 19 CFR 351.216, we preliminarily determine that Borusan Boru is the successor-in-interest to BMB, based on the analysis of the information Borusan Boru provided in its CCR request and supplemental questionnaire response.

Accordingly, we preliminarily determine the Borusan Boru is entitled to the same CVD cash deposit rates as its predecessor for merchandise subject to the *Standard Pipe CVD Order*, *Welded Line Pipe CVD Order*, and *OCTG CVD Order*. We also preliminarily determine that Borusan Boru is entitled to its predecessor's exclusion from the *LDWP CVD Order*.¹⁹ Consequently, if this determination is unchanged in the final results, Commerce intends to instruct U.S. Customs and Border Protection (CBP) to collect estimated CVDs and suspend liquidation of all shipments of merchandise subject to the *Standard Pipe CVD Order*, *Welded Line Pipe CVD Order*, and *OCTG CVD Order* produced and/or exported by Borusan Boru and entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results in the **Federal Register** at the rate assigned to BMB.²⁰ Further, Commerce will

¹⁵ *Id.* at 1–2.

¹⁶ *Id.* at 4 and Exhibit 19.

¹⁷ See *Initiation Notice*, 89 FR at 14053, footnote 2.

¹⁸ See Borusan Boru's SQR at 3.

¹⁹ BMB was excluded from the *LDWP CVD Order*. See *LDWP CVD Order*, 85 FR at 18773.

²⁰ The current rate for BMB under the *Standard Pipe CVD Order* is 0.83 percent. See *Circular*

instruct CBP that Borusan Boru is entitled to its predecessor's exclusion from the *LDWP CVD Order* for entries of subject merchandise produced and exported by Borusan Boru. Lastly, the cash deposit requirements shall remain in effect until further notice.

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.²¹ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.²² All comments are to be filed electronically using Enforcement and Compliance's Antidumping and CVD Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. An electronically filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time on the day it is due.²³ Parties should file their case and rebuttal briefs on the record of each of the four CVD CCRs related to Borusan Boru's successor-in-interest request.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.²⁴ Further, we request that interested parties limit their

public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this CCR. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²⁵

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Final Results

Consistent with 19 CFR 351.216(e), we will issue the final results of these CCRs no later than 270 days after the date on which these reviews were initiated, or within 45 days if all parties to the proceeding agree to our preliminary determination.

Notification to Interested Parties

We are issuing this notice in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216(b) and 351.221(c)(3).

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

The Scope of the CVD Order on Circular Welded Carbon Steel Standard Pipe and Tube Products From the Republic of Türkiye

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (HTSUS) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for

convenience and customs purposes, the written description of the merchandise is dispositive.

The Scope of the CVD Order on Welded Line Pipe from the Republic of Türkiye

The merchandise covered by the order is circular welded carbon and alloy steel (other than stainless steel) pipe of a kind used for oil or gas pipelines (welded line pipe), not more than 24 inches in nominal outside diameter, regardless of wall thickness, length, surface finish, end finish, or stenciling. Welded line pipe is normally produced to the American Petroleum Institute (API) specification 5L, but can be produced to comparable foreign specifications, to proprietary grades, or can be non-graded material. All pipe meeting the physical description set forth above, including multiple-stenciled pipe with an API or comparable foreign specification line pipe stencil is covered by the scope of this investigation.

The welded line pipe that is subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.5000, 7305.12.1030, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. The subject merchandise may also enter in HTSUS 7305.11.1060 and 7305.12.1060. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

The Scope of the CVD Order on Certain Oil Tubular Goods from the Republic of Türkiye. The merchandise covered by the order is oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the order also covers OCTG coupling stock.

Excluded from the scope of the order are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30,

Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Results and Rescission, in Part, of Countervailing Duty Administrative Review; Calendar Year 2019, 86 FR 67681, 67682 (November 29, 2021). The current rate for BMB under the *Welded Line Pipe CVD Order* 0.78 percent. See *Welded Line Pipe from the Republic of Turkey: Final Results of Countervailing Duty Administrative Review*; 2015, 83 FR 34113, 34114 (July 19, 2028). The current rate for BMB under the *OCTG CVD Order* is 0.38 percent (*de minimis*). See *Oil Country Tubular Goods from the Republic of Turkey: Final Results and Partial Rescission of Countervailing Duty Administrative Review*; 2018, 86 FR 24842 (May 10, 2021).

²¹ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

²² See 19 CFR 351.309(c)(2) and (d)(2).

²³ See 19 CFR 351.303(b).

²⁴ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²⁵ See *APO and Final Service Rule*.

7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

The Scope of the CVD Order on Large Diameter Welded Pipe From the Republic of Türkiye

The merchandise covered by this order is welded carbon and alloy steel structural pipe (other than stainless steel pipe), more than 406.4 mm (16 inches) in nominal outside diameter (large diameter welded structural pipe), regardless of wall thickness, length, surface finish, grade, end finish, or stenciling. Large diameter welded structural pipe may be used for structural purposes, including, but not limited to, piling. Specifically, not included is large diameter welded pipe produced only to specifications of the American Water Works Association (AWWA) for water and sewage pipe.

Large diameter welded structural pipe may be produced to American Society for Testing and Materials (ASTM) standards A500, A252, or A53, or other relevant domestic specifications, grades and/or standards. Large diameter welded structural pipe can be produced to comparable foreign specifications, grades and/or standards or to proprietary specifications, grades and/or standards, or can be non-graded material. All structural pipe meeting the physical description set forth above, including any dual- or multiple-certified/stenciled pipe with an ASTM (or comparable) welded structural pipe certification/stencil, is covered by the scope of this order.

Subject merchandise also includes large diameter welded structural pipe that has been further processed in a third country, including but not limited to coating, painting, notching, beveling, cutting, punching, welding, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the in-scope large diameter welded structural pipe.

Excluded from the scope of this order is line pipe which is suitable for transporting oil, gas, slurry, steam, or other fluids, liquids, or gases, and is normally produced to American Petroleum Institute (API) specification 5L or equivalent foreign specifications grades and/or standards or to

proprietary specifications, grades and/or standards. Also excluded from the scope are any products covered by the existing countervailing duty order on welded line pipe from the Republic of Turkey. *See Welded Line Pipe from the Republic of Turkey: Countervailing Duty Order*, 80 FR 75054 (December 1, 2015).

The large diameter welded structural pipe that is subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.31.4000, 7305.31.6090, 7305.39.1000 and 7305.39.5000. Merchandise currently classifiable under subheadings 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, and 7305.19.5000 and that otherwise meets the above scope language is also covered. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2024–20397 Filed 9–9–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–557–829]

Ferrosilicon From Malaysia: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of ferrosilicon from Malaysia. The period of investigation (POI) is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam or Stefan Smith, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1603 or (202) 482–4342, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the

notice of initiation of this investigation on April 24, 2024.¹ On May 30, 2024, Commerce postponed the preliminary determination of this investigation until August 26, 2024.² On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.³ The deadline for this preliminary determination is now September 3, 2024.⁴

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.⁵ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is ferrosilicon from Malaysia. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁶ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).⁷ As noted in the Preliminary Decision Memorandum, Commerce corrected a minor clerical error in the language of the scope.⁸

¹ See *Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Countervailing Duty Investigations*, 89 FR 31133 (April 24, 2024) (*Initiation Notice*).

² See *Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 89 FR 46860 (May 30, 2024).

³ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

⁴ Because seven days from August 26, 2024 (*i.e.*, September 2, 2024) falls on a federal holiday, the actual deadline for the preliminary determination is September 3, 2024.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Ferrosilicon from Malaysia," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁶ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁷ See *Initiation Notice*.

⁸ See Preliminary Decision Memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁹

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce’s requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.¹⁰ For further information, *see* the “Use of Facts Otherwise Available and Adverse Inferences” section in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of ferrosilicon from Malaysia for Pertamina Ferroalloys Sdn. Bhd (Pertama), but do not exist with respect to OM Materials (Sarawak) Sdn. Bhd (OM Materials) and all other exporters or producers not individually examined. For a full description of the methodology and results of Commerce’s analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of ferrosilicon from Malaysia based on a request made by the petitioners.¹¹ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 14, 2025, unless postponed.

⁹ *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.

¹⁰ *See* sections 776(a) and (b) of the Act.

¹¹ *See Ferrosilicon from Brazil; Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 89 FR 66678 (August 16, 2024).

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated individual estimated countervailable subsidy rates for OM Materials and Pertamina that are not zero, *de minimis*, or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each company’s publicly-ranged values for the merchandise under consideration.¹²

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
OM Materials (Sarawak) Sdn. Bhd ¹³	2.81
Pertama Ferroalloys Sdn. Bhd	3.48
All Others	3.02

¹² With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company’s publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* the All-Others Rate Calculation Memorandum.

¹³ As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with OM Materials: OM Materials & Logistics (M) Sdn. Bhd; OM Materials (Samalaju) Sdn. Bhd; and OM Engineering Tech (M) Sdn. Bhd.

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. As noted above, Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Pertamina. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise produced and/or exported by Pertamina that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the

information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁴ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁵

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁶ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁷

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any

participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine, before the later of 120 days after the date of this preliminary determination or 45 days after the final determination, whether imports of ferrosilicon from Malaysia are materially injuring the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

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 I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of ferrosilicon, regardless of grade, including ferrosilicon briquettes. Ferrosilicon is a ferroalloy containing by weight four percent or more iron, more than eight percent but not more than 96 percent silicon, three percent or less phosphorus, 30 percent or less manganese, less than three percent magnesium, and 10 percent or less of any other element. The merchandise covered also includes product described as slag, if the product meets these specifications.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any grinding or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the ferrosilicon.

Ferrosilicon is currently classifiable under subheadings 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary

II. Background

III. Injury Test

IV. Preliminary Affirmative Determination of Critical Circumstances, In Part

V. Use of Facts Available and Adverse Inferences

VI. Subsidies Valuation Information

VII. Analysis of Programs

VIII. Recommendation

[FR Doc. 2024–20364 Filed 9–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–930]

Certain High Chrome Cast Iron Grinding Media From India: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3797.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 2024, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of Certain High Chrome Cast Iron Grinding Media (Grinding Media) from India.¹ On July 22, 2024, Commerce tolled certain deadlines in this investigation by seven days.² Currently, the preliminary determination is due no later than October 10, 2024.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on

¹⁴ See 19 CFR 351.309(d); see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings, 88 FR 67069, 67077 (September 29, 2023) (APO and Service Final Rule).

¹⁵ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁶ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁷ See APO and Service Final Rule.

¹ See *Certain High Chrome Cast Iron Grinding Media from India: Initiation of Less-Than-Fair-Value Investigation*, 89 FR 45630 (May 23, 2024).

² See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

which Commerce initiated the investigation if: (A) the petitioner³ makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 13, 2024, the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.⁴ The petitioner requested postponement of the preliminary determination because it believes that Commerce requires more time to review questionnaire responses and address any deficiencies.⁵

For the reason stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.*, 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determinations no later than November 29, 2024.⁶ In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: 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.

[FR Doc. 2024–20347 Filed 9–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers/exporters of stainless steel bar (SS bar) subject to this review made sales of subject merchandise at prices below normal value during the period of review (POR), February 1, 2022, through January 31, 2023. We further determine that a producer/exporter of SS bar from India did not make sales of subject merchandise below normal value during the POR.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On March 5, 2024, Commerce published in the *Federal Register* the *Preliminary Results* of the 2022–2023 administrative review of the antidumping duty order on SS bar from India.¹ We invited interested parties to comment on the *Preliminary Results*. On June 10, 2024, we extended the deadline for issuing the final results of administrative review to August 29, 2024.² On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.³ The deadline for issuing the final results of administrative review is now September 5, 2024. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

¹ See *Stainless Steel Bar from India: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 15812 (March 5, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Extension of Deadline for Final Results,” dated June 10, 2024.

³ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

Scope of the Order⁴

The product covered by the *Order* is SS bar from India. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.⁵

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum.⁶ 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 at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made certain cost related adjustments to Laxcon Steels Limited’s, and its affiliates’, Ocean Steels Private Limited’s, Metlax International Private Limited’s, Parvati Private Limited’s, and Mega Steels Private Limited’s (collectively, Laxcon) information.⁷ In addition, we recalculated Laxcon’s reported indirect selling expense calculation⁸ and removed an adjustment to U.S. price reported under a certain billing adjustment field (BILLADJ1U) for Amor Inox Limited.⁹ For a detailed discussion of the issues raised by parties, see the Issues and Decision Memorandum.

Rate for Non-Examined Companies

The statute and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for

⁴ See *Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan*, 60 FR 9661 (February 21, 1995) (*Order*).

⁵ See Issues and Decision Memorandum.

⁶ See Memorandum, “Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Bar from India; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁷ *Id.* at Comments 1, 3, 4, and 5.

⁸ *Id.* at Comment 6.

⁹ *Id.* at Comment 8.

³ The petitioner is Magotteaux Inc.

⁴ See Petitioner’s Letter, “Request to Extend the Preliminary Determination,” dated August 13, 2024.

⁵ *Id.*

⁶ This deadline has been tolled by seven days. See footnote 2, *supra*.

guidance when calculating the rate for companies which were not selected for individual examination in an administrative review.

Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually

investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available. In this review, we have determined that the estimated weighted-average margin for Aamor is *de minimis*. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts available, is the rate calculated for Laxcon. Accordingly, we assigned a

margin of 0.70 percent based on Laxcon's calculated weighted-average dumping margin to the non-examined companies.

Final Results of Review

We determine that the following estimated weighted-average dumping margins exist for the period February 1, 2022, through January 31, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Laxcon Steels Limited, and its affiliates, Ocean Steels Private Limited, Metlax International Private Limited, Parvati Private Limited, and Mega Steels Private Limited ¹⁰	0.70
Aamor Inox Limited	0.40 (<i>de minimis</i>)
Companies Not Selected for Individual Review	
Astrabite LLP	0.70
Venus Wire Industries Pvt. Ltd., and its affiliates, Precision Metals, Hindustan Inox Ltd., and Sieves Manufacturers (India) Pvt. Ltd. ¹¹	0.70

Disclosure

We intend to disclose the calculations performed for these final results of review to the parties within five days after public announcement, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer, and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer- (or customer-) specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR for which the examined companies did not know

that the merchandise they sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate (12.45 percent¹²), if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies that were not selected for individual examination, we will instruct CBP to assess antidumping duties at a rate equal to the weighted-average dumping margin established in the final results of review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2) of the Act: (1) the cash deposit rate for companies subject to this review will be the rates established in these final results of the review; (2) for merchandise exported by producers

or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, then the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 12.45 percent,¹³ the all-others rate established in the investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary

¹⁰ Collectively, these companies are known as Laxcon.

¹¹ Collectively, these companies are known as Venus Group.

¹² See Order at 66921.

¹³ See Order, 60 FR at 66921.

information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: September 4, 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. Changes From the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Whether to Revise Laxcon's Reported Cost
 - Comment 2: Whether to Revise Mega Steels Private Limited's Reported Costs
 - Comment 3: Whether to Revise Ocean Steels Private Limited's Reported Costs
 - Comment 4: Whether to Revise Metlax International Private Limited's Reported Costs
 - Comment 5: Whether to Disallow Laxcon's Offset for an Affiliated Party's Interest Expenses
 - Comment 6: Whether to Revise Laxcon's Indirect Selling Expenses
 - Comment 7: Whether to Reject Aamor's Claimed Billing Adjustment
 - Comment 8: Whether to Deny Aamor's Request for the Addition of An Export Tax Adjustment
- VI. Recommendation

[FR Doc. 2024–20399 Filed 9–9–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–834–813]

Ferrosilicon From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of ferrosilicon from the Republic of Kazakhstan (Kazakhstan). The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Peter Shaw, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0697.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 24, 2024.¹ On May 30, 2024, Commerce postponed the preliminary determination of this investigation.² On July 22, 2024, Commerce tolled certain deadlines in this investigation by seven days.³ The deadline for this preliminary determination is now September 3, 2024.⁴

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.⁵ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete

¹ *See Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Countervailing Duty Investigations*, 89 FR 31133 (April 24, 2024) (*Initiation Notice*).

² *See Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 89 FR 46860 (May 30, 2024).

³ *See* Memorandum, “Tolling Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

⁴ Because seven days from August 26, 2024 (*i.e.*, September 2, 2024) falls on a federal holiday, the actual deadline for the preliminary determination is September 3, 2024.

⁵ *See* Memorandum, “Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Ferrosilicon from the Republic of Kazakhstan,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation is ferrosilicon from Kazakhstan. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁶ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).⁷ As noted in the Preliminary Decision Memorandum, Commerce corrected a minor clerical error in the language of the scope.⁸

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁹ For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of ferrosilicon from Kazakhstan based on a request made by the petitioners.¹⁰ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 14, 2025, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary

⁶ *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁷ *See Initiation Notice*.

⁸ *See* Preliminary Decision Memorandum.

⁹ *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.

¹⁰ *See* Petitioners' Letter, “Petitioner's Request for Alignment of Final Determinations with Deadline in Concurrent AD Investigations,” dated August 15, 2024.

determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated total net subsidy rates for TELF AG (TELF) and YDD Corporation LLP (YDD) that are not zero, *de minimis*, or based entirely on the facts otherwise available. Because we have calculated rates for both mandatory respondents that are not zero, *de minimis*, or based entirely on the facts otherwise available, we have preliminarily assigned an all-others rate based on the weighted average of the estimated subsidy rates calculated for the mandatory respondents.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
TELF AG	2.37
TNC Kazchrome JSC ¹¹	2.37
YDD Corporation LLP ¹²	14.74
All Others	10.13

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

¹¹ This rate applies to TNC Kazchrome JSC and its cross-owned companies: Eurasian Energy Corporation JSC; and Shubarkol Komir JSC.
¹² As discussed in the Preliminary Decision Memorandum, Commerce has found the following

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs after the deadline date for case briefs.¹³ Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁴ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public

companies to be cross-owned with YDD: ASIA FerroAlloys LLP; and KazSilicon Metallurgical Combine LLP.
¹³ See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements); *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).
¹⁴ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁵

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party’s name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of ferrosilicon from Kazakhstan are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

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 I—Scope of the Investigation

The scope of this investigation covers all forms and sizes of ferrosilicon, regardless of grade, including ferrosilicon briquettes. Ferrosilicon is a ferroalloy containing by weight four percent or more iron, more than eight percent but not more than 96 percent silicon, three percent or less phosphorus, 30

¹⁵ See *APO and Service Final Rule*.

percent or less manganese, less than three percent magnesium, and 10 percent or less of any other element. The merchandise covered also includes product described as slag, if the product meets these specifications.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any grinding or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the ferrosilicon.

Ferrosilicon is currently classifiable under subheadings 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Subsidies Valuation
- V. Change in Ownership
- VI. Benchmarks
- VII. Analysis of Programs
- VIII. Recommendation

[FR Doc. 2024–20365 Filed 9–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–177]

Certain Low Speed Personal Transportation Vehicles From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley at (202) 482–3148, AD/CVD Operations, OVII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 10, 2024, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of Certain Low Speed

Personal Transportation Vehicles (LSPTV) from the People's Republic of China (China).¹ On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.² Currently, the preliminary determination is due no later than September 20, 2024.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner³ makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 23, 2024, the petitioner submitted a timely request that Commerce postpone the preliminary determination in this investigation.⁴ The petitioner stated that they request postponement to extend the deadline for the preliminary determination in order to collect the necessary information for determining accurate countervailable subsidy rates.⁵

In accordance with 19 CFR 351.205(e), the petitioner submitted its request for postponement of the preliminary determination in this investigation 25 days or more before the scheduled date of the preliminary determination and stated the reasons for

¹ See *Certain Low Speed Personal Transportation Vehicles from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 89 FR 57870 (July 16, 2024) (*Initiation Notice*).

² See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

³ The petitioner is American Personal Transportation Manufacturers Coalition.

⁴ See Petitioner's Letter, “Request for Postponement of the Preliminary Determination,” dated August 23, 2024.

⁵ *Id.*

its request. For the reasons stated above, and because there are no compelling reasons to deny the request, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, November 25, 2024.⁶ Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

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.

[FR Doc. 2024–20348 Filed 9–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–861]

Ferrosilicon From Brazil: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination in Part, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of ferrosilicon from Brazil. The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

⁶ Postponing the tolled preliminary determination deadline to 130 days after initiation would place the deadline on Sunday, November 24, 2024. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

DATES: Applicable September 10, 2024.
FOR FURTHER INFORMATION CONTACT: Bob Palmer or Laurel Smalley, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9068 or (202) 482-3456, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 24, 2024.¹ On May 30, 2024, Commerce postponed the preliminary determination of this investigation until August 26, 2024.² On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.³ The deadline for this preliminary determination is now September 3, 2024. For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.⁴ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is ferrosilicon from Brazil.

¹ See *Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Countervailing Duty Investigations*, 89 FR 31133 (April 24, 2024) (Initiation Notice).

² See *Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 89 FR 46860 (May 30, 2024).

³ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024. Because the current deadline for this preliminary determination falls on a Holiday (*i.e.*, September 2, 2024), the deadline became the next business day (*i.e.*, September 3, 2024). See also Next Business Day Rule.

⁴ See Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Ferrosilicon from Brazil," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁵ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).⁶ As noted in the Preliminary Decision Memorandum, Commerce corrected a minor clerical error in the language of the scope.⁷

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁸

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁹ For further information, see the "Use of Facts Otherwise Available and Adverse Inferences" section in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of Ferrosilicon from Brazil for Companhia de Ferro Ligas da Bahia—FERBASA (Ferbasa), Minasligas S.A. (Minasligas), and Ligas de Alumínio S.A. (LIASA), but do not exist with respect to all-other exporters or producers not individually examined. For a full description of the methodology and results of Commerce's analysis, see the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD)

⁵ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁶ See *Initiation Notice*.

⁷ See Preliminary Decision Memorandum.

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ See sections 776(a) and (b) of the Act.

determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of Ferrosilicon from Brazil based on a request made by the petitioners.¹⁰ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 14, 2025, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. In this investigation, Commerce calculated individual estimated countervailable subsidy rates for Ferbasa and Minasligas that are not zero, *de minimis*, or based entirely on facts otherwise available. Therefore, Commerce calculated the all-others rate using a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration.¹¹

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

¹⁰ See Petitioners' Letter, "Petitioners' Request for Alignment of Final Determinations with Deadline in Concurrent AD Investigations," dated August 15, 2024.

¹¹ With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See, *e.g.*, *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, see the All-Others Rate Calculation Memorandum.

Company	Subsidy rate (percent ad valorem)
Companhia de Ferro Ligas da Bahia—FERBASA ¹²	5.36
Minasligas S.A. ¹³	4.44
Ligas de Alumínio S.A.	* 61.73
All Others	5.09

* Rate is based on an adverse inference.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Ferbasa, LIASA, and Minasligas. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice. Because Commerce preliminarily did not find critical circumstances exists for all other producers and exporters, Commerce will require a cash deposit equal to the rate indicated above

¹² As discussed in the Preliminary Decision Memorandum, Commerce has found the following company to be cross-owned with Ferbasa: Fundação José Carvalho Foundation (Jose Carvalho Foundation).

¹³ As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Minasligas: Irmazi Participações S.A. (Irmazi), Participações SZ Ltd. (SZ), and Centrium Empreendimentos Ltda. (Centrium).

on the date of publication of this notice in the **Federal Register**.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁴ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁵

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that

¹⁴ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁵ See 19 CFR 351.309(c)(2) and (d)(2).

interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁶ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁷

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of Ferrosilicon from Brazil are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

¹⁶ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁷ See *APO and Service Final Rule*.

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 I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of ferrosilicon, regardless of grade, including ferrosilicon briquettes. Ferrosilicon is a ferroalloy containing by weight four percent or more iron, more than eight percent but not more than 96 percent silicon, three percent or less phosphorus, 30 percent or less manganese, less than three percent magnesium, and 10 percent or less of any other element. The merchandise covered also includes product described as slag, if the product meets these specifications.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any grinding or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the ferrosilicon.

Ferrosilicon is currently classifiable under subheadings 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Preliminary Affirmative Determination of Critical Circumstances, In Part
- V. Subsidies Valuation Information
- VI. New Subsidy Allegations
- VII. Use of Facts Otherwise Available and Adverse Inferences
- VIII. Analysis of Programs
- IX. Recommendation

[FR Doc. 2024–20363 Filed 9–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501, A–489–822, A–489–816, A–489–833]

Circular Welded Carbon Steel Standard Pipe and Tube Products From the Republic of Türkiye; Welded Line Pipe From the Republic of Türkiye; Certain Oil Tubular Goods From the Republic of Türkiye; and Large Diameter Welded Pipe From the Republic of Türkiye: Preliminary Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Borusan Birleşik Boru Fabrikaları Sanayi ve Ticaret A.Ş. (Borusan Boru) is the successor-in-interest to Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş. (BMB) in the context of the antidumping duty orders on circular welded carbon steel standard pipe and tube products (WLP), certain oil tubular goods (OCTG), and large diameter welded pipe (LDWP) from the Republic of Türkiye (Türkiye). Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Ajay K. Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1986, March 7, 1986, December 1, 2015, September 10, 2014, and May 2, 2019, respectively, Commerce published in the **Federal Register** antidumping duty orders on standard pipe, WLP, OCTG, and LDWP from Türkiye.¹ On January 9, 2024,

¹ See *Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey*, 51 FR 17784 (May 15, 1986) (*Standard Pipe AD Order*); *Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056 (December 1, 2015) (*Welded Line Pipe AD Order*); *Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value*, 79 FR 53691, 53693 (September 10, 2014) (*OCTG AD Order*); and *Large Diameter Welded Pipe from the Republic of Turkey: Amended Final Affirmative*

Borusan Boru requested that, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), Commerce conduct expedited changed circumstances reviews (CCR) to determine that Borusan Boru is the successor-in-interest to BMB and accordingly to: (1) assign it the cash deposit rates currently applicable to BMB pursuant to *THE Standard Pipe AD Order* and *Welded Line Pipe AD Order*; and (2) continue to exclude it from *OCTG AD Order* and *LDWP AD Order*.² On February 26, 2024, Commerce published the notice initiating these CCRs to consider whether Borusan Boru is the successor-in-interest to BMB.³

On April 9, 2024, we issued a supplemental questionnaire to Borusan Boru, to which we received a timely response on April 30, 2024.⁴ In its response, Borusan Boru stated that there were no material changes to either the supplier or customer base of BMB as a result of BMB's conversion to Borusan Boru.⁵ We received no comments from other interested parties concerning Borusan Boru's request.

Scope of the Orders

The merchandise covered by these orders is standard pipe, WLP, OCTG, and LDWP from Türkiye. For a complete description of the scope of each of these orders, see the appendix to this notice.⁶

Preliminary Results

In these CCRs, pursuant to section 751(b) of the Act, Commerce conducted a successor-in-interest analysis. In making a successor-in-interest determination, Commerce examines several factors, including, but not limited to, changes in the following: (1)

Antidumping Duty Determination and Antidumping Duty Order, 84 FR 18799 (May 2, 2019) (*LDWP AD Order*).

² See Borusan Boru's Letter, "Notification of Company Name Change and Request for Changed Circumstances Review, If Deemed Necessary: Name Change of Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş. and Borusan Mannesmann Pipe U.S.," dated January 8, 2024 (Borusan Boru's CCR Request).

³ See *Circular Welded Carbon Steel Standard Pipe and Tube Products from the Republic of Turkey; Welded Line Pipe from the Republic of Turkey; Certain Oil Tubular Goods From the Republic of Turkey; and Large Diameter Welded Pipe from the Republic of Turkey: Notice of Initiation of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews*, 89 FR 14052 (February 26, 2024).

⁴ See Borusan Boru's Letter, "Supplemental Questionnaire Response," dated April 30, 2024 (Borusan Boru's SQR).

⁵ *Id.*

⁶ See *Standard Pipe AD Order*, 51 FR 17784; *Welded Line Pipe AD Order*, 80 FR 75056; *OCTG AD Order*, 79 FR 53691, and *LDWP AD Order*, 84 FR 18799.

management; (2) production facilities; (3) supplier relationships; and (4) customer base.⁷ While no single factor or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, Commerce will consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.⁸ Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, Commerce may assign the new company the cash deposit rate of its predecessor.⁹

In accordance with 19 CFR 351.216, we preliminarily determine that Borusan Boru is the successor-in-interest to BMB, based on the analysis of the information BMB provided in its CCR request and supplemental response regarding the factors listed above.

Management

Borusan Boru stated that, in November 2023, following the termination of its partnership with Salzgitter Mannesmann GmbH (Salzgitter): (1) Borusan Mannesmann Boru Yatirim Holding A.S. (BMBYH) changed its name to BMB Holding A.S. (BMBH); and (2) BMBH also changed the name of BMB to Borusan Boru. According to Borusan Boru, BMBH continued to control the same percentage of Borusan Boru as it did before the name change and there were no other changes to the shareholders of

Borusan Boru. Borusan Boru demonstrated that its management did not change as a result of the name change and the only change to its board of directors was to replace the Salzgitter-appointed directors.¹⁰

Production Facilities

Borusan Boru stated there were no changes in the company's production facilities as a result of the name change. According to Borusan Boru, it maintains the same headquarters, manufacturing facilities, and its production capacity is unchanged as a result of the name change.¹¹

Supplier Relationships

Borusan Boru stated that the major input in its production is hot-rolled coil (HRC), and it provided a list of its 2023 HRC suppliers as compared to its suppliers through March 31, 2024, demonstrating that Borusan Boru's suppliers are substantially similar to BMB's.¹²

Customer Base

Borusan Boru stated that there were no changes to its customer base after the name change. Borusan Boru provided a list of its 2023 customers as compared to its customers through March 31, 2024, demonstrating that Borusan Boru's customers are substantially similar to BMB's.¹³

Thus, record evidence, as submitted by Borusan Boru, indicates that Borusan Boru operates as essentially the same business entity as BMB with respect to the subject merchandise.¹⁴ Because Borusan Boru demonstrated that there were no material changes in the ownership and management structure, production facilities, and supplier and customer base as a result of BMB changing its name to Borusan Boru, we preliminarily find that Borusan Boru is the successor-in-interest to BMB.

We preliminarily determine that Borusan Boru is entitled to the same AD cash deposit rates as its predecessor for merchandise subject to the *Standard Pipe AD Order* and *Welded Line Pipe AD Order*. We also preliminarily determine that Borusan Boru is entitled to its predecessor's exclusion from the *OCTG AD Order* and *LDWP AD Order*.¹⁵

Consequently, if this determination is unchanged in the final results, Commerce intends to instruct U.S. Customs and Border Protection (CBP) to collect estimated antidumping duties and suspend liquidation of all shipments of merchandise subject to the standard pipe and WLP antidumping duty orders produced and/or exported by Borusan Boru and entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results in the **Federal Register** at the rate assigned to BMB.¹⁶ Further, Commerce will instruct CBP that Borusan Boru is entitled to its predecessor's exclusions from the *OCTG AD Order* and *LDWP AD Order* for entries of subject merchandise produced and exported by Borusan Boru. Lastly, the cash deposit requirements shall remain in effect until further notice.

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁷ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁸ All comments are to be filed electronically using Enforcement and Compliance's Antidumping and CVD Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. An electronically filed document must be received successfully in its entirety by

Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value, 79 FR 53691, 53693 (September 10, 2014); *Large Diameter Welded Pipe from the Republic of Turkey: Notice of Court Decision Not in Harmony With Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part*, 85 FR 35262, 35264 (June 9, 2020).

¹⁶ The current rate for BMB in the *Standard Pipe AD Order* is 5.27 percent. See *Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review; 2021–2022*, 88 FR 85592, 85593 (December 9, 2023). The current rate for BMB in the *Welded Line Pipe AD Order* is 0.00. See *Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056, 75057 (December 1, 2015).

¹⁷ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

¹⁸ See 19 CFR 351.309(c)(2) and (d)(2).

⁷ See, e.g., *Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 83 FR 37784 (August 2, 2018) (*Shrimp from India 2018 CCR Prelim*), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 83 FR 49909 (October 3, 2018) (*Shrimp from India 2018 CCR Final*).

⁸ See, e.g., *Shrimp from India 2018 CCR Preliminary*, 83 FR at 37784, unchanged in *Shrimp from India 2018 CCR Final*, 83 FR at 49909.

⁹ See, e.g., *Shrimp from India 2018 CCR Preliminary*, 83 FR at 37784, unchanged in *Shrimp from India 2018 CCR Final*, 83 FR at 49909; see also *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber from Japan*, 67 FR 58, 59 (January 2, 2002); *Ball Bearings and Parts Thereof from France: Final Results of Changed-Circumstances Review*, 75 FR 34688, 34689 (June 18, 2010); *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Preliminary Results of Antidumping Duty Changed Circumstances Review*, 63 FR 14679 (March 26, 1998), unchanged in *Circular Welded Non-Alloy Steel Pipe from Korea: Final Results of Antidumping Duty Changed Circumstances Review*, 63 FR 20572 (April 27, 1998), in which Commerce found that a company which only changed its name and did not change its operations is a successor-in-interest to the company before it changed its name.

¹⁰ See Borusan Boru's CCR Request at 5 and Attachment 6.

¹¹ *Id.* at 5–6.

¹² See Borusan Boru's SQR at Exhibit 12.

¹³ *Id.*

¹⁴ *Id.*; see also Borusan Boru's CCR Request.

¹⁵ BMB was excluded from the *OCTG AD Order* and *LDWP AD Order*. See *Certain Oil Country Tubular Goods From India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the*

ACCESS by 5 p.m. Eastern Time on the day it is due.¹⁹

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.²⁰ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this CCR. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²¹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Parties should file their case and rebuttal briefs on the record of each of the four AD CCRs related to Borusan Boru's successor-in-interest request.

Final Results

Consistent with 19 CFR 351.216(e), we will issue the final results of this CCR no later than 270 days after the date on which the review was initiated, or within 45 days if all parties agree to our preliminary finding.

Notification to Interested Parties

We are issuing this notice in accordance with sections 751(b)(1) and

777(i) of the Act and 19 CFR 351.216(b) and 351.221(b)(1).

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

The Scope of the Order on Circular Welded Carbon Steel Standard Pipe and Tube Products From the Republic of Türkiye

The products covered by this order are welded carbon steel standard pipe and tube products with an outside diameter of 0.375 inch or more but not over 16 inches of any wall thickness, and are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this Order is dispositive. These products, commonly referred to in the industry as standard pipe or tube, are produced to various ASTM specifications, most notably A-120, A-53 or A-135.

The Scope of the AD Order on Welded Line Pipe From the Republic of Türkiye

The products covered by the order are circular welded carbon and alloy steel (other than stainless steel) pipe of a kind used for oil or gas pipelines (welded line pipe), not more than 24 inches in nominal outside diameter, regardless of wall thickness, length, surface finish, end finish, or stenciling. Welded line pipe is normally produced to the American Petroleum Institute (API) specification 5L, but can be produced to comparable foreign specifications, to proprietary grades, or can be non-graded material. All pipe meeting the physical description set forth above, including multiple-stenciled pipe with an API or comparable foreign specification line pipe stencil is covered by the scope of this order.

The welded line pipe that is subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.5000, 7305.12.1030, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. The subject merchandise may also enter in HTSUS 7305.11.1060 and 7305.12.1060. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

The Scope of the AD Order on OCTG From the Republic of Türkiye

The merchandise covered by the order is certain OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether

or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the order also covers OCTG coupling stock.

Excluded from the scope of the order are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.10.90, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive.

The Scope of the AD Order on LDWP From the Republic of Türkiye

The merchandise covered by this order is welded carbon and alloy steel pipe (other than stainless steel pipe), more than 406.4 mm (16 inches) in nominal outside diameter (large diameter welded pipe), regardless of wall thickness, length, surface finish, grade, end finish, or stenciling. Large diameter welded pipe may be used to transport oil, gas, slurry, steam, or other fluids, liquids, or gases. It may also be used for structural purposes, including, but not limited to, piling. Specifically, not included is large diameter welded pipe produced only to specifications of the American Water Works Association (AWWA) for water and sewage pipe.

Large diameter welded pipe used to transport oil, gas, or natural gas liquids is normally produced to the American Petroleum Institute (API) specification 5L. Large diameter welded pipe may also be

¹⁹ See 19 CFR 351.303(b).

²⁰ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²¹ See APO and Final Service Rule, 88 FR at 67069.

produced to American Society for Testing and Materials (ASTM) standards A500, A252, or A53, or other relevant domestic specifications, grades and/or standards. Large diameter welded pipe can be produced to comparable foreign specifications, grades and/or standards or to proprietary specifications, grades and/or standards, or can be non-graded material. All pipe meeting the physical description set forth above is covered by the scope of this order, whether or not produced according to a particular standard.

Subject merchandise also includes large diameter welded pipe that has been further processed in a third country, including but not limited to coating, painting, notching, beveling, cutting, punching, welding, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the in-scope large diameter welded pipe.

Excluded from the scope are any products covered by the existing antidumping duty order on welded line pipe from Türkiye. *See Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056 (December 1, 2015).

The large diameter welded pipe that is subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, 7305.19.5000, 7305.31.4000, 7305.31.6090, 7305.39.1000 and 7305.39.5000. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2024–20396 Filed 9–9–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE109]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Proposed Issuance of a Permit

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

ACTION: Notice; request for comments.

SUMMARY: NMFS is proposing to issue a permit to authorize the incidental, but not intentional, take of specific Endangered Species Act (ESA)-listed marine mammal species or stocks under the Marine Mammal Protection Act (MMPA), in the Washington (WA)/Oregon (OR)/California (CA) sablefish pot fishery.

DATES: Comments on this action and supporting documents must be received by October 10, 2024.

ADDRESSES: You may submit comments on the proposed permit and the preliminary determination supporting the permit, identified by NOAA–NMFS–2024–0087, through the Federal e-Rulemaking Portal:

1. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2024–0087 in the Search box.

2. Click the “Comment” icon, and complete the required fields.

3. Enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

The preliminary determination supporting the permit is available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0087>. Other supporting information is available on the internet including: recovery plans for the ESA-listed marine mammal species, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>; 2024 MMPA List of Fisheries (LOF), <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>; the most recent Marine Mammal Stock Assessment Reports (SAR) by region, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>, and stock, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock>; and Take Reduction Teams (TRT) and Plans, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>.

FOR FURTHER INFORMATION CONTACT: Dan Lawson, West Coast Region, (206) 526–4740, Dan.Lawson@noaa.gov, or Jaclyn Taylor, NMFS Office of Protected Resources, (301) 427–8402, Jaclyn.Taylor@noaa.gov.

SUPPLEMENTARY INFORMATION: The MMPA requires NMFS to authorize the incidental take of ESA-listed marine mammals in commercial fisheries provided it can make the following determinations: (1) the incidental mortality and serious injury (M/SI) from commercial fisheries will have a negligible impact on the affected species or stocks; (2) a recovery plan for all affected species or stocks of threatened or endangered marine mammals has been developed or is being developed pursuant to the ESA; and (3) where required under MMPA section 118, a take reduction plan (TRP) has been developed or is being developed, a monitoring program is established, and vessels participating in the fishery are registered. We have made a preliminary determination that the Category II WA/OR/CA sablefish pot fishery meets these three requirements and propose to issue a permit to the fishery to authorize the incidental take of ESA-listed marine mammal species or stocks (Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale) under the MMPA for a period of 3 years. We solicit public comments on the proposed issuance of the permit and the underlying preliminary determination.

Background

The MMPA LOF classifies each commercial fishery as a Category I, II, or III fishery based on the level of mortality and injury of marine mammals occurring incidental to each fishery as defined in 50 CFR 229.2. Section 118(c)(2) of the MMPA requires fishing vessels that operate in Category I and II fisheries to register with NMFS and are subsequently authorized to incidentally take marine mammals during commercial fishing operations. However, that authorization is limited to those marine mammals that are not listed as threatened or endangered under the ESA. Section 118(a)(2) of the MMPA, 16 U.S.C. 1387(a)(2), also requires an additional authorization at section 101(a)(5) of the MMPA, 16 U.S.C. 1371, for incidental taking of ESA-listed marine mammals. Section 101(a)(5)(E) of the MMPA, 16 U.S.C. 1371, states that NMFS, as delegated by the Secretary of Commerce, for a period of up to 3 consecutive years shall allow the incidental, but not intentional, taking of marine mammal species or stocks designated as depleted because of their listing as an endangered species or threatened species under the ESA, 16 U.S.C. 1531 *et seq.*, by persons using vessels of the United States, while engaging in commercial fishing operations, if NMFS makes certain

determinations. NMFS must determine, after notice and opportunity for public comment, that: (1) incidental M/SI from commercial fisheries will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock pursuant to the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a TRP has been developed or is being developed for such species or stock.

The LOF includes a list of marine mammal species or stocks incidentally killed or injured in each commercial fishery. We evaluated ESA-listed stocks or species included on the final 2024 MMPA LOF (89 FR 12257, February 16, 2024) as killed or seriously injured following NMFS' Procedural Directive 02-238 "Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals." Based on this evaluation, we propose to issue a permit under MMPA section 101(a)(5)(E) to vessels registered in the Category II WA/OR/CA sablefish pot fishery, as classified on the final 2024 MMPA LOF, to incidentally kill or seriously injure individuals from the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale.

Category III fisheries are those commercial fisheries that have a remote likelihood of or no known incidental mortality or serious injury of marine mammals (MMPA section 118(c)(1)(A)(iii)). All commercial fisheries classified as Category III on the most current LOF do not require MMPA 101(a)(5)(E) authorization so long as any mortality or injury of marine mammals incidental to their operations is reported pursuant to MMPA section 118(e). Furthermore, per NMFS' Procedural Directive 02-204-02 (procedural directive), "Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)" (NMFS 2020), NMFS considers such Category III fisheries to have a negligible impact on that marine mammal stock or species.

In addition, specifically for the purposes of MMPA section 101(a)(5)(E), commercial fisheries classified as Category I or II on the LOF solely because of incidental M/SI of non-ESA-listed marine mammals meet the definition of a Category III commercial fishery with respect to ESA-listed stocks or species because the fishery has a remote likelihood of or no known incidental M/SI of ESA-listed marine mammals (NMFS 2020). In other words,

if the commercial fishery is a Category I or II fishery because of incidental take of non-ESA listed marine mammals, we consider it a Category III fishery here. We have determined that the Category II Atlantic mixed species trap/pot fishery meets this criterion. This fishery does not require MMPA 101(a)(5)(E) authorization and is not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened stocks and not subject to any penalties, provided any marine mammal mortalities or injuries are reported as required under MMPA section 118(e).

NMFS regularly evaluates other commercial fisheries for purposes of making a negligible impact determination (NID) and issuing section 101(a)(5)(E) authorizations with the annual LOF as new information becomes available. More information about the fisheries is available in the 2024 MMPA LOF (89 FR 12257, February 16, 2024) and on the internet at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>.

We reviewed the best available scientific information to determine if the fishery met the three requirements of MMPA section 101(a)(5)(E) for issuing a permit. This information is included in the 2024 MMPA LOF (89 FR 12257, February 16, 2024), the SARs for these species (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>), recovery plans for these species (available at: <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>), and other relevant information, as detailed further in the documents describing the preliminary determination supporting the permit (available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0087>).

Basis for Determining Negligible Impact

Prior to issuing an MMPA 101(a)(5)(E) permit to take ESA-listed marine mammals incidental to commercial fishing, NMFS must determine if the M/SI incidental to commercial fisheries will have a negligible impact on the affected marine mammal species or stocks. NMFS satisfies this requirement by making a NID. Although the MMPA does not define "negligible impact," NMFS has issued regulations providing a qualitative definition of "negligible impact," defined in 50 CFR 216.103, as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely

to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Criteria for Determining Negligible Impact

NMFS uses a quantitative approach for determining negligible impact detailed in NMFS Procedural Directive 02-204-02 (directive), "Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)," which became effective on June 17, 2020 (NMFS 2020). The procedural directive is available online at: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>. The directive describes NMFS' process for determining whether incidental M/SI from commercial fisheries will have a negligible impact on ESA-listed marine mammal species/stocks (the first requirement necessary for issuing a MMPA section 101(a)(5)(E) permit as noted above).

The directive first describes the derivation of two Negligible Impact Thresholds (NIT), which represent levels of removal from a marine mammal species or stock. The first, Total Negligible Impact Threshold (NIT_t), represents the total amount of human-caused M/SI that NMFS considers negligible for a given stock. The second, lower threshold, Single NIT (NIT_s) represents the level of M/SI from a single commercial fishery that NMFS considers negligible for a stock. NIT_s was developed in recognition that some stocks may experience non-negligible levels of total human-caused M/SI but one or more individual fisheries may contribute a very small portion of that M/SI, and the effect of an individual fishery may be considered negligible.

The directive describes a detailed process for using these NIT values to conduct a NID analysis for each fishery classified as a Category I or II fishery on the MMPA LOF. The NID process uses a two-tiered analysis. The Tier 1 analysis first compares the total human-caused M/SI for a particular stock to NIT_t. If NIT_t is not exceeded, then all commercial fisheries that kill or seriously injure the stock are determined to have a negligible impact on the particular stock. If NIT_t is exceeded, then the Tier 2 analysis compares each individual fishery's M/SI for a particular stock to NIT_s. If NIT_s is not exceeded, then the commercial fishery is determined to have a negligible impact on that particular stock. For transboundary, migratory stocks, because of the uncertainty regarding the M/SI that occurs outside of U.S. waters, we assume that total M/SI exceeds NIT_t and proceed directly to

the Tier 2 NIT_s analysis. If a commercial fishery has a negligible impact across all ESA-listed stocks, then the first of three findings necessary for issuing a MMPA 101(a)(5)(E) permit to the commercial fishery has been met (*i.e.*, a NID). If a commercial fishery has a non-negligible impact on any ESA-listed stock, then NMFS cannot issue a MMPA 101(a)(5)(E) permit for the fishery to incidentally take ESA-listed marine mammals.

These NID criteria rely on the best available scientific information, including estimates of a stock's minimum population size and human-caused M/SI levels, as published in the most recent SARs and other supporting documents, as appropriate. Using these inputs, the quantitative negligible impact thresholds allow for straightforward calculations that lead to clear negligible or non-negligible impact determinations for each commercial fishery analyzed. In rare cases, robust data may be unavailable for a straightforward calculation, and the directive provides instructions for completing alternative calculations or assessments where appropriate.

Negligible Impact Determination

NMFS evaluated the impact of the WA/OR/CA sablefish pot fishery following the directive and based on the best available scientific information, made a preliminary NID. The NID analysis is presented in the accompanying MMPA 101(a)(5)(E) evaluation document that provides summaries of the information used to evaluate each ESA-listed stock documented on the 2024 MMPA LOF as killed or injured incidental to the fishery (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>). The draft MMPA 101(a)(5)(E) evaluation document is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0087>.

The Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale are transboundary stocks. As noted above, because of the uncertainty regarding M/SI that occurs outside of U.S. waters for transboundary stocks, we assumed that total M/SI exceeds NIT_t for the above transboundary stocks and proceeded directly to the Tier 2 NIT_s analysis.

The most recent SARs for the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale include fishery-related M/SI not assigned to a specific commercial fishery

(information provided in NID analyzes summaries where applicable below). This unattributed fishery-related M/SI could be from any number of commercial, recreational, or tribal fisheries, including the WA/OR/CA sablefish pot fishery. Because data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include unattributed mortality in the calculations for NID Tier 2 analyses (described below). NMFS is actively monitoring the WA/OR/CA sablefish pot fishery through a fishery observer program. If additional fishery-related M/SI is documented through the observer program that indicates additional M/SI of the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale, then NMFS will re-evaluate the NID and the permit.

Based on the criteria outlined in the directive, the most recent SARs, and the best available scientific information, NMFS has determined that the M/SI of Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale incidental to the WA/OR/CA sablefish pot fishery will have a negligible impact on these stocks. Accordingly, this MMPA 101(a)(5)(E) requirement is satisfied for WA/OR/CA sablefish pot fishery (see draft MMPA 101(a)(5)(E) determination document is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0087>). Summaries of the NID analyses are provided below.

The Category II WA/OR/CA sablefish pot fishery has documented incidental M/SI of the Central America/Southern Mexico-CA/OR/WA stock of humpback whale. The 2022 SAR includes a mean annual total commercial fishery-related M/SI (8.1) for the Central America/Southern Mexico-CA/OR/WA stock of humpback whale (Carretta *et al.* 2023). This comprises M/SI from all commercial fisheries, including the WA/OR/CA sablefish pot fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (4.582) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of humpback whales (Central America/Southern Mexico-CA/OR/WA stock) in the WA/OR/CA sablefish pot fishery is 0.66 (Carretta *et al.* 2023). Since this M/SI (0.66) is less than NIT_s (0.68), NMFS determined that the WA/OR/CA sablefish pot fishery has a negligible impact on the Central America/Southern Mexico-CA/OR/WA stock of humpback whale (see accompanying

MMPA 101(a)(5)(E) evaluation document).

The Category II WA/OR/CA sablefish pot fishery has documented incidental M/SI of the Mainland Mexico-CA/OR/WA stock of humpback whale. The 2022 SAR includes a mean annual total commercial fishery-related M/SI (11.4) for the Mainland Mexico-CA/OR/WA stock of humpback whale (Carretta *et al.* 2023). This comprises M/SI from all commercial fisheries, including the WA/OR/CA sablefish pot fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (6.431) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of humpback whales (Mainland Mexico-CA/OR/WA stock) in the WA/OR/CA sablefish pot fishery is 0.902 (Carretta *et al.* 2023). Since this M/SI (0.902) is less than NIT_s (1.70), NMFS determined that the WA/OR/CA sablefish pot fishery has a negligible impact on the Mainland Mexico-CA/OR/WA stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

Recovery Plans

A recovery plan for the global listing humpback whales was developed in 1991. Also, a new recovery plan for humpback whales is being developed. In 2016, NMFS revised the listing status of the humpback whale under the ESA. The globally listed endangered species was divided into 14 distinct population segments (DPSs), the species-level listing was removed, and NMFS listed four DPSs as endangered and one DPS as threatened (81 FR 62260, September 8, 2016). In June 2022, NMFS published a recovery outline for the Central America, Mexico, and Western North Pacific DPSs of humpback whales (<https://www.fisheries.noaa.gov/resource/document/recovery-outline-central-america-mexico-and-western-north-pacific-distinct>). The recovery outline serves as an interim guidance document and, with the existing species-wide recovery plan, directs recovery efforts, including recovery planning, for the Central America (Central America/Southern Mexico-CA/OR/WA stock) and Mexico (Mainland Mexico-CA/OR/WA stock) DPSs of humpback whales. Once finalized, the new recovery plan will replace the species-wide recovery plan that was published in 1991.

Accordingly, the requirement that a recovery plan has been developed pursuant to the ESA is satisfied.

Take Reduction Plan

The MMPA section 118 requires the development and implementation of a TRP for each strategic stock that interacts with a Category I or II fishery. Subject to available funding, the Secretary shall give highest priority to the development of TRPs for species or stocks whose M/SI exceeds potential biological removal level, have a small population size, and which are declining most rapidly. The stocks considered for these permits are designated as strategic stocks under the MMPA because the stocks or a component of the stocks are listed as threatened species or endangered species under the ESA (MMPA section 3(19)(C)). A TRP for the WA/OR/CA sablefish pot fishery and the affected marine mammal species or stocks (Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale) is under development.

On September 29, 2023, NMFS published a notice (*Scoping for a Marine Mammal Take Reduction Team to Address Incidental Mortality and Serious Injury of Humpback Whale Stocks in the Pacific*, 88 FR 67254) expressing NMFS' intent to establish a TRT to develop a TRP to address the incidental mortality and serious injury of the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whales in the WA/OR/CA sablefish pot fishery and seeking input on whether other Category I or II fisheries that incidentally kill or seriously injure these stocks of humpback whales should be addressed by the Team. For more information, please see <https://www.fisheries.noaa.gov/west-coast/marine-mammal-protection/west-coast-take-reduction-team>.

Accordingly, the requirement under MMPA section 118 to have TRPs in place or in development is satisfied (see preliminary determination supporting the permit available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0087>).

Monitoring Program

Under MMPA section 118(d), NMFS is to establish a program for monitoring incidental M/SI of marine mammals from commercial fishing operations. The WA/OR/CA sablefish pot fishery is monitored by a NMFS fishery observer program. Accordingly, the requirement under MMPA section 118 to have a monitoring program in place is satisfied.

Vessel Registration

MMPA section 118(c) requires that vessels participating in Category I and II

fisheries register to obtain an authorization to take marine mammals incidental to fishing activities. NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program, with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Therefore, the requirement for vessel registration is satisfied.

Conclusions for Proposed Permit

Based on the above evaluation for the WA/OR/CA sablefish pot fishery as it relates to the three requirements of MMPA section 101(a)(5)(E), we propose to issue a MMPA 101(a)(5)(E) permit to the WA/OR/CA sablefish pot fishery to authorize the incidental take of ESA-listed species or stocks during commercial fishing operations. If, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, NMFS will re-evaluate whether to amend or modify the authorization, after notice and opportunity for public comment. NMFS solicits public comments on the proposed permit and the preliminary determinations supporting the permit.

ESA Section 7 and National Environmental Policy Act (NEPA) Requirements

ESA section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any ESA-listed species. The effects of WA/OR/CA sablefish pot commercial fishery on ESA-listed marine mammals for which a permit is proposed here, were analyzed in the appropriate ESA section 7 Biological Opinions on the commercial fishery (see https://s3.amazonaws.com/media.fisheries.noaa.gov/2020-10/Opinion-26OCT2020_Groundfish%20biop-humpback_supplement_102320_GR.pdf?null), and incidental take was exempted for those ESA-listed marine mammals for the WA/OR/CA sablefish pot fishery in accordance with the Biological Opinions' incidental take statement. Under section 7 of the ESA, Biological Opinions quantify the effects of the proposed action on ESA-listed species and their critical habitat and, where appropriate, exempt take of ESA-listed species that is reasonably certain to occur, as specified in the incidental take statement.

Under MMPA section 101(a)(5)(E), NMFS analyzes previously documented

M/SI incidental to commercial fisheries through the NID process, and when the necessary findings can be made, issues a MMPA section 101(a)(5)(E) permit that allows for an unspecified amount of incidental taking of specific ESA-listed marine mammal stocks while engaging in commercial fishing operations. Thus, the applicable standards and resulting analyses under the MMPA and ESA differ, and as such, do not always align.

NEPA requires Federal agencies to evaluate the impacts of alternatives for their actions on the human environment. Because the proposed permit would not modify any fishery operation and the effects of the fishery operations have been evaluated in accordance with NEPA, no additional NEPA analysis beyond that conducted for the associated Fishery Management Plans is required for the permit. Issuing the proposed permit would have no additional impact on the human environment or effects on threatened or endangered species beyond those analyzed in these documents.

References

- Carretta, J.W., E.M. Oleson, K.A. Forney, M.M. Muto, D.W. Weller, A.R. Lang, J. Baker, B. Hanson, A.J. Orr, J. Barlow, J.E. Moore, and R.L. Brownell. 2023. U.S. Pacific Marine Mammal Stock Assessments: 2022. U.S. Department of Commerce. NOAA Technical Memorandum NMFS-SWFSC-684. 409 p.
- National Marine Fisheries Service (NMFS). 2020. National Marine Fisheries Service Procedure 02-204-02: Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E). 20 p. Available online: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>

Dated: September 4, 2024.

Catherine Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-20342 Filed 9-9-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE275]

Marine Mammals; File No. 28223

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Steven Emslie, Ph.D., University of

North Carolina Wilmington, Department of Biology and Marine Biology, 601 S. College Road, Wilmington, North Carolina 284003, has applied in due form for a permit to collect, import, and export marine mammal parts for scientific research.

DATES: Written comments must be received on or before October 10, 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. 28223 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. 28223 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:

Jennifer Skidmore or Shasta McClenahan, Ph.D., (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to collect, import, and export mummified remains of seals from the Ross Sea, Antarctica to study virology and evolutionary biology. These parts are estimated to be hundreds to thousands of years old and from the following species: crabeater (*Lobodon carcinophagus*), Weddell (*Leptonychotes weddellii*), leopard (*Hydrurga leptonyx*), and southern elephant (*Mirounga leonine*) seals. Parts from up to 10 individuals from each species will be collected, imported, and exported for analysis annually. The permit would be valid for 3 years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the

application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 5, 2024.

Julia M. Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-20414 Filed 9-9-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE196]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Ferndale Pier Maintenance Activities in Ferndale, Washington

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Petrogas Pacific, LLC (Petrogas) to incidentally harass marine mammals during construction activities associated with Ferndale Pier Maintenance Activities in Ferndale, Washington.

DATES: The authorization is effective from August 1, 2025 to July 31, 2026.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-petrogas-pacific-llcs-ferndale-pier-maintenance-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT:

Robert Pauline, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of

marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as "mitigation"); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On January 3, 2024 we received a request from Petrogas for an IHA to take marine mammals incidental to Ferndale Pier Maintenance Activities in Ferndale, Washington. Following NMFS' review of the application, Petrogas submitted a revised version on March 26, 2024. The application was deemed adequate and complete on April 25, 2024. The notice of proposed IHA published for public comment on June 4, 2024 (89 FR 47903). Petrogas requested authorization of take of harbor seal, California sea lion, Steller sea lion and harbor porpoise by Level B harassment and, for harbor seal and harbor porpoise only, take by Level A harassment. Neither Petrogas nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of the Specified Activity

Petrogas is planning to remove the existing timber Pier that has served as a loading facility since 1965 and replace it with a new structure that meets current industry best practices. The activity includes vibratory removal of existing timber piles and installation of steel piles by both vibratory and impact driving. Due to in-water work timing restrictions to protect Endangered Species Act (ESA)-listed salmonids, all planned in-water construction in this area is limited to a work window

beginning August 1 and ending February 1. However, since the Strait of Georgia is a very large water body with a long fetch, calm in-water work conditions are typically only available from August to the end of October. In-water construction will occur for 17 days intermittently between August 1, 2025 and October 31, 2026. Take of marine mammals is anticipated to occur due to vibratory pile removal as well as impact and vibratory pile installation.

A detailed description of the planned project is provided in the **Federal Register** notice for the proposed IHA (89 FR 47903, June 4, 2024). A detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Petrogas was published in the **Federal Register** on June 4, 2024 (89 FR 47903). That notice described, in detail, Petrogas' activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any public comments.

Changes From the Proposed IHA to Final IHA

The notice of proposed IHA (89 FR 47903, June 4, 2024) indicated that the

IHA would be effective from August 1, 2024 to July 31, 2025. Petrogas has decided to delay the start of the project by 1 year. The new effective dates are from August 1, 2025 to July 31, 2026.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which exposure is expected for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or

mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' Alaska and Pacific SARs. All values presented in table 1 are the most recent available at the time of publication (including from the draft 2023 SARs) and are available online at: (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>). All species that could potentially occur in the planned project area are included in table 2 of the IHA application. While the gray whale, minke whale, Dall's porpoise, and the Eastern North Pacific Northern Resident stock of killer whale have been reported in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided in the **Federal Register** notice for the proposed IHA (89 FR 47903, June 4, 2024).

TABLE 1—SPECIES FOR WHICH TAKE COULD OCCUR IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most recent abundance survey) ²	PBR	Annual M/SI ³
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Balaenopteridae (rorquals)</i>						
Humpback Whale ..	<i>Megaptera novaeangliae</i> .	Central America/Southern Mexico—CA/OR/WA.	E, D, Y	1,494 (0.171, 1,284, 2021).	3.5	14.9
Humpback Whale ..	<i>Megaptera novaeangliae</i> .	Mainland Mexico—CA/OR/WA.	T, D, Y	3,477 (0.101, 3,185, 2018).	43	22
Humpback Whale ..	<i>Megaptera novaeangliae</i> .	Hawaii	-, -, N	11,278 (0.56, 7,265, 2020).	127	27.09
Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae</i>						
Killer Whale	<i>Orcinus orca</i>	Eastern North Pacific Southern Resident.	E, D, Y	73 (N/A, 73, 2022)	0.13	0
Killer Whale	<i>Orcinus orca</i>	West Coast Transient ...	-, -, N	349 (N/A, 349, 2018)	3.5	0.4
<i>Family Phocoenidae (porpoises)</i>						
Harbor porpoise	<i>Phocoena phocoena</i>	Washington Inland Waters.	-, -, N	11,233 (0.37, 8,308, 2015).	66	≥7.2

TABLE 1—SPECIES FOR WHICH TAKE COULD OCCUR IN THE PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most recent abundance survey) ²	PBR	Annual M/SI ³
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared seals and sea lions)</i> California Sea Lion	<i>Zalophus californianus</i>	U.S.	-, -, N	257,606 (N/A, 233,515, 2014).	14,011	>321
Steller Sea Lion	<i>Eumetopias jubatus</i>	Eastern	-, -, N	36,308 (N/A, 36,308, 2022).	2,178	93.2
<i>Family Phocidae (earless seals)</i> Harbor Seal	<i>Phoca vitulina</i>	Washington Northern Inland Waters.	-, -, N	16,451 (0.07, 15,462, 2019).	928	40

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://www.marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>). ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

² NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

³ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, vessel strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range.

A detailed description of the species likely to be affected by Petrogas' construction project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (89 FR 47903, June 4, 2024); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to the NMFS website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges

(behavioral response data, anatomical modeling, *etc.*). Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.*, low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range

(Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth *et al.*, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from Petrogas' activities have the potential to result in harassment of marine mammals in the vicinity of the southeastern shores of the Strait of Georgia, in Puget Sound, Washington.

The notice of proposed IHA (89 FR 47903, June 4, 2024) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from vibratory pile driving on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (89 FR 47903, June 4, 2024).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which informed NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic stressors (*i.e.*, pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency species (harbor porpoise) and phocids (harbor seal). Auditory injury is unlikely to occur for other species. The required mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers were estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed

or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment). Acoustic thresholds used in this analysis were discussed in detail in the notice of proposed IHA (89 FR 47903, June 4, 2024) and not repeated here. Please see that notice for additional detail.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss (TL) coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.*, impact pile driving, vibratory pile driving and removal). Additionally, vessel traffic and other commercial and industrial activities in the project area may contribute to elevated background noise levels which may mask sounds produced by the project.

TL is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom

composition and topography. The general formula for underwater TL is:

$$TL = B * \text{Log}_{10} (R_1/R_2),$$

where

TL = transmission loss in dB

B = transmission loss coefficient

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6-dB reduction in sound level for each doubling of distance from the source ($20 * \log[\text{range}]$). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source ($10 * \log[\text{range}]$). A practical spreading value of 15 is often used under conditions, such as the project site, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. In order to calculate the distances to the Level A harassment and the Level B harassment sound thresholds for the methods and piles being used in this project, NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods. The project includes vibratory and impact pile installation of 30-in steel piles and vibratory removal of 16-in timber piles. Source levels for the various pile sizes and driving methods are presented in table 3. Bubble curtains will be employed during all impact driving, with an assumed 5 dB effective attenuation (Caltrans 2020).

TABLE 3—PROXY SOUND SOURCE LEVELS FOR PILE SIZES AND DRIVING METHODS

Equipment used	Noise level ¹			Distance from measurement (m)
	dB peak	dB rms	dB SEL	
Impact pile driving 30-inch steel piles ²	210	190	177	10
Vibratory pile driving 30-inch steel piles ³	196	159	.....	10
Vibratory pile driver pulling 16-inch timber piles ³	.....	162	.....	10

¹ SL values shown do not include –5 dB attenuation for bubble curtain usage. The –5 dB correction for attenuation was applied to determine harassment isopleths (Table 5).

² Caltrans 2015.

³ Caltrans 2020.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions

included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as impact or vibratory pile

driving and removal, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur PTS. Inputs used for impact driving in the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported below in table 4 and table 5 below.

TABLE 4—USER SPREADSHEET INPUTS FOR LEVEL A HARASSMENT ISOPLETHS

Inputs	30-in steel impact installation	30-in steel vibratory installation	16-in timber vibratory removal
Spreadsheet Tab Used	(E.1) Impact Pile Driving (STATIONARY SOURCE: Impulsive, Intermittent).	(A.1) Vibratory Pile Driving (STATIONARY: Non-impulsive, Continuous)	
Source Level (Single Strike/shot SEL)	177.		
Peak	210.		
RMS	190	159	162
Weighting Factor Adjustment (kHz)	2	2.5	2.5
Strikes per pile	2000.		
Piles Per day	1.5	1.5	20
Propagation (xLogR)	15	15	15
Duration		20	2
Distance of source level measurement (meters)	10	10	10

TABLE 5—CALCULATED LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (M) AND ENSONIFIED AREAS [km² in Parentheses]

Pile size/type	Level A pinnipeds		Level A cetaceans			Level B
	Harbor seal	Sea lions	LF	MF	HF	
30-in steel	Impact Installation					160 dB threshold
	205.4 (0.139)	15 (0.001)	383.2 (0.463)	13.7 (0.001)	457.2 (0.665)	464.2 (0.679)
	Vibratory Installation/Removal *					120 dB threshold
16-in Timber Piles	3.7	0.3	6.1	0.5	9.0	6,309.6 (62.5)
30-in steel	1.9	0.1	3.2	0.3	4.7	3,981 (24.9)

* The Level A harassment isopleths associated with vibratory installation/removal are all below the minimum shutdown zone and result in very small ensonified areas. Therefore they are not provided in this table but will be included in the following calculated take tables.

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations. The primary source for density estimates is from the Navy Marine Species Density Database (NMSDD) Phase III for the Northwest

Training and Testing Study Area (Navy, 2019). Therefore, a lower value was used for harbor porpoise density. These density estimates are shown in table 6 and will be used to calculate take due to the lack of site-specific data that is available.

To quantitatively assess potential exposure of marine mammals to noise levels from pile driving over the NMFS

threshold guidance, the following equation was first used to provide an estimate of potential exposures within estimated harassment zones:

$$\text{Exposure estimate} = N \times \text{Level B harassment zone (km}^2\text{)} \times \text{maximum days of pile driving}$$

where

N = density estimate (animals per km²) used for each species.

TABLE 6—MARINE MAMMAL SPECIES DENSITIES USED FOR EXPOSURE CALCULATIONS

Species	Region characterized	Density (animals/km ²)
Humpback Whale	North Puget Sound/San Juan Islands (Fall and Winter)	0.0027
Killer Whale (Southern Resident)	North Puget Sound/San Juan Islands (Fall and Winter)	0.0078
Killer Whale (Transient)	North Puget Sound/San Juan Islands (Fall and Winter)	0.0031
Harbor Porpoise	North Puget Sound	2.16
Steller Sea Lion	North Puget Sound/San Juan Islands (Fall)	0.0027
California Sea Lion	North Puget Sound/San Juan Islands (Fall)	0.0179
Harbor Seal	North Puget Sound/San Juan Islands (Fall)	0.76

Source: Navy 2019.

Table 7 below shows the total calculated take by Level A and Level B harassment over the 17 in-water work

days for the Petrogas activity resulting in total calculated take.

TABLE 7—CALCULATED TAKE BY LEVEL A AND LEVEL B HARASSMENT

Total days	7 days	7 days	10 days	Totals	Requested level A take
	30-in steel impact driving	30-in steel vibratory driving	16-in timber vibratory removal		
	Level A	Level A	Level A	Totals	Total
Humpback Whale	0.009	0.000	0.000	0.009	0
Southern Resident Killer Whales	0.000	0.000	0.000	0.000	0
Transient Killer whales	0.000	0.000	0.000	0.000	0
Harbor Porpoise	10.1	0.005	0.007	10.063	10
Steller Sea Lion	0.000	0.000	0.000	0.000	0
Cali Sea Lion	0.000	0.000	0.000	0.000	0
Harbor Seal	0.737	0.002	0.002	0.741	1
Level B Calculated Take				Total Level B Calculated Take	Requested Level B Take
	Level B	Level B	Level B	Totals	
Humpback Whale	0.013	0.471	1.689	2.172	0
Southern Resident Killer Whale	0.037	1.359	4.878	6.275	0
Transient Killer Whale	0.015	0.533	1.914	2.462	0
Harbor Porpoise	10.271	376.405	1,350.927	1,738	1,738
Steller Sea Lion	0.013	0.471	1.689	2.172	17
California Sea Lion	0.085	3.119	11.195	14.400	51
Harbor Seal	3.614	132.439	475.326	611.379	611

Humpback Whale

Humpback whales are an uncommon occurrence near the project area but they do have the potential to be in the area as they migrate to feeding grounds to the north and mating grounds far south. Based on best available density estimates Petrogas has calculated the

potential take of two humpback whales by Level B harassment. However, they will shut down whenever humpback whales approach the Level B harassment zone. Given the low density of humpback whales in the project area, the ability to detect the whales visually from a considerable distance, the capacity to track whales through the

Orca Network, and the anticipated efficacy of required mitigation and monitoring measures, Petrogas did not request take. NMFS concurs with this assessment and, therefore, has not authorized take of humpback whales.

Killer Whales

Both Southern resident killer whales (SRKW) and transient killer whales could occur near the project area. Take calculations indicate that up to six SRKW and two transient whales could be taken by Level B harassment. Even though the project site is located in summer core area critical habitat, the southeastern corner of the Strait of Georgia is not a location where SRKW are commonly located. After reviewing the monthly reports of September through October from 2016–2023, the occurrence of killer whales from any stock was uncommon in the southeastern corner of the Strait of Georgia. Furthermore SRKW were far less prevalent when compared to transients (ORCA 2024). Given the expansive range of SRKW; the relatively small area of their habitat that may be affected by the planned project; the ready availability of habitat of similar or higher value, and short-term nature of construction (17 days), NMFS concluded that take of SRKW would be unlikely. Additionally, Petrogas will shut down whenever a killer whale from any stock is observed approaching a harassment zone so take of transients is also not likely. Given the ability to visually detect killer whales from planned protected species observer (PSO) locations (including boats), the capacity to track SRKW through contact with the ORCA Network, and the expected efficacy of required mitigation and monitoring measures, Petrogas did not request take. NMFS concurs and has not authorized take of killer whales.

Harbor Porpoise

Harbor porpoises are commonly found in the Strait of Georgia as indicated by regular sightings from the British Columbia Cetacean Sightings Network and the Orca Network (Zier, 2015). Use of NMSDD data yielded an estimated 10 takes by Level A harassment and 1,738 by Level B harassment. NMFS concurs. Note that Petrogas has committed to extending the shutdown zone beyond the Level A harassment zone in order to minimize potential PTS, but also requested limited take by Level A harassment in case some animals enter into the injury zone unseen by PSOs and remain for sufficient time to incur PTS. NMFS has authorized 10 takes by Level A harassment and 1,738 takes by Level B harassment.

Steller Sea Lion

Calculated take based upon the species density in the Strait of Georgia yielded two potential takes by Level B harassment during the 17 days of in-water pile driving work. While there are no known nearby haulouts, there are haulouts in the greater Strait of Georgia. Petrogas felt that the calculated value was too low since this species is known to travel significant distances in search for prey, possibly into the marine waters of the Cherry Point Aquatic Reserve.

NMFS reviewed other IHA monitoring reports from Puget Sound and found that the Seattle Pier 63 construction project (87 FR 31985, May 26, 2022) reported a maximum of one animal taken per day over 17 in-water work days between October 12 and November 30, 2022. Therefore, NMFS has authorized 17 (1/day) takes of Steller sea lion by Level B harassment.

California Sea Lion

Calculated take based upon the species density in the Strait of Georgia found 14 potential takes by Level B harassment during the 17 days of pile driving work at the Petrogas pier. While there are no known nearby haulouts, there are haulouts in the greater Strait of Georgia, and because this species may travel significantly in search for prey, possibly into the marine waters of the Cherry Point Aquatic Reserve. Petrogas felt this estimate was also low. Results from the Seattle Pier 63 project showed a maximum of three California sea lions taken per day over 17 in-water work days between October 12 and November 30, 2022. Assuming the same maximum number of takes (3) over 17 planned days of in-water work, NMFS has authorized 51 takes by Level B harassment.

Harbor Seal

Harbor seals are common in the Strait of Georgia. Use of NMSDD (Navy 2019) found that there would be a single take by Level A harassment. Note that Petrogas committed to extending the shutdown zone beyond the Level A harassment zone in order to minimize potential PTS to harbor seals, but also requested a single take by Level A harassment in case some animals enter into the injury zone unseen by PSOs and remain for sufficient duration to incur PTS. The density data utilized also resulted in 611 calculated takes by Level B harassment. Therefore, NMFS is authorizing a single take of harbor seal by Level A harassment and 611 takes by Level B harassment.

Authorized takes by Level A and Level B harassment are shown in table 8.

TABLE 8—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Common name	Stock	Stock abundance	Level A	Level B	Total authorized take	Authorized take as percentage of stock
Harbor porpoise	Washington Inland Waters	11,233	10	1,738	1,748	15.56.4
Steller sea lion	Eastern U.S	36,308	.....	17	17	0.05
California sea lion	U.S	257,606	.....	51	51	0.02
Harbor seal	Washington Northern Inland	16,451	1	611	612	3.7

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular

attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of

conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as

well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

Pre-start Clearance Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs must observe the shutdown and monitoring

zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start (discussed below) cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the monitoring zone has been observed for 30 minutes and marine mammals are not present within the zone, soft-start procedures can commence and work can continue. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in table 9 are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals. If work ceases for more than 30 minutes, the pre-activity monitoring of both the monitoring zone and shutdown zone would commence.

Implementation of Shutdown Zones—For all pile driving/removal activities,

Petrogas must implement shutdowns within designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Implementation of shutdowns will be used to avoid or minimize takes by Level A harassment from impact pile driving for all four species for which take may occur. Shutdown zones will be based upon the Level A harassment isopleth for each pile size/type and driving method where applicable. This is anticipated to reduce Level A harassment exposures without resulting in a substantial risk to the project schedule that could occur if marine mammals repeatedly enter into larger shutdown zones.

A minimum shutdown zone of 10 m will be implemented for all in-water construction activities to avoid physical interaction with marine mammals. Authorized shutdown and monitoring zones for each activity type are shown in table 9.

TABLE 9—SHUTDOWN ZONES DURING PILE INSTALLATION AND REMOVAL (m)

Pile size/type	Shutdown zone			Level B harassment monitoring zone
	HF	Phocid	Otariid	
16-in timber Vibratory	10	10	10	6,310
30-in steel Vibratory	10	10	10	3,990
30-in steel Impact	460	210	20	465

All marine mammals will be monitored in the Level B harassment zones and throughout the area as far as visual monitoring can take place. If a marine mammal enters the Level B harassment zone, in-water activities would continue and PSOs will document the animal's presence within the estimated harassment zone.

If a species for which authorization has not been granted, or a species which has been granted but the authorized takes are met, is observed approaching or within the Level B harassment zone, pile driving activities will be shut down immediately. Activities will not resume until the animal has been confirmed to have left the area or 15 minutes has elapsed with no sighting of the animal.

Coordination with Local Marine Mammal Research Network—Prior to the start of pile driving for the day the PSOs will contact the Orca Network to find out the location of the nearest sightings of SRKW and humpback whale. Petrogas must delay or halt pile driving activities if a SRKW, unidentified killer whale (*i.e.* transient)

or humpback whales are sighted within the vicinity of the project area and are approaching the Level B harassment zones (table 9) during in-water activities. Finally, if a SRKW, unidentified killer whale, or humpback whale enters the Level B harassment zone undetected, in-water pile driving must be suspended immediately upon detection and must not resume until the animal exits the Level B harassment zone or 15 minutes have passed without re-detection of the animal.

Soft Start—Soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure will be conducted a total of three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile

driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start is not required during vibratory pile driving and removal activities.

Bubble Curtain—A bubble curtain must be employed during impact installation or proofing of steel piles. A noise attenuation device will not be required during vibratory pile driving. If a bubble curtain or similar measure is used, it would distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column. Any other attenuation measure will be required to provide 100 percent coverage in the water column for the full depth of the pile. The lowest bubble ring must be in contact with the mudline for the full circumference of the ring. The weights attached to the bottom ring will ensure 100 percent mudline contact. No parts of the ring or other objects will prevent full mudline contact. Air flow to the bubble rings must be balanced around the circumference of the pile.

Based on our evaluation of the applicant's measures, NMFS has determined that the required mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,

- Mitigation and monitoring effectiveness.

Visual Monitoring

Monitoring must be conducted by NMFS-approved observers in accordance with section 13 of the application. Trained observers will be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start, and shall include instruction on species identification (sufficient to distinguish the species in the project area), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers must record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

A minimum of three PSOs must be on duty during all in-water pile driving activities. Two shore-based observers will be stationed at locations offering best line of sight views to monitor the entirety of the shutdown zones and provide the most complete coverage of the monitoring zones. The first observer may be on the alumina silos to the east, roughly 100 feet (ft) (30.5 meters (m)) above the water to scan the wider area. The second observer may be on the alumina unloader at the north end of the Pier. This would place the observer roughly 50 ft (15.25 m) above water, approximately 300 ft (91.5 m) south of the pile driving activities. Additionally, Petrogas will deploy one boat-based PSO that will be positioned at a location or moving in a pattern that offers the most complete visual coverage of the monitoring zone. Note, however, PSO position(s) may vary based on construction activity and location of piles or equipment.

The U.S. Fish and Wildlife Service, (USFWS) under ESA section 7, is requiring Petrogas to utilize observers to monitor for the endangered marbled murrelet (*Brachyramphus marmoratus*). As long as an observer meets the NMFS PSO qualifications as described below and has been approved by NMFS, they may also serve as a USFWS-certified observer for marbled murrelets. NMFS must be notified if any NMFS-approved PSO is serving in this dual-purpose role.

PSOs will scan the waters using binoculars and would use a handheld range-finder device to verify the distance to each sighting from the project site. All PSOs must be trained in marine mammal identification and behaviors and are required to have no other project-related tasks while conducting monitoring. In addition, monitoring will be conducted by qualified observers, who must be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator via a radio. Petrogas will adhere to the following observer qualifications:

(i) PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods.

(ii) At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

(iii) Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

(iv) Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

(v) PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

Additional standard observer qualifications include:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction

operation to provide for personal safety during observations;

- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Reporting

A draft marine mammal monitoring report must be submitted to NMFS within 90 days after the completion of pile driving and removal activities. It will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.
- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.*, impact driving) and the total equipment duration for cutting for each pile or total number of strikes for each pile (impact driving).
- PSO locations during marine mammal monitoring.
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

- Upon observation of a marine mammal, the following information: Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; Time of sighting; Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; Distance and bearing of each marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting); Estimated number of animals (min/max/best estimate); Estimated number of animals by cohort (adults,

juveniles, neonates, group composition, *etc.*); Animal's closest point of approach and estimated time spent within the harassment zone; and Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching).

- Number of marine mammals detected within the harassment zones, by species.
- Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury, serious injury or mortality, Petrogas must immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Region regional stranding coordinator. The report must include the following information:

- Description of the incident;
- Environmental conditions (*e.g.*, Beaufort sea state, visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities will not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Petrogas to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Petrogas will not be able to resume their activities until notified by NMFS.

In the event that Petrogas discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of

decomposition as described in the next paragraph), Petrogas must immediately report the incident to the Office of Protected Resources

(PR.ITP.MonitoringReports@noaa.gov), NMFS and to the West Coast Region regional stranding coordinator as soon as feasible. The report must include the same information identified in the paragraph above. Activities will be able to continue while NMFS reviews the circumstances of the incident. NMFS will work with Petrogas to determine whether modifications in the activities are appropriate.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 8, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities,

impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving and removal activities associated with the project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving and removal. Potential takes could occur if individuals of these species are present in zones ensounded above the thresholds for Level A or Level B harassment identified above when these activities are underway.

Take by Level A and Level B harassment would be due to potential behavioral disturbance, temporary threshold shift (TTS) and PTS. No serious injury or mortality is anticipated or authorized given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Take by Level A harassment is only anticipated for harbor porpoise and harbor seal. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

Based on reports in the literature as well as monitoring from other similar activities, behavioral disturbance (*i.e.*, Level B harassment) would likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.*, Thorson and Reyff, 2006; HDR, Inc., 2012; Lerma, 2014). Most likely for pile driving, individuals would simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in Washington, which have taken place with no observed severe responses of any individuals or known long-term adverse consequences. The impact of Level B harassment takes on the affected individuals would be minimized through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring. Vibratory driving associated with the planned project may produce sound at distances of up to six kilometers from the project site, thus

overlapping with some likely less-disturbed habitat (such as the Cherry Point Aquatic Reserve). The project site itself is frequented by large tankers every few days but the majority of sound fields produced by the specified activities are relatively close to the Pier. Animals disturbed by project sound would be expected to avoid the area and use nearby higher-quality habitats.

In addition to the expected effects resulting from authorized Level B harassment, we anticipate that harbor porpoises and harbor seals may sustain some limited Level A harassment in the form of auditory injury of low severity. However, animals in these locations that experience PTS would likely only receive slight PTS, *i.e.* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by pile driving, *i.e.* the low-frequency region below 2 kHz, not severe hearing impairment or impairment in the regions of greatest hearing sensitivity. Harbor porpoises are high-frequency cetaceans while the hearing ability of harbor seal below 2 kHz is also poor (NMFS, 2018).

If hearing impairment occurs, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics. As described above, we expect that marine mammals would be likely to move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish or invertebrates to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the intermittent driving schedule (17 in-water work days between August 1 and October 31, 2024); short duration of the activities (no more than 3 hours per day combined impact and vibratory driving); the relatively small area of the habitat that may be affected; and the availability of nearby habitat of similar or higher value, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

While there are haulouts for pinnipeds in the area, these locations are some distance from the actual project site. There are two documented California sea lion haulouts in the southern Strait of Georgia, both on the western coast of the Strait in British Columbia. The closest haulout in near Tumbo Island on the eastern edge of the Gulf Island, over 15 miles (24.12 kilometers (km)) from the project site. The closest documented Steller sea lion haulout location is over 10 miles (16.1 km) from the project site, on Sucia Island (Jeffries *et al.*, 2000). The closest documented harbor seal haulouts are two different low population (100 individuals) locations approximately 5 miles (3.1 km) from the project site, one to the north and one to the south (Jeffries *et al.*, 2000). To the southwest and west of the project location are 14 other haulouts dotted throughout a few of the small northern San Juan Islands (North of Orcas Island) within 10 miles (16.1 km) of the project (Jeffries *et al.*, 2000).

While repeated exposures of individuals to this pile driving activity could cause limited Level A harassment in harbor seals and harbor porpoises and Level B harassment in these two species in addition to sea lions, they are unlikely to considerably disrupt foraging behavior or result in significant decrease in fitness, reproduction, or survival for the affected individuals.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Any Level A harassment exposures (*i.e.*, to harbor porpoise and harbor seals, only) are anticipated to result in slight PTS (*i.e.*, of a few decibels), within the lower frequencies associated with pile driving;
- The anticipated incidents of Level B harassment would consist of, at worst, temporary modifications in behavior that would not result in fitness impacts to individuals;
- The ensounded areas from the project is very small relative to the overall habitat ranges of all species and stocks;
- Repeated exposures of pinnipeds to this pile driving activity could cause slight Level A harassment in seals and harbor porpoise and Level B harassment in seals, harbor porpoise and sea lion species, but are unlikely to considerably disrupt foraging behavior or result in significant decrease in fitness,

reproduction, or survival for the affected individuals. In all, there would be no adverse impacts to the stocks as a whole; and

- The mitigation measures are expected to reduce the effects of the specified activity to the level of least practicable adverse impact.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 8 demonstrates the number of instances in which individuals of a given species could be exposed to received noise levels that could cause take of marine mammals. Our analysis shows that less than 6 percent of all species could be taken by harassment which is below one third of the population for all.

Based on the analysis contained herein of the planned activity (including the required mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that

the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to Petrogas for the potential harassment of small numbers of four marine mammal species incidental to Ferndale Pier Maintenance Activities in Ferndale, Washington.

Dated: September 5, 2024.

Catherine Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–20392 Filed 9–9–24; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2022–0020]

Electronic Filing of Certificate of Compliance Data: Announcement of Expansion of Partner Government Agency Message Set Test and Collection of Information Burden Estimate

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In a June 4, 2024, **Federal Register** notice, the U.S. Consumer Product Safety Commission (CPSC), in consultation with U.S. Customs and Border Protection (CBP), announced their joint intent to expand the current Partner Government Agency (PGA) Message Set test (Beta Pilot test) to include up to 2,000 additional participants. The expansion will allow importers of regulated consumer products to voluntarily participate in the test by electronically submitting (eFiling) data from a certificate of compliance. Beta Pilot test participants will eFile certificate data to the CBP-authorized Electronic Data Interchange (EDI) system known as the Automated Commercial Environment (ACE). In this notice, CPSC addresses two comments supporting the expanded Beta Pilot test; CPSC did not revise its burden estimates based on the comments. By publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for approval of the collection of information, as proposed.

DATES:

Beta Pilot Test: Submit electronic requests to participate in the expanded Beta Pilot test at any time after publication of this notice. CPSC will allow participation until we reach 2,000 volunteers or until an eFiling requirement becomes permanent, whichever comes first. CPSC asks that each Beta Pilot test participant electronically file CPSC PGA Message Set certificate data during the expanded Beta Pilot test.

Paperwork Reduction Act: Submit comments on the proposed expanded collection of information by October 10, 2024 using the methods described below in the **ADDRESSES** section of this preamble.

ADDRESSES:

Beta Pilot Test: Submit requests to participate in the Beta Pilot test and any technical comments on CPSC's supplemental Customs and Trade Automated Interface Requirements (CATAIR) guideline (available on

CPSC.gov¹) through email to: efilingssupport@cpsc.gov. Requests to participate in the Beta Pilot test should contain the subject heading: “Beta Pilot: Application to participate in Expanded PGA Message Set Test.” Technical comments on CPSC’s supplemental CATAIR guideline should contain the subject heading: “Beta Pilot CATAIR Technical Comments.”

Paperwork Reduction Act: Submit comments about the Paperwork Reduction Act (PRA) burden estimate for the expanded Beta Pilot test, identified by Docket No. CPSC–2022–0020, 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. CPSC typically does not accept comments submitted by email, except through www.regulations.gov. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/Hand Delivery/Courier/Confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (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–2022–0020, into the “Search” box, and follow the prompts. A copy of the “Supporting Statement” for this burden estimate is available at: <https://www.regulations.gov>.

gov under Docket No. CPSC–2022–0020, Supporting and Related Material.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the Beta Pilot test, participation in the test, and the proposed expanded collection of information should be directed to James Joholske, Director, Office of Import Surveillance, U.S. Consumer Product Safety Commission, (301) 504–7527, efilingssupport@cpsc.gov. Questions sent by email should contain the subject heading: “Beta Pilot: Question re Expanded PGA Message Set Test.” For technical questions regarding ACE or Automated Broker Interface (ABI) transmissions, or the PGA message set data transmission, please contact your assigned CBP client representative. Interested parties without an assigned client representative should submit an email to clientrepoutreach@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 10, 2022, CPSC announced in the **Federal Register** (87 FR 35513) a joint Beta Pilot test with CBP to assess eFiling certificate data for regulated consumer products and substances under CPSC’s jurisdiction using CBP’s PGA Message Set in ACE² (Beta Pilot Test Announcement). The notice sought up to 50 Beta Pilot participants and provided a 60-day comment period for CPSC’s Paperwork Reduction Act (PRA) burden estimate for the Beta Pilot test. Pursuant to this notice, CPSC received no comment on the burden estimates provided. On September 14, 2022, CPSC published in the **Federal Register** the required second notice providing a 30-day public comment period on the burden estimates for the Beta Pilot test, as required by the PRA. 87 FR 56407. CPSC received no comments. Subsequently, the Office of Management and Budget (OMB) assigned control number 3041–0193 for the Beta Pilot test.

In 2023, CPSC and CBP began the Beta Pilot test with 37 importer participants, along with their trade partners, such as brokers and laboratories. On December 8, 2023, CPSC published a supplemental notice of proposed rulemaking (SNPR) to revise 16 CFR part 1110 to, among other things, require eFiling of certificate data. 88 FR 85760. On June 4, 2024, CPSC and CBP announced in the **Federal Register** their joint intent to expand the Beta Pilot test to include up to an

additional 2,000 importer participants and to extend the Beta Pilot test until the effective date of a final rule implementing an eFiling requirement (or for up to three years, which is the length of a PRA control number issued by the OMB). 89 FR 47922. The June 4th announcement provided a 60-day comment period, and CPSC received two comments, which we address in section V of this notice. In accordance with the PRA, this notice responds to comments and provides an additional 30-day comment period on the PRA burden estimate for the Beta Pilot expansion.

CPSC’s previous Beta Pilot Test Announcement (87 FR 35513, 35517–18) discussed CBP and CPSC’s legal authority to conduct the Beta Pilot test. Additionally, the Beta Pilot Test Announcement and the recent SNPR to revise 16 CFR part 1110 explained CPSC’s authority to require electronic filing of certificate data at the time of entry, or entry summary, if both are filed together. 87 FR 35513, 35518; 88 FR 85760, 85760–62.

A. Expansion of the Beta Pilot Test³

The June 10, 2022, Beta Pilot Test Announcement explained CPSC’s authority to require eFiling, the Alpha Pilot,⁴ and the Beta Pilot test, including its purpose, structure, and burden. 87 FR 35513. The Beta Pilot Test Announcement also described the Commission’s direction for an eFiling Program, explaining that on December 18, 2020, the Commission approved staff’s recommended plan to implement a permanent eFiling program at CPSC.⁵ The Beta Pilot test and the December 8, 2023, SNPR (88 FR 85760) are in furtherance of CPSC’s eFiling Program. CPSC and CBP are expanding the Beta Pilot test (expanded Beta Pilot test) to allow importers of regulated consumer

³ On September 4, 2024, the Commission voted (5–0) to publish this notice.

⁴ The eFiling Alpha Pilot test was a six-month joint initiative between CPSC and CBP that assessed the infrastructure and processes necessary for electronic filing of data, and successfully demonstrated the ability of eight U.S. importers, their customs brokers, CBP, and CPSC to work together to gather and electronically file these data at import. CPSC staff provided a report on the pilot, which is available at: https://www.cpsc.gov/s3fs-public/eFiling_Alpha_Pilot_Evaluation_Report-May_24_2017.pdf?uK.UhjHakBD5yJQ.1w06tudrnvvuWlra, published April 2017.

⁵ The 2020 staff briefing package to implement an eFiling program at CPSC is available at: <https://cpsc.gov/s3fs-public/CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf?BYXOLX2gJmF4NaAN1LCMmqIXRI SuaRkr>. The Record of Commission Action is available at: <https://www.cpsc.gov/s3fs-public/RCA-CPSC-Plan-to-Create-an-eFiling-Program-for-Imported-Consumer-Products.pdf>.

¹ <https://www.cpsc.gov/eFiling-Documents-Library>.

² ACE is CBP’s automated electronic system through which it collects importation and entry data, streamlining business processes and ensuring cargo security and compliance with U.S. laws and regulations.

products and substances to voluntarily participate in the eFiling program.

The expanded Beta Pilot test provides additional members of the import community more time to gradually prepare for and begin eFiling PGA Message Sets. Similar to the initial Beta Pilot test, the expanded test involves eFiling certificate data for regulated consumer products and substances under CPSC's jurisdiction that are classified under approximately 2,500 Harmonized Tariff Schedule (HTS) codes.⁶

The expanded Beta Pilot test will allow CPSC to further scale up the information technology (IT), procedural, and processing requirements of the Product Registry and the Risk Assessment Methodology system (RAM) before the anticipated full implementation. For example, CPSC will scale up IT systems to accept data for regulated consumer products from more importers; refine the required infrastructure for the real-time collection and use of data; and continue development of internal and external procedures to supply, use, and maintain certificate data. Expanding the Beta Pilot test also enables CPSC to continue developing RAM algorithms to triage import data received from CBP to detect more effectively noncompliant consumer products arriving at ports of entry.

To accommodate expansion of the Beta Pilot test, this notice seeks up to 2,000 additional participants and revises CPSC's PRA analysis to accommodate these additional participants by revising the estimated annual burden to participants.

B. Use of the Automated Commercial Environment

CPSC is conducting the expanded Beta Pilot test in coordination with CBP and using the ACE system through

which CBP collects importation and entry data, thus streamlining business processes and ensuring cargo security and compliance with U.S. laws and regulations. CBP developed ACE as the "single window" for the trade community to comply with the International Trade Data System (ITDS) requirement established by the Security and Accountability for Every (SAFE) Port Act of 2006. Trade filers must submit data to ACE using an EDI system, such as the Automated Broker Interface (ABI). Commercial trade participants, or the licensed customs brokers acting on their behalf, can electronically file entry data in ACE using ABI. A PGA Message Set allows the trade to enter agency-specific data along with entry data, through ABI, and for PGAs, such as CPSC, to receive this additional trade-related data.

II. Beta Pilot Test: Certificate Data

The expanded Beta Pilot test will follow the same structure as the existing Beta Pilot test, with two different methods of filing certificate data using the PGA Message Set: (1) filing a minimum of seven data elements (Full PGA Message Set), or (2) filing only a reference to certificate data stored in a Product Registry maintained by CPSC (Reference PGA Message Set). Participants submit certificate data for regulated finished products, either as the Full PGA Message Set or the Reference PGA Message Set, in ACE at the time of entry filing or entry summary filing if both entry and entry summary are filed together. CBP then makes available to CPSC the PGA Message Set data and its corresponding entry data, for CPSC's validation, risk assessment, and admissibility consideration at entry, thereby facilitating compliant trade as well as sharpening CPSC focus on noncompliant trade. CPSC staff uses eFiled certificate data to review consumer product entry requirements and allow for earlier risk-based hold decisions and admissibility considerations. Additionally, because it is electronic, the PGA Message Set will eliminate or substantially reduce the necessity for submission and subsequent handling of paper documents. Section II of the 2022 Beta Pilot Test Announcement details the expected PGA Message Set data from a certificate of compliance as well as the methods for filing such data. 87 FR 35513, 35516–17.

CPSC's supplemental CATAIR guideline on filing certificate data through the PGA Message Set describes the technical specifications for filing during the expanded Beta Pilot test, as

well as the Product Registry and Reference PGA Message Set.⁷ Technical comments on CPSC's supplemental CATAIR guideline should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

III. Beta Pilot Test Participant Eligibility, Selection Criteria, and Responsibilities

This document reannounces CPSC's plan, in consultation with CBP, to expand the number of Beta Pilot test participants from 50 up to an additional 2,000 importers, and to extend the Beta Pilot test period from six months to up to three years, the length of time for an OMB control number, or until an effective date of a final rule implementing an eFiling requirement. Accordingly, CPSC and CBP seek additional Beta Pilot test participants. U.S.-based importers with an assortment of CPSC-regulated products may participate in the Beta Pilot test. To be eligible to apply as a test participant, the applicant must:

- Import regulated consumer products within the Commission's jurisdiction;
 - File consumption entries and entry summaries in ACE, or have a broker who files in ACE;
 - Use a software program that has completed ACE certification testing for the PGA Message Set; and
 - Work with CPSC and CBP to test electronic filing of data using ABI to file through the Message Set, or references to certificate data in the Product Registry.
- CPSC anticipates that the benefits of participation in the Beta Pilot test may include, but will not necessarily be limited to:
- Opportunity to work directly with CBP and CPSC in the pre-implementation stage of the requirement to file certificate data; and
 - Ability to trouble-shoot systems and procedures.

IV. Application Process and Test Duration

Any importer seeking to participate in the test should email their company name, contact information, importer of record number(s), filer code(s), and an explanation of how they satisfy the requirements for participation to the address listed at the beginning of this notice. CPSC will notify expanded Beta Pilot test applicants of approval to participate by email and will work with importers to onboard into the Pilot on

⁶ The Beta Pilot test originally cited to 300 HTS codes within the scope of the pilot. 87 FR 35514; 89 FR 47923. However, in preparation for a final eFiling requirement, CPSC staff reviewed all HTS codes to identify codes under which regulated consumer products may be classified for entry, and have updated the list of applicable HTS codes to include approximately 2,500 codes, available at: www.cpsc.gov/eFiling. This list serves as guidance for Beta Pilot test participants. For example, the products classified under the approximately 300 HTS codes that participants should expect to be tested in the expanded Beta Pilot, include, but are not limited to: All Terrain Vehicles (ATVs); durable infant or toddler products, such as baby carriages, cribs, and safety gates; children's furniture, backpacks, and school supplies; bicycle helmets; bicycles and other electric-powered cycles; clothing (sleepwear, outerwear, infant articles, potentially flammable adult clothing articles); drywall; fireworks; children's jewelry; lighters; liquid nicotine; mattresses; pacifiers and rattles; rugs; and toys.

⁷ Footnote 1, *supra*, contains a link to CPSC's CATAIR.

a first come, first served basis. Depending on the level of interest, CPSC may restrict on-boarding of new participants, at least in the beginning of the expanded Beta Pilot test, to accommodate all participants successfully and smoothly.

V. Comment Responses

We received two comments, discussing six issues, in response to the June 4th notice regarding the expanded Beta Pilot test. Both commenters support the expanded Beta Pilot test. However, the commenters also raised several issues that are out-of-scope for this PRA notice, in that they do not address the revised burden estimate for an expanded Beta Pilot test, but rather relate to the SNPR to revise 16 CFR part 1110. Below we summarize and respond to each issue raised by the commenters.

Comment 1: The Retail Industry Leaders Association (RILA) asserts that the burden estimate in the June 4th expanded Beta Pilot test notice does not fully account for the time to support gathering and submitting data elements and only reflects the burden of gathering and submitting data for a limited quantity of products and their corresponding filings. RILA states that their members' approximations of the burden hours per importer are nearly double, if not more, than those of the Commission's estimates, depending on the overall size of the retailer and volume and variety of imported goods. RILA references two Beta Pilot participants; one estimated an annual burden of approximately 500 hours and another estimated an annual burden of 15,700 hours.

Response 1: One purpose of the eFiling Beta Pilot is to gain experience on the burden that importers may experience and inform the SNPR to update 16 CFR 1110. Experience from the limited quantity of products and filings from the initial Beta Pilot test has yielded useful information about participant's burden in an expanded Beta Pilot test. Participants are not choosing to eFile certificates for all of their imported, regulated products during the Beta Pilot. Accordingly, the PRA burden estimate is based on the estimated number of filings during the expanded Beta Pilot test, and not full implementation of eFiling for all regulated, imported products. We acknowledge that mandatory eFiling for all regulated, imported products and substances would likely take additional time and increase the PRA burden estimate. CPSC will provide this more fulsome estimate in the PRA burden for a final rule to revise 16 CFR part 1110. For the expanded Beta Pilot test,

because firms are not required to file certificates for every imported, regulated product subject to a CPSC rule, ban, standard, or regulation, CPSC's burden estimate accurately reflects importers' expected eFiling activity.

With respect to expected annual burden, through staff's engagement with Beta Pilot participants, staff observed variation in the burden from the Beta Pilot with participants on average taking less than 200 hours to participate, but some participants taking significantly more time. Variation also occurs in the number of certificates that participants file and the duration of their participation. Thus, the annual burden for larger firms filing many products would likely be greater than the burden for medium or smaller-sized importers. As such, the burden per product certificate filed is a better, more accurate metric to account for the variation in the expected filing burden that the commenter references. CPSC will consider the experience of Beta Pilot test participants when finalizing the burden estimate for the final rule to revise part 1110; however, participation in the expanded Beta Pilot test is voluntary and does not require routine eFiling of certificates for all products subject to a CPSC rule, ban, standard, or regulation. Therefore, the current burden estimate accurately reflects importer's expected participation burden in the expanded Beta Pilot.

Comment 2: RILA questions whether the burden estimate accounts for expected holds and associated delays of imports due to eFiling errors. RILA also questions whether the disclaim process for products that are exempted or excluded is included in the burden analysis, stating that disclaims increase burden on firms.

Response 2: Importers participating in the expanded Beta Pilot test will not experience delay of their shipments due to eFiling errors and, therefore, will not experience additional paperwork burden under the PRA. The purpose of the expanded Beta Pilot test is to introduce importers to eFiling prior to implementation of a final rule to require eFiling, and allow CPSC to further scale up the IT, procedural, and processing requirements of the Product Registry and the RAM before the anticipated full implementation. Even at that point, CPSC does not intend to delay shipments for eFiling errors, but instead will use the certificate data for risk scoring of shipments.

Furthermore, the disclaim process was optional during the initial Beta Pilot test and remains optional during the expanded Beta Pilot test; importers do not need to disclaim products if they

choose not to. Like the initial Beta Pilot test, the estimated burden analysis for the expanded Beta Pilot test is based on overall participation and considers all types of filing, including disclaims. Therefore, the optional disclaim process is already reflected in the PRA burden estimate.

Out-of-Scope Comments: CPSC received several comments that are out-of-scope, in that they do not address the revised burden estimate for an expanded Beta Pilot test, including:

- The Information Technology Industry Council (ITI) alleges that CPSC is moving forward with the eFiling rule without adequately considering products subject to Reese's Law, applicable to consumer products containing button cell or coin batteries. ITI notes that CPSC's guidance documents posted on its eFiling Document Library web page do not address some of the nuances for products containing button cell or coin batteries.

- ITI states that an import-centric registration methodology in the Product Registry will create a "logistics nightmare" for U.S. companies that use information and communications technology (ICT) equipment.

- RILA reiterates its comments on the SNPR to revise 16 CFR 1110. RILA states that the timeline for proposed implementation does not account for time needed to plan and standup attendant system upgrades to fully implement eFiling. RILA recommends a minimum of 18 months for implementation of a final rule.

- RILA encourages CPSC to increase clarity and guidance for implementation of eFiling, specifically requesting that CPSC address reporting logic on all products in its jurisdiction and publish a clear and publicly available list of flagged Harmonized Tariff Schedule (HTS) codes.

Response to Out-of-Scope Comments: These comments from ITI and RILA are related to the SNPR to revise 16 CFR part 1110 through a final rule, and are not related to the burden estimate for the expanded Beta Pilot test. To the extent that these comments are relevant to the final rule to revise 16 CFR part 1110, the Commission will consider these comments in the final rule.

CPSC has answered many questions regarding implementation of eFiling, and the function of the Product Registry, in speaking engagements, webinars, and documents on our website at www.cpsc.gov/eFiling. CPSC will continue to educate industry about eFiling, including guidance material and videos, and will specifically

address ITI's practice-related questions in future guidance.

VI. Paperwork Reduction Act

The Beta Pilot test contains information collection requirements that are subject to public comment and review by OMB under the PRA of 1995 (44 U.S.C. 3501–3521). CPSC previously received an OMB control number for the existing Beta Pilot test: 3041–0193. CPSC now seeks to expand the number of participants in this test up to an additional 2,000 and extend the test duration for up to three additional years (2027), which is the length of time for an OMB control number, or until an effective date of a final rule implementing an eFiling requirement. In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- a title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of responses to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

Title: Beta Pilot Test for eFiling Certificates of Compliance.

Description: During the Beta Pilot test of CBP's PGA Message Set abilities through ACE, up to an additional 2,000 participating importers of regulated consumer products will electronically file the requested certificate data, comprised of seven data elements, at the time of entry filing, or entry summary filing, if both entry and entry summary are filed together. Participants will have two ways to file certificate data during the Beta Pilot test: (1) filing certificate data in a CPSC-maintained Product Registry, and filing a reference number in ACE to this data set, through ABI, each time the product is imported thereafter (Reference PGA Message Set), or (2) filing all certificate data elements directly through ABI each time the product is imported (Full PGA Message Set). CPSC will receive the information from CBP through a real-time transfer of import data, and the agency will risk score the information in CPSC's RAM system to assist in the interdiction of noncompliant consumer products.

As set forth in section V.B of the Beta Pilot Test Announcement (87 FR 35513,

35517–18), the requirement to create and maintain certificates, including the data elements, is set forth in section 14 of the Consumer Product Safety Act (CPSA). Section 14(a) of the CPSA requires manufacturers (including importers) and private labelers of certain regulated consumer products manufactured outside the United States to test and issue a certificate attesting such products as compliant with applicable laws and regulations before importation. 15 U.S.C. 2063(a). Section 14(g)(1) of the CPSA describes the data required on a certificate. Section 14(g)(3) requires a certificate to accompany the applicable product or shipment of products covered by the certificate, and that certifiers must furnish the certificate to each distributor or retailer of the product. Upon request, certificates must also be furnished to CPSC and CBP. Section 14(g)(4) provides that “[i]n consultation with the Commissioner of Customs, the Commission may, by rule, provide for the electronic filing of certificates under this section up to 24 hours before arrival of an imported product.” 15 U.S.C. 2063(g)(4). The Commission issued an SNPR to require eFiling on December 8, 2023. 88 FR 85760.

Because certificates are required by statute, this analysis focuses on the burden for CPSC to accept, and importers to provide, certificate data elements electronically at the time of entry filing, and not to collect and maintain certificate data more generally. Importer requirements in the Beta Pilot test for providing certificate data electronically at the time of entry filing fall within the definition of “collection of information,” as defined in 44 U.S.C. 3502(3).

Description of Respondents: Up to 2,000 importer participants who import regulated consumer products within CPSC's jurisdiction.

Estimated Burden: We estimate the burden of this collection of information as follows: CPSC used information provided by Alpha Pilot test participants to inform the estimated burden for the initial and expanded Beta Pilot tests. In response to comments on the estimated burden for the expanded Beta Pilot test, we confirmed the PRA burden estimate based on experience from participants in the initial Beta Pilot test, finding that CPSC's burden estimates accurately reflect the experiences of Beta Pilot test participants. Like the initial Beta Pilot test, the burden from participating in the expanded Beta Pilot test can be broken down into the burden of preparing for participation in the Pilot,

the burden of maintaining the data elements separately, and as compared to the Alpha Pilot test, the additional burden of including the dates of manufacturing and lab testing. Based on feedback from the Alpha Pilot and Beta Pilot test participants, for the expanded Beta Pilot test, we assumed that many more participants (90%) would opt to exclusively use the Product Registry and Reference PGA Message Set, while only 10% would opt to exclusively use the Full PGA Message Set. Table 3 of the 2022 Beta Pilot Test Announcement provides the total annual burden estimate for the current Beta Pilot, estimating 9,217 annual burden hours from all participants, with an estimated annual cost (combined for all participants) of \$404,764 (in 2021 dollars). 87 FR 35513, 35520. When adjusted for inflation, the total estimated annual cost to current Beta Pilot test participants in 2023 is \$442,002.

CPSC estimates that the expanded Beta Pilot test will have similar burden per response and cost per response as the participants in the current Beta Pilot test, with the exception of burden from survey responses, which will not be required of the expanded Beta Pilot test participants.⁸ Accordingly, CPSC estimates that if an additional 2,000 importers participate, 1,800 participants will use the Product Registry and Reference PGA Message Set, while 200 participants will use the Full PGA Message Set.

Tables 1–3 contain burden estimates for the expanded Beta Pilot test, which are in addition to the burden estimates provided in the 2022 Beta Pilot Test Announcement for up to 50 participants. Table 1 shows an estimated 1,800 additional participants will use the Reference PGA Message Set and bear an annual burden of 265,600 hours, with an estimated total annual cost for all participants of \$13,593,303.⁹

⁸ The Supporting Statement for this burden estimate, placed on [Regulations.gov](https://www.regulations.gov) under CPSC Docket No. CPSC–2022–0020 contains the estimates for the existing Beta Pilot test and the expanded Beta Pilot test.

⁹ The previous estimate for burden cost came from wage data for survey and filing entry-line data comes from the U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” September 2021, Table 4, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/nsc/>. For the expanded Beta Pilot test, the costs per response applied to participants are updated to 2023 dollars using the BLS “Employment Cost Index” ([url: https://www.bls.gov/eci/tables.htm](https://www.bls.gov/eci/tables.htm)).

TABLE 1—EXPANDED BETA PILOT TEST BURDEN ESTIMATES PRODUCT REGISTRY AND REFERENCE PGA MESSAGE SETS

Type of respondent	Number of respondents	Number of responses per respondent	Number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average cost per response	Total annual respondent cost *
Product Registry Only	A	B	C (= A × B)	D	E (= C × D)	F	G (= C × F)
Pilot Participation	1,800	1	1,800	91	163,800	\$5,382.47	\$9,688,442
Gathering and Submitting Data Elements ...	1,800	1	1,800	27	47,800	1,033.25	1,859,851
Filing Entry-Line	1,800	10,000	18,000,000	0.003	54,000	0.1136	2,045,010
Total .....	.....	.....	18,003,600	.....	265,600	.....	13,593,303

* **Note:** Due to rounding the products and summations may be slightly off.

Table 2 shows an estimated 200 additional participants will use the Full PGA Message Set and bear an annual burden of 17,600 hours, and an estimated total annual cost for all participants of \$943,532.

TABLE 2—EXPANDED BETA PILOT TEST BURDEN ESTIMATES FULL PGA MESSAGE SETS

Type of respondent	Number of respondents	Number of responses per respondent	Number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average cost per response	Total annual respondent cost *
Full PGA Message set Only	A	B	C (= A × B)	D	E (= C × D)	F	G (= C × F)
Pilot Participation	200	1	200	30	6,000	\$2,451.54	\$490,308
Gathering and Submitting Data Elements ...	200	1	200	13	2,600	561.94	112,388
Filing Entry-Line	200	1,500	300,000	0.030	9,000	1.1361	340,835
Total .....	.....	.....	300,400	.....	17,600	.....	943,532

* **Note:** Due to rounding the products and summations may be slightly off.

Table 3 provides the estimated total burden for expanding the Beta Pilot test of 283,000 burden hours for the 2,000 new participants, and an estimated total annual cost for all participants of \$14,536,835.

TABLE 3—EXPANDED BETA PILOT TEST BURDEN ESTIMATES TOTAL OF PRODUCT REGISTRY/REFERENCE PGA MESSAGE SETS AND FULL PGA MESSAGE SETS

Type of respondent	Number of respondents	Number of responses per respondent	Number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average cost per response	Total annual respondent cost *
Total Burden	A	B	C (= A × B)	D	E (= C × D)	F	G (= C × F)
Pilot Participation	2,000	1	2,000	85	169,800	\$5,089.38	\$10,178,750
Gathering and Submitting Data Elements ...	2,000	1	2,000	25	50,400	986.12	1,972,239
Filing Entry-Line	2,000	9,150	18,300,000	0.0034	63,000	0.1304	2,385,845
Total .....	.....	.....	18,304,000	.....	283,200	.....	14,536,835

* **Note:** Due to rounding the products and summations may be slightly off.

In compliance with the PRA of 1995 (44 U.S.C. 3507(d)), CPSC will submit the additional expanded Beta Pilot test information collection revision to the OMB for review.

VII. Confidentiality

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. As stated in

previous notices, participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act (FOIA) request, a name(s) of an approved

participant(s) may be disclosed by CPSC or CBP in accordance with 5 U.S.C. 552.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

[FR Doc. 2024–20367 Filed 9–9–24; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY**[Docket No. 16–144–LNG]****Change In Control: Driftwood LNG LLC****AGENCY:** Office of Fossil Energy and Carbon Management, Department of Energy.**ACTION:** Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement of Change in Control (Statement) filed by Driftwood LNG LLC (Driftwood LNG) on August 16, 2024. The Statement describes an expected change in Driftwood LNG's upstream ownership. The Statement was filed under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., eastern time, September 25, 2024.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 780–1691, cassandra.bernstein@hq.doe.gov

SUPPLEMENTARY INFORMATION:**Summary of Change in Control**

Currently, Driftwood LNG is an indirect, wholly-owned subsidiary of Tellurian Inc. (Tellurian), a Delaware corporation. Driftwood LNG states that, on July 21, 2024, Tellurian announced that it had entered into a definitive agreement with subsidiaries of Woodside Energy Group Ltd (Woodside), an Australian Company, pursuant to which a Woodside subsidiary will acquire all the outstanding shares of Tellurian (Proposed Transaction). Upon satisfaction of certain conditions precedent and completion of the Proposed Transaction, Tellurian will be a direct wholly-owned subsidiary of Woodside Energy Holdings (NA) LLC, a Delaware limited liability company with its principal place of business in Houston, Texas, and an indirect wholly-owned subsidiary of Woodside.

Driftwood LNG states that the Proposed Transaction is anticipated to close in the fourth quarter of 2024. Driftwood LNG further states that, after the Proposed Transaction is consummated, it will continue to be the sole holder of the export authorizations at issue.

Charts illustrating the ownership structure of Driftwood LNG before and after the closing of the Proposed Transaction are attached to the Statement as Exhibit A. Additional details can be found in the Statement, posted on the DOE website at: <https://www.energy.gov/sites/default/files/2024-08/Driftwood%20CIC%20%28Dated%208-16-24%29.pdf>.

DOE Evaluation

DOE will review the Statement in accordance with its CIC Procedures.¹ Consistent with the CIC Procedures, this notice addresses Driftwood LNG's existing authorization to export liquefied natural gas (LNG) to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FE Order No. 4373, as amended.² If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If

¹ 79 FR 65541 (Nov. 5, 2014).

² Driftwood LNG's Statement also applies to its existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer the Statement.³ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Statement. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to “Docket No. 16–144–LNG” in the title line, or “Driftwood LNG Change in Control” in the title line.

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Statement, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

³ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

Signed in Washington, DC, on September 4, 2024.

Amy R. Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2024–20394 Filed 9–9–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a new system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a newly established Privacy Act system of records. DOE proposes to establish System of Records DOE–85 Research, Technology, and Economic Security (RTES) Due Diligence Review Records as part of the Department’s implementation of Government-wide and Departmental RTES requirements included in National Security Presidential Memorandum–33 (NSPM–33), the CHIPS and Science Act, and other laws or Executive orders related to research security. Records in this system are maintained and used by the Department to track and monitor research, technology, and economic security risk assessments associated with the projects for which the Department receives applications, proposals, and submissions for research, development, deployment, demonstrations, commercialization, and scientific activities, and Departmental laboratories and facilities performing such activities, as well as certain high-risk non-scientific and non-research and development activities and for projects DOE otherwise is or is considering supporting.

DATES: This new System of Records Notice (SORN) will become applicable following the end of the public comment period on October 9, 2024, unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503 and to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm.

8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm 8H–085, Washington, DC 20585, or by facsimile at (202) 586–8151, by email at privacy@hq.doe.gov, or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: DOE proposes to establish System of Records DOE–85 Research, Technology, and Economic Security (RTES) Due Diligence Review Records. Records in this system are maintained and used by the Department to track and monitor research, technology, and economic security risk assessments associated with the projects for which the Department receives applications, proposals, and submissions for research, development, deployment, demonstrations, commercialization, and scientific activities, and Departmental laboratories and facilities performing such activities, as well as certain non-scientific and non-research and development activities and for projects DOE/National Nuclear Security Administration (NNSA) is considering supporting.

RTES requirements applicable to financial assistance agreements will be implemented through DOE/NNSA financial assistance policies, funding opportunity announcements, and award terms and conditions. RTES requirements applicable to Departmental laboratories and facilities will be implemented through Departmental policies, directives, and DOE/NNSA laboratory prime contract requirements. Section 10637 of the Research and Development, Competition, and Innovation Act (Pub. L. 117–167), part of the CHIPS and Science Act, provides that Federal agencies must “ensure that policies and activities developed and implemented pursuant to [the Act’s research security requirements] are carried out in a manner that does not target, stigmatize, or discriminate against individuals on the basis of race, ethnicity, or national origin, consistent with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).”

SYSTEM NAME AND NUMBER:

DOE–85 Research, Technology, and Economic Security (RTES) Due Diligence Review Records.

SECURITY CLASSIFICATION:

Both classified and unclassified.

SYSTEM LOCATION:

Systems leveraging this SORN may exist in multiple locations. All systems storing records in a cloud-based server are required to use government-approved cloud services and follow National Institute of Standards and Technology (NIST) security and privacy standards for access and data retention. Records maintained in a government-approved cloud server are accessed through secure data centers in the continental United States.

U.S. Department of Energy Headquarters, 1000 Independence Avenue SW, Washington, DC 20585.

SYSTEM MANAGER:

Director, Office of Research, Technology, and Economic Security (RTES). U.S. Department of Energy Headquarters, 1000 Independence Avenue SW, Washington, DC 20585.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; The Atomic Energy Act of 1954 (Pub. L. 83–303), as amended (42 U.S.C. 2011 *et seq.*), sections 31, 32, and 33; The Economy Act of 1932, 31 U.S.C. 1535; Presidential Memorandum on United States Government-Supported Research and Development National Security Policy 33 (NSPM–33); Research and Development, Competition, and Innovation Act, Div. B of the CHIPS and Science Act (42 U.S.C. 18912, 19231–19237; Pub. L. 117–167); National Defense Authorization Act for Fiscal Year 2021 (42 U.S.C. 6605; Pub. L. 116–283); National Defense Authorization Act for Fiscal Year 2020 (42 U.S.C. 6601 note; Pub. L. 116–92); the SBIR and STTR Extension Act of 2022 (15 U.S.C. 638(vv); Pub. L. 117–183); DOE Order 486.1A, *Foreign Government Sponsored or Affiliated Activities*; DOE Policy 485.1A, *Foreign Engagements with DOE National Laboratories*; OMB Memorandum M–19–16, Centralized Mission Support Capabilities for the Federal Government (April 26, 2019); Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224); Grants Oversight and New Efficiency Act of 2016 (Pub. L. 114–117); Digital Accountability and Transparency Act of 2014 (Pub. L. 113–101); Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282); Lobbying Disclosure Act of 1995 (Pub. L. 104–65); Single Audit Act (1984) (Pub. L. 98–502); Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 200.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to enhance DOE's capabilities to aggregate, link, analyze and maintain information used by the Department to assess research, technology, and economic security (RTES) risk. RTES risks may include risk of foreign government interference and exploitation, intellectual property (IP) loss, national security risk, conflicts of interest, and conflicts of commitment, and other parameters defined in DOE/NNSA policy. The RTES analysis builds on pre-existing information provided by individuals and organizations that interact with DOE/NNSA, paired with public records (see categories of records), and in some cases, classified information. Consistent with NSPM-33, applicable law, and existing DOE/NNSA policies, the system records may be shared as appropriate with other Federal funding agencies and internally within DOE/NNSA to help ensure a coordinated and consistent approach to risk assessment.

Information collected in this system may be utilized for the following purposes:

1. To identify inconsistencies in information reported by individuals to DOE/NNSA related to submitted proposals, terms and conditions, and project reports of a DOE/NNSA award or other activity. An example of inconsistencies could include undisclosed current and pending research support or positions and appointments.

2. To conduct due diligence and RTES risk assessments established according to guidelines (e.g., risk matrices) and review processes to evaluate and manage research, development, deployment, demonstrations, commercialization, and scientific activities.

3. To use RTES risk assessments to ensure that DOE/NNSA makes informed funding decisions including implementation of RTES risk mitigations as a condition of funding, if needed, to ensure that U.S. economic and national security interests are protected.

4. To monitor and notify current and potential participants (i.e., recipients and applicants) in the subject DOE/NNSA research, development, deployment, demonstrations, commercialization, and scientific activities of unmanageable RTES risks and compliance with applicable RTES requirements and mitigations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals who apply to (either directly or as part of an application submitted by an entity), participate in, or are supported by DOE/NNSA funding programs (e.g., financial assistance, Partnership Intermediary Agreements (PIAs), prize competitions, loans, and contracts). These individuals would include individuals designated by the applicant to direct the project (e.g., Principal Investigators, Program Directors), senior/key personnel, and other members of project teams. These individuals may also include DOE/NNSA contractor-operated and government-operated laboratory employees and laboratory partners. To inform the assessment of an entity's foreign ownership, control, and influence (FOCI), including FOCI related to foreign countries of concern, countries of risk, foreign entities of concern, entities of concern, or similar terms as defined in applicable laws or DOE/NNSA policies, the system includes information on individuals in a position to own, control or influence the entity (e.g., owners, directors, board members, and significant investors and shareholders), consistent with applicable requirements.

2. Individuals who evaluate applications submitted to DOE/NNSA or DOE/NNSA-supported projects, either by submitting individual comments, or by serving on review panels or site visit teams, i.e., independent merit reviewers, peer reviewers and advisory committee and panel members.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records related to application, negotiation, award, and reporting processes for financial assistance, PIA, loan application documents, records of financial assistance awards and contracts, financial data, Unique Entity Identifier (i.e., business/organization unique identifier), Taxpayer Identification Number (TIN), to include Employer Identification Number (EIN), persistent identifiers (e.g., Open Researcher and Contributor ID), demographic data, place of residency, location of business operation, citizenship status, academic and other reports, disclosures, and other deliverables, including resumes, curriculum vitae, and statements of current and pending support.

2. Publication and patent information (including co-author and co-inventor connections) will be obtained from third parties that compile related public information for commercial purposes. Such sources include, but are not limited to, Clarivate (Web of Science),

Elsevier (Scopus), Dimensions, United States Patent and Trademark Office, Open Researcher and Contributor ID (ORCID), and Google Scholar.

3. Job positions and titles obtained, as displayed in public platforms; undergraduate, graduate and postdoctoral training; academic, professional and institutional appointments.

4. Risk reports; supporting documentation, records, and files; law enforcement records, reports and files; reports on foreign contacts, travel, and other security-related reporting requirements; records, reports and files received from other DOE elements and other Federal agencies; open-source, publicly available information compiled by commercial tools for risk management and compliance, sometimes referred to as "Business Intelligence Tools".

5. Any other information provided by a participant in response to follow-up questions regarding potential inconsistencies in initial disclosures that may be needed for due diligence review of an application or similar instrument submitted to request DOE support (e.g., financial assistance, cooperative agreement, grant, prize, or loan) and of DOE-supported projects and activities.

RECORD SOURCE CATEGORIES:

1. Applicant, recipient, awardee, subrecipient, borrower, evaluators, reviewers, project support personnel, financial assistance applications, cooperative agreement applications, prize applications, PIA, financial assistance or cooperative agreement reporting requirements, and loan application documents.

2. The subject individual; publicly or commercially available material; other agencies within the Intelligence Community; other agencies within the U.S. Government, other offices within the DOE; the Federal Bureau of Investigation (FBI), and other Federal, State, and local law enforcement agencies; and sources contacted during the due diligence review process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to a Member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The Member of Congress must provide a copy of the constituent's signed request for assistance.

2. A record from this system may be disclosed as a routine use to the appropriate local, Tribal, State, or Federal agency when records, alone or in conjunction with other information, indicate a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto.

3. A record from this system may be disclosed as a routine use for the purpose of an investigation, settlement of claims, or the preparation and conduct of litigation to (1) persons representing the Department in the investigation, settlement or litigation, and to individuals assisting in such representation; (2) others involved in the investigation, settlement, and litigation, and their representatives and individuals assisting those representatives; (3) witnesses, potential witnesses, or their representatives and assistants; and (4) any other persons who possess information pertaining to the matter when it is relevant and necessary to obtain information or testimony relevant to the matter.

4. A record from this system may be disclosed as a routine use to a Federal, State, Tribal, or local agency to facilitate the requesting agency's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, financial assistance, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. The Department must deem such disclosure to be compatible with the purpose for which the Department collected the information.

5. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (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 the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

6. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that

information from this system of records is reasonably necessary to assist the recipient agency or entity in (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.

7. A record from this system may be disclosed as a routine use to contractors, agents, experts, consultants, or others performing work on a contract, service, cooperative agreement, job, or other activity for DOE/NSA and who have a need to access the information in the performance of their duties or activities for DOE/NSA.

8. A record from this system may be disclosed as a routine use to the organizations that submitted the application to demonstrate a potential inconsistency with DOE's disclosure requirements for submitted applications, terms and conditions of a DOE/NSA award, and project reports.

9. A record from this system may be disclosed as a routine use to appropriate Federal agencies and within DOE/NSA to demonstrate an inconsistency with DOE's RTES requirements (*e.g.*, disclosure requirements, participation in malign foreign talent recruitment programs contrary to policies issued by DOE, or activities that threaten research, technology, and economic security), or upon request from another agency, if there are overlapping concerns. This includes law enforcement, security, and intelligence agencies, relevant agency components (such as the Office of Inspector General or the Office of Intelligence and Counterintelligence) or other Federal funding agencies, consistent with section 4(e) of NSPM-33 and section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92), to inform efforts related to national and research, technology, and economic security. For purpose of this routine use, sharing with Federal agencies will be done in coordination with Office of the General Counsel.

10. A record from this system may be disclosed as a routine use to Federal science and technology agencies to improve portfolio management, coordinate initiatives, and enhance the government's understanding of the scientific landscape.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information of individuals who interact with DOE will be retrieved by the individual's name, email address, persistent identifiers (*e.g.*, ORCID), or DOE identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration approved records. Records in this system are currently unscheduled, which requires the records to be retained as permanent until NARA approves a DOE Records Disposition Schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.

- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.

- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records, if any, are locked in file cabinets, file rooms, or offices and are under the control of

authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words "PRIVACY ACT APPEAL" should appear in capital letters on the envelope and the letter. Appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

This system is exempt under subsection (k)(1) of the Privacy Act to the extent that information within the System meets the criteria of those subsections of the Act. Such information has been exempted from the provisions of subsections (c)(3) (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Act. See the Department's Privacy Act regulation at 10 CFR part 1008.

HISTORY:

This notice proposes to establish DOE-85 Research, Technology, and

Economic Security Due Diligence Review Records as a new system of records. There has been no previous publication in the **Federal Register** pertaining to this system of records.

Signing Authority

This document of the Department of Energy was signed on August 29, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 5, 2024.

Treena V. Garrett,

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

[FR Doc. 2024-20376 Filed 9-9-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23-2445-002.

Applicants: Midcontinent

Independent System Operator, Inc., Ameren Illinois Company.

Description: Compliance filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35: 2024-09-03 Ameren Illinois Depreciation Rates Compliance Filing to be effective 9/1/2024.

Filed Date: 9/3/24.

Accession Number: 20240903-5113.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24-2172-001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Response to Aug 2, 2024 Deficiency Notice re SA No. 1442 in ER24-2172 to be effective 8/3/2024.

Filed Date: 9/3/24.

Accession Number: 20240903-5150.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24-2944-000.

Applicants: EDPR Scarlet I LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for LGIA Co-Tenancy Agreement to be effective 8/31/2024.

Filed Date: 8/30/24.

Accession Number: 20240830-5287.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24-2945-000.

Applicants: EDPR Scarlet II BESS LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for LGIA Co-Tenancy Agreement to be effective 8/31/2024.

Filed Date: 8/30/24.

Accession Number: 20240830-5294.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24-2946-000.

Applicants: EDPR Scarlet II LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for LGIA Co-Tenancy Agreement to be effective 8/31/2024.

Filed Date: 8/30/24.

Accession Number: 20240830-5297.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24-2947-000.

Applicants: Entergy Arkansas, LLC.

Description: Tariff Amendment: EAL Cancellation of Service Agreement to be effective 9/1/2024.

Filed Date: 8/30/24.

Accession Number: 20240830-5306.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24-2948-000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, Keystone Appalachian Transmission Company, PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii): MAIT and KATCo submit amended IAs, SA Nos 2149 and 3743 to be effective 10/30/2024.

Filed Date: 8/30/24.

Accession Number: 20240830-5308.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24-2949-000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to WMPA No. 6423, AG1-197 to be effective 11/3/2024.

Filed Date: 9/3/24.

Accession Number: 20240903-5043.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24-2950-000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to WMPA No. 7006, AF2-221 to be effective 11/3/2024.

Filed Date: 9/3/24.

Accession Number: 20240903-5092.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24–2951–000.
Applicants: NorthWestern Corporation.

Description: 205(d) Rate Filing: SA 1007—Conditional Firm PTP Trans. Service with PSE to be effective 9/5/2024.

Filed Date: 9/3/24.

Accession Number: 20240903–5115.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24–2952–000.
Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6766; Queue No. AE2–241 to be effective 11/4/2024.

Filed Date: 9/3/24.

Accession Number: 20240903–5117.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24–2953–000.
Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Submission of Tariff Revisions to Implement Fuel Assurance Policy to be effective 10/1/2025.

Filed Date: 9/3/24.

Accession Number: 20240903–5118.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24–2954–000.
Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6822; Queue No. AF1–328 to be effective 11/4/2024.

Filed Date: 9/3/24.

Accession Number: 20240903–5119.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24–2955–000.
Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to WMPA No. 7094, AG1–041 to be effective 11/4/2024.

Filed Date: 9/3/24.

Accession Number: 20240903–5122.

Comment Date: 5 p.m. ET 9/24/24.

Docket Numbers: ER24–2956–000.
Applicants: Honeysuckle Solar, LLC.

Description: Baseline eTariff Filing: Rate Schedule for Reactive Supply and Voltage Control to be effective 12/15/2024.

Filed Date: 9/3/24.

Accession Number: 20240903–5168.

Comment Date: 5 p.m. ET 9/24/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206

of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20406 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF24–10–000]

Southeastern Power Administration; Notice of Filing

Take notice that on August 30, 2024, Southeastern Power Administration submitted a tariff filing: Rate Order No. SWPA–84 to be effective 10/1/2024.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on September 30, 2024.

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20401 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24–984–000.

Applicants: Chesapeake Energy Marketing, L.L.C., SWN Energy Services Company, LLC.

Description: Joint Petition for Temporary Waivers of Capacity Release Regulations et al. of Chesapeake Energy Marketing, L.L.C. et al.

Filed Date: 8/20/24.

Accession Number: 20240820–5144.

Comment Date: 5 p.m. ET 9/9/24.

Docket Numbers: RP24–1033–000.

Applicants: ETC Tiger Pipeline, LLC.
Description: § 4(d) Rate Filing:

Updating Tariff for Multi-Party Contracts to be effective 9/30/2024.

Filed Date: 8/30/24.

Accession Number: 20240830–5152.

Comment Date: 5 p.m. ET 9/11/24.

Docket Numbers: RP24–1034–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: § 4(d) Rate Filing: TC Quarterly FL&U Update August 2024 to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5155.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1035–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Transco RP24—General Rate Case Filing to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5156.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1036–000.
Applicants: Northern Natural Gas Company.
Description: Tariff Amendment: 20240830 Cancel Tariffs Vol 1 and Vol 1A to be effective 9/30/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5209.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1037–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: § 4(d) Rate Filing: Filing of Negotiated Rate, Non-Conforming Rate FT Agreement to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5216.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1038–000.
Applicants: TransCameron Pipeline, LLC.
Description: § 4(d) Rate Filing: Normal filing Aug 2024 to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5243.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1039–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: CIG Annual Fuel and LUF Filing to be effective 10/1/2024.
Filed Date: 8/30/24.
Accession Number: 20240830–5288.
Comment Date: 5 p.m. ET 9/11/24.
Docket Numbers: RP24–1040–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Remove Expired Negotiated Rate Agreement—9/1/2024 to be effective 10/3/2024.
Filed Date: 9/3/24.
Accession Number: 20240903–5032.
Comment Date: 5 p.m. ET 9/16/24.
Docket Numbers: RP24–1041–000.
Applicants: Mountain Valley Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—9/1/2024 to be effective 9/1/2024.
Filed Date: 9/3/24.
Accession Number: 20240903–5040.
Comment Date: 5 p.m. ET 9/16/24.
Docket Numbers: RP24–1042–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—9/1/2024 to be effective 9/1/2024.
Filed Date: 9/3/24.
Accession Number: 20240903–5074.
Comment Date: 5 p.m. ET 9/16/24.
Docket Numbers: RP24–1043–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Yankee Gas to Emera eff 9–1–24 to be effective 9/1/2024.
Filed Date: 9/3/24.
Accession Number: 20240903–5107.
Comment Date: 5 p.m. ET 9/16/24.
 Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP24–815–001.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing: TETLP 2024 Settlement Compliance Filing RP24–815–000 to be effective 10/1/2024.
Filed Date: 9/3/24.
Accession Number: 20240903–5096.
Comment Date: 5 p.m. ET 9/16/24.
 Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.
 The Commission's Office of Public Participation (OPP) supports meaningful

public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: September 3, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20309 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1894–232]

Dominion Energy South Carolina, Inc.; Notice of Application for Temporary Variance Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Temporary variance of seasonal turbine venting period.
- b. *Project No.:* 1894–232.
- c. *Date Filed:* July 26, 2024.
- d. *Applicant:* Dominion Energy South Carolina, Inc. (licensee).
- e. *Name of Project:* Parr Hydroelectric Project.

f. *Location:* The project is located on the Broad River in Newberry and Fairfield counties, South Carolina, and occupies Federal lands within the Sumter National Forest, administered by the U.S. Department of Agriculture, Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Amy Bresnahan, Dominion Energy South Carolina, Inc., 220 Operation Way, Mail Code B223, Cayce, South Carolina 29033; (803) 217–9965; amy.bresnahan@dominionenergy.com.

i. *FERC Contact:* Joy Kurtz, (202) 502–6760, joy.kurtz@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that

wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. Deadline for filing comments, motions to intervene, and protests is October 4, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P-1894-232. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request*: The licensee requests Commission approval to extend the seasonal turbine venting window requirements specified in the project's Turbine Venting Plan (Plan) through October 31, 2024. The Plan requires the licensee to provide turbine venting annually between June 15 and August 31 in order to increase dissolved oxygen levels downstream of Parr Shoals Dam.

Article 401(b) of the project license requires the licensee to obtain Commission approval for extensions exceeding 30 days. The licensee is seeking Commission approval to extend the seasonal turbine venting window through October 31, 2024, in light of requests from the South Carolina Department of Natural Resources and South Carolina Department of Health and Environmental Control, who are concerned that low dissolved oxygen levels may persist at the project through fall of 2024.

m. *Locations of the Application*: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents*: All filings must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in

reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: September 4, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-20402 Filed 9-9-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24-1044-000

Applicants: Rover Pipeline LLC.

Description: 4(d) Rate Filing;

Summary of Negotiated Rate Capacity Release Agreements 9-3-2024 to be effective 9/1/2024.

Filed Date: 9/3/24.

Accession Number: 20240903-5139.

Comment Date: 5 p.m. ET 9/16/24.

Docket Numbers: RP24-1045-000.

Applicants: Gulf South Pipeline Company, LLC.

Description: Compliance filing: Reservation of Capacity Waiver Request to be effective N/A.

Filed Date: 9/3/24.

Accession Number: 20240903-5179.

Comment Date: 5 p.m. ET 9/16/24.

Docket Numbers: RP24-1046-000.

Applicants: Scout V Hugoton Gathering, LP.

Description: 4(d) Rate Filing: Tariff Revisions Reflecting Change of Name to be effective 10/4/2024.

Filed Date: 9/3/24.

Accession Number: 20240903-5183.

Comment Date: 5 p.m. ET 9/16/24.

Docket Numbers: RP24-1047-000.

Applicants: Transwestern Pipeline Company, LLC.

Description: 4(d) Rate Filing: Update GT&C Section 36 to be effective 10/4/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5024.

Comment Date: 5 p.m. ET 9/16/24.

Docket Numbers: RP24–1048–000.

Applicants: Equitrans, L.P.

Description: 4(d) Rate Filing: Amended Negotiated Rate Agreement 11/1/2024 to be effective 11/1/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5031.

Comment Date: 5 p.m. ET 9/16/24.

Docket Numbers: RP24–1049–000.

Applicants: Veren U.S. Corp., Veren Partnership.

Description: Joint Petition for Temporary and Limited Waiver of Capacity Release Regulations, et al. of Veren Partnership, et al.

Filed Date: 9/4/24.

Accession Number: 20240904–5034.

Comment Date: 5 p.m. ET 9/16/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20411 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–28–000]

Commission Information Collection Activities (FERC–523); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information collection, FERC–523 (Application for Authorization for the Issuance of Securities or the Assumption of Liabilities).

DATES: Comments on the collection of information are due November 12, 2024.

ADDRESSES: You may submit comments (identified by Docket No. IC24–28–000) by one of the following methods:

- *eFiling at Commission's Website:* <http://www.ferc.gov>.
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- *Effective 7/1/2020*, delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov>.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at DataClearance@FERC.gov, telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–523, Application for Authorization for the Issuance of Securities or the Assumption of Liabilities.

OMB Control No.: 1902–0043.

Type of Request: Three-year approval of the FERC–523 information collection requirements with no changes to the current reporting requirements.

Abstract: The information collected by FERC–523 is required to implement the statutory provisions of section 204 of the Federal Power Act (FPA) (16 U.S.C. 824c). Under section 204 of the FPA, no public utility or licensee shall issue any security, or assume any obligation or liability as guarantor, endorser, surety, or otherwise in respect of any security of another person, until the public utility applies for and receives Commission approval by order authorizing the issuance or assumption of the liability. The Commission issues an order if it finds that such issuance or assumption (a) is for lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant as a public utility, and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

The Commission uses the information contained in filings to determine its acceptance and/or rejection of applications for authorization to either issue securities or to assume an obligation or liability by the public utilities and licensees who submit these applications.

The specific application requirements and filing format are found at 18 CFR part 34, and 18 CFR 131.43 and 131.50. This information is filed electronically.

Type of Respondents: Public utilities subject to the Federal Power Act.

Estimate of Annual burden¹ and cost:² The Commission estimates the reduction in the annual public reporting burden for the FERC–523, as follows:

¹ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

² Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC–523 are approximately the same as the Commission's average cost. The FERC 2024 average salary plus benefits for one FERC full-time equivalent (FTE) is \$207,786/year (or \$100.00/hour).

FERC-523, APPLICATION FOR AUTHORIZATION FOR ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost (\$) per response	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
72	1	72	70; \$7,000	5,040; \$504,000	\$7,000

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 3, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20311 Filed 9-9-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator and Foreign Utility Company Status

	Docket Nos.
Liberty 1 Solar, LLC	EG24-198-000
Callisto 1 Energy Center LLC	EG24-199-000
Goose Prairie Solar LLC	EG24-201-000
SEPV Sierra, LLC	EG24-202-000
SEPV Cuyama, LLC	EG24-203-000
CED Westside Canal Battery Storage, LLC.	EG24-204-000
PP Jaguar BESS LLC	EG24-205-000
FRP Gilchrist County Solar, LLC	EG24-206-000
FRP Columbia County Solar, LLC.	EG24-207-000
FRP Gadsden County Solar, LLC	EG24-208-000
Calhoun County Solar Project, LLC.	EG24-209-000
Millers Branch Solar, LLC	EG24-210-000
FRP Tupelo Solar, LLC	EG24-211-000
Harmony Florida Solar II, LLC	EG24-212-000
Storey Bend Solar, LLC	EG24-213-000
VESI 12 LLC	EG24-214-000
BRP Antlia BESS LLC	EG24-215-000
BRP Carina BESS LLC	EG24-216-000
Chillingham Solar LLC	EG24-217-000
Shamrock Energy Storage, LLC	EG24-218-000
Eoliennes Offshore des Hautes Falaises SAS.	FC24-3-000

Take notice that during the month of August 2024, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2023).

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20409 Filed 9-9-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC24-130-000]

Pacific Gas and Electric Company; Notice of Filing

Take notice that on August 30, 2024, Pacific Gas and Electric Company (PG&E) submitted a waiver request to the Chief Accountant of the Federal Energy Regulatory Commission (Commission or FERC) related to Account 165, Prepayments, of the Commission's Uniform System of Accounts, to allow PG&E to apply a \$500,000 materiality threshold for recording prepayments on its balance sheet. PG&E requests that this waiver be applied prospectively, for a period of ten years, ending December 31, 2034.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene

or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on September 24, 2024.

Dated: September 3, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-20308 Filed 9-9-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC24-116-000.

Applicants: Wabash Valley Power Association, Inc.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Wabash Valley Power Association, Inc.

Filed Date: 8/30/24.

Accession Number: 20240830–5348.
Comment Date: 5 p.m. ET 9/20/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1156–003.
Applicants: St. Joseph Energy Center, LLC.

Description: St. Joseph Energy Center, LLC submits tariff filing per 35: Informational Filing Pursuant to Schedule 2 of the PJM OATT to be effective N/A.

Filed Date: 9/4/24.

Accession Number: 20240904–5150.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER20–2740–000.

Applicants: Hickory Run Energy, LLC.

Description: Report Filing: Hickory Run Energy, LLC Reactive Power Notice for Filing 1 to be effective N/A.

Filed Date: 7/18/24.

Accession Number: 20240718–5042.

Comment Date: 5 p.m. ET 9/6/24.

Docket Numbers: ER24–2799–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Petition for Limited Waiver of Tri-State Generation and Transmission Association, Inc.

Filed Date: 8/13/24.

Accession Number: 20240813–5206.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2926–000.

Applicants: GDQ ESS, LLC.

Description: Petition for Limited Waiver and Request for Shortened Comment Period and Expedited Commission Action of GDQ ESS, LLC.

Filed Date: 8/29/24.

Accession Number: 20240829–5262.

Comment Date: 5 p.m. ET 9/19/24.

Docket Numbers: ER24–2957–000.

Applicants: Wabash Valley Power Association, Inc.

Description: Pre-Arranged/Pre-Agreed (Settlement and Settlement Agreement) of Wabash Valley Power Association, Inc.

Filed Date: 8/30/24.

Accession Number: 20240830–5346.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24–2958–000.

Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

Description: Tariff Amendment: PPL Electric Utilities Corporation submits tariff filing per 35.15: Notice of Cancellation of ECSA, SA No. 6789 to be effective 11/4/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5026.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2959–000.

Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

Description: Tariff Amendment: PPL Electric Utilities Corporation submits tariff filing per 35.15: Notice of Cancellation of ECSA, SA No. 6494 to be effective 11/4/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5028.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2960–000..

Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

Description: Tariff Amendment: PPL Electric Utilities Corporation submits tariff filing per 35.15: Notice of Cancellation of ECSA, SA No. 6222 to be effective 11/4/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5030.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2961–000.

Applicants: AEP Texas Inc.

Description: 205(d) Rate Filing: AEPTX-Seven Flags BESS 1st Amended Generation Interconnection Agreement to be effective 8/19/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5033.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2962–000.

Applicants: AEP Texas Inc.

Description: AEP Texas Inc. submits tariff filing per 35.13(a)(2)(iii): AEPTX–STEC (Catarina, Fresa, Palafox) Facilities Develop.m.ent Agreements to be effective 8/19/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5040.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2963–000.

Applicants: LRE Interconnection Manager, LLC.

Description: Compliance filing: Notice of Succession to be effective 9/5/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5045.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2964–000.

Applicants: Antelope Valley BESS, LLC.

Description: Compliance filing: Revised Certificate of Concurrence Tariff Record to be effective 9/5/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5055.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2965–000.

Applicants: Chaparral Springs, LLC.

Description: Compliance filing: Revised Certificate of Concurrence Tariff Records to be effective 9/5/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5056.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2966–000.

Applicants: Rabbitbrush Solar, LLC.

Description: Compliance filing: Revised Certificate of Concurrence Tariff Records to be effective 9/5/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5057.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2967–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation—ISA Service Agreement No. 6508, Queue No. AE2–121 to be effective 11/4/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5122.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2968–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2024–09–04 SA 4340 Entergy Arkansas-Entergy Arkansas GIA (Independence) to be effective 8/21/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5124.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2969–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2024–09–04 SA 4339 Entergy Arkansas-Entergy Arkansas GIA (White Bluff) to be effective 8/21/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5125.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2970–000.

Applicants: ISO New England Inc., Central Maine Power Company.

Description: 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): ISO–NE/CMP; Original Service Agreement No. LGIA–ISONE/CMP–24–01 to be effective 8/8/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5131.

Comment Date: 5 p.m. ET 9/25/24.

Docket Numbers: ER24–2971–000; TS24–5–000.

Applicants: Dan’s Mountain Wind Force, LLC, Dan’s Mountain Wind Force, LLC.

Description: Request for Temporary Waiver, et al. of Dan’s Mountain Wind Force, LLC.

Filed Date: 8/30/24.

Accession Number: 20240830–5352.

Comment Date: 5 p.m. ET 9/20/24.

Docket Numbers: ER24–2972–000.
Applicants: PJM Interconnection,
L.L.C.

Description: Tariff Amendment:
Notice of Cancellation—WMPA Service
Agreement No. 5244; Queue No. AD1–
085 to be effective 11/4/2024.

Filed Date: 9/4/24.

Accession Number: 20240904–5155.

Comment Date: 5 p.m. ET 9/25/24.

The filings are accessible in the
Commission's eLibrary system ([https://
elibrary.ferc.gov/idmws/search/fercgen
search.asp](https://elibrary.ferc.gov/idmws/search/fercgensearch.asp)) by querying the docket
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of the Commission's Regulations (18
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docs-filing/efiling/filing-req.pdf](http://www.ferc.gov/docs-filing/efiling/filing-req.pdf). For
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rehearing, the public is encouraged to
contact OPP at (202) 502–6595 or [OPP@
ferc.gov](mailto:OPP@ferc.gov).

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20404 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Third Supplemental Notice for Staff- Led Workshop

Innovations and Efficiencies in Generator Interconnection
California Independent System Operator Corporation
Midcontinent Independent System Operator, Inc
Southwest Power Pool, Inc

Docket No. AD24–9–000.
Docket No. ER24–2671–000.
Docket Nos. ER24–2797–000, ER24–2871–000.
Docket Nos. ER24–2798–000, ER24–2825–000,
ER24–2184–000, ER24–2185–000.

As first announced in the Notice of
Staff-Led Workshop issued in this
proceeding on May 13, 2024, as
supplemented on June 27, 2024, and
August 14, 2024, pursuant to 18 CFR
2.1(a), the Federal Energy Regulatory
Commission (Commission) will convene
a staff-led workshop in Docket No.
AD24–9–000 at Commission
headquarters, 888 First Street NE,
Washington, DC 20426 on Tuesday,
September 10, 2024 and Wednesday,
September 11, 2024 from approximately
9:00 a.m. to 4:45 p.m. Eastern time.

Attached to this Third Supplemental
Notice is a revised agenda for the
workshop, which includes a final
workshop program and expected
speakers. The Commissioners may
attend and participate in the workshop.

The workshop agenda identifies a list
of issues to be discussed during the
workshop. Some of the issues to be
discussed during the workshop overlap
substantively with issues in proceedings
currently pending before the
Commission. While the intent of the
workshop is not to focus on any specific

matters before the Commission, because
of the likelihood of discussion of these
issues, those proceedings are included
in the caption of this notice to ensure
proper notice to all parties to those
proceedings. This notice will be
included in the docket of those
proceedings.

Additionally, some workshop
discussions may involve issues raised in
other proceedings that are currently
pending before the Commission. These
proceedings include, but are not limited
to:

Grain Belt Express LLC v. Midcontinent Independent System Operator, Inc
Salsa Solar Energy, LLC and Towner Wind Energy III LLC v. Public Service Company of
Colorado.
Southwest Power Pool, Inc

Docket Nos. EL24–35–00 and EL24–53–000.
Docket No. EL24–50–000.

Docket Nos. ER24–2860–000 and ER24–2863–000.

Discussions at the workshop will not
address compliance with Commission
Order No. 2023¹ or any pending Order
No. 2023 compliance filings.

The workshop will be open to the
public to attend virtually or in person
and there is no fee for attendance.
Information will also be posted on the
Calendar of Events on the Commission's
website,² prior to the event. The

¹ *Improvements to Generator Interconnection
Procs. & Agreements*, Order No. 2023, 184 FERC
¶ 61,054, order on reh'g, 185 FERC ¶ 61,063 (2023),
order on reh'g, Order No. 2023–A, 186 FERC
¶ 61,199 (2024).

² [https://www.ferc.gov/news-events/events/
innovations-and-efficiencies-generator-
interconnection-workshop-docket-no-ad24-9](https://www.ferc.gov/news-events/events/innovations-and-efficiencies-generator-interconnection-workshop-docket-no-ad24-9).

previous notice requested that attendees
register through the Commission's
website on or before August 26, 2024.
That date has passed and, due to space
limitations at Commission headquarters,
we are no longer accepting registrations
for in-person attendees, but registrations
for virtual attendees are still being
accepted. Registration will help ensure
that Commission staff can provide
sufficient virtual facilities and enable
Commission staff to communicate with
attendees in the case of unanticipated
emergencies or other changes to the
workshop schedule.

The workshop will be transcribed,
and transcripts will be available for a fee
from Ace Reporting (202–347–3700). A

link to the webcast of this event and its
recording will be available in the
Commission Calendar of Events at
www.ferc.gov. The Commission
provides technical support for the free
webcasts. Please call 202–502–8680 or
email customer@ferc.gov if you have
any questions.

Commission conferences are
accessible under section 508 of the
Rehabilitation Act of 1973. For
accessibility accommodations please
send an email to accessibility@ferc.gov
or call toll free (866) 208–3372 (voice)
or (202) 502–8659 (TTY), or send a fax
to (202) 208–2106 with the required
accommodations.

For further information about this workshop, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, 202–502–8368, Sarah.McKinley@ferc.gov

Michael G. Henry (Technical Information), Office of Energy Policy and Innovation, 202–502–8583, Michael.Henry@ferc.gov

Lewis Taylor (Legal Information), Office of General Counsel, 202–502–8624, Lewis.Taylor@ferc.gov

Dated: September 3, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

Staff-Led Workshop on Innovations and Efficiencies in Generator Interconnection

Docket No. AD24–9–000

September 10 and 11, 2024

Revised Agenda Sept. 3, 2024

September 10 Agenda: Innovations

9:00 a.m.–9:15 a.m.: Welcome and Opening Remarks

9:15 a.m.–11:45 a.m.: *Innovations Panel 1: Integrated Transmission Planning and Generator Interconnection*

This panel will discuss the extent to which transmission planning and generator interconnection processes may be further integrated beyond the reforms adopted in Order No. 1920.³ This panel will explore ideas to more efficiently and proactively plan for and interconnect new generation with increased cost certainty.

Questions

1. Can efficiencies be gained through closer integration of generator interconnection processes with transmission planning processes? If so, how? What considerations need to be taken into account? What are the advantages/disadvantages, including impacts on consumers, to closer integration of these processes?

2. How might transmission providers more proactively, rather than reactively, identify zones where new transmission capacity could most efficiently accommodate proposed generating facilities?

3. What mechanisms may be appropriate for transmission providers to use to determine the cost responsibility for such proactively planned network upgrades? Is it appropriate for any such costs to be allocated to load and if so, why? If it is

appropriate, how should such costs be allocated between load and interconnection customers both: (a) in regions that use participant funding, *i.e.*, where interconnection customers are directly assigned network upgrade costs and (b) in regions that do not use participant funding, *i.e.*, where load is assigned network upgrade costs? What are the advantages/disadvantages, including impacts on consumers, of varying approaches to cost responsibility?

4. Where the costs exceed estimates for such proactively planned network upgrades, what are some approaches transmission providers could use to address concerns regarding ensuring adequate funding? For any given approaches proposed to ensure adequate funding, would these mechanisms increase or decrease the time and/or costs required to interconnect new resources, and how would this impact interconnection customers?

Panelists

- Beth Garza—*Senior Fellow*, R Street Institute
- Arash Ghodsian—*Vice President, Transmission & Policy*, Invenergy
- John Michael Hagerty—*Principal*, The Brattle Group
- Natasha Henderson—*Senior Director of Grid Asset Utilization*, Southwest Power Pool
- Aubrey Johnson—*Vice President, System & Resource Planning*, Midcontinent Independent System Operator, Inc.
- David Mindham—*Director of Regulatory and Market Affairs*, EDP Renewables North America
- Zach Smith—*Senior Vice President, System & Resource Planning*, New York Independent System Operator

11:45 a.m.–12:45 p.m.: Lunch

12:45 p.m.–2:30 p.m.: *Innovations Panel 2: Exploring Different Approaches to Processing and Studying Generator Interconnection Requests*

This panel will focus on the viability and utility of different approaches to organizing, processing, and studying generator interconnection requests. Examples include a “connect and manage” process where interconnection requests for Energy Resource Interconnection Service (ERIS) may be interconnected more quickly and at lower cost than interconnection requests for Network Resource Interconnection Service (NRIS), the use of competitive mechanisms (such as an auction process) to allocate scarce capacity or to resolve competition for the same point of interconnection, as well as other potential approaches.

Questions

1. Please discuss the advantages and disadvantages of making ERIS, which requires the proposed generating facility to mitigate overloads through network upgrades to allow the generating facility to operate at full output (albeit without the deliverability analysis that NRIS entails), more like the approach used in the region managed by the Electricity Reliability Council of Texas (ERCOT), sometimes referred to as a “connect and manage” approach, which curtails the generating facility in the study model when needed to minimize network upgrades at the cost of risking real-time curtailments and subsequently identifies necessary network upgrades through the transmission planning process.

2. How could elements of the ERCOT “connect and manage” approach be incorporated into the current structure of Commission-jurisdictional markets and *pro forma* generator interconnection procedures and agreements?

a. Could customers interconnecting under this type of approach eventually increase their deliverability or reduce curtailments, such as by later converting to NRIS? How would this conversion be accomplished?

b. In the context of RTO/ISO markets, how would an RTO/ISO account for resources’ differing levels of interconnection service (*e.g.*, “connect and manage” versus NRIS or its equivalent) and any associated capacity rights when dispatching resources pursuant to security-constrained economic dispatch?

3. What other approaches could build on the *pro forma* generator interconnection procedures and agreements adopted in Order No. 2023 to more efficiently organize interconnection queues and process interconnection requests?

a. Should transmission providers proactively identify zones where there is currently available transmission capacity or new transmission capacity due to planned transmission facilities and provide information on these zones to interconnection customers? If so, how should transmission providers identify these zones and how should they communicate that information to interconnection customers?

b. If transmission providers identify zones, as described in (a) above, should auctions be used to assign queue positions or allocate excess transmission capacity in those zones? What other approaches could be considered?

c. How could such procedures ensure that generator interconnection service is consistent with open access principles

³ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order No. 1920, 187 FERC ¶ 61,068 (2024).

and is provided in a manner that is not unduly discriminatory or preferential?

Panelists

- Liz Delaney—*Vice President of Utility-Scale Policy and Business Development*, New Leaf Energy, Inc.
- Jennifer Galaway—*Senior Manager of Regional Transmission Development & Interconnection Services*, Portland General Electric
- Warren Lasher—*President*, Lasher Energy Consulting LLC
- Tyler H. Norris—*James B. Duke Fellow & Ph.D. Student*, Duke University
- Matt Picardi—*Vice President of Regulatory Affairs*, Shell Energy North America
- Aaron Vander Vorst—*Head of Growth Strategy and Transmission*, Enel North America
- Andy Witmeier—*Director of Resource Utilization*, Midcontinent Independent System Operator, Inc.

2:30 p.m.–2:45 p.m.: Break

2:45 p.m.–4:30 p.m.: *Innovations Panel 3: Prioritizing Certain Generator Interconnection Requests*

This panel will examine whether certain proposed generator interconnection requests may be prioritized in the interconnection queue without undue discrimination, building on the use of first-ready, first-served cluster window deadlines and readiness milestones as adopted by Order No. 2023.

Questions

1. Are there any viable, not unduly discriminatory methods for further prioritization of interconnection requests to increase queue efficiency and ensure just and reasonable rates?

2. Would prioritization of interconnection requests selected in open competitive resource solicitations over other interconnection requests that are not similarly selected add efficiency to the generator interconnection process? How would this type of prioritization affect the alignment of transmission planning, resource solicitation, and generator interconnection processes? Under such a prioritization, must an open competitive solicitation process meet certain requirements to avoid infringing on the Commission's open access transmission requirements?

3. Should interconnection requests for new generating facilities submitted to replace existing generating facilities at existing points of interconnection (replacement generation) have priority in the transmission provider's processing of its interconnection queue over the interconnection of new

generating facilities at new points of interconnection? If so, are there conditions that should be required for such prioritization of replacement generation, for example, a finding by the transmission provider that the replacement generation allows for a faster or lower-cost interconnection as compared to the interconnection of new generating facilities at new points of interconnection?

4. Should interconnection requests from proposed new generating facilities that meet certain resource adequacy or reliability needs have priority over other interconnection requests for new generating facilities?

Panelists

- Ian Black—*Chief Development Officer*, ENGIE North America, Inc.
- Eric Blank—*Chairman*, Colorado Public Utilities Commission
- Joshua Burkholder—*Managing Director of Integrated Resource Planning*, American Electric Power Company, Inc.
- Jason Burwen—*Vice President of Policy and Strategy*, GridStor
- Mike Calviou—*Senior Vice President of US Policy & Regulation*, National Grid
- Adrien Ford—*Wholesale Market Development Director*, Constellation Energy Generation, LLC
- Danielle Osborn Mills—*Principal of Infrastructure Policy Development*, California ISO

4:30 p.m.–4:45 p.m.: Closing Remarks

September 11 Agenda

9:00 a.m.–9:15 a.m.: Welcome and Opening Remarks

9:15 a.m.–11:45 a.m.: *Efficiencies Panel 1: Further Efficiencies in the Generator Interconnection Process*

This panel will evaluate the potential for increased efficiency throughout the generator interconnection process as revised in the Commission's Order No. 2023⁴ (excluding topics covered in Efficiencies Panels 2 and 3), such as providing additional pre-application data to interconnection customers to allow for more efficient decision-making or establishing fast-track processes for interconnection requests at points of interconnection with fewer transmission system constraints.

Questions

1. What specific types of additional pre-application data provided to interconnection customers would

⁴ *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, order on reh'g, 185 FERC ¶ 61,063 (2023), order on reh'g, Order No. 2023–A, 186 FERC ¶ 61,199 (2024).

facilitate greater efficiencies in the application phase and the rest of the generator interconnection process?

a. How would these types of data be helpful to interconnection customers?

b. Are there inefficiencies or complications associated with providing these types of additional pre-application data?

2. Regarding potential fast-track processes:

a. Of the existing fast-track processes, such as California ISO's independent study process, which work well? What about them could be improved or emulated to achieve greater efficiencies?

b. For interconnection requests that have little or minimal impact on existing transmission capacity, should there be a fast-track process or other prioritization method?

3. What types of remedial or mitigation mechanisms could address instances where inadvertent oversights or technical difficulties result in milestone failures, and interconnection customers do not learn of these issues in time to file a waiver request? In such instances, where good faith and a significant consequence to not meeting the particular milestone are also present, how may transmission providers modify their tariffs to reach a balanced resolution that enhances the stability of the interconnection process while also ensuring that only viable generating facilities remain in the queue?

4. What other opportunities exist to increase the efficiency of the existing generator interconnection procedures and agreements?

Panelists

- Chris Barker—*Managing Director, Transmission & Grid Integration*, Clearway Energy Group
- Donnie Bielak—*Director, Interconnection Planning*, PJM Interconnection, LLC
- Jonathan E. Canis—*General Counsel*, Oceti Sakowin Power Authority
- Brian Fitzsimons—*CEO*, GridUnity, Inc.
- Caitlin Marquis—*Managing Director*, Advanced Energy United
- Joe Rand—*Energy Policy Researcher*, Lawrence Berkeley National Laboratory
- Martin Wyspianski—*Vice President of Electric Engineering, Electric Asset Management*, Pacific Gas and Electric Company

11:45 a.m.–12:45 p.m.: Lunch

12:45 p.m.–2:30 p.m.: *Efficiencies Panel 2: Automation and Advanced Computing Technologies*

This panel will assess opportunities for greater efficiency in the processing

and study of interconnection requests by automating different steps in the process and using advanced computing technologies, such as artificial intelligence, to shorten the timeline from interconnection request to generator interconnection agreement.⁵

Questions

1. Please describe the different steps in the generator interconnection process that may be automated and your experience automating these steps, including data entry, base case model building, running power flow studies, and identifying solutions. How can automation reduce errors, improve study repeatability and transparency, or address workforce needs?

2. Are you using AI tools in your generator interconnection processes? Are these AI tools part of or separate from your work on automation? What have been the advantages and disadvantages of adopting these AI tools? Looking across the electric power industry, how common is the use of AI tools?

3. Looking across the electric power industry, how common is automation in the different steps of the generator interconnection process (e.g., model building) today? What do you think are the main challenges to broader adoption of automation? Do the Commission's existing regulatory frameworks and/or utility processes present any impediments in these areas? If so, what are the impediments? What role can the Commission play in supporting the adoption of automation in the generator interconnection process? What reforms, if any, would you recommend that the Commission consider pursuing to facilitate greater automation in the processing and study of interconnection requests?

4. Recognizing that a lack of standardized data inputs and outputs can create challenges, how can automation reduce variability between studies done by a given transmission provider or reduce variability of studies between transmission providers?

5. In developing the base case model, what role can automation play to address rapidly changing load forecasts or to improve the coordination of generator interconnection and transmission planning?

Panelists

- Clayton Barrows—*Senior Researcher and Manager of the Grid Operations*

⁵ Artificial intelligence (AI) is a broad term for a spectrum of tools ranging from simple data validation to more sophisticated machine learning and statistical modeling, to advanced deep learning and generative AI.

Planning Group, National Renewable Energy Laboratory

- David Bromberg—*Co-Founder and CEO*, Pearl Street Technologies
- Cody Doll—*Sr. Manager of Transmission Business Management*, at NextEra Energy Resources
- Andrew Martin—*Co-Founder and Transmission Lead*, Nira Energy
- Anton Ptak—*Director of Transmission and Interconnection*, EDF Renewables
- Jennifer Swierczek—*Manager Generator Interconnection*, Southwest Power Pool

2:30 p.m.–2:45 p.m.: Break

2:45 p.m.–4:30 p.m.: Efficiencies Panel

3: Post-Generator Interconnection Agreement Construction Phase

This panel will focus on the time period after execution of a generator interconnection agreement (GIA), or its filing unexecuted, through the commercial operation date (COD). Topics include opportunities for greater efficiency, transparency, and accountability in cost and time estimates for interconnection facilities and network upgrades, as well as identifying other problems that contribute to delays, such as supply chain issues, which may benefit from organized cooperation among stakeholders.

Questions

1. What are the primary cost and timing concerns arising during the period between execution, or unexecuted filing, of a GIA and the COD? To the extent that cost increases and delays for interconnection facilities and network upgrades are becoming more frequent, what are the primary drivers of those issues?

2. Are there productive ways to increase transparency around construction plans and progress of interconnection facilities and network upgrades, such as CAISO's quarterly forum to track the status of network upgrades, SPP's quarterly transmission project tracking report, or California's newly instated metrics for tracking distribution-level interconnection timeframes? What construction metrics for interconnection facilities and network upgrades would be most informative? How much documentation is reasonable and not unduly burdensome?

3. Are there new approaches to sourcing equipment for interconnection facilities and network upgrades that could be more efficient? What safeguards would need to be in place for engineering, procurement, and construction work for such facilities to begin earlier? Is there a way to pool equipment purchasing or risk? Are there

efficiencies that may be achieved by standardizing engineering, procurement, or construction of interconnection facilities and network upgrades? Would pooling procurement of equipment provide manufacturers with the certainty needed to increase their manufacturing capacity thereby reducing lead times?

4. Are there efficiencies that may be gained by enhancing internal transmission owner or RTO/ISO procedure, increasing staffing, or by opening up interconnection facility studies and/or interconnection facility construction work to contractors? How can the interconnection study process be better aligned with interconnection customer-initiated processes, such as permitting for the generating facility and generator equipment procurement?

Panelists

- Lionel Chailleux—*Senior VP, Market Development North America*, Hitachi Energy
 - Matthew Crosby—*Senior Director, Grid Integration*, Cypress Creek Renewables
 - Neil Millar—*Vice President of Infrastructure and Operations Planning*, California ISO
 - Jing Shi—*Managing Director of Renewable Integration*, Duke Energy
 - Carrie Zalewski—*Vice President of Transmission and Electricity Markets*, American Clean Power Association
- 4:30 p.m.–4:45 p.m.: Closing Remarks

[FR Doc. 2024–20306 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN23–14–000]

Ketchup Caddy, LLC, Philip Mango; Notice of Service of Order To Show Cause

On July 26, 2024, the Commission issued an Order Amending Answer Deadline¹ directing the Secretary of the Commission (Secretary) to serve on Ketchup Caddy, LLC (Ketchup Caddy) and Philip Mango (Mango) (collectively, Respondents) the Order to Show and Notice of Proposed Penalty previously issued in the above-referenced proceeding.²

Notice is hereby given that on July 26, 2024, the Secretary served the Order to Show Cause on Respondents.

¹ *Ketchup Caddy, LLC & Philip Mango*, 188 FERC ¶ 61,081 (2024).

² *Ketchup Caddy, LLC & Philip Mango*, 186 FERC ¶ 61,132 (2024) (Order to Show Cause).

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–20410 Filed 9–9–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2024–0394; FRL–12196–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or “the Act”), the Environmental Protection Agency (“EPA” or “the Agency”) is providing notice of a proposed consent decree in *Louisiana Environmental Action Network, et al. v. Regan*, No. 1:23–cv–2714–DLF (D.D.C.). On December 7, 2023, Plaintiffs Louisiana Environmental Action Network, People Concerned About Chemical Safety, and Sierra Club (collectively Plaintiffs) filed an amended complaint in the United States District Court for the District of Columbia. Plaintiffs alleged that: EPA failed to perform certain non-discretionary duties in accordance with the Act to “review, and revise as necessary” the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for the Polyether Polyols Production source category, at least every eight years; and EPA’s failure to timely issue a new final rule or other final action on the 2014 petition for reconsideration (the Reconsideration Petition) submitted by Louisiana Environmental Action Network and Sierra Club for the NESHAP as promulgated in 2014. The proposed consent decree would establish deadlines for EPA to take actions.

DATES: Written comments on the proposed consent decree must be received by October 10, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0394, online at <https://www.regulations.gov> (EPA’s preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For

detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Consent Decree” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Michael Thrift, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone: (202) 564–8852; email address: thrift.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2024–0394) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree, and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search.”

II. Additional Information About the Proposed Consent Decree

Plaintiffs filed a complaint in the United States District Court for the District of Columbia alleging (i) that EPA failed to perform certain non-discretionary duties in accordance with the Clean Air Act under section 112(d)(6) to the NESHAP for the Polyether Polyols Production source category, 40 CFR part 63, subpart PPP, at least every eight years; and (ii) that EPA’s failure to issue a new final rule or other final action on the 2014 petition for reconsideration (the Reconsideration Petition) submitted by Louisiana Environmental Action Network and Sierra Club for the NESHAP as

promulgated in 2014, 79 FR 17340 (March 27, 2014), constitutes “agency action unreasonably delayed” under Clean Air Act section 304(a).

The EPA solicits public comments on a proposed consent decree that would establish deadlines for EPA to take proposed and final actions pursuant to Clean Air Act (CAA or Act) section 112(d)(6). Specifically, the consent decree would require by December 10, 2024, that EPA sign a final rule taking action on reconsideration of the affirmative defense provisions related to the 2014 national emission standards for hazardous air pollutants (NESHAP) for the Polyether Polyols Production source category, 40 CFR part 63, subpart PPP. In addition, the consent decree would require by December 10, 2024, that EPA sign a notice of proposed rulemaking on its review of the NESHAP for the Polyether Polyols Production source category, 40 CFR part 63, subpart PPP, including all “necessary” revisions (taking into account developments in practices, processes, and control technologies) to subpart PPP and to reconsider other aspects of the 2014 NESHAP subpart PPP. Finally, the consent decree would require by December 10, 2025, that EPA sign a final rule for these proposed actions. For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree. The EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0394, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. The EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment

contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." The EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2024-20386 Filed 9-9-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2022-0831; FRL-12235-01-ORD]

2024 Workshops To Obtain Input on Initial Draft Materials for the Integrated Science Assessment (ISA) for Oxides of Nitrogen—Health Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of workshop.

SUMMARY: The Environmental Protection Agency (EPA) is preparing an Integrated Science Assessment (ISA) as part of the review of the primary (health-based) National Ambient Air Quality Standards (NAAQS) for oxides of nitrogen. As part of this review, EPA is announcing a series of public workshops to evaluate preliminary draft materials that will inform the development of the ISA for oxides of nitrogen. Preliminary materials are not being released externally but will be provided to the panelists to guide discussions that will inform the development of the draft ISA for oxides of nitrogen. The workshops are being organized by EPA's Center for Public Health and Environmental Assessment (CPHEA) within the Office of Research and Development and will be held by webinar and teleconference on October 8, October 30, and October 31. Members of the public may attend the webinars as observers. Space in the teleconferences may be limited, and reservations will be accepted on a first-come, first-served basis.

DATES: The workshops will be held on October 8, October 30, and October 31.

ADDRESSES: The workshops will be held by webinar and teleconference. The website information and call-in number for the webinars are available to registered participants. Please register by going to <https://www.eventbrite.com/o/us-epa-81991238023>.

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding workshops registration or logistics to Lindsey Green; telephone: 571-459-4084; or email: EPA-Workshops@icf.com. For technical information, prior to the workshops, contact David Lehmann; telephone: 919-541-0234; or email: Lehmann.David@epa.gov and Alison Krajewski; telephone: 919-541-7688; or email: Krajewski.Alison@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Information About the Workshop

Section 108(a) of the Clean Air Act directs the Administrator to identify certain air pollutants which, among

other things, "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare";¹ and to issue air quality criteria for them. These air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air. . . ." Under section 109 of the Act, EPA is then to establish NAAQS for each pollutant for which EPA has issued criteria. Section 109(d)(1) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. EPA is also required to review and, if appropriate, revise the NAAQS, based on the revised air quality criteria (for more information on the NAAQS review process, see <https://www.epa.gov/naaqs>).

EPA has established NAAQS for six criteria pollutants including oxides of nitrogen. Periodically, EPA reviews the scientific basis for these standards by preparing an ISA. In conjunction with additional technical and policy assessments conducted by EPA's Office of Air Quality Planning and Standards (OAQPS), the ISA provides the scientific and technical basis for EPA decisions on the adequacy of the current NAAQS and the appropriateness of possible alternative standards.

CPHEA is holding a series of workshops to inform the Agency's evaluation of the scientific evidence for the oxides of nitrogen. The purpose of these workshops is to obtain input on the scientific content of preliminary draft materials that will inform the development of the draft ISA. Workshop sessions will include discussion of preliminary draft materials from subject areas which may include exposure assessment, toxicology, epidemiology, air quality/exposure, and fate and transport. These preliminary materials are not being released as an external draft but will be provided to the panelists to guide discussions and inform the development of the draft ISA for Oxides of Nitrogen—Health Criteria. These workshops are planned to help ensure that the ISA, once developed, is up-to-date and focuses on the key

¹ Under Clean Air Act section 302(h), welfare effects include, but are not limited to, "effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being."

evidence necessary to inform the underlying scientific basis for the review of the primary NAAQS for oxides of nitrogen. EPA is planning to release the external review draft of the ISA for Oxides of Nitrogen—Health Criteria for review by the Clean Air Scientific Advisory Committee (CASAC) and the public in late 2025.

II. Workshop Information

Members of the public may attend the webinars as observers. Space in the teleconferences may be limited, and reservations will be accepted on a first-come, first-served basis. Registration for the workshop is available online at <https://www.eventbrite.com/o/us-epa-81991238023>.

Wayne Cascio,

Director, Center for Public Health and Environmental Assessment.

[FR Doc. 2024–20350 Filed 9–9–24; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6095]

Agency Information Collection

Activities: Submission to the Office of Management and Budget for Review and Approval; EIB 95–09 Comment Request; Export-Import Bank Letter of Interest Application

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

DATES: Comments must be received on or before November 12, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 95–09) by email to Donna Schneider, donna.schneider@exim.gov, or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The form can be reviewed at https://img.exim.gov/s3fs-public/pub/pending/EIB+95-09+Letter+of+Interest+Application_08_2024.pdf.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Donna Schneider, donna.schneider@exim.gov, 202–565–3612.

SUPPLEMENTARY INFORMATION: The Letter of Interest (LI) is an indication of Export-Import (EXIM) Bank's willingness to consider financing a given export transaction. EXIM uses the requested information to determine the applicability of the proposed export transaction and determines whether to consider financing that transaction.

Title and Form Number: EIB 95–09, Letter of Interest Application.

OMB Number: 3048–0005.

Type of Review: Regular.

Need and Use: The Letter of Interest (LI) is an indication of Export-Import (EXIM) Bank's willingness to consider financing a given export transaction. EXIM uses the requested information to determine the applicability of the proposed export transaction system prompts and determines whether to consider financing that transaction.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 400.

Estimated Time per Respondent: 0.75 hours.

Annual Burden Hours: 300.

Frequency of Reporting of Use: On occasion.

Dated: September 5, 2024.

Andrew Smith,

Records Officer.

[FR Doc. 2024–20379 Filed 9–9–24; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1838]

Request for Information and Comment on Operational Aspects of Federal Reserve Bank Extensions of Discount Window and Intraday Credit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for information and comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) seeks public input on questions related to the operational aspects of Federal Reserve Bank (Reserve Bank) extensions of discount window and intraday credit. This Request for Information (RFI) offers the opportunity for interested individuals and institutions to identify ways to enhance the efficiency of Reserve Bank credit operations. This

RFI does not seek comment on discount window or intraday credit policy considerations, such as the eligibility criteria and terms for discount window advances and intraday credit.

DATES: Comments must be received by December 9, 2024.

ADDRESSES: You may submit comments, identified by Docket No. OP–1838, by any of the following methods:

- *Agency website:* <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

- *Email:* regs.comments@federalreserve.gov. Include docket number in the subject line of the message.

- *FAX:* (202) 452–3819.

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. All public comments will be made available on the Board's website at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, and will not be modified to remove confidential, contact or any identifiable information. Public comments may also be viewed electronically or in paper in Room M–4365A, 2001 C St. NW, Washington, DC 20051 between 9:00 a.m. and 5:00 p.m. during Federal business weekdays.

FOR FURTHER INFORMATION CONTACT: Lyle Kumasaka, Lead Financial Institution Policy Analyst, (202) 452–2382, Division of Monetary Affairs; Brajan Kola, Lead Financial Institution Policy Analyst, (202) 591–6094, Division of Reserve Bank Operations and Payment Systems; Benjamin Snodgrass, Senior Counsel, (202) 263–4877 or Corinne Milliken Van Ness, Senior Counsel, (202) 641–1605, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For users of text telephone systems (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The discount window of the Federal Reserve System (Federal Reserve) plays an important role in the effective implementation of monetary policy and in supporting the liquidity of the banking system and overall financial stability. The discount window allows depository institutions and U.S. branches and agencies of foreign banks (hereinafter, collectively referred to as

depository institutions) to borrow from the Reserve Banks after executing legal agreements and pledging collateral.¹ By providing ready access to funding, the discount window helps depository institutions manage their liquidity risks efficiently and avoid actions that would have negative consequences for their customers, such as withdrawing credit during times of market stress. Thus, the discount window supports the smooth flow of credit to households and businesses.²

The twelve Reserve Banks operate the discount window and work together to promote consistent and effective discount window operations across the Federal Reserve. The Board oversees Reserve Bank discount window operations and provides guidance to Reserve Banks on discount window policy through the Board's Regulation A (12 CFR part 201).

In addition to the discount window, Reserve Banks provide intraday credit (also known as daylight overdrafts) to depository institutions that are eligible for regular access to the discount window and have accounts at a Reserve Bank.³ Intraday credit supports the safety and efficiency of the payments system. Intraday credit, if collateralized, draws on the same pool of collateral as the discount window, with the same collateral margins and eligibility standards as for the discount window. The Federal Reserve Policy on Payment System Risk (PSR policy) outlines the methods that Reserve Banks use to mitigate credit risk associated with providing intraday credit.⁴

The Federal Reserve continually assesses and strives to improve the operational aspects of discount window and intraday credit. These assessments have led, for example, to the recent introduction of Discount Window Direct, a secure online portal that can be used to request discount window advances. The Federal Reserve routinely engages with depository institutions regarding operational aspects of the discount window and intraday credit. Formally seeking broad input from the public on these issues should help the Federal Reserve further improve discount window and intraday credit operations.

¹ The Board's Regulation A (12 CFR part 201) sets out which depository institutions and U.S. branches and agencies of foreign banks are eligible to borrow from a Reserve Bank.

² See, <https://www.federalreserve.gov/monetarypolicy/discountwindow.htm>.

³ An extension of intraday credit or a "daylight overdraft" occurs when an institution's Reserve Bank account is in a negative position at any point during the business day.

⁴ See, https://www.federalreserve.gov/paymentsystems/psr_about.htm.

II. Reserve Bank Credit Operations

A. Discount Window Operations

The Reserve Banks extend discount window credit to depository institutions by making advances secured by acceptable collateral. In order to borrow from the discount window, a depository institution must take several steps. First, it must complete, and submit to its lending Reserve Bank, the necessary lending agreements and corporate resolutions, which are described in the Reserve Banks' Operating Circular No. 10 (Lending).⁵ Second, it must pledge collateral that is acceptable to the lending Reserve Bank. Finally, once it has submitted the necessary legal documents and pledged collateral, it must request an advance from its lending Reserve Bank.

Depository institutions may request discount window advances over the phone or by using the recently introduced Discount Window Direct secure online portal.⁶ A request may be made only by an authorized person identified on the depository institution's current official authorization list.⁷ A discount window advance is issued with a stated maturity date. The lending Reserve Bank will normally credit the borrowing institution's (or its correspondent's) account at 7:00 p.m. ET, the close of the business day. Reserve Banks may approve earlier availability of advance proceeds if requested by the borrowing institution. Multi-day advances may be prepaid in whole or in part at the borrowing depository institution's option. Repayment of principal and accrued interest is charged to the account to which the advance was posted.

B. Intraday Credit Operations

The Reserve Banks provide uncollateralized and collateralized intraday credit to eligible depository institutions. The Reserve Banks mitigate their credit risk through several methods, including by offering a financial incentive for institutions to collateralize daylight overdrafts, setting limits on daylight overdrafts in institutions' Reserve Bank accounts, and requiring collateral in certain situations.⁸ Under the PSR policy, each depository institution that maintains an account at a Reserve Bank is assigned or may establish a limit on the amount of

⁵ See, <https://www.frb-services.org/resources/rules-regulations/operating-circulars.html#10>.

⁶ See, https://www.frbdiscountwindow.org/Articles/2024/06/24/12/05/DWD_20240624.

⁷ The relevant documentation is appended to the Reserve Banks' Operating Circular No. 10 (Lending).

⁸ The Reserve Banks do not charge a fee on collateralized daylight overdrafts.

uncollateralized daylight overdrafts that the depository institution may incur in its Reserve Bank account. This limit is commonly referred to as the "net debit cap." In addition, subject to Reserve Bank approval, certain institutions may pledge collateral to access daylight overdraft capacity above their net debit caps. The combination of the uncollateralized capacity from the institution's net debit cap plus the additional collateralized capacity is known as the "maximum daylight overdraft capacity" or "max cap."

C. Collateral

Reserve Banks accept a wide range of loans and securities as collateral for discount window advances.⁹ Collateral pledged to a Reserve Bank also secures any other obligations of the pledging depository institution to a Reserve Bank, including intraday credit. Collateral is assigned a lendable value deemed appropriate by the Reserve Bank.¹⁰ Lendable value is based on market value (or a market-value estimate) multiplied by a margin.

Depository institutions pledge securities to a Reserve Bank by transferring them to restricted securities accounts held at approved securities depositories, including the Fedwire® Securities Service (FSS) and The Depository Trust Company (DTC).¹¹ In the absence of unusual concerns about the eligibility or valuation of the security, the pledge is generally effected and given lendable value the same day, subject to the securities depositories' operating hours.

The Reserve Banks accept multiple loan types as collateral, including consumer loans; residential and commercial real estate loans; and commercial, industrial, or agricultural loans. Loans are generally pledged to Reserve Banks through a "borrower in custody" (BIC) arrangement, in which a depository institution pledges a portfolio of its loans while maintaining possession of the loan documentation on its own premises. Loans may also be pledged under a custodial arrangement

⁹ Assets accepted as collateral can be found at https://www.frbdiscountwindow.org/Pages/Collateral/collateral_eligibility. Reserve Banks require a perfected, first-priority security interest in collateral.

¹⁰ The current collateral margins tables can be found at https://www.frbdiscountwindow.org/Pages/Collateral/collateral_valuation.

¹¹ Fedwire is a registered service mark of the Reserve Banks. A list of marks related to financial services products that are offered to financial institutions by the Reserve Banks is available at FRBServices.org.

where the loans are maintained on the premises of a custodian.¹²

Generally, the process for pledging loans takes longer than the process for pledging securities given the additional steps required for the Reserve Banks to obtain information on loan collateral. Pledgors are generally expected to provide data on individual pledged loans so that the Reserve Bank can determine the fair market and lendable value of the collateral—except for credit card receivables, which are reported in pools. Larger depository institutions (generally those with \$50 billion or more in total consolidated assets), as well as all U.S. branches and agencies of foreign banks, are generally expected to provide more data on loan collateral than are other depository institutions. For these larger institutions and U.S. branches and agencies of foreign banks, the number of required data elements varies by type of loan.

A depository institution works with its lending Reserve Bank to ensure that the Reserve Bank has a perfected, first-priority security interest in collateral. For example, when a Reserve Bank receives a pledge of loans from a depository institution, the Reserve Bank will file a financing statement on the pledged loans, conduct a lien search, and, if necessary, take steps to protect its security interest against the claims of other creditors. In some cases, a Federal Home Loan Bank (FHLB) may have a “blanket lien” that already encumbers some portion of a depository institution’s assets. The Reserve Banks and FHLBs coordinate to ensure that advances to the same borrower are not secured by the same collateral.

III. Public Information on Discount Window and Intraday Credit Operations

Depository institutions and other members of the public can obtain guidance on Federal Reserve operational processes from the Reserve Banks’ Discount Window and Payment System Risk website (<https://www.frbdiscountwindow.org>). This website provides instructions for accessing discount window and intraday credit, as well as contact information for Reserve Bank discount window offices. In addition, the Board publishes general information about the discount window on its website (https://www.federalreserve.gov/monetarypolicy/discount_rate.htm).

To assist depository institutions in implementing the PSR policy, the

Federal Reserve has prepared two guidance documents: the Overview of the Federal Reserve’s Payment System Risk Policy on Intraday Credit (Overview) and the Guide to the Federal Reserve’s Payment System Risk Policy on Intraday Credit (Guide).¹³ The Guide contains detailed eligibility standards for requesting and maintaining uncollateralized intraday credit capacity.

IV. Request for Information

The Federal Reserve continually assesses and strives to improve operational aspects of the Reserve Banks’ extensions of discount window and intraday credit. Responses to this RFI will inform the Federal Reserve as it considers further improvements to promote efficiency and reduce burden on depository institutions. In addition to reducing burden on depository institutions, such improvements could encourage institutions to use Federal Reserve credit, increasing the effectiveness of the discount window and intraday credit in meeting the Federal Reserve’s goals.

This RFI only solicits views on credit-related operational practices and not on broader discount window or intraday credit policy considerations, such as the terms of lending for discount window programs or eligibility standards for intraday credit.

The Federal Reserve is seeking responses to the following questions:

Discount Window Operations

1. For the following discount window operational processes, what operational frictions or inefficiencies exist? Are there any specific actions that could be taken by the Federal Reserve to address those issues?

- Submitting legal documents to a Reserve Bank.
- Pledging or withdrawing securities as collateral.
- Pledging or withdrawing loans as collateral.
- Requesting discount window advances and receiving proceeds.
- Repaying discount window advances before their full maturity.
- Using the Discount Window Direct online portal.

2. Are there operational frictions or inefficiencies in the processes mentioned above that are particularly acute or pressing for FHLB members? What specific improvements could be made with respect to depository institutions that are members of an FHLB?

3. Are there operational frictions or inefficiencies in the processes mentioned above that are particularly acute or pressing for smaller depository institutions or depository institutions that use correspondents to interact with the Federal Reserve? What specific improvements could be made with respect to these institutions?

Intraday Credit Operations

4. Are there operational or communications-related frictions associated with accessing intraday credit (*i.e.*, daylight overdrafts)? For example:

- Knowledge about the availability of intraday credit.
- Timing of credits and debits impacting the account balance, including discount window loans and repayments.
- Processes for establishing an uncollateralized intraday credit limit or “net debit cap.”
- Voluntary collateralization of daylight overdrafts.
- Processes for requesting additional collateralized intraday credit capacity or a “max cap.”
- Reporting of intraday credit usage and/or fees.
- Expectation to effectively manage accounts to avoid breaches of intraday credit limits.
- Expectation to avoid overnight overdrafts.

5. Are there intraday credit frictions and issues in the items mentioned above that are particularly acute or pressing for smaller depository institutions?

Information on Discount Window and Intraday Credit Operations

6. Are there improvements that could be made to Federal Reserve communications practices about discount window and intraday credit operations? For example:

- Provision of operational information and guidance to depository institutions via the Reserve Banks’ discount window and payment system risk website (<https://www.frbdiscountwindow.org>).
- Provision of operational information and guidance to depository institutions on a bilateral basis from an institution’s lending Reserve Bank.
- Provision of information to the general public via the Board’s website (https://www.federalreserve.gov/monetarypolicy/discount_rate.htm; https://www.federalreserve.gov/paymentsystems/psr_about.htm).

Other

7. Are there other changes that the Federal Reserve could make to improve

¹² Custodians must be approved by the Reserve Bank and are required to execute an agreement found in Appendix 5 to the Reserve Banks’ Operating Circular No. 10 (Lending).

¹³ The Overview and the Guide are available at https://www.federalreserve.gov/paymentsystems/psr_relpolices.htm.

the operational efficiency of the discount window and intraday credit?

8. What operational aspects of accessing Federal Reserve discount window and intraday credit programs are most costly or burdensome for depository institutions, both in terms of direct expenses and staff hours?

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2024–20418 Filed 9–9–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 25, 2024.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O.

Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *Steven Harrell, as trustee of the Steven D. Harrell Revocable Trust, Springdale, Missouri; Jonathan W. Harrell, individually and as trustee of the Carter Dunn Harrell Share Trust, Samantha Ginger Harrell Share Trust, Ryan Elise Harrell Share Trust, Tyler Alan Harrell Share Trust, and JH Revocable Trust, Bennett S. Harrell, as trustee of the Bennett S. Harrell Revocable Trust and custodian of certain minor children, Ginger Fischer, and Julie Harrell, all of Rogers, Arkansas; Shannon Harrell Beard, Paris, Texas; and Maxwell Hunter Harrell, Lowell, Arkansas;* to establish the Harrell Family Control Group, a group acting in concert, to retain voting shares of Harrell Bancshares, Inc., Camden, Arkansas, and thereby indirectly retain voting shares of Generations Bank, Rogers, Arkansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024–20395 Filed 9–9–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0027; Docket No. 2024–0001; Sequence No. 8]

Information Collection; General Services Administration Acquisition Regulation; Contract Administration and Quality Assurance (GSA Forms 1678 and 308)

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on a request to review and approve an extension of a previously approved information collection requirement regarding GSA clauses and Forms that assist with contract administration and quality assurance (*i.e.*, monitoring, delivery, and inspection) of supply orders.

DATES: Submit comments on or before: November 12, 2024.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this

burden to <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB Control number 3090–0027. Select the link “Comment Now” that corresponds with “Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308)”. Follow the instructions on the screen. Please include your name, company name (if any), and “Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308)”, on your attached document.

If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite “Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308)”, in all correspondence related to this collection. Comments received generally will be posted without change to [regulations.gov](https://www.regulations.gov), including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [regulations.gov](https://www.regulations.gov), approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Vernita Misidor, Procurement Analyst, General Services Acquisition Policy Division, at 202–357–9681 or via email to vernita.misidor@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under certain contracts the Government must rely on contractor inspection in lieu of Government inspection. Therefore, GSA's Federal Acquisition Service requires documentation from its contractors to effectively monitor contractor performance and ensure that it will be able to take timely action should that performance be deficient.

B. Annual Reporting Burden

GSA Form 1678

Annual Responses: 250,000.
Responses per Respondent: 1.
Total Annual Responses: 250,000.
Hours per Response: 0.50.
Total Burden Hours: 125,000.

GSA Form 308

Annual Responses: 2,600.
Responses per Respondent: 1.
Total Annual Responses: 2,600.
Hours per Response: 0.50.
Total Burden Hours: 1,300.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090–0027, Contract Administration, Quality Assurance (GSA Forms 1678 and 308), in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2024–20387 Filed 9–9–24; 8:45 am]

BILLING CODE 6820–61–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB

Review; Information Collection Renewal; Comment Request; Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for comments.

SUMMARY: After this second round notice, the U.S. Office of Government Ethics (OGE) intends to submit a request for a renewed Generic Clearance for the collection of qualitative feedback on agency service delivery for review and approval of a three-year extension under the Paperwork Reduction Act.

Comments: 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: Jennifer Matis at the U.S. Office of Government Ethics; telephone: 202–482–9216; TTY: 800–877–8339; Email: usoge@oge.gov.

SUPPLEMENTARY INFORMATION:

Title: Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed Generic Clearance provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the agency’s commitment to improving service delivery. Qualitative feedback means information that provides useful insights on perceptions and opinions but is not a statistical survey that yields quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

OGE expects to use various methods (e.g., focus groups, customer satisfaction surveys, comment cards) to solicit feedback. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public and other agency stakeholders. If this information is not collected, vital feedback from customers and stakeholders on the agency’s services will be unavailable.

The agency will only submit a collection for approval under this Generic Clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are noncontroversial;
- The collections are focused on the awareness, understanding, attitudes, preferences, or experiences of the public or other stakeholders in order to improve existing or future services, products, or communication materials;
- Personally identifiable information (PII) is collected only to the extent necessary;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release to the public;

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this Generic Clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of Generic Clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections submitted under this Generic Clearance will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

A **Federal Register** Notice with a 60-day comment period soliciting comments on this information collection was published on June 17, 2024 (89 FR 51344). OGE received no comments.

OMB Number: 3209–0010.

Type of Request: Extension.

Affected Public: Individuals; Business or Other For-Profit Institutions; Not-For-Profit Institutions; State, Local, or Tribal Government.

Estimated Annual Number of Respondents: 91,555.

Average Expected Annual Number of Activities: 6.

Average Number of Respondents per Activity: 15259.

Responses per Respondent: 1.

Annual Responses: 91,555.

Average Minutes per Response: 56 minutes.

Annual Burden Hours: 4,030 hours.

Frequency: On occasion.

Request for Comments: Public comment is invited specifically on the need for and practical utility of this Generic Clearance, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). The comments will become a matter of public record.

Approved: September 4, 2024.

Shelley K. Finlayson,

Acting Director, U.S. Office of Government Ethics.

[FR Doc. 2024-20352 Filed 9-9-24; 8:45 am]

BILLING CODE 6345-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10141, CMS-10913, CMS-R-290 and CMS-10443]

Agency Information Collection Activities: Proposed Collection; 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 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by November 12, 2024.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ___, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

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 N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-10141 Medicare Prescription Drug Benefit Program
CMS-10913 Medicare Part C Utilization Management Annual Data Submission and Audit Protocol Data Request
CMS-R-290 Medicare Program: Procedures for Making National Coverage Decisions
CMS-10443 Transcatheter Valve Therapy (TVT) Registry

Under the 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

requires Federal agencies to publish a 60-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.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Medicare Prescription Drug Benefit Program; *Use:* CMS will use this information from plan sponsors and States to approve contract applications, monitor compliance with contract requirements, make proper payment to plans, and ensure that correct information is disclosed to potential and current enrollees. *Form Number:* CMS-10141 (OMB control number: 0938-0964); *Frequency:* Annually; *Affected Public:* Private Sector, State, Local, or Tribal Governments; *Number of Respondents:* 4,633,032; *Total Annual Responses:* 87,014,803; *Total Annual Hours:* 25,409,037. (For policy questions regarding this collection contact Chad Buskirk at 410-786-1630 or chad.buskirk@cms.hhs.gov).

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Medicare Part C Utilization Management Annual Data Submission and Audit Protocol Data Request; *Use:* Section 1857(d) of the Act, added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and implementing regulations at 42 CFR 422.503 and 422.504 state that CMS must oversee an MA organization's continued compliance with the requirements for a MA organization. Additionally, per § 422.516(a), MA organizations are required to compile and report to CMS information related to the utilization of services, and other matters as CMS may require.

The information gathered during this annual data collection and audit will be used by the Medicare Parts C and D Oversight and Enforcement Group (MOEG) within the Center for Medicare (CM) to assess Sponsoring organizations' compliance with Medicare UM requirements. CMS will utilize the data submitted during the annual data submission to assess the number of items and services that have associated internal coverage criteria, and to develop a landscape of items and services across the nation to assess

trends related to the development and utilization of internal coverage criteria. Additionally, CMS will use the annual submission to select a number of Sponsoring organizations to undergo UM audits each year, and to select specific items and services to audit. Annual UM data submissions, for all Sponsoring organizations, will be due to CMS by January 31 of each calendar year. *Form Number:* CMS–10913 (OMB control number: 0938–new); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 179; *Total Annual Responses:* 179; *Total Annual Hours:* 19,180. (For policy questions regarding this collection contact Caroline Zeman at 410–786–1564).

3. Type of Information Collection Request: Reinstatement without change of a previously approved collection; **Title:** Medicare Program: Procedures for Making National Coverage Decisions; **Use:** This collection is required by a notice (78 FR 48164–69) published on August 7, 2013 which delineates the process for making a national coverage determination (NCD) including information for external parties to submit a formal request for a new NCD or a reconsideration of an existing NCD. An NCD is defined in 1862(l) of the Social Security Act (the Act) as “a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under this title.” This information collection will assist us in obtaining the information we require to make a national coverage determination in a timely manner and ensuring that the Medicare program continues to meet the needs of its beneficiaries. *Form Number:* CMS–R–290 (OMB control number: 0938–0776); *Frequency:* Annual; *Affected Public:* Private Sector: Business or other for-profits; *Number of Respondents:* 30; *Total Annual Responses:* 30; *Total Annual Hours:* 1,200. (For policy questions regarding this collection contact Lori M. Ashby at 410–786–6322.)

4. Type of Information Collection Request: Reinstatement without change of a previously approved collection; **Title of Information Collection:** Transcatheter Valve Therapy (TVT) Registry; **Use:** The data collection is required by the Centers for Medicare and Medicaid Services (CMS) National Coverage Determination (NCD) entitled, “Transcatheter Aortic Valve Replacement (TAVR)”. The TAVR device is only covered when specific conditions are met including that the heart team and hospital are submitting data in a prospective, national, audited

registry. The data includes patient, practitioner and facility level variables that predict outcomes such as all cause mortality and quality of life. CMS finds that the Society of Thoracic Surgery/American College of Cardiology Transcatheter Valve Therapy (STS/ACC TVT) Registry, one registry overseen by the National Cardiovascular Data Registry, meets the requirements specified in the NCD on TAVR. The TVT Registry will support a national surveillance system to monitor the safety and efficacy of the TAVR technologies for the treatment of aortic stenosis.

The data will also include the variables on the eight item Kansas City Cardiomyopathy Questionnaire (KCCQ–10) to assess health status, functioning and quality of life. In the KCCQ, an overall summary score can be derived from the physical function, symptoms (frequency and severity), social function and quality of life domains. For each domain, the validity, reproducibility, responsiveness and interpretability have been independently established. Scores are transformed to a range of 0–100, in which higher scores reflect better health status.

The conduct of the STS/ACC TVT Registry and the KCCQ–10 is in accordance with section 1142 of the Social Security Act (the Act) that describes the authority of the Agency for Healthcare Research and Quality (AHRQ). Under section 1142, research may be conducted and supported on the outcomes, effectiveness, and appropriateness of health care services and procedures to identify the manner in which disease, disorders, and other health conditions can be prevented, diagnosed, treated, and managed clinically. Section 1862(a)(1)(E) of the Act allows Medicare to cover under coverage with evidence development (CED) certain items or services for which the evidence is not adequate to support coverage under section 1862(a)(1)(A) and where additional data gathered in the context of a clinical setting would further clarify the impact of these items and services on the health of beneficiaries.

The data collected and analyzed in the TVT Registry will be used by CMS to determine if the TAVR is reasonable and necessary (e.g., improves health outcomes) for Medicare beneficiaries under section 1862(a)(1)(A) of the Act. Furthermore, data from the Registry will assist the medical device industry and the Food and Drug Administration (FDA) in surveillance of the quality, safety and efficacy of new medical devices to treat aortic stenosis. For purposes of the TAVR NCD, the TVT

Registry has contracted with the Data Analytic Centers to conduct the analyses. In addition, data will be made available for research purposes under the terms of a data use agreement that only provides de-identified datasets. *Form Number:* CMS–10443 (OMB control number: 0938–1202); *Frequency:* Annual; *Affected Public:* Individuals, Households and Private Sector; *Number of Respondents:* 49,704; *Total Annual Responses:* 198,816; *Total Annual Hours:* 63,790. (For policy questions regarding this collection contact Nina Arya at 667–290–9456).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–20400 Filed 9–9–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Cell Biology Study Section.

Date: October 8–9, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Charles Morrow, Ph.D., M.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301–408–9850, morrowcs@csr.nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.

Date: October 9–10, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301-435-0229, kenneth.ryan@nih.hhs.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Basic Mechanisms of Diabetes and Metabolism Study Section.

Date: October 9–10, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Alexandria, 400 Courthouse Square, Alexandria, VA 22314.

Contact Person: Baskaran Thyagarajan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 800B, Bethesda, MD 20892, (301) 594-0331, Baski.thyagarajan@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Surgery, Anesthesiology and Trauma Study Section.

Date: October 9–10, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Weihua Luo, M.D., Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435-1170, luow@csr.nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Innovations in Nanosystems and Nanotechnology Study Section.

Date: October 9–10, 2024.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yingli Fu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-0840, yingli.fu@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: October 10–11, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301-435-2392, masoodk@csr.nih.gov.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Kidney and Urological Systems Function and Dysfunction Study Section.

Date: October 10–11, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North, 5701 Martinelli Road, North Bethesda, MD 20852.

Contact Person: Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435-5947, banerjees5@mail.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Probes and Contrast Agents Study Section.

Date: October 10–11, 2024.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435-8363, wrightds@csr.nih.gov.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: October 10–11, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mary G Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301-915-6301, marygs@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Interdisciplinary Clinical Care in Specialty Care Settings Study Section.

Date: October 10–11, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Abu Saleh Mohammad Abdullah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-4043, abuabdullah.abdullah@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 4, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20334 Filed 9-9-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; Review of Limited Competition CTSA R03 Applications.

Date: October 21, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Rockville, MD 20892.

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Bethesda, MD 20892, (301) 435-0813, henriquv@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 4, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20369 Filed 9-9-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Fellowship Review Panel.

Date: November 1, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443-8599, espinozala@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.273, Alcohol Research Programs, National Institutes of Health, HHS)

Dated: September 4, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20368 Filed 9-9-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Translational Investigations of Pulmonary and Immunological Diseases.

Date: October 9-10, 2024.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Imoh S. Okon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-347-8881, imoh.okon@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Tobacco Regulatory Research K Awards.

Date: October 9, 2024.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vanessa Dawn Sherck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 801C, Bethesda, MD 20892, (301) 867-5309, sherkv2@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Language and Communication Study Section.

Date: October 10-11, 2024.

Time: 8:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW, Washington, DC 20001.

Meeting Format: In Person.

Contact Person: Rochelle Francine Hentges, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, (301) 402-8720, hentgesrf@mail.nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: October 10-11, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301-827-7088, methode.bacanamwo@nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Pathogenic Eukaryotes Study Section.

Date: October 10-11, 2024.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: In person and Virtual Meeting.

Contact Person: Jennifer Chien Villa, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-496-5436, jennifer.villa@nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skin and Connective Tissue Sciences Study Section.

Date: October 10-11, 2024.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Robert Gersch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 800K, Bethesda, MD 20817, (301) 867-5309, robert.gersch@nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Interventions to Prevent and Treat Addictions Study Section.

Date: October 10-11, 2024.

Time: 9:30 a.m. to 8:00 p.m.

Meeting Format: Virtual Meeting.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Izabella Zandberg, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-0359, izabella.zandberg@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Human Studies of Diabetes and Obesity Study Section.

Date: October 10-11, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Hui Chen, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, Bethesda, MD 20892, (301) 435-1044, chenhui@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Cell Structure and Function 1 Study Section.

Date: October 10–11, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301.402.3717, jessica.smith6@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Tackling Acquisition of Language in Kids (TALK).

Date: October 11, 2024.

Time: 2:30 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW, Washington, DC 20001.

Meeting Format: In Person.

Contact Person: Rochelle Francine Hentges, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, (301) 402–8720, hentgesrf@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 4, 2024.

David W Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20371 Filed 9–9–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Study Section—C Review of MARC, U–RISE and Basic Biomedical Program Applications.

Date: October 24–25, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, Maryland 20892 (Virtual Meeting).

Contact Person: Sonia Ivette Ortiz-Miranda, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, MSC 6200, Bethesda, Maryland 20892, 301–402–9448, sonia.ortiz-miranda@nih.gov.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Support for Research Excellence (SuRE) Program and Support for Research Excellence—First Independent Research (SuRE-First) Award (R16).

Date: December 5–6, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, Maryland 20892 (Virtual Meeting).

Contact Person: Lisa A. Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, MSC 6200, Room 3AN18D, Bethesda, Maryland 20892, 301–594–2849, dunbarl@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 4, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20335 Filed 9–9–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; NCATS CTSA UM1 Review Special Emphasis Panel.

Date: October 30, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Rockville, MD 20892 (Virtual).

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Bethesda, MD 20892, (301) 435–0813, henriquv@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 4, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–20370 Filed 9–9–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special

Emphasis Panel; Development of Automated Cell Culture Flask Cleaning Instrument.

Date: October 22, 2024.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Rockville, MD 20892 (Virtual).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 9609 Medical Center Drive, Suite 1E504, Rockville, MD 20892, (301) 594-7319, khanr2@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 4, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-20372 Filed 9-9-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2024-0435]

National Boating Safety Advisory Committee; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice; request for applications.

SUMMARY: The U.S. Coast Guard is accepting applications to fill fifteen (15) vacancies on the National Boating Safety Advisory Committee (Committee). This Committee advises the Secretary of Homeland Security via the Commandant of the U.S. Coast Guard on matters relating to boating safety. Individuals currently holding these appointments will need to re-apply if they wish to continue as Committee members.

DATES: Complete applications must reach the U.S. Coast Guard on or before October 10, 2024.

ADDRESSES: Applications should be submitted via email with subject line "Application for NBSAC" with the desired membership category to NBSAC@uscg.mil.

Instructions: Applications must include (a) a cover letter expressing interest in an appointment to the National Boating Safety Advisory Committee and detailing their qualifications to serve as a

representative in one or more of the identified membership categories (if applying for representative membership), (b) a resume detailing the applicant's relevant experience for the position applied for, and (c) a brief 2–3 paragraph biography written in third-person perspective.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Guess, Alternate Designated Federal Officer of the National Boating Safety Advisory Committee; telephone 206-815-0221 or email at thomas.e.guess@uscg.mil.

SUPPLEMENTARY INFORMATION: The National Boating Safety Advisory Committee is a Federal advisory committee. The Committee was established by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, (Pub. L. 115-282, 132 Stat. 4192), and is codified in 46 U.S.C. 15105. The Committee operates under the provisions of the *Federal Advisory Committee Act*, (Pub. L. 117-286, 5 U.S.C. ch. 10), and 46 U.S.C. 15109. The National Boating Safety Advisory Committee provides advice to, consults with, and makes recommendations to the Secretary of Homeland Security, via the Commandant of the U.S. Coast Guard, on matters relating to national recreational boating safety.

The Committee is required to meet at least once a year in accordance with 46 U.S.C. 15109(a). We expect the Committee will hold meetings at least twice a year, but it may meet more frequently.

Under provisions in 46 U.S.C. 15109(f)(6), if you are appointed as a member of the Committee, your membership term will expire on December 31st of the third full year after the effective date of your appointment. Under provisions in 46 U.S.C. 15109(f)(4) the Secretary of Homeland Security may require an individual to have passed an appropriate security background examination before appointment to the Committee.

All members serve at their own expense and receive no salary or other compensation from the Federal Government. The only compensation the members may receive is for travel expenses, including per diem in lieu of subsistence, and actual reasonable expenses incurred in the performance of their direct duties for the Committee in accordance with Federal Travel Regulations. If you are appointed as a member of the Committee, you will be required to sign a Non-Disclosure Agreement and a Gratuitous Services Agreement.

In this solicitation for Committee members, we will consider applications for fifteen (15) positions, which include:

- Three positions as a member representing State officials responsible for State boating safety programs.
- Six positions as a member representing recreational vessel and associated equipment manufacturers.
- Six positions as a member representing the general public or national recreational boating organizations, two of which will represent the general public.

With the exception of the two general public positions, these positions will be appointed as representatives to represent the positions described above and are not Special Government Employees as defined in 18 U.S.C. 202(a).

In order for the Department, to fully leverage broad-ranging experience and education, the National Boating Safety Advisory Committee must be diverse with regard to professional and technical expertise. The Department is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the Nation's people.

If you are selected as a member drawn from the general public, you will be appointed and serve as a Special Government Employee as defined in 18 U.S.C. 202(a). Applicants for appointment as a Special Government Employee are required to complete a Confidential Financial Disclosure Report (OGE Form 450) for new entrants and if appointed as a member must submit an OGE Form 450 annually. The U.S. Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated U.S. Coast Guard Ethics Official or his or her designee may release a Confidential Financial Disclosure Report. Applicants can obtain this form by going to the website of the Office of Government Ethics (www.oge.gov) or by contacting the individual listed above in **FOR FURTHER INFORMATION CONTACT**.

Registered lobbyists are not eligible to serve on the Committee's subcommittees. This is consistent with DHS Instruction 093-01-001. If at any time after an individual begins service on a subcommittee and registers as federal lobbyist with the Secretary of the U.S. Senate or with the Clerk of the House Representatives, they must immediately inform the Designated Federal Officer (DFO). Members who register as a lobbyist while serving on a subcommittee will be removed.

If you are interested in applying to become a member of the Committee, email your application to NBSAC@uscg.mil as provided in the **ADDRESSES** section of this notice. Applications for members who will serve to represent the general public must be accompanied by a completed OGE Form 450. Once we receive your application we will send you an email confirming receipt.

The U.S. Coast Guard will not consider incomplete or late applications.

Privacy Act Statement

Purpose: To obtain qualified applicants to fill fifteen (15) vacancies on the National Boating Safety Advisory Committee. When you apply for appointment to the DHS' Boating Safety Advisory Committee, DHS collects your name, contact information, and any other personal information that you submit in conjunction with your application. DHS will use this information to evaluate your candidacy for Committee membership. If you are chosen to serve as a Committee member, your name will appear in publicly available Committee documents, membership lists, and Committee reports.

Authorities: 14 U.S.C. 504; 46 U.S.C. 15105 and 15109; 18 U.S.C. 202(a), and Department of Homeland Security Delegation No. 00915.

Routine Uses: Authorized U.S. Coast Guard personnel will use this information to consider and obtain qualified candidates to serve on the Committee. Any external disclosures of information within this record will be made in accordance with DHS/ALL-009, Department of Homeland Security Advisory Committee (73 FR 57642, October 3, 2008).

Consequences of Failure to Provide Information: Furnishing this information is voluntary. However, failure to furnish the requested information may result in your application not being considered for the Committee.

Dated: September 4, 2024.

Amy M. Beach,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2024-20283 Filed 9-9-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2010-0164]

National Boating Safety Advisory Committee; October 2024 Virtual Meeting

AGENCY: United States Coast Guard, Department of Homeland Security.

ACTION: Notice of open Federal advisory committee virtual meeting.

SUMMARY: The National Boating Safety Advisory Committee (Committee) will conduct a virtual open meeting to discuss matters relating to national boating safety. The virtual meeting will be open to the public.

DATES: Meeting: The Committee will meet virtually on Wednesday, October 16, 2024, from noon until 4 p.m. eastern daylight time (EDT). This virtual meeting may adjourn early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the virtual meeting, submit your written comments no later than October 4, 2024.

ADDRESSES: To join the Committee virtual meeting or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. EDT on October 4, 2024. The number of virtual lines is limited and will be available on a first-come, first-served basis.

Pre-registration information: Pre-registration is required for attending the virtual meeting. You must request attendance by contacting the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. You will receive a response with attendance instructions.

The National Boating Safety Advisory Committee is committed to ensuring all participants have equal access regardless of disability status. If you require reasonable accommodation due to a disability to fully participate, please email Mr. Thomas Guess at NBSAC@uscg.mil or call (206) 815-0221 as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the virtual meeting as time permits, but if you want Committee members to review your comments before the virtual meeting, please submit your comments no later than October 4, 2024. We are particularly interested in comments on the topics in the "Agenda" section

below. 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-2010-0164 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 your material cannot be submitted using <https://www.regulations.gov>, contact the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. You must include the docket number USCG-2010-0164. Comments received will be posted without alteration at <https://www.regulations.gov>, including any personal information provided. You may wish to review the Privacy and Security Notice found via a link on the homepage of <https://www.regulations.gov>. 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). If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Docket Search: Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign-up for email alerts, you will be notified when comments are posted.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Guess, Alternate Designated Federal Officer of the National Boating Safety Advisory Committee, telephone (206) 815-0221 or via email at NBSAC@uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of this virtual meeting is given pursuant to the *Federal Advisory Committee Act* (Pub. L. 117-286, 5 U.S.C. ch. 10).

The Committee is authorized on December 4, 2018, by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, (Pub. L. 115-282, 132 Stat. 4192), and is codified in 46 U.S.C. 15105. The Committee operates under the provisions of the *Federal Advisory Committee Act* and 46 U.S.C. 15109. The Committee provides advice and recommendations to the Secretary of Homeland Security via the Commandant of the United States Coast Guard on matters relating to national boating safety. This notice is issued under the authority of 46 U.S.C. 15109(a).

Agenda

The agenda for the National Boating Safety Advisory Committee meeting is as follows:

1. Call to Order.
2. Roll call of Committee members and determination of quorum.
3. Opening Remarks.
4. Conflict of Interest Statement.
5. Acceptance of Committee 9 Minutes.
6. Remembrance of Mr. Ed Huntsman, former U.S. Coast Guard member and a boating advocate.
7. Receipt and discussion of the following reports from the U.S. Coast Guard Office of Auxiliary and Boating Safety:
 - a. Meeting Protocol
 - b. Review of Strategic Plan Dashboard (update on K-12 standard)
 - c. Review of Recommendations Dashboard (update on throwables, pending Regulations, California and flares)
 - d. Review of Task Statements Dashboard and any other Updates
 - e. Website Mock-Up Presentation
 - f. Update on Recreational Boating Safety Calendar
 - g. Getting Safety Message Out Via Manufacturers
 - h. Social Media Themes and Upcoming Calendar
 - i. Review of Data Analysis Dashboard
 - j. Grant Award and Summaries Update (John Snow, Inc. (JSI) and Electronic Cutoff Switch (ECOS), JSI and why less Personal Flotation Device (PFD) wear)
 - k. National Recreational Boating Safety Survey Update (access, vessel types, towed water sports, PFDs and capabilities, comms devices, National Marine Manufacturing Association (NMMA) involvement)
 - l. Marine Mobile Security Identity (MMSI) Presentation
 - m. Update on Regulations
 - n. ECOS Enforcement
 - o. Year-End Numbers from States
 - p. Update on Titling, Vessel ID System (VIS), and the Uniform Certificate of Title Act for Vessels (UCOTA-V)
8. Public Comment Period.
9. Next meeting planning.
- a. January 22, 2025, virtual meeting and
- b. April 22-24, 2025, at American Boat and Yacht Council (ABYC).
10. Meeting Adjournment.

A copy of all meeting documentation will be available at [https://homeport.uscg.mil/missions/federal-advisory-committees/national-boating-safety-advisory-committee-\(nbsac\)/committee-meetings](https://homeport.uscg.mil/missions/federal-advisory-committees/national-boating-safety-advisory-committee-(nbsac)/committee-meetings), no later than October 4, 2024. Alternatively, you may contact Mr.

Thomas Guess as noted in the **FOR FURTHER INFORMATION** section above.

There will be a public comment period from approximately 3:00 p.m. until 3:15 p.m. (EDT). Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the period allotted, following the last call for comments.

Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: September 4, 2024.

Amy M. Beach,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2024-20284 Filed 9-9-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7080-N-43]

30-Day Notice of Proposed Information Collection; Semi-Annual Labor Standards Enforcement Report-Local Contracting Agencies (HUD Program), OMB Control No: 2501-0019

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* October 10, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410-5000; email

PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Anna Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna.P.Guido@hud.gov or telephone (202) 402-3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 11, 2024 at 89 FR 49182.

A. Overview of Information Collection

Title of Information Collection: Semi-Annual Labor Standards Enforcement Report-Local Contracting Agencies (HUD Program).

MB Approval Number: 2501-0019.

Type of Request: Revision of currently approved collection.

Form Number: HUD FORM 4710 and 4710i.

Description of the need for the information and proposed use: The Department of Labor (DOL) requires all Federal agencies administering programs subject to Davis-Bacon wage requirements covered by 29 CFR part 5, section 5.7(b) to submit a semi-annual report of all new covered contracts/projects and all enforcement activities during the six-month reporting period. For HUD to comply, HUD collects data from state, tribal, and local agencies that administer HUD-assisted programs subject to Davis-Bacon requirements. HUD requires these agencies to complete and submit a Semi-annual Labor Standards Enforcement Report every six months. Respondents and HUD must retain a copy of the Semi-Annual Labor Standards Enforcement Report files at least three years.

Respondents: Individuals.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD 4710 Semi-Annual Labor Standards Enforcement Report—Local Contracting Agencies (HUD Programs)	4,565	2	9,130	1.0	9,130	\$45.49	\$415,323.70
HUD 4710i Semi-Annual Labor Standards Enforcement Report—Local Contracting Agencies (HUD Programs)	0	0	0	0	0	0	0.00
Total	4,565	2	9,130	1.0	9,130	45.49	415,323.70

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Anna Guido,

*Department Reports Management Officer,
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2024–20278 Filed 9–9–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7080–N–44]

30-Day Notice of Proposed Information Collection; FOIAxpress (FMS2), OMB Control No: 2501–NEW

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.
ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* October 10, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; email

PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Anna Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna.P.Guido@hud.gov or telephone (202) 402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 8, 2024 at 89 FR 38913.

A. Overview of Information Collection

Title of Information Collection:
FOIAxpress (FMS2).

MB Approval Number: 2501–NEW.

Type of Request: New collection.

Form Number: N/A.

Description of the need for the information and proposed use:

Systems that require respondents from the public to submit FOIA request via the Public Access Link.

Respondents: Individuals.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Public Access Link	11,510	1	11,510	.33	\$3,798.30	\$29.76	\$113,037.41
Total	11,510	.....	.....	.....	3,798.30	.....	113,037.41

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of

information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the

proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Anna Guido,

*Department Reports Management Officer,
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2024–20279 Filed 9–9–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO4500180600]

Notice of Availability of the Draft Environmental Impact Statement and Proposed Resource Management Plan Amendments for the Proposed Greenlink North Transmission Project in White Pine, Eureka, Lander, Churchill, and Lyon Counties, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared Draft Resource Management Plan Amendments (RMPA) and a Draft Environmental Impact Statement (EIS) for the Greenlink North Transmission Project and by this notice is providing information announcing the opening of the comment period on the Draft RMPA/EIS. The BLM Nevada State Office is the lead agency for purposes of the NEPA analysis, with the U.S. Forest Service and other agencies participating as Cooperating Agencies.

DATES: This notice announces the opening of a 90-day comment period for the Draft RMPA/EIS beginning with the date following the Environmental Protection Agency's (EPA) publication of its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

To afford the BLM the opportunity to consider comments in the Draft RMPA/EIS, please ensure your comments are received prior to the close of the 90-day comment period or 15 days after the last public meeting, whichever is later.

ADDRESSES: The Draft RMPA/EIS is available for review on the BLM project website at: <https://eplanning.blm.gov/eplanning-ui/project/2017033/510>.

- **Website:** <https://eplanning.blm.gov/eplanning-ui/project/2017033/510>.

- **Email:** blm_nv_greenlinknorth@blm.gov.

- **Mail:** BLM, Nevada State Office, Attn: Greenlink North Transmission Project, 1340 Financial Boulevard, Reno, NV 89502.

Documents pertinent to this proposal may be examined online at <https://eplanning.blm.gov/eplanning-ui/project/2017033/510> and at the BLM Nevada State Office in Reno.

FOR FURTHER INFORMATION CONTACT:

Brian Buttazoni, Project Manager, telephone: (775) 861–6491; address: 1340 Financial Boulevard, Reno, NV 89502; email: blm_nv_greenlinknorth@blm.gov. Contact us at this email address to have your name added to our mailing list. 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: This document provides notice that the BLM Nevada State Director has prepared a Draft RMPA/EIS, and provides information announcing the opening of the comment period. The RMPA amendments would change the existing 2001 Consolidated Resource Management Plan in the Carson City District, 1986 Shoshone-Eureka Resource Management Plan/Record of Decision in the Battle Mountain District, and 2008 Record of Decision/Resource Management Plan in the Ely District. The Draft RMPA is being considered to allow the BLM to evaluate the establishment of a 210 mile long by 3,500 foot wide utility corridor within greater sage-grouse habitat management areas and in proximity to lek buffers on

BLM-administered lands, which would require amending the land use plans listed above. The original proposed utility corridor width (3 miles) and length (235 miles) was reduced after scoping to be consistent with other national utility corridor widths, and to clarify the length applies to BLM-administered lands only.

The planning area is in White Pine, Eureka, Lander, Churchill, and Lyon counties, Nevada, and encompasses approximately 84,700 acres of BLM-administered lands.

A Notice of Intent to Amend the Resource Management Plans for the Greenlink North Transmission Project and Prepare an Associated Environmental Impact Statement was published in the **Federal Register** on March 11, 2024 (89 FR 17510), providing notice to the public of potential amendments to RMPs, as required by 43 CFR 1610.2(c). The public scoping period closed on April 10, 2024. The BLM held one virtual meeting and received approximately 25 public scoping comment emails and letters during the 30-day scoping period. The scoping comments focused on biological resources; alternatives development; visual resources; cultural resources; impacts to general and special-status wildlife species, including threatened and endangered species and their habitat; social and economic conditions; vegetation/riparian/noxious and invasive weeds/special status plant species; water resources; special designations; recreation; socioeconomic concerns; and Native American cultural/sacred sites. The BLM prepared a scoping report, which is available on the project's website—<https://eplanning.blm.gov/eplanning-ui/project/2017033/510>.

Purpose and Need

The BLM's purpose and need for this Federal action is to respond to the right-of-way (ROW) application submitted by NV Energy under Title V of FLPMA (43 U.S.C. 1761) on July 20, 2020, to construct, operate, maintain, and decommission a proposed system of new 525-kV, 345-kV, 230-kV, and 120-kV electric transmission facilities on BLM-administered lands in White Pine, Eureka, Lander, Churchill, and Lyon counties, in compliance with FLPMA, BLM ROW regulations, NEPA, the BLM NEPA Handbook (BLM 2008), U.S. Department of the Interior NEPA regulations, and other applicable federal and state laws and policies. In accordance with FLPMA, public lands are to be managed for multiple uses that consider the long-term needs of future generations for renewable and non-

renewable resources. The BLM is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electrical energy (FLPMA section 501(a)(4)).

The U.S. Forest Service, Humboldt-Toiyabe National Forest also received an application from NV Energy for an approximately 10-mile segment of the project. The Forest Service's purpose and need is to respond to NV Energy's application for a Special Use Permit to construct, operate, maintain, and decommission the proposed 500-kV transmission line on National Forest System land in Lander County in compliance with FLPMA, the National Forest Management Act (16 U.S.C. 1601–1614), and the *Toiyabe National Forest Land and Resource Management Plan* (Forest Service 1986 as amended), which provides standards and guidelines for managing the National Forest.

Alternatives Including the Preferred Alternative

The BLM has analyzed 3 action alternatives in detail, plus the No Action Alternative. The State Director and Forest Supervisor have identified NV Energy's Proposed Action with three modified segments crossing BLM and National Forest System land as the Preferred Alternative. The first modified segment realigns the Proposed Action south of the public purpose conveyance parcels that will be transferred to Churchill County as a result of the National Defense Authorization Act of 2023. This alternative segment would be approximately 8 miles long and would slightly reduce the disturbance footprint of the 525 kV transmission line on BLM-administered lands. The second modified segment would realign the Proposed Action further away from the recently established Desatoya Wilderness Area. The third modified segment is the U.S. Forest Service preferred northern alternative route from the Lander Substation that would cross approximately 10 miles of the Humboldt-Toiyabe National Forest and approximately 9 miles of adjacent BLM administered lands to the east. The route would parallel an existing 230 kV transmission line within the Forest's existing utility corridor until reconnecting with the Proposed Action route. The reconnection with the Proposed Action route 9 miles east of the Humboldt-Toiyabe National Forest provides the most technically feasible way to reduce the cost, line angles, and disturbances from the proposed 525 kV transmission line. The BLM further considered 9 additional transmission

alternatives but dismissed these alternatives from detailed analysis as explained in the Draft RMPA/EIS.

The Preferred Alternative was found to best meet the State Director's planning guidance and would meet the project's purpose and need while addressing impacts to greater sage-grouse habitats primarily through co-location, which limits new disturbance to areas already impacted by existing transmission lines. The Greenlink North Transmission Project would be co-located for approximately 210 miles of the 233-mile-long proposed transmission line.

Mitigation

The Preferred Alternative for the portions of the project within and adjacent to greater sage-grouse habitats includes the requirement for NV Energy to install anti-perching/nesting deterrents on transmission poles to minimize potential predation by ravens.

Schedule for the Decision-Making Process

Consistent with NEPA and BLM's land use planning regulations, the BLM will include a 30-day public protest period and a concurrent 60-day Governor's consistency review when the BLM publishes the Final EIS/Proposed RMPA. The Final EIS/Proposed RMPA is anticipated to be available in March 2025, with a Record of Decision anticipated in July 2025.

The BLM will be holding a combination of virtual and in-person public meetings. The specific date(s) and location(s) of these meetings will be announced at least 15 days in advance through the Project website.

The BLM will utilize and coordinate the NEPA and land use planning processes for this planning effort to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536). The BLM is utilizing the NEPA substitution process to comply with the requirements of section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, consistent with 36 CFR 800.8(c). The BLM, as lead federal agency, has incorporated information and the steps of the Section 106 process into the Draft EIS, and publication of the Draft EIS will allow the consulting parties and the public an opportunity to review and comment on the process as provided in 36 CFR 800.8(c)(2). The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed plan will assist the BLM

in identifying and evaluating impacts to such resources.

The BLM and U.S. Forest Service will continue to consult with Indian Tribes on a government-to-government basis in accordance with Executive Order 13175, BLM MS 1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Additional government-to-government meetings will occur during this review period.

Forest Service Administrative Review Process

The decision that the U.S. Forest Service will make is subject to a pre-decisional administrative review process, also known as an objection process (36 CFR part 218, subparts A and B). The objection process provides an opportunity for members of the public who have participated in the planning process for the action to have any unresolved concerns reviewed by the U.S. Forest Service prior to a final decision by the Responsible Official.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the Final EIS; therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Commenting during scoping and any other designated opportunity to comment provided by the Responsible Official as prescribed by the applicable regulations will also govern eligibility to object once the Final EIS and draft Record of Decision has been published. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, they will not be used to establish eligibility for the objection process.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated opportunities.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1501.7 and 43 CFR 1610.2)

Jon K. Raby,
State Director.

[FR Doc. 2024–19544 Filed 9–9–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038658;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Western Washington University, Department of Anthropology, Bellingham, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Western Washington University (WWU) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 10, 2024.

ADDRESSES: Dr. Judith Pine, Western Washington University, Department of Anthropology, Arntzen Hall 340, 516 High Street, Bellingham, WA 98225, telephone (360) 650–4783, email pinej@wwu.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 WWU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been identified. No associated funerary objects are present.

During a repatriation and rehousing project in 2016, a WWU osteologist identified a single human remain in an unlabeled bag. Inside the bag, was a slip of paper indicating it was from “Dr. Kenyon’s Teaching Collection, Oneida County, Rome, New York.” No known individuals were identified. No hazardous chemicals are known to have been used to treat the human remains or associated funerary objects while in the custody of WWU.

The human remains in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: anthropological information, archaeological information, geographical information, historical information, and oral tradition.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The WWU has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Oneida Indian Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the WWU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are

considered a single request and not competing requests. The WWU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O’Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20286 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038664;
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 10, 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 five cultural items have been requested for repatriation. The five objects of cultural patrimony are modified, unmodified, and ground

stones. These items were removed from unknown locations in Tehama and Glenn Counties, California. The items were collected during archaeological investigations undertaken by California State University, Sacramento at Black Butte Lake on behalf of the Army Corps of Engineers in the early 1980s. They have since been housed at the University under accession 81–139. At least three objects are missing from the collection and California State University, Sacramento continues to look for them.

Determinations

The California State University, Sacramento has determined that:

- The five 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 10, 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. 2024–20294 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038659; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Georgia, Laboratory of Archaeology, Athens, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Georgia, Laboratory of Archaeology intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 10, 2024.

ADDRESSES: Amanda Thompson, University of Georgia, Laboratory of Archaeology, 1125 Whitehall Road, Athens, GA 30605, telephone (706) 542–8737, email arobthom@uga.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Georgia, Laboratory of Archaeology 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 five cultural items has been requested for repatriation. The five sacred objects are baskets that were donated to the University of Georgia libraries in 2016 from Nancy Montgomery. The sacred objects were appraised prior to their donation and the appraisal details that the sacred objects were from the following locations: Trinity River Region, Northwest California, Klamath River Region and Salmon Mountains area in California dated from the late 19th century to early 20th century. The

Laboratory has been unable to locate information for any research on these objects and does not have any history of contamination.

Determinations

The University of Georgia, Laboratory of Archaeology has determined that:

- The five sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Yurok Tribe of the Yurok Reservation, 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 10, 2024. If competing requests for repatriation are received, the University of Georgia, Laboratory of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of Georgia, Laboratory of Archaeology 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. 2024–20289 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NRNHL–DTS#–38691;
PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places;
Notification of Pending Nominations
and Related Actions**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before August 31, 2024, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by September 25, 2024.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line “Public Comment on <property or proposed district name, (County) State>.” If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov*, 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 31, 2024. Pursuant to section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers
Key: State, County, Property Name, Multiple Name (if applicable), Address/ Boundary, City, Vicinity, Reference Number.

ALASKA**Sitka Borough**

Ranghild Cottage, 300 Harbor Drive, Sitka,
SG100010895

CALIFORNIA**Los Angeles County**

Citrus Square Historic District, parts of both sides of Sycamore Avenue, Orange Drive, Mansfield Avenue, and Citrus Avenue, from 3rd Street to Clinton Street, Los Angeles, SG100010884

San Diego County

Heart of Bankers Hill Historic District, Generally bounded by W. Walnut Ave (north), Redwood Canyon (south), Brant and Curlew Streets (west), and Front Street (east), San Diego, SG100010887

KANSAS**Franklin County**

Tauy Baptist Church, 4097 Nevada Road, Ottawa, SG100010891

Sedgwick County

Corbin Education Center, Wichita State University, 1845 Fairmount Street, Wichita, SG100010890

SOUTH CAROLINA**Dillon County**

Bethea, Alpheus Victor and Martha Cooper, Farmstead, 2547 SC Highway 34 West, Dillon vicinity, SG100010894

Additional documentation has been received for the following resource(s):

CALIFORNIA**San Francisco County**

C.A. THAYER (Additional Documentation), San Francisco Maritime National Historical Park/Hyde Street Pier, San Francisco, AD66000229

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

WASHINGTON**Benton County**

Post Office and Federal Office Building, 825 Jadwin Avenue, Richland, SG100010893

Spokane County

Courthouse and Federal Office Building, 920 W Riverside Avenue, Spokane, SG100010892

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2024–20362 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NAGPRA–NPS0038633;
PPWOCRADN0–PCU00RP14.R50000]

**Notice of Inventory Completion:
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 has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 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 its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified from CA–TEH–269, located in the eastern-central portion of Tehama County, CA. The 6,303 associated funerary objects include baked clay objects; faunal and floral remains; flaked and ground stones; historic materials; modified bones, shells and stones; coprolites; unmodified stones; basketry fragments; and charcoal. Of this number, at least 22 objects are currently missing from the collection. Sacramento State continues to look for any missing objects. The human remains and funerary objects were collected by individuals associated with the California State University, Sacramento in the 1960s. They have since been

housed at the University under accession 81–9.

Human remains representing, at least, one individual have been identified from CA–TEH–309, located in the eastern-central portion of Tehama County. The 241 associated funerary objects include faunal remains (shell), flaked stone, and groundstone. An unknown number of objects may be missing from this collection and Sacramento State will continue to look for them. The human remains and funerary objects were excavated by University of California, Davis and individuals associated with California State University, Sacramento in the 1960s. They were transferred to California State University, Sacramento from University of California, Davis in 2015 in order to reunite them with other cultural materials from the same project and accession (#81–30).

Human remains representing, at least, one individual have been identified from CA–TEH–372, located in the eastern-central portion of Tehama County, CA. The 6,078 associated funerary objects include baked clay objects; faunal and floral remains; flaked and ground stones; historic materials; modified bones, shells and stones; thermally altered rocks; pigments; unmodified stones; soil samples; and geologic samples. Of this number, at least six objects are currently missing from the collection. Sacramento State continues to look for any missing objects. The human remains and funerary objects were collected by individuals associated with the California State University, Sacramento in the 1960s and 1970s. They have since been housed at the University under accessions 81–6 and 81–9.

Human remains representing, at least, one individual have been identified from CA–TEH–454 or 455, located in the eastern-central portion of Tehama County, CA. The human remains were donated to California State University, Sacramento in the 1970s and have been housed at the University under accession 81–CSUS–100.

Human remains representing, at least, two individuals have been identified from CA–TEH–Hooper 1979:5, located in the eastern-central portion of Tehama County, CA. The 20,655 associated funerary objects include baked clay objects; faunal and floral remains; flaked and ground stones; historic materials; modified bones, shells and stones; thermally altered rocks; pigments; unmodified stones; soil samples; ash; manuports; geologic samples; and unidentified objects. The human remains and funerary objects were collected by individuals associated with

the California State University, Sacramento in the 1980s. They have since been housed at the University under accessions 81–120.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The California State University, Sacramento has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- The 33,277 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Grindstone Indian Rancheria of Wintun-Wailaki Indians of California and the Paskenta Band of Nomlaki Indians of California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 10, 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 human remains and associated funerary objects 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.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20296 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038662; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary object and has determined that there is a cultural affiliation between the human remains and associated funerary object and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary object in this notice may occur on or after October 10, 2024.

ADDRESSES: Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Boulevard, Oshkosh, WI 54901, telephone (920) 424–1365, email friea@uwosh.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 UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. A single box containing the individuals labeled “Herenberg Site, Winnebago County” in the course of creating the UWO 1995 NAGPRA Inventory. There are no records of this site in the files of the Archaeology Laboratory at UWO and efforts to locate

a Herenberg site have been unsuccessful. The one associated funerary object is one eagle bone whistle.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. In December 1991, the individual was permanently transferred from the Doty Cabin Museum in Neenah, WI to UWO. The burial was originally identified as “Doty Cabin Museum Burial #2” when reported in the UWO 1995 NAGPRA Inventory. A card packed with the individual states that the burial was found “along the west shore of Little Lake Butte de Morts”, which is located in Winnebago County, WI. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary object described in this notice.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The one object described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary object described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo

Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary object in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary object in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary object are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20298 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038667; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Texas at San Antonio, Center for Archaeological Research, San Antonio, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Texas at San Antonio (UTSA) Center for Archaeological Research (CAR) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 2024.

ADDRESSES: Cynthia Munoz, Center for Archaeological Research (CAR), One UTSA Circle, San Antonio, TX 78249,

telephone (210) 458-4379, email cindy.munoz@utsa.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 CAR, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 58 individuals have been identified. The 80 associated funerary objects are bone awls, bone beads, one possible bone bead, bone pins, one incised bone, modified bone, possibly modified bone, one shark tooth, one sting ray spine, one turtle shell, lithic bifaces, one lithic blade, one possible boatstone, lithic dart points, lithic debitage, red ochre (74 grams), marine shell, one modified shell, and shell pendants. The remains and associated funerary objects are associated with the 1990-1991 and 1997-1998 Houston Archaeological Society archaeological investigations of 41FB3, the Bowser Site, in Fort Bend County, Texas. The burials and objects were donated by the land owner to CAR in 2016. The land owner retained most of the grave goods. The remains consist of 13 adult females, 25 adult males, five adults of indeterminate sex, 13 juveniles, and two individuals of indeterminate age and sex. The burials represent Native Americans from the Late Archaic Period, 2500 BC-AD 600/700, based on dates of two burials obtained by the original investigators. Recovered point types, including Pedernales, Marshall, Gary, Kent, Morhiss, Ensor, and Ellis, are consistent with the time period. No known hazardous substances were used to treat the remains or objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The CAR has determined that:

- The human remains described in this notice represent the physical remains of 58 individuals of Native American ancestry.
- The 80 objects described in this notice are reasonably believed to have

been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Tonkawa Tribe of Indians of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the CAR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The CAR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-20293 Filed 9-9-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0038656; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA) has completed an inventory of human remains and associated funerary objects and has determined in consultation that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 2024.

ADDRESSES: Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626-2025, email Phil.Hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at minimum 39 individuals and associated funerary objects (AFO) consisting of one lot of faunal material.

Hampton Place (40HA146), Moccasin Bend, Hamilton County, Tennessee

Ancestral remains of at minimum 37 individuals were recovered from disturbed and looted contexts by the Chattanooga Regional Anthropological Association in 1982, transferred to TDEC-DOA in 1984, and subsequently housed at the University of Tennessee-Chattanooga from 1991-2007. For unknown reasons, the ancestral remains were temporarily transferred to the Hamilton County Medical Examiner in 2007 and then returned to TDEC-DOA that same year. A single lot of associated faunal material is commingled with the ancestral remains, and at the request of the Eastern Band of Cherokee Indians was not inventoried for the purposes of this notice. Consultation took place on May 24, June 6, and June 24, 2024. There is no known exposure to hazardous substances or treatments.

Unknown Sites, Moccasin Bend, Hamilton County, Tennessee

Ancestral remains of at minimum two individuals recovered from unknown

proveniences on Moccasin Bend, Hamilton County, Tennessee. One ancestor was recovered by the Hamilton County Medical Examiner near the Blue Blazes Trail and transferred to the TDEC–DOA for repatriation in August 2020. A second individual was recovered by a private individual along the Tennessee River bankline near the Moccasin Bend Archaeological District and turned over to the Hamilton County Medical Examiner, later transferred to the National Park Service Law Enforcement at Chickamauga National Military Park, and transferred to the DOA for repatriation in August 2019. Consultation took place on May 24, June 6, and June 24, 2024. In consultation on May 24, 2024 TDEC–DOA suggested that these ancestors be included in the Eastern Band of Cherokee Indians' 2021 claim for the ancestors from 40HA146. All consulting Nations agreed to this course of action. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

TDEC–DOA have determined that:

- The human remains described in this notice represent the physical remains of at minimum 39 individuals of Native American ancestry;
- The one lot of objects described in this inventory are reasonably believed to be directly or indirectly mortuary related;
- There is a connection between the human remains and objects from Hamilton County described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; Poarch Band of Creek Indians; and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, TDEC–DOA must determine the most appropriate requestor prior to repatriation.

Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20300 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0038663;
PPWOCRADNO–PCU00RP14.R50000]**

Notice of Inventory Completion: Office of the State Archaeologist, University of Iowa, Iowa City, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Office of the State Archaeologist Bioarchaeology Program (OSA BP) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 10, 2024.

ADDRESSES: Dr. Lara Noldner, Office of the State Archaeologist Bioarchaeology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, telephone (319) 384–0740, email lara-noldner@uiowa.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 OSA BP and

additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual were removed from the Knife River in Mercer County, ND. In 2004, a private citizen found the cranial remains in the Knife River to the south of Hazen, ND. In 2014, the citizen transferred the remains to the OSA BP. A middle-aged to older adult of indeterminate sex is represented by the remains (Burial Project 3025). No associated funerary objects are present. No potentially hazardous substances were used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

The OSA BP has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Cheyenne and Arapaho Tribes, Oklahoma and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the OSA BP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are

considered a single request and not competing requests. The OSA BP is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20281 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038657;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Western Washington University, Department of Anthropology, Bellingham, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Western Washington University (WWU) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were removed from 35–TI–09 in Tillamook County, OR.

DATES: Repatriation of the human remains in this notice may occur on or after October 10, 2024.

ADDRESSES: Dr. Judith Pine, Western Washington University, Department of Anthropology, Arntzen Hall 340, 516 High Street, Bellingham, WA 98225, telephone (360) 650–4783, email pinej@wwu.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 WWU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, one individual were removed

from 35–TI–09, Rube Wilkens Farm, north bank of the Kilchis River, Tillamook Bay, OR. No associated funerary objects are present.

In August of 1953, Dr. Herbert Taylor conducted an archaeological survey in Tillamook County, Oregon, where he located this site on Rube Wilkens Farm. The site was excavated by Western Washington State College field school students as well as local inhabitants. The Revised 1999 WWU NAGPRA Inventory has been updated to include the Smithsonian trinomial for this location, as well as revised cultural affiliation. The human remains description has not been revised. No known individuals were identified. No hazardous chemicals are known to have been used to treat the human remains or associated funerary objects while in the custody of WWU.

The human remains in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: anthropological information, archaeological information, geographical information, historical information, and oral tradition.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The WWU has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Confederated Tribes of Siletz Indians of Oregon.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the WWU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The WWU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20297 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–38683;
PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before August 24, 2024, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by September 25, 2024.

ADDRESSES: Comments are encouraged to be submitted electronically to *National Register Submissions@nps.gov* with the subject line “Public Comment on <property or proposed district name, (County) State>.” If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, sherry_frear@nps.gov, 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 24, 2024. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/ Boundary, City, Vicinity, Reference Number.

ARIZONA

Maricopa County

Hayden Flour Mill, 119 S Mill Avenue,
Tempe, SG100010872

ARKANSAS

Hempstead County

Saint Paul Methodist Church Cemetery.
Historic Section, 6517 US Highway 278,
Ozan, SG100010871

CALIFORNIA

El Dorado County

Zentgraf, Jacob, House, 2441 Deer Valley
Road, Rescue, SG100010882
Los Angeles County, Capitol Tower, 1750 N
Vine Street, Los Angeles, SG100010883

MISSOURI

St. Louis INDEPENDENT CITY

Heritage House, 2800 Olive Street, St. Louis,
SG100010879

NEW HAMPSHIRE

Cheshire County

Keene Unitarian Universalist Church, 69
Washington St., Keene, SG100010873

OHIO

Highland County

Gist Settlement Historic District, Roughly
bounded by Rollins Ln., Gist Settlement
Rd., and Turner Ln., New Vienna,
SG100010878

Authority: Section 60.13 of 36 CFR
part 60.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2024–20351 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0038653;
PPWOCRADNO–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 unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 10, 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

The 493 cultural items were removed from unknown locations by Anthony Zallio. This collection was donated to the University by his estate in the 1950s. The 493 unassociated funerary objects consist of baked clay objects. They have since been housed at the University under accession 81–172.16. Based on Zallio's collecting history, it was determined through consultation that these baked clay objects are likely

unassociated funerary objects originating from Miwok/Nisenan sites already represented in the larger Zallio Collection.

Determinations

The California State University, Sacramento has determined that:

- The 493 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

- There is a reasonable connection between the cultural items described in this notice and the Ione Band of Miwok Indians of California and the Wilton Rancheria, 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 10, 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. 2024–20291 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0038655;
PPWOCRADN0-PCU00RP14.R50000]

**Notice of Inventory Completion: U.S.
Department of the Interior, Bureau of
Land Management, Alaska State Office,
Anchorage, AK**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Bureau of Land Management, Alaska State Office (BLM Alaska) has completed an inventory of human remains and associated funerary objects, presently located at the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and cultural items, and present-day Indian Tribes or Native Hawaiian organizations indicated in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 2024.

ADDRESSES: Robin O. Mills, Bureau of Land Management, 222 W 7th Avenue #13, Anchorage, AK 99513, telephone (907) 474-2359, email rmills@blm.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM Alaska, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, Native American human remains representing at least 43 individuals, along with 45 associated funerary objects, have been identified at the Penn Museum. These remains and items were collected in 1918 by William Van Valin when he was hired by the Penn Museum to lead the John Wanamaker Expedition to Alaska (1917–1919). In April 1928, the human remains were

transferred to The Wistar Institute, Philadelphia, whereas the cultural items were retained at the Penn Museum. In 1956, the human remains were transferred back to the Penn Museum, where they presently reside. Records at the Penn Museum indicate that the 43 individuals found are represented as follows: 20 are represented by craniums and mandibles only, 12 by craniums only, four by mandibles only, five by post-cranial elements only, and one by a mandible and post-cranial elements. Four are children (ca.4–15 years), three are adolescents (ca.15 to 17 years), 35 are adults (ca.20 to ca.60 years), and one is of unknown age. The children, adolescents, and unknown aged individual are of unknown or uncertain sex. Of the adults, 18 are male and 17 are female. No known individuals are identified among the 43 sets of human remains. Two of the remains are from Nunavak, 11 from the general Point Barrow region, 11 from or probably from Kugusugaruk, 17 from Barrow or present-day Utqiagvik, and two from either Nunavak or Kugusugaruk. The remains from Nunavak and Kugusugaruk date to the Birnirk culture (500 CE–1000 CE), while those from near Utqiagvik or the general Point Barrow region are of uncertain or historic age (ca. 1500 CE–1900 CE).

The human remains derive from the Kugusugaruk site (49–BAR–00003) located 6.6 miles southwest of present-day Utqiagvik, Alaska, the Nunavak site (49–BAR–00037 and/or 49–BAR–00038) located three and four miles southwest of Utqiagvik, respectively, the tundra area located inland from present-day Utqiagvik, and other currently unknown loci in the general Point Barrow region of Alaska.

The 45 associated funerary objects are tool handles, arrowheads and arrow shafts, other stone tools, drinking tubes, sinew twisters, a snow shovel rim, bowls, and other serving or eating vessels. These objects derive from Kugusugaruk; available information from the Penn Museum indicates that none of the 45 associated funerary objects are associated with any of the human remains at the Penn Museum, but are instead associated with human remains that are or were located at the Smithsonian Institution (SI), National Museum of Natural History (NMNH).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition

history of the human remains and associated funerary objects described in this notice.

Determinations

The BLM Alaska has determined that:

- The human remains described in this notice represent the physical remains of 43 individuals of Native American ancestry.
- The 45 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and funerary objects described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Additional Requestors and Disposition

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the BLM Alaska must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BLM Alaska is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20290 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0038654;
PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion:
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 has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 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 its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from an unknown location in the lower Sacramento Valley, California. The one associated funerary object is one lot of floral remains. The human remains and funerary object were collected by individuals associated with the California State University, Sacramento in 1978. They have since been housed at the University under accession 81-CSUS-349. An unknown number of objects may be missing from the collection, and California State University, Sacramento continues to look for them.

Cultural Affiliation

Based on the information available and the results of consultation, cultural

affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The California State University, Sacramento has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwok Indians; Kletsel Dehe Wintun Nation of the Cortina Rancheria (*previously* listed as Kletsel Dehe Band of Wintun Indians); Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 10, 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 human remains and associated funerary objects 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.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-20288 Filed 9-9-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0038660;
PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion:
University of Wisconsin Oshkosh,
Oshkosh, WI**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 2024.

ADDRESSES: Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Boulevard, Oshkosh, WI 54901, telephone (920) 424-1365, email friea@uwosh.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 UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, six individuals have been reasonably identified. The two associated funerary objects are two unmodified natural

stones. On an unknown date, the individuals and associated funerary objects were removed from an area on the shore of Lake Winnebago, Calumet County, WI and given to UWO by the Calumet County Sheriff's Office in the mid-1970s. The Calumet County Sheriff's Office was contacted about these individuals and they have no record of recovering these remains or transferring them to UWO.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South

Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Ojibwe-Missouri Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, UWO must determine the most

appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20287 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038668; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Western Washington University, Department of Anthropology, Bellingham, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Western Washington University (WWU), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Sinclair Island in Skagit County, WA.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 2024.

ADDRESSES: Dr. Judith Pine, Western Washington University, Department of Anthropology, Arntzen Hall 340, 516 High Street, Bellingham, WA 98225, telephone (360) 650–4783, email pinej@wwu.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 WWU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The one associated funerary object is a large mammal rib. The human remains and associated funerary object in this notice were removed from Sinclair Island in Skagit County, WA from an area “westerly of Urban”. The community of Urban is in the southwest portion of Sinclair Island. In 1952, Dr. Herbert Taylor and WWU students conducted an excavation, the exact location of which is unknown, however the Women’s Athletic Association of the Bellingham Normal School, now WWU, purchased property with a cabin on Sinclair Island in 1928. This property is located west of and near the community of Urban. No known individuals were identified. No hazardous chemicals are known to have been used to treat the human remains while in the custody of WWU.

The human remains in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: anthropological information, archaeological information, geographical information, historical information, and oral tradition.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The WWU has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary object described in this notice and the Lummi Tribe of the Lummi Reservation and the Samish Indian Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the WWU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The WWU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–20292 Filed 9–9–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038665; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Georgia, Laboratory of Archaeology, Athens, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Georgia, Laboratory of Archaeology intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after October 10, 2024.

ADDRESSES: Amanda Thompson, University of Georgia, Laboratory of Archaeology, 1125 Whitehall Road, Athens, GA 30605, telephone (706) 542–8737, email arobthom@uga.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Georgia, Laboratory of Archaeology 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 one cultural item has been requested for repatriation. The one object of cultural patrimony is a basket that was donated to the University of Georgia libraries in 2016 from Nancy Montgomery. The object of cultural patrimony was appraised prior to its donation and the appraisal documentation details that it was from the Central California region and dates to the early 20th century. The Laboratory has been unable to locate information for any research on this object and does not have any history of contamination.

Determinations

The University of Georgia, Laboratory of Archaeology has determined that:

- The one object of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural item described in this notice and the Timbisha Shoshone Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item 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 item in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, the University of Georgia, Laboratory of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The University of Georgia, Laboratory of Archaeology 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. 2024-20295 Filed 9-9-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0038661;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 10, 2024.

ADDRESSES: Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Boulevard, Oshkosh, WI 54901, telephone (920) 424-1365, email friea@uwosh.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 UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. It is unknown when the individual came into the possession of UWO Archaeology Collection. Cards found in the box with the individual list the location as Weyauwega, Waupaca County, WI and there is no other contextual information associated with the individual. No associated funerary objects are present.

Based on the information available, human remains representing, at least, 11 individuals have been reasonably identified. The individuals came into possession of UWO in 2019 from the Waushara County Medical Examiner. They were given to the medical examiner by Robert J. Gilbert's daughter after his death. After reaching out to the Gilbert family, the children recalled the individuals were taken by Robert J. Gilbert and his friend, Ted Long, after they saw that burials had been disturbed by construction in Marquette or Waushara County. The six associated funerary objects are one lot of faunal remains, one lot of lithics, one lot of grit tempered ceramic fragments, one lot of shell tempered ceramic fragments, one lot of mortar remains, and one lot of iron fragments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.
- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian

Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-

Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after October 10, 2024. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 29, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-20301 Filed 9-9-24; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1369]

Certain Icemaking Machines and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 30, 2024, the presiding administrative law judge (“ALJ”) issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT:

Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain icemaking machines and components thereof imported, sold for importation, and/or sold after importation by respondents Blue Air FSE LLC of Gardena, California; and Bluenix Co., Ltd. of Gyeonggi-do, Republic of Korea; and cease and desist orders directed to the respondents. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ’s Recommended Determination on Remedy and Bonding issued in this investigation on August 30, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant’s licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and
- (v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 4, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1369”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in

confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 4, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–20337 Filed 9–9–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1416]

Certain Hydrodermabrasion Systems and Components Thereof; 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 6, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of HydraFacial LLC f/k/a Edge Systems LLC of Long Beach, California. A supplement was filed on August 16, 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 hydrodermabrasion systems and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,865,287 (“the ‘287 patent”) and U.S. Patent No. 9,550,052 (“the ‘052 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 limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, 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:

Susan Orndoff, The Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–2560 or (202) 205–1802.

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 5, 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 1–12, 14–20, 22–26, 28–37, and 39–45 of the ‘287 patent and claims 1–8 and 11–16 of the ‘052 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 “systems and subassemblies for skin treatment through mechanical and/or fluid-based abrasion or exfoliation”;

(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: HydraFacial LLC f/k/a Edge Systems LLC, 2165 E. Spring St., Long Beach, California 90806

(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:

Sinclair Pharma U.S. Inc., 18 Technology Drive, Suite 134, Irvine, CA 92618

Sinclair Pharma Limited, 1st Floor, Whitfield Court, 30–32 Whitfield Street, London W1T 2RQ, United Kingdom

Huadong Medicine Co., Ltd., No. 866 Moganshan Road, Hangzhou, Zhejiang, China 310011

EMA Aesthetics, Ltd., 2nd Floor, Palmerston House, Fenian Street, Dublin D02WD37, Ireland

Aesthetics Management Partners, 9109 Macon Road, Cordova, TN 38016

Advanced Aesthetics Services LLC, 401 SW 9th Street, Apartment #3, Miami, FL 33130

H.R. Meditech, 556–44 Gajwa-dong, Seo-gu, Incheon, Republic of Korea 22827, and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

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 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 5, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–20417 Filed 9–9–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1395]

Certain Aerosol Fire Extinguishing Technology, Components Thereof, and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Granting a Motion To Terminate the Investigation Based on Withdrawal of the Complaint; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 18) granting an unopposed motion to terminate the investigation based on withdrawal of the complaint. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 1, 2024, based on a complaint filed on behalf of Nano Fire LLC and Defender Safety, LLC, both of Plainview, New York (collectively, "Complainants"). 89 FR 22454 (Apr. 1, 2024). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain aerosol fire extinguishing technology, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent Nos. 8,865,014 and 9,199,108. *Id.* The complaint further alleged that an industry in the United States exists as required by the applicable Federal Statute. *Id.* The Commission's notice of investigation named as respondents Halma Plc of the United Kingdom; Halma Holdings LLC of Summit, New Jersey; and FirePro Systems, Ltd. of Cyprus (collectively, "FirePro"); and Hochicki America Corporation of Buena Park, California. *Id.* at 22455. The Office of Unfair Import Investigations was also named a party in this investigation but later withdrew its participation. *See id.*; Commission Investigative Staff's Notice of Non-Participation (May 17, 2024).

On July 15, 2024, Complainants filed a motion to terminate the investigation

based on withdrawal of the complaint. No party opposed the motion although FirePro filed a response asserting that Complainants wasted administrative resources by not conducting an adequate pre-filing investigation. *See ID* at 1–2.

On August 7, 2024, the ALJ issued the subject ID (Order No. 18) granting Complainants' motion to terminate. The ID found that the motion complied with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and Ground Rule 2. ID at 2. The ID also found "no evidence of extraordinary circumstances that would weigh against granting the Motion." *Id.* No petitions for review were filed.

The Commission has determined not to review the subject ID. The investigation is terminated in its entirety.

The Commission vote for this determination took place on September 5, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: September 5, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–20415 Filed 9–9–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On September 4, 2024, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Jersey in the lawsuit entitled *United States, et al. v. NL Industries, Inc., et al.*, Civil Action No. 3:24–cv–8946 and *NL Industries, Inc., et al. v. Old Bridge Township, et al.*, Civil Action No. 13–cv–3493 MAS (D. New Jersey).

The proposed Consent Decree would resolve the affirmative claims of the United States in *United States, et al. v. NL Industries, Inc., et al.*, Civil Action No. 3:24–cv–8946, on behalf of the United States Environmental Protection Agency ("EPA"), the United States Department of the Interior ("DOI"), and the National Oceanic and Atmospheric Administration ("NOAA"); and the

State of New Jersey, including New Jersey Department of Environmental Protection (“NJDEP”), the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, the “State Plaintiffs”); and the following parties: NL Industries, Inc., Old Bridge Township, New Jersey, Atlantic Battery Co., Inc., Atlantic Richfield Co., Bixon Liquidation Corp., C&D Technologies, Inc., Clarios, LLC, Crown Battery Manufacturing Co., East Penn Manufacturing Co., EnerSys Delaware, Inc., E. I. du Pont de Nemours and Co., (n/k/a EIDP, Inc.), FMC Corp., Gould Electronics Inc., Honeywell International, Inc., Joe Krentzman & Son, Inc., Johnson Controls, Inc., Rae Storage Battery Co., Tiffen Acquisition Corp., Tiffen Co., LLC, Rio Tinto Minerals Inc., Rio Tinto Metals Limited, Rio Tinto plc, Wimco Metals, Inc., and Yuasa Battery, Inc., (collectively referred to as “Defendants” herein), regarding the Raritan Bay Slag Superfund Site in Old Bridge Township and Borough of Sayreville, New Jersey (“Site”). The Consent Decree will also resolve all claims regarding the Site, including but not limited to contribution claims, between and amongst the United States on behalf of the General Services Administration and the Department of Defense, including but not limited to the U.S. Army Corps of Engineers, the State and Defendants, including those in the action *NL Industries, Inc. v. Old Bridge Township, et al.*, 13–cv–03493 MAS (D. New Jersey).

Under the Proposed Consent Decree \$151.1 million will be paid to the United States and State Plaintiffs by Defendants, as well as settling federal and state agencies. From the \$151.1 million, EPA will receive \$132.3 million as reimbursement for past costs and to pay for the remaining cleanup work at the Site, and \$18.7 million will go towards restoration of natural resource damages and assessment costs by Federal Trustees, NOAA and DOI, and State Trustee, NJDEP. In exchange, Defendants and settling federal and state agencies will receive contribution protection and covenants not to sue under Sections 106, 107(a) and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9606, 9607(a) and 9613 (“CERCLA”), the Spill Compensation and Control Act (the “Spill Act”), N.J.S.A. 58:10–23.11 through –23.24, the Water Pollution Control Act (the “WPCA”), N.J.S.A. 58:10A–1 through –20, and the Solid

Waste Management Act, N.J.S.A. 13:1E–1 through –227, for the Site.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. NL Industries, Inc., et al.*, Civil Action No. 3:24–cv–8946, D.J. Ref. No. 90–11–3–10954 and *NL Industries, Inc. et al., v. Old Bridge Township, et al.*, Civil Action No. 13–cv–3493 MAS (D. New Jersey), D.J. Ref. No. 90–11–6–19872. All comments must be submitted no later than sixty (60) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

NJDEP, in accordance with N.J.S.A 58:10–23.11e2 of the Spill Act will also publish notice of the proposed Consent Decree in the New Jersey Register and on NJDEP’s website for a period of 60 days. Comments that are submitted to the Department will be shared with the State for consideration and will not need to be resubmitted.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 2024–20336 Filed 9–9–24; 8:45 am]
BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0095]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection: Census of Public Defender Offices

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 12, 2024.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ryan Kling, Statistician, Judicial Statistics Unit, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: Ryan.Kling@usdoj.gov; telephone: 202–704–0076).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, with change, of a previously approved collection.
2. *The Title of the Form/Collection:* Census of Public Defender Offices (CPDO).
3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: Form number(s): The instrument is CPDO–1. The applicable component within the Department of Justice is the Bureau of Justice Statistics (Judicial Statistics Unit), in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be leaders of public defender offices. The Census of Public Defender Offices (CPDO, OMB Number 1121–0095) is the only national data collection identifying and surveying all public defender offices in the U.S. and Territories since the first iteration of CPDO in 2007 (originally titled *Survey of Public Defender Offices 2007*). In 2013, the Bureau of Justice Statistics conducted the *National Survey of Indigent Defense Systems* (OMB Number 1121–0095), expanding its scope to include not only public defender offices but also assigned counsel and contract attorneys. For purposes of this project, public defender offices are eligible for inclusion if they are publicly funded, have a physical address, at least one W–2 earning attorney, and provide direct public defense representation for adults and/or juveniles who are accused of a crime or

delinquency or accused in a trial court of violating conditions of a sentence.

After locating all public defender offices in the U.S. within the defined scope, the 2023 CPDO will gather important metrics on public defender office operations from office leaders. Developed in consultation with public defense leaders, the survey includes sections addressing general office operations including expenditures and funding streams, staffing, caseloads, eligibility standards, and office resources.

The 2023 instrument is a combination of questions from the 2007 iteration and new or updated questions reflecting emerging issues in the field of public defense. Retaining historical questions will allow for trend analysis while the newer questions will provide informative data useful for practitioners, researchers and policymakers. Some examples of information provided by the CPDO include:

- Caseloads and case types
- Staff sizes and roles
- Staff attrition
- Staff salary ranges
- Demographics of chief public defender and staff attorneys

- Initial public defender appointment and contact practices
- Case management system capacity

BJS will use the information gathered in CPDO in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in criminal justice statistics, and the general public via the BJS website.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS will send the survey to approximately 2,000 public defender offices (in 50 states, the District of Columbia and five U.S. Territories). The obligation to respond is voluntary. The expected burden placed on each respondent is about 1 hour.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden is about 1,890 hours. BJS estimates approximately 6% (120) of offices receiving the survey will screen out of the survey due to ineligibility. The burden for out-of-scope entities will be less than 5 minutes.

	Number of public defender offices	Time per survey	Total time (in minutes)	Total burden hours
Out of scope public defender offices	120	5	600	10 hours (600 mins/60 mins).
In scope public defender offices	1,880	60	112,800	1,880 hours (112,800 mins/60 mins).
Total	2,000	.....	.....	1,890 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* No costs other than the cost of the hour burden exist for this data collection.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 3E.206, Washington, DC 20530.

Dated: September 5, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

[FR Doc. 2024–20378 Filed 9–9–24; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings

TIME AND DATE: Each Wednesday of every month through Fiscal Year 2025, at 2:00 p.m. Changes in date and time will be posted at www.nlrb.gov.

PLACE: Meetings will be held via videoconferencing technology. If Board meetings resume in person, the Board will meet in the Board Agenda Room, No. 5065, 1015 Half St., SE, Washington DC. Any in-person meetings will be noted at www.nlrb.gov.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider "the issuance of a subpoena, the Board's participation in a

civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto." See also 5 U.S.C. 552b(c)(10).

FOR FURTHER INFORMATION CONTACT:

Roxanne L. Rothschild, Executive Secretary, 1015 Half Street SE, Washington, DC 20570. Telephone: (202) 273–1940.

Dated: September 6, 2024.

Roxanne L. Rothschild,

Executive Secretary, National Labor Relations Board.

[FR Doc. 2024–20572 Filed 9–6–24; 4:15 pm]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION**Request for Information (RFI) on National Science Board-National Science Foundation Merit Review Commission Review of NSF's Merit Review Policy and Processes; Correction****AGENCY:** National Science Foundation.**ACTION:** Request for information; correction.

SUMMARY: The National Science Board–National Science Foundation Commission on Merit Review (MRX) published a document in the **Federal Register** of August 26, 2024, concerning a Request for Information that seeks input from interested individuals and parties to inform the MRX's review of NSF's merit review policy and process. The document contained an incorrect date when responses are due.

FOR FURTHER INFORMATION CONTACT: Portia Flowers, 703–292–7000, pflowers@nsf.gov.

SUPPLEMENTARY INFORMATION:**Correction**

In the **Federal Register** of August 26, 2024, 89 FR 68473, on page 68473, in the second column, correct the “Dates” caption to read:
DATES:

Interested individuals and parties are invited to submit responses to this Request for Information on or before 5 p.m. eastern time on Friday, September 20, 2024.

Dated: September 4, 2024.

Ann E. Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2024–20318 Filed 9–9–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION**Agency Information Collection Activities: Comment Request; NSF Non-Academic Research Internships for Graduate Students (INTERN) Program****AGENCY:** National Science Foundation.**ACTION:** Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and no comments were received. NSF is forwarding the

proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: 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:

Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, telephone 703–292–7556, or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: NSF INTERN Program Assessment.

OMB Number: 3145–0259.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Fostering the growth of a globally competitive and diverse research workforce and advancing the scientific and innovation skills of the Nation is a strategic objective of the National Science Foundation (NSF). The Nation's global competitiveness depends critically on the readiness of the Nation's Science, Technology, Engineering and Mathematics (STEM) workforce and NSF seeks to continue to invest in programs that directly advance this workforce.

As part of this effort, NSF invests in a number of graduate student preparedness activities to ensure they

are well-prepared for the 21st century STEM Workforce and a supplemental funding opportunity is available to provide support for graduate students through non-academic research internships (INTERN Program) in any sector of the U.S. economy.

The goal of the INTERN program is three-fold:

1. To provide graduate students with the opportunity to augment their research assistantships with non-academic research internship activities and training opportunities that will complement their academic research training;

2. To allow graduate students to pursue activities aimed at acquiring professional development experience that will enhance their preparation for multiple career pathways after graduation; and

3. To encourage the participation of graduate students from groups that have traditionally been underrepresented and underserved in the STEM enterprise: women, persons with disabilities, African Americans/Blacks, Hispanic Americans, American Indian, and Alaska Natives.

Since 2017, the NSF's INTERN program has expanded with supports from other federal agency partners; as of March 2024, NSF has six (6) INTERN funding opportunities providing participants with direct access in exploring career pathways across various federal agencies and/or government laboratories:

- Non-Academic Research Internships for Graduate Students (INTERN) Supplemental Funding Opportunity (NSF 21–013)
- Research Internships for Graduate Students at Air Force Research Laboratory (NSF–AFRL INTERN) Supplemental Funding Opportunity (NSF 21–029)
- Non-Academic Research Internships for Graduate Students in Geothermal Energy Supplemental Funding Opportunity (Geothermal INTERN) (NSF 23–024)
- Directorate for Geosciences (GEO) Opportunity for Graduate Students Supplemental Funding to Link Geosciences and Human Health (GeoHealth INTERN) (NSF 23–112)
- Graduate Research Internships in Forensic Science and Criminal Justice Contexts (NSF–NIJ INTERN) Supplemental Funding Opportunity (NSF 23–150)
- Research Internships for Graduate Students at U.S. Army Combat Capabilities Development Command Army Research Laboratory and Ground Vehicle Systems Center

(NSF–DEVCOM INTERN)
Supplemental Funding Opportunity
(NSF 24–071)

In order to support the agency's mission and continue meeting the program's goals, we are asking the graduate students who participated in the INTERN program to report the following information on:

- Program Participant
 - Name
 - Academic institution
 - Type of research degree
 - Degree start and expected/conferred dates
 - Primary field of study
 - Demographic information
 - Sex
 - Race
 - Ethnicity
 - Disability status
 - Veteran status
- Logistics of the Internship
 - Start and end dates
 - Principal Investigator (supporting the internship)
 - Host organization
 - Location
 - Business sector
 - Host mentor
- Internship Experience
 - Primary and secondary work activities
 - Application of academic knowledge/skills learned
 - Hours worked
 - Job Training/skill development
 - Interaction with host mentor and/or other colleagues (professional network)
 - Work environment
 - Company culture
 - Project scope
 - Overall satisfaction
- Industry Best Practices & Skills Development
 - Introducing industry best practices to academic environment
 - Forthcoming publications and/or IP activities resulting from the internship
 - Experiential learning and professional preparation
- Post-graduate/Career Plans
 - General career direction after graduation
 - Helpfulness of the internship experience in making career choices
 - Likelihood of working at the host organization or similar organizations
- Impact of Covid–19 [only for respondents who postponed/delayed their internship due to the pandemic]
 - Hardship/challenges experienced
 - Change(s) in career plan
- General comments/feedback about the Program

Since the agency will not be able to receive feedback from students by way of annual reports, being able to collect this information will help the managing Program Directors to assess whether the INTERN program helps participants in terms of workforce development, career decisions, and professional preparation, thereby ensuring the program goals are met. In addition, these data will also allow NSF to evaluate the intellectual merit of the program, its broader impact in developing the STEM workforce and its potential to enhance the participation of underrepresented and underserved STEM communities in such traineeships. Finally, in compliance with the Evidence Act of 2019, information collected will be used in satisfying congressional requests, responding to queries from the public, informing the NSF's external Committees of Visitors who serve to evaluate the foundation, working with the NSF's Office of the Inspector General, and supporting the agency's policymaking and internal evaluation and assessment needs.

Information collected in this survey will include the name of the participants, their affiliated organizations, email addresses, and home states. These personal identifiable information (PII) are collected primarily for record tracking and organizing. In addition, questions pertaining to participants' gender, race, ethnicity, disability status, and veteran status will also be asked but those questions will be marked as voluntary. These PII data will be accessed only by the managing Program Directors, NSF senior management, and supporting staff conducting analyses using the data as authorized by NSF. Any public reporting of data will be in aggregate form, and any personal identifiers will be removed.

Use of the Information: The information collected is primarily for program assessment and agency internal evaluation.

Estimate burden on the public: Estimated 20 minutes per survey for 350 participants (per year) for a total of 7,000 hours per year.

Respondents: Graduate students who participate in the INTERN program
Estimated number of respondents: 350 per year.

Average Time per Reporting: 20 minutes.

Frequency: Each participant will only be asked to submit the survey once.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the

information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; 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.

Please submit one copy of your comments by only one method. All submissions received must include the agency name and collection name identified above for this information collection. Commenters are strongly encouraged to transmit their comments electronically via email. Comments, including any personal information provided become a matter of public record. They will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

Dated: September 5, 2024.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–20375 Filed 9–9–24; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339; NRC–2024–0157]

Virginia Electric and Power Company; North Anna Power Station, Units 1 and 2; Subsequent License Renewal and Record of Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7 to Virginia Electric and Power Company (Dominion, or the licensee), for North Anna Power Station, Units 1 and 2, respectively. In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7.

DATES: The Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7 were issued on August 28, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0157 when contacting the

NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0157. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Siva P. Lingam, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1564; email: Siva.Lingam@nrc.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the NRC has issued Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7 to Virginia Electric and Power Company (Dominion, or the licensee), for North Anna Power Station, Units 1 and 2, (ADAMS Accession Nos. ML24215A263 and ML24215A264), respectively. Dominion is the operator of the facility. Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7 authorize operation of North Anna Power Station, Units 1 and 2, respectively, by Dominion at reactor core power levels not in excess of 2,940 megawatts thermal for each unit, in accordance with the provisions of the North Anna Power Station, Units 1 and 2, subsequent renewed licenses and

technical specifications. Notice is also given that the ROD that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. NPF–4 and NPF–7 is available in ADAMS under Package Accession No. ML24215A220.

As discussed in the ROD and the final site-specific environmental impact statement (EIS), published as NUREG–1437, Supplement 7a, Second Renewal, "Site-Specific Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 7a, Second Renewal, Regarding Subsequent License Renewal for North Anna Power Station, Units 1 and 2, Final Report," dated July 2024 (ADAMS Accession No. ML24204A104), the final EIS documents the NRC staff's environmental review, including the determination that the adverse environmental impacts of subsequent license renewal for North Anna Power Station, Units 1 and 2, are not so great that preserving the option of subsequent license renewal for energy planning decisionmakers would be unreasonable. The final EIS conclusion is based on (1) information provided in the environmental report submitted by Dominion, as supplemented, (2) the NRC staff's consultations with Federal, State, local, and Tribal agencies, (3) the NRC staff's independent environmental review, and (4) the NRC staff's consideration of public comments.

North Anna Power Station, Units 1 and 2, are pressurized light water reactors located on a site situated on the southern shore of Lake Anna in Louisa County, Virginia. The NRC staff has determined that Dominion's application for the subsequent renewed licenses, "North Anna Power Station Units 1 and 2—Application for Subsequent License Renewal," dated August 24, 2020 (ADAMS Package Accession No. ML20246G703), as supplemented by letters dated February 4, 2021, March 17, 2021, March 24, 2021, April 1, 2021, April 29, 2021, May 27, 2021, July 29, 2021, August 5, 2021, August 26, 2021, December 6, 2021, and September 28, 2022 (ADAMS Accession Nos. ML21035A303, ML21076B025, ML21084A182, ML21091A187, ML21119A287, ML21147A293, ML21210A396, ML21217A187, ML21238A297, ML21341B437, and ML22272A041, respectively), complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. As required by the Act and NRC regulations in chapter 1 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has made appropriate findings, which are set forth in the subsequent renewed licenses.

A public notice of the NRC's acceptance for docketing of the subsequent renewed license application and an opportunity for a hearing was published in the **Federal Register** on October 15, 2020 (85 FR 65438). Further, a notice of intent to prepare an EIS was published on October 23, 2020 (85 FR 67572). On August 25, 2021, the NRC staff issued a draft supplemental EIS (86 FR 47525). An adjudicatory proceeding on the application was then conducted, prior to the Commission's issuance of its Memorandum and Order in CLI–22–03 (ADAMS Accession No. ML22055A554).

On November 15, 2022 (87 FR 68522), the NRC staff published a notice of its intent to prepare a draft supplemental site-specific EIS, and on January 8, 2024 (89 FR 960), the staff issued a draft site-specific EIS for comment and an additional opportunity for hearing. As stated therein, the draft site-specific EIS superseded the 2021 draft supplemental EIS. A petition to intervene was then filed by Beyond Nuclear, Inc. and Sierra Club, Inc. (collectively petitioners) regarding the adequacy of the draft site-specific EIS. On July 10, 2024, after considering the petitioners' views, the Atomic Safety and Licensing Board issued LBP–24–07, in which it denied the petition to intervene and terminated the proceeding (ADAMS Accession No. ML24192A320). On July 31, 2024 (89 FR 61506), the NRC staff issued the final site-specific EIS for North Anna Power Station, Units 1 and 2 subsequent license renewal.

For further details with respect to this action, see: (1) Virginia Electric and Power Company's subsequent license renewal application for North Anna Power Station, Units 1 and 2, dated August 24, 2020, as supplemented by letters dated February 4, 2021, March 17, 2021, March 24, 2021, April 1, 2021, April 29, 2021, May 27, 2021, July 29, 2021, August 5, 2021, August 26, 2021, December 6, 2021, and September 28, 2022; (2) the NRC's safety evaluation report, dated January 2022 (ADAMS Package Accession No. ML21354A174); (3) the NRC's final EIS (NUREG–1437, Supplement 7a, Second Renewal) for North Anna Power Station Units 1 and 2, dated July 2024; and (4) the NRC's ROD.

Dated: September 4, 2024.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–20277 Filed 9–9–24; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS**Information Collection Request;
Submission for OMB Review**

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before November 12, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at pcf@peacecorps.gov or by telephone at (202) 692-2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, Peace Corps, at pcf@peacecorps.gov or by telephone at (202) 692-2507.

SUPPLEMENTARY INFORMATION:

Title: Supplemental Intelligence Background Questions.

OMB Control Number: 0420-pending.

Type of Request: New information collection.

Affected Public: Individuals or households.

Respondents Obligation To Reply: Required to obtain or retain benefits.

Burden to the Public:

a. *Number of respondents:* 250.

b. *Frequency of response:* One time.

c. *Completion time:* 15 minutes.

d. *Annual burden hours:* 62.5 hours.

General Description of Collection: The Peace Corps uses the Intelligence Background Questionnaire to determine what kind of intelligence connection an applicant or an applicant's relative might have and how close an applicant and a relative with an intelligence connection are. This form is a supplement to the Intelligence Background Questionnaire (OMB Control Number 0420-0551) which requires additional information to determine whether the intelligence connection is substantial enough to prevent the person from being employed at the Peace Corps or being a Volunteer for the Peace Corps permanently or for a set period of time from the last intelligence connection. If an applicant disagrees with the Peace Corps'

determination, he or she may appeal the determination to the Director of the Peace Corps.

Request for Comment: Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on September 5, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024-20422 Filed 9-9-24; 8:45 am]

BILLING CODE 6051-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-603 and CP2024-611; MC2024-604 and CP2024-612; MC2024-605 and CP2024-613; MC2024-606 and CP2024-614; MC2024-607 and CP2024-615; MC2024-608 and CP2024-616; MC2024-609 and CP2024-617]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 11, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* CP2024-145; *Filing Title:* USPS Notice of Amendment to Priority Mail Express, Priority Mail, USPS Ground Advantage & Parcel Select Contract 3, Filed Under Seal; *Filing Acceptance Date:* September 3, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Almaroof Agoro; *Comments Due:* September 11, 2024.

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

2. *Docket No(s)*: MC2024–603 and CP2024–611; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 285 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: September 11, 2024.

3. *Docket No(s)*: MC2024–604 and CP2024–612; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 286 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: September 11, 2024.

4. *Docket No(s)*: MC2024–605 and CP2024–613; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 287 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: September 11, 2024.

5. *Docket No(s)*: MC2024–606 and CP2024–614; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 288 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: September 11, 2024.

6. *Docket No(s)*: MC2024–607 and CP2024–615; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 289 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Gregory S. Stanton; *Comments Due*: September 11, 2024.

7. *Docket No(s)*: MC2024–608 and CP2024–616; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 327 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR

3035.105; *Public Representative*: Gregory S. Stanton; *Comments Due*: September 11, 2024.

8. *Docket No(s)*: MC2024–609 and CP2024–617; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 290 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 3, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Gregory S. Stanton; *Comments Due*: September 11, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–20282 Filed 9–9–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 45 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–583 and CP2024–591.

Sarah Sullivan,
Attorney, Ethics & Legal Compliance.

[FR Doc. 2024–20420 Filed 9–9–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100926; File Nos. SR–C2–2024–002; SR–CBOE–2024–003; SR–CboeBYX–2024–002; SR–CboeBZX–2024–004; SR–CboeEDGA–2024–002; SR–CboeEDGX–2024–005]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Cboe Exchange, Inc.; Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; 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 4, 2024.

On January 2, 2024, Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., and Cboe EDGX Exchange, Inc. (the “Exchanges”) 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 proposed rule changes 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 changes were 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 changes were published in the **Federal Register** and the Commission temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposed rule changes.⁴ The Commission received six comments on the proposed rule changes and one response to those comments.⁵ On July

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 Nos. 99370 (January 17, 2024), 89 FR 10430 (February 13, 2024) (SR–C2–2024–002); 99364 (January 17, 2024), 89 FR 10887 (February 13, 2024) (SR–CBOE–2024–003); 99371 (January 17, 2024), 89 FR 10963 (February 13, 2024) (SR–CboeBYX–2024–002); 99369 (January 17, 2024), 89 FR 10392 (February 13, 2024) (SR–CboeBZX–2024–004); 99374 (January 17, 2024), 89 FR 10468 (February 13, 2024) (SR–CboeEDGA–2024–002); and 99376 (January 17, 2024), 89 FR 10506 (February 13, 2024) (SR–CboeEDGX–2024–005).

⁵ See letters from: Edward Weisbaum, Executing Broker CBOE Floor, dated February 6, 2024;

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 changes or disapprove the proposed rule changes.⁷ On August 22, 2024, the Exchanges withdrew the proposed rule changes (SR-C2-2024-002; SR-CBOE-2024-003; SR-CboeBYX-2024-002; SR-CboeBZX-2024-004; SR-CboeEDGA-2024-002; SR-CboeEDGX-2024-005).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-20325 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100928; File No. SR-IEX-2024-01]

Self-Regulatory Organizations; Investors' 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 4, 2024.

On January 2, 2024, Investors' Exchange 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

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).

¹ 15 U.S.C.78s(b)(1).

² 17 CFR 240.19b-4.

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 30, 2024, the Exchange withdrew the proposed rule change (SR-IEX-2024-01).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-20327 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

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. 99379 (January 17, 2024), 89 FR 11039 (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).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100919; File Nos. SR-NASDAQ-2024-001; SR-BX-2024-002; SR-GEMX-2024-02; SR-ISE-2024-02; SR-MRX-2024-01; SR-PHLX-2024-01]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq PHLX LLC; Notice of Withdrawal of Proposed Rule Change To Establish Fees Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail

September 4, 2024.

On January 2, 2024, The Nasdaq Stock Market LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq PHLX LLC (the "Exchanges") 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 proposed rule changes 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 changes were 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 changes were published in the **Federal Register** and the Commission temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposed rule changes.⁴ The Commission received six comments on the proposed rule changes and one response to those comments.⁵ On July

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 Nos. 34-99360 (January 17, 2024), 89 FR 10812 (February 13, 2024) (SR-NASDAQ-2024-001); 99358 (January 17, 2024), 89 FR 10773 (February 13, 2024) (SR-BX-2024-002); 99365 (January 17, 2024), 89 FR 10278 (February 13, 2024) (SR-GEMX-2024-02); 99366 (January 17, 2024), 89 FR 10239 (February 13, 2024) (SR-ISE-2024-02); 99361 (January 17, 2024), 89 FR 10201 (February 13, 2024) (SR-MRX-2024-01); 99359 (January 17, 2024), 89 FR 10164 (February 13, 2024) (SR-PHLX-2024-01).

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,

Continued

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 changes or disapprove the proposed rule changes.⁷ On August 22, 2024, the Exchanges withdrew the proposed rule changes (SR-NASDAQ-2024-001; SR-BX-2024-002; SR-GEMX-2024-02; SR-ISE-2024-02; SR-MRX-2024-01; SR-PHLX-2024-01).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-20322 Filed 9-9-24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100924; File No. SR-BOX-2024-03]

Self-Regulatory Organizations; BOX 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 4, 2024.

On January 2, 2024, BOX Exchange, 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

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).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 27, 2024, the Exchange withdrew the proposed rule change (SR-BOX-2024-03).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-20324 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

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. 99377 (January 17, 2024), 89 FR 10544 (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).

DEPARTMENT OF SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100929; File No. SR-MEMX-2024-01]

RIN

Self-Regulatory Organizations; MEMX, 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 4, 2024.

On January 2, 2024, MEMX, 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

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. 99356 (January 17, 2024), 89 FR 10697 (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.

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 29, 2024, the Exchange withdrew the proposed rule change (SR-MEMX-2024-01).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-20328 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100920; File No. SR-FINRA-2024-012]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt FINRA Rule 6897(b) (CAT Cost Recovery Fees) 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 4, 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 26, 2024, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as “establishing or changing a due, fee or other charge” under Section 19(b)(3)(A)(ii) of the Act ³ and Rule 19b-4(f)(2) thereunder,⁴ which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing to adopt FINRA Rule 6897(b) (CAT Cost Recovery Fees) to implement a Consolidated Audit Trail (“CAT”) cost recovery fee designed to permit FINRA substantially to recoup its designated portion of the reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan” or “Plan”) for the period of July 16, 2024 through December 31, 2024.⁵

The text of the proposed rule change is available on FINRA’s website at <http://www.finra.org>, at the principal office of FINRA 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, FINRA 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. FINRA 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 Background

On July 11, 2012, the Commission adopted Rule 613 of Regulation NMS, which required the self-regulatory organizations 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.⁶ On November 15, 2016, the Commission approved the CAT NMS

Plan.⁷ Under the CAT NMS Plan, the Operating Committee has the discretion to establish funding for Consolidated Audit Trail, LLC (“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.⁸ The Operating Committee adopted a revised funding model to fund the CAT (“CAT Funding Model”) and, 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.⁹

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;¹⁰ and (2) CAT fees assessed by CAT LLC and payable by Participants and Industry Members to fund Prospective CAT Costs, *i.e.*, costs not previously paid by the Participants.¹¹

With respect to CAT fees implemented to fund Prospective CAT Costs, to date, the CAT Operating Committee has established CAT Fee 2024-1 to implement fees payable by Industry Members regarding reasonably budgeted Prospective CAT Costs for the period July 16, 2024 through December 31, 2024 (“Budgeted CAT Costs 2024-1”).¹² Consistent with the Plan, the Operating Committee has also established fees payable to CAT LLC by the Participants to collect the Participants’ designated portion of Budgeted CAT Costs 2024-1.¹³

⁷ See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (“CAT NMS Plan Approval Order”).

⁸ See Section 11.1(b) of the CAT NMS Plan.

⁹ See Securities Exchange Act Release No. 98290 (September 6, 2023), 88 FR 62628 (September 12, 2023) (“CAT Funding Model Approval Order”).

¹⁰ See Section 11.3(b) of the CAT NMS Plan.

¹¹ See Section 11.3(a) of the CAT NMS Plan.

¹² As detailed in File No. SR-FINRA-2024-011, Budgeted CAT Costs 2024-1 would be \$138,476,925. Industry Members would be collectively responsible for two-thirds of those costs or \$92,317,950, and Participants would be collectively responsible for one-third or \$46,158,975. See also Sections 11.3(a)(ii)(A) and 11.3(a)(iii)(A) of the CAT NMS Plan.

¹³ See Section 11.3(a)(ii) and Appendix B of the CAT NMS Plan; see also CAT Funding Model Approval Order, 88 FR 62628, 62660 (“The CAT Fees charged to Participants would be implemented

Continued

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)(ii).

⁴ 17 CFR 240.19b-4(f)(2).

⁵ Pursuant to Section 11.3(a) of the CAT NMS Plan, FINRA filed a separate proposed rule change to establish fees assessed to Industry Members, payable to Consolidated Audit Trail, LLC, related to reasonably budgeted CAT costs for the period of July 16, 2024 through December 31, 2024. See File No. SR-FINRA-2024-011. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and FINRA Rule 6800 Series (Consolidated Audit Trail Compliance Rule).

⁶ See Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (August 1, 2012).

Participants would only be required to pay such fees once CAT Fee 2024–1 is in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.¹⁴

In light of the filing of File No. SR–FINRA–2024–011, which implements CAT Fee 2024–1 with regard to Industry Members, FINRA is filing the instant proposed rule change to establish a fee that would allow FINRA substantially to recover the monthly fees it is required to pay to CAT LLC towards Budgeted CAT Costs 2024–1 (“Prospective CAT Cost Recovery Fee 2024–1”). In the Approval Order, the Commission acknowledged that “the Exchange Act expressly contemplates the ability of the Participants to recoup their costs to fulfill their statutory obligations under the Exchange Act.”¹⁵ The Commission also noted FINRA’s statement “that it would file a rule change to increase its member fees with the filing of any proposed rule change to effectuate the Funding Model.”¹⁶ Given the approval of the CAT Funding Model and FINRA’s proposed rule change to establish CAT Fee 2024–1 to effectuate the CAT Funding Model,¹⁷ FINRA is submitting

through an approval of the CAT Fees by the Operating Committee and not through a plan amendment submitted each time the Fee Rate changes, while CAT Fees charged to Industry Members may only become effective in accordance with the requirements of Section 19(b) of the Exchange Act.”).

¹⁴ See Section 11.3(a)(ii)(B) of the CAT NMS Plan; see also CAT Funding Model Approval Order, 88 FR 62628, 62660 (“The Commission also believes it is reasonable that proposed Section 11.3(a)(ii)(B) provides that the Participants would be required to pay CAT Fees only when Industry Members are required to pay CAT Fees.”).

¹⁵ CAT Funding Model Approval Order, 88 FR 62628, 62636–37.

¹⁶ FINRA has consistently made clear its intention to file a rule change to implement member CAT fees simultaneous with the filing of any proposed rule change to effectuate the CAT Funding Model. See Letter from Marcia E. Asquith, Corporate Secretary, EVP, Board and External Relations, FINRA, to Vanessa Countryman, Secretary, Commission, dated April 11, 2023 (“FINRA April 2023 Letter”) at 7 (“If the Funding Model is approved by the Commission, FINRA intends to file a rule change to increase member fees simultaneous with the filing of any proposed rule change to effectuate the Funding Model.”); see also Letter from Marcia E. Asquith, Corporate Secretary, EVP, Board and External Relations, FINRA, to Vanessa Countryman, Secretary, Commission, dated June 22, 2022 (“FINRA June 2022 Letter”) at 6 (“[G]iven FINRA’s nature, FINRA necessarily must seek recovery in turn for the costs it is allocated.”). FINRA also requested that, if the Commission were to approve the CAT Funding Model, it acknowledge “FINRA’s need and ability to cover CAT costs that are not recovered through contractual arrangements through member fee increases, so as not to jeopardize FINRA’s ability to carry out its critical regulatory mission.” See CAT Funding Model Approval Order, 88 FR 62628, 62645.

¹⁷ See File No. SR–FINRA–2024–011.

this filing to implement Prospective CAT Cost Recovery Fee 2024–1.¹⁸

FINRA’s Designated Portion of Budgeted CAT Costs 2024–1

As discussed in File No. SR–FINRA–2024–011, the Operating Committee has established CAT Fee 2024–1, payable to CAT LLC by Industry Members, to contribute toward the recovery of two-thirds of the \$138,476,925 in Budgeted CAT Costs 2024–1 over the July 16, 2024 through December 31, 2024 period.¹⁹ The Operating Committee further determined that the fee rate for CAT Fee 2024–1 is \$0.0001043598251997246 per executed equivalent share,²⁰ and, under the CAT Funding Model, each of the CAT Executing Broker for the Buyer (“CEBB”), the CAT Executing Broker for

¹⁸ 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.” See Section 11.3(a)(iii)(C) of the CAT NMS Plan. As discussed in File No. SR–FINRA–2024–011, 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. 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, Full Implementation of CAT NMS Plan Requirements was completed on July 15, 2024. See CAT Q2 & Q3 2024 Quarterly Progress Report (July 29, 2024), https://www.catnmsplan.com/sites/default/files/2024-07/CAT_Q2-and-Q3-2024-QPR.pdf.

¹⁹ Consistent with Section 11.3(a)(iii)(B) of the CAT NMS Plan, Budgeted CAT Costs 2024–1 include reasonably budgeted (1) technology line items (including cloud hosting services, operating fees, CAIS operating fees, change request fees, and capitalized developed technology costs), (2) legal fees, (3) consulting fees, (4) insurance, (5) professional and administration expenses, (6) public relations costs, and (7) a reserve. A detailed description (including the amounts) of all such costs budgeted during the July 16, 2024 through December 31, 2024 period is provided in File No. SR–FINRA–2024–011.

²⁰ 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.” See CAT Funding Model Approval Order, 88 FR 62628, 62640. Under the CAT NMS Plan, executed equivalent shares in a transaction in Eligible Securities are 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 shall be counted as 0.01 executed equivalent share. See Section 11.3(a)(i)(B) and 11.3(b)(i)(B) of the CAT NMS Plan.

the Seller (“CEBS”), and the relevant Participant for a given transaction in an Eligible Security would be responsible for one-third of that rate, or \$0.000035 per executed equivalent share.²¹ Consequently, CEBBs collectively, CEBBs collectively, and the Participants collectively will each be responsible for \$46,158,975, which is one-third of Budgeted CAT Costs 2024–1 during the September 1, 2024 through December 31, 2024 CAT Fee 2024–1 period.²² For the twelve months from June 1, 2023 through May 31, 2024, the average monthly executed equivalent share volume in Eligible Securities where FINRA was the relevant Participant (*i.e.*, off-exchange transactions) was approximately 104.7 billion shares. Assuming similar monthly executed equivalent share volume for off-exchange transactions in Eligible Securities for the period of September 1, 2024 through December 31, 2024, FINRA would be responsible for paying approximately \$3.7 million per month and approximately \$14.7 million in total to CAT LLC toward the Participants’ \$46,158,975 designated portion of Budgeted CAT Costs 2024–1 (or approximately 31.8% of the total).

FINRA’s recovery of its designated portion of Budgeted CAT Costs 2024–1 is reasonable and consistent with the Exchange Act. As discussed herein and in File No. SR–FINRA–2024–011, Budgeted CAT Costs 2024–1 are reasonable, appropriate and necessary for the creation, implementation, and maintenance of the CAT. And the portion of Budgeted CAT Costs 2024–1 designated to FINRA has been established under the SEC-approved CAT Funding Model. As stated by FINRA and permitted under the Exchange Act, FINRA will seek to recover its designated portion of the Participants’ share of CAT costs to ensure that FINRA can fulfill its regulatory mandate and responsibilities.²³

Prospective CAT Cost Recovery Fee 2024–1

FINRA is proposing to adopt Rule 6897(b) (CAT Cost Recovery Fees) to implement Prospective CAT Cost Recovery Fee 2024–1 to allow FINRA substantially to recover its designated portion of Budgeted CAT Costs 2024–1.²⁴ FINRA intends that the fee

²¹ Dividing \$0.0001043598251997246 by three and rounding to six decimal places equals \$0.000035.

²² See File No. SR–FINRA–2024–011.

²³ See *supra* note 16.

²⁴ In approving the CAT Funding Model, the Commission noted that it “believe[d] that FINRA’s allocation of CAT fees likely will be passed through

framework for the Prospective CAT Cost Recovery Fee 2024–1 would generally correspond to the framework put in place by CAT LLC with respect to CAT Fee 2024–1, as provided for in File No. SR–FINRA–2024–011, as further discussed below. FINRA also intends that the timing and commencement of payment for Prospective CAT Cost Recovery Fee 2024–1 would correspond

with that established by CAT LLC with respect to CAT Fee 2024–1, as provided for in File No. SR–FINRA–2024–011. Thus, as with CAT Fee 2024–1, FINRA proposes that each member CAT Executing Broker shall receive its first invoice for Prospective CAT Cost Recovery Fee 2024–1 in October 2024, setting forth fees calculated based on September 2024 transactions in Eligible

Securities executed otherwise than on an exchange, as reflected in CAT Data.

The following fields of the Participant Technical Specifications indicate the CAT Executing Brokers for transactions executed otherwise than on an exchange.²⁵

TRF/ORF/ADF Transaction Data Event²⁶

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

As discussed in File No. SR–FINRA–2024–011, consistent with the CAT Funding Model, in implementing CAT Fee 2024–1, the Operating Committee has determined that each of the CEBB, CEBS and relevant Participant for a given transaction in an Eligible Security would be assessed a fee of \$0.000035 per executed equivalent share.²⁷ In line with this approach, FINRA is proposing, for Prospective CAT Cost Recovery Fee 2024–1, to split the fee rate that is assessed to FINRA under CAT Fee 2024–1 between each of the CEBB and CEBS for transactions where FINRA is the relevant Participant, subject to truncation at six decimal places. To maintain consistency with CAT LLC's use of six decimal places,²⁸ FINRA proposes to use six decimal places for Prospective CAT Cost Recovery Fee 2024–1.²⁹ FINRA proposes to limit Prospective CAT Cost Recovery Fee 2024–1 to six decimal places by truncating the halved CAT Fee 2024–1 fee rate such that each member CEBB and CEBS would pay a fee of \$0.000017 per executed equivalent share for each transaction in Eligible Securities executed otherwise than on an exchange.³⁰

By truncating half of the CAT Fee 2024–1 fee rate in this manner, FINRA would recover less per executed equivalent share under Prospective CAT Cost Recovery Fee 2024–1 (\$0.000034) than it will be invoiced each month for CAT Fee 2024–1 (\$0.000035), resulting in a total deficit of approximately \$400,000 during the September 1, 2024 through December 31, 2024 period, which FINRA is not seeking to recover.³¹

To implement Prospective CAT Cost Recovery Fee 2024–1, FINRA proposes to adopt Rule 6897(b)(1)(C)(i) to provide that each member CAT Executing Broker shall receive its first invoice from FINRA in October 2024, setting forth the Prospective CAT Cost Recovery Fee 2024–1 fees calculated based on transactions in September 2024, and shall receive an invoice for Prospective CAT Cost Recovery Fee 2024–1 from FINRA for each month thereafter until January 2025. As provided in proposed Rule 6897(b)(1)(C)(ii), FINRA shall provide each member CAT Executing Broker with an invoice for Prospective CAT Cost Recovery Fee 2024–1 on a monthly basis (which shall be separate from the invoice provide by CAT LLC with

respect to CAT Fee 2024–1). Each monthly invoice provided by FINRA shall set forth a fee for each transaction in Eligible Securities executed by the CAT Executing Broker in its capacity as the CEBB and/or the CEBS (as applicable) otherwise than on an exchange from the prior month as set forth in CAT Data. The fee assessed to each CEBB and CEBS for each such transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by the Prospective CAT Cost Recovery Fee 2024–1 fee rate of \$0.000017 per executed equivalent share.

Further, as provided in proposed Rule 6897(b)(1)(C)(iii), notwithstanding the last invoice date of January 2025 for Prospective CAT Cost Recovery Fee 2024–1 in Rule 6897(b)(1)(C)(i), Prospective CAT Cost Recovery Fee 2024–1 shall continue in effect after January 2025, with each CAT Executing Broker receiving an invoice for Prospective CAT Cost Recovery Fee 2024–1 each month, until a new subsequent Prospective CAT Cost Recovery Fee is in effect with regard to members in accordance with Section

to Industry Members.” See CAT Funding Model Approval Order, 88 FR 62628, 62684.

²⁵ As per Section 1.1 of the Plan, for a transaction in an Eligible Security executed otherwise than on an exchange and required to be reported to an equity trade reporting facility of a registered national securities association, *i.e.*, one of FINRA's Trade Reporting Facilities (each a “TRF”), OTC Reporting Facility (“ORF”) or Alternative Display Facility (“ADF”), the CEBB and CEBS are the Industry Members identified as the executing broker and the contra-side executing broker in the TRF/ORF/ADF transaction data event in CAT Data. 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, and be required to pay the fee assessed to, both the CEBB and CEBS.

²⁶ See Table 61, Section 6.1 (TRF/ORF/ADF Transaction Data Event) of the CAT Reporting Technical Specifications for Plan Participants.

²⁷ As noted in File No. SR–FINRA–2024–011, CAT LLC determined to use six decimal places for the CAT Fee 2024–1 fee rate (*i.e.*, \$0.000035 per executed equivalent share) to balance the accuracy of the calculation with the potential systems and other impracticalities of using additional decimal places in the calculation.

²⁸ See *supra* note 27.

²⁹ FINRA believes that it is appropriate at this time to use six decimal places to maintain consistency with the approach determined by CAT LLC. FINRA notes that the billing system used for both invoices in connection with CAT Fee 2024–1 and the Prospective CAT Cost Recovery Fee 2024–1 is configured for up to six decimal places, making extending the fee rate for Prospective CAT Cost Recovery Fee 2024–1 to seven decimal places impracticable in the near term.

³⁰ Dividing \$0.000035 by two equals \$0.0000175.

³¹ Given that the average monthly executed equivalent share volume in Eligible Securities where FINRA was the relevant Participant was approximately 104.7 billion shares for the 12 months from June 1, 2023 through May 31, 2024, and assuming similar volumes for the period from September 1, 2024 through December 31, 2024, FINRA would be invoiced approximately \$14.7 million for CAT Fee 2024–1 but would only bill approximately \$14.3 million to member CEBBs and CEBSs via Prospective CAT Cost Recovery Fee 2024–1 during the same period.

However, FINRA intends to avoid a similar shortfall from occurring with respect to future fee recovery past December 2024 (*e.g.*, by rounding up the last digit instead of truncating, or another means of addressing this issue). The fee rate resulting from any such determinations would be subject to a proposed rule change filed pursuant to Section 19(b) of the Exchange Act and Rule 19b–4 thereunder.

19(b) of the Exchange Act.³² Proposed paragraph (b)(1)(C)(iii) of Rule 6897 also states that FINRA will provide notice when Prospective CAT Cost Recovery Fee 2024–1 will no longer be in effect. Proposed Rule 6897(b)(1)(C)(iv) provides that each member CAT Executing Broker shall be required to pay each invoice for Prospective CAT Cost Recovery Fee 2024–1 as set forth in Rule 6897(b)(2).

FINRA also proposes to adopt Rule 6897(b)(2) (Timing and Manner of Payments), which provides that each member CAT Executing Brokers shall pay the CAT Cost Recovery Fees as required pursuant to Rule 6897(b)(1) each month to FINRA in the manner prescribed by FINRA. In addition, proposed paragraph (b)(2)(B) of Rule 6897 provides that each CAT Executing Broker shall pay the CAT Cost Recovery Fees required pursuant to Rule 6897(b)(1) within 30 days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated).

Beginning with the initial invoice for Prospective CAT Cost Recovery Fee 2024–1 in October 2024, FINRA will make available to each member CAT Executing Broker a copy of the relevant details for fee liable transactions executed each month otherwise than on an exchange. Similar to the information that would be provided by CAT LLC to CAT Executing Brokers in assessing the off-exchange portion of CAT Fee 2024–1 each month,³³ such information would provide member CAT Executing Brokers with the ability to understand the details regarding the calculation of their Prospective CAT Cost Recovery Fee 2024–1 fees. In addition, to provide transparency to the industry, FINRA will make publicly available on its website: (i) the total amount invoiced each month that Prospective CAT Cost Recovery Fee 2024–1 is in effect, (ii) the total amount invoiced for Prospective CAT Cost Recovery Fee 2024–1 for all months since its commencement, (iii) the total amount that FINRA is invoiced each month by CAT LLC in connection

with CAT Fee 2024–1, (iv) the total amount that FINRA has been invoiced for CAT Fee 2024–1 for all months since its commencement, and (v) the variance, both on a monthly and cumulative basis, between the amount invoiced by FINRA under Prospective CAT Cost Recovery 2024–1 and the amount FINRA is invoiced under CAT Fee 2024–1.

FINRA has filed the proposed rule change for immediate effectiveness. The effective date and the implementation date will be the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,³⁴ which requires, among other things, that FINRA 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 must not be designed to permit unfair discrimination between customers, issuers, brokers or dealers. FINRA also believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,³⁵ which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. FINRA further believes that the proposed rule change is consistent with Section 15A(b)(9) of the Act, which requires that FINRA rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act.³⁶ Section 15A(b)(2) of the Act also requires that FINRA 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.³⁷

FINRA believes that this proposed rule change is consistent with the Act because it is designed to assist FINRA 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.”³⁸ To the extent that this proposed rule change implements a requirement that facilitates FINRA’s achievement of its regulatory obligations under the Plan and applies specific requirements to FINRA members in this regard, FINRA believes that this proposed rule change furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

As discussed in detail in File No. SR–FINRA–2024–011, FINRA believes that the proposed fees paid by the CEBBs and CEBBs in connection with CAT Fee 2024–1 are reasonable, equitably allocated and not unfairly discriminatory. Prospective CAT Cost Recovery Fee 2024–1 would similarly allow FINRA substantially to recover costs related to CAT Fee 2024–1 from member CAT Executing Brokers in a fair and reasonable manner, as contemplated by the Exchange Act and consistent with the CAT Funding Model Approval Order.

Proposed Prospective CAT Cost Recovery Fee 2024–1 would be charged to member CAT Executing Brokers 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. The proposed fees would not cover FINRA services unrelated to the CAT and would not result in any surplus to FINRA.³⁹ Accordingly, FINRA believes that the proposed fees are reasonable, equitable and not unfairly discriminatory.

The reasonableness of Prospective CAT Cost Recovery Fee 2024–1 and its consistency with the Exchange Act likewise is grounded in the facts described above and detailed in File No. SR–FINRA–2024–011. Specifically, the reasonably budgeted expenses that compose the portion of Budgeted CAT Costs 2024–1 sought substantially to be recovered through Prospective CAT Cost Recovery Fee 2024–1 were recognized by the SEC as appropriate for recovery pursuant to the formula approved in the CAT Funding Model (*i.e.*, technology, legal, consulting, insurance, professional administration, and public relations costs). FINRA has determined that these costs, which are described in detail in File No. SR–FINRA–2024–011, are reasonable and it is appropriate that FINRA substantially recover its designated portion of such costs through Prospective CAT Cost Recovery Fee

³² As noted in File No. SR–FINRA–2024–011, CAT Fee 2024–1 would continue in effect after January 2025 until a new subsequent CAT Fee to collect the Industry Members’ designated portion of Budgeted CAT Costs is in effect, in accordance with Section 19(b) of the Exchange Act. While CAT Fee 2024–1 remains in effect for Industry Members, the Participants would continue to be assessed a monthly fee based on that same fee rate, *i.e.*, \$0.000035 per executed equivalent share. Likewise, unless amended, Prospective CAT Cost Recovery Fee 2024–1 also would remain in effect to allow FINRA to continue substantially to recoup funds in connection with its monthly payment obligations under CAT Fee 2024–1, until a new CAT Fee is established by the Operating Committee.

³³ See File No. SR–FINRA–2024–011.

³⁴ 15 U.S.C. 78o–3(b)(6).

³⁵ 15 U.S.C. 78o–3(b)(5).

³⁶ 15 U.S.C. 78o–3(b)(9).

³⁷ See 15 U.S.C. 78o–3(b)(2).

³⁸ CAT NMS Plan Approval Order, 81 FR 84696, 84697.

³⁹ See *supra* note 31 and accompanying text.

2024–1. FINRA also has determined that Prospective CAT Cost Recovery Fee 2024–1 provides for the equitable allocation of fees among FINRA members and is not unfairly discriminatory, as discussed herein.

Prospective CAT Cost Recovery Fee 2024–1 is designed to allow FINRA to substantially recover its designated portion of Budgeted CAT Costs 2024–1, consistent with the Exchange Act and the CAT Funding Model Approval Order.⁴⁰ In approving the CAT Funding Model, the Commission noted FINRA's request that it acknowledge "FINRA's need and ability to cover CAT costs that are not recovered through contractual arrangements through member fee increases, so as not to jeopardize FINRA's ability to carry out its critical regulatory mission."⁴¹ The Commission also recognized that "the Exchange Act expressly contemplates the ability of the Participants to recoup their costs to fulfill their statutory obligations under the Exchange Act."⁴² The Commission further noted FINRA's statement "that it would file a rule change to increase its member fees with the filing of any proposed rule change to effectuate the Funding Model."⁴³ The instant proposed rule change to adopt Prospective CAT Cost Recovery Fee 2024–1 represents such a fee with respect to Budgeted CAT Costs 2024–1.

Without a mechanism to recover its CAT costs, FINRA, which is unique among the Participants as a not-for-profit, national securities association, would not be able to effectively sustain its regulatory mission.⁴⁴ Thus, consistent with the cost allocation framework put in place by the SEC-approved CAT Funding Model, whereby CEBBs and CEBSSs share equal responsibility for the costs assessed directly to Industry Members based on their transactions in Eligible Securities, FINRA is seeking substantially to recoup its designated portion of Budgeted CAT Costs 2024–1 in a like manner that is fair, reasonable, and equitably allocated among FINRA's member firms in their capacity as CAT Executing Brokers.

Prospective CAT Cost Recovery Fee 2024–1 is designed substantially to recover FINRA's designated portion of budgeted CAT costs to be incurred by CAT LLC associated with the development, implementation, and

operation of the CAT system under the CAT NMS Plan. Thus, Prospective CAT Cost Recovery Fee 2024–1 also generally is designed to support FINRA's efforts to align its operating expenses with its operating revenues, target break-even cash flows, and continue to responsibly manage expenses driven by mandatory initiatives, like the CAT NMS Plan, in a manner consistent with FINRA's public Financial Guiding Principles.⁴⁵

FINRA's approach in determining Prospective CAT Cost Recovery Fee 2024–1, which generally is consistent with the approach provided for under the SEC-approved CAT Funding Model, is also reasonable and consistent with the Exchange Act. Specifically, similar to the CAT cost assessment methodology approved by the Commission, FINRA proposes to allocate equally among member CEBBs and CEBSSs FINRA's designated portion of the Participants' one-third share of Budgeted CAT Costs 2024–1.⁴⁶ FINRA proposes to determine the rate for Prospective CAT Cost Recovery Fee 2024–1 by dividing the fee rate assessed to the Participants in connection with the implementation of CAT Fee 2024–1, *i.e.*, \$0.000035 per executed equivalent share, by two and then truncating the result to six decimal places such that member CEBBs and CEBSSs would each be subject to an equal fee, *i.e.*, \$0.000017 per executed equivalent share, for each transaction in Eligible Securities executed otherwise than on an exchange. Therefore, for each month that Prospective CAT Cost Recovery Fee 2024–1 is in effect, member CEBBs and CEBSSs will pay a fee to FINRA based on the same transactions used to determine fees payable by CEBBs and CEBSSs to CAT LLC under CAT Fee 2024–1 for off-exchange transactions.⁴⁷ FINRA

believes that this approach is reasonable in that, as is the case with the SEC-approved CAT Funding Model, it apportions the assessed fee for members equally between the CAT Executing Broker for the buyer and the seller.⁴⁸

FINRA believes that it is reasonable, appropriate, and consistent with the Exchange Act to determine Prospective CAT Cost Recovery Fee 2024–1 by dividing CAT Fee 2024–1, *i.e.*, \$0.000035 per executed equivalent share, by two (which equals \$0.0000175) and then truncating the result to six decimal places such that member CEBBs and CEBSSs would each be subject to an equal fee of \$0.000017 per executed equivalent share. As discussed above, equally apportioning the fee between the CEBBs and CEBSSs is consistent with the approach to apportioning costs between Executing Brokers under the SEC-approved CAT Funding Model.⁴⁹ In addition, FINRA believes it is reasonable and appropriate at this time to truncate half of CAT Fee 2024–1 to limit the Prospective CAT Cost Recovery Fee 2024–1 fee rate to six decimal places. As noted above and in File No. SR-FINRA-2024-011, CAT LLC determined to use six decimal places for the CAT Fee 2024–1 fee rate to balance the accuracy of the calculation with the potential systems and other impracticalities of using additional decimal places in the calculation. FINRA likewise believes that it is appropriate at this time to use six decimal places to maintain consistency with the approach determined by CAT LLC, to which members have been testing since earlier this year, which should reduce potential complexity in connection with the fee and billing structure for Prospective CAT Cost Recovery Fee 2024–1.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. Section 15A(b)(9) of the Act⁵⁰ requires that FINRA's rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. FINRA notes that Prospective CAT Cost Recovery Fee 2024–1 is designed to

time that Prospective CAT Cost Recovery Fee 2024–1 is in effect. *See supra* note 31.

⁴⁸ *See supra* note 46.

⁴⁹ *See supra* note 46.

⁵⁰ 15 U.S.C. 78o-3(b)(9).

⁴⁰ *See supra* note 16 and note 31 and accompanying text.

⁴¹ *See* CAT Funding Model Approval Order, 88 FR 62628, 62645.

⁴² *See* CAT Funding Model Approval Order, 88 FR 62628, 62636.

⁴³ *See supra* note 41.

⁴⁴ *See supra* note 16.

⁴⁵ *See* FINRA's Financial Guiding Principles, https://www.finra.org/sites/default/files/finra_financial_guiding_principles_0.pdf. *See also* Securities Exchange Act Release No. 90176 (October 14, 2020), 85 FR 66592, 66602–03 (October 20, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2020-032).

⁴⁶ In its approval of the CAT Funding Model, the Commission determined that charging CAT fees to CAT Executing Brokers was reasonable. In reaching 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 FINRA's equity trade reporting facilities recorded in CAT Data, charging CAT Executing Brokers could streamline the billing process. *See* CAT Funding Model Approval Order, 88 FR 62628, 62629.

⁴⁷ Based on historical executed equivalent share volumes in Eligible Securities where FINRA was the relevant Participant, FINRA would expect to recoup roughly \$3.6 million per month during the

assist FINRA in meeting its regulatory obligations pursuant to the Plan.

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.⁵¹ 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.⁵² Based on this analysis, the SEC approved the CAT Funding Model as compliant with the Exchange Act. The Prospective CAT Cost Recovery Fee 2024–1 framework generally is consistent with the fee framework of the CAT Funding Model, as approved by the SEC.

As discussed in File No. SR–FINRA–2024–011, each of the inputs into the calculation of CAT Fee 2024–1 is reasonable and the resulting fee rate for CAT Fee 2024–1 is reasonable. Therefore, Prospective CAT Cost Recovery Fee 2024–1, for these same reasons, is reasonable and would not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act.

Economic Impact Assessment

Based on the regulatory need discussed above, FINRA has undertaken an economic impact assessment, as set forth below, to analyze the potential economic impacts of the proposed rule change, including potential costs, benefits, and distributional and competitive effects, relative to the current baseline.

Regulatory Need

As discussed above under the “FINRA’s Designated Portion of Budgeted CAT Costs 2024–1” section, FINRA is filing a proposed rule change to establish Prospective CAT Cost Recovery Fee 2024–1 substantially to recover its designated portion of the Participants’ share of Budgeted CAT Costs 2024–1. FINRA intends that the fee framework and timeline for Prospective CAT Cost Recovery Fee

2024–1 generally correspond to the fee framework and timeline put in place by CAT LLC with respect to CAT Fee 2024–1, as provided for in File No. SR–FINRA–2024–011 and as discussed above.

Economic Baseline

Also, as discussed above under the “FINRA’s Designated Portion of Budgeted CAT Costs 2024–1” section, FINRA arrived at the fee rate for Prospective CAT Cost Recovery Fee 2024–1 by dividing by two the fee rate assessed to the Participants in connection with the implementation of CAT Fee 2024–1, *i.e.*, \$0.000035 per executed equivalent share, and truncating the result to six decimal places.⁵³

For the twelve months from June 1, 2023, through May 31, 2024, based on transactions reported to a FINRA TRF or to the ORF, there were 896 firm MPIDs that executed at least one purchase or sale of an equivalent share of an Eligible Security.⁵⁴ The top 50 MPIDs by reported executed equivalent share volume bought and/or sold 2,161,308,428,108 equivalent shares, or 85.08% of total shares bought and/or sold.

Economic Impacts

FINRA’s proposal substantially to recover its designated portion of the Participants’ share of Prospective CAT Costs applies an approach generally consistent with the CAT Funding Model as approved by the SEC in that it assesses half of the fee rate that is assessed to FINRA under CAT Fee 2024–1 (truncated to six decimal places) to each of the CEBB and CEBS for transactions where FINRA is the relevant Participant.⁵⁵ With regard to off-exchange transactions in Eligible Securities, generally the same members that will be assessed Prospective CAT Cost Recovery Fee 2024–1 will also be assessed CAT Fee 2024–1. Therefore, FINRA’s proposed approach in substantially recovering its designated portion of Budgeted CAT Costs 2024–1

should reduce potential complexity in connection with the fee and billing structure for Prospective CAT Cost Recovery Fee 2024–1.⁵⁶

As the SEC noted in approving the revised CAT Funding Model, if FINRA passes on its portion of the CAT fee allocation to its member firms and exchanges choose not to pass through their CAT fee allocations to their members, the cost to transact off-exchange may increase relative to executing on an exchange, potentially giving exchanges a competitive advantage.⁵⁷ However, we do not know whether or to what extent (or how) the exchanges may seek to recover their portion of the Budgeted CAT Costs 2024–1, and we do not know whether or to what extent member firms will choose to pass through exchange-incurred CAT fees to customers. We also note that FINRA members remain subject to regulatory obligations, such as best execution obligations, with respect to their order routing decisions.

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 Exchange Act⁵⁸ and Rule 19b–4(f)(2) thereunder,⁵⁹ 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.

⁵⁶ See *supra* notes 29 through 31 and accompanying text.

⁵⁷ See CAT Funding Model Approval Order, 88 FR 62628, 62684.

⁵⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁵⁹ 17 CFR 240.19b–4(f)(2).

⁵¹ See CAT Funding Model Approval Order, 88 FR 62628, 62678–86.

⁵² See *supra* note 51.

⁵³ See also File No. SR–FINRA–2024–011.

⁵⁴ For the twelve months from June 1, 2023, through May 31, 2024, approximately 1.25 trillion shares of NMS stocks were reported to the TRF, and approximately 1.16 trillion shares of OTC Equity Securities were reported to ORF. Given that each executed share for a transaction in an OTC Equity Security is counted as 0.01 equivalent share, FINRA estimates that the executed equivalent share volume for NMS stocks and OTC Equity Securities reported to a FINRA equity trade reporting facility in that twelve-month period is approximately 1.26 trillion shares. Dividing that figure by twelve provides the average monthly executed equivalent share volume of approximately 104.7 billion shares.

⁵⁵ See also File No. SR–FINRA–2024–011 and CAT Funding Model Approval Order, 88 FR 62628.

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-FINRA-2024-012 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-FINRA-2024-012. 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 FINRA. 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-FINRA-2024-012 and should be submitted on or before October 1, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-20323 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100918; File No. SR-NYSE-2024-47]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Section 102.01 of the NYSE Listed Company Manual To Provide That the Distribution Standard Therein Will Be Calculated on a Worldwide Basis

September 4, 2024.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on August 22, 2024, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 102.01 of the NYSE Listed Company Manual to provide that the distribution standard therein will be calculated on a worldwide basis. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 102.01A of the Manual sets forth the Exchange's minimum initial listing requirements with respect to distribution for companies seeking to list under the Exchange's "domestic" initial listing standards. A note included in Section 102.01B (under the heading "Calculations under the Distribution Criteria") provides that, when considering a listing application from a company organized under the laws of Canada, Mexico or the United States ("North America"), the Exchange will include all North American holders and North American trading volume in applying the minimum stockholder and trading volume requirements of Section 102.01A.

Notwithstanding the foregoing, the note included in Section 102.01B also provides that, in connection with the listing of any issuer from outside North America, the Exchange will have the discretion, but will not be required, to consider holders and trading volume in the company's home country market or primary trading market outside the United States in determining whether a company is qualified for listing under Section 102.01, provided such market is a regulated stock exchange. The note specifies that, in exercising this discretion, the Exchange would consider all relevant factors including: (i) whether the information was derived from a reliable source, preferably either a regulated securities market or a transfer agent that was subject to governmental regulation; (ii) whether there existed efficient mechanisms for the transfer of securities between the company's non-U.S. trading market and the United States; and (iii) the number of shareholders and the extent of trading in the company's securities in the United States prior to the listing.

The Exchange proposes to amend the note in Section 102.01B under the heading "Calculations under the Distribution Criteria" to provide that, when considering a listing application from a company regardless of whether the company is domestic or foreign, the Exchange will include all holders on a global basis and worldwide trading volume in applying the minimum stockholder and trading volume requirements of Section 102.01A. As the discretion provided with respect to the inclusion of non-U.S. holders and trading volume in the current rule would no longer be relevant if there was no geographic limitation on the

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁶⁰ 17 CFR 200.30-3(a)(12).

inclusion of holders or trading volume in meeting the standards, the Exchange proposes to delete from the note the discussion of how that discretion is currently applied.

It has been the Exchange's experience in recent years that non-U.S. companies conducting their initial public offerings in the United States will often seek to sell a significant portion of the offering in the company's home market rather than in the United States. Such companies and their underwriters have sometimes had difficulty placing shares with a sufficient number of investors in North America to meet the Exchange's domestic distribution standards and, in some instances, companies have been unable to list on the Exchange because of the restrictions imposed by the current NYSE rule. In some cases, this means that these companies are lost to the U.S. capital markets, but in other cases these companies are able to list on the Nasdaq Stock Market ("Nasdaq"), as Nasdaq's distribution requirements do not include a limitation comparable to that included in the NYSE's rule. The Exchange believes that the proposed rule change will enable it to compete more effectively for the listing of non-U.S. companies, as the rule change would remove a significant competitive disadvantage faced by the Exchange in competing with Nasdaq for the listing of these companies.

In addition to the competitive benefits described above, the Exchange believes that the current rule reflects an understanding of the functioning of the trading market for non-U.S. companies that is inconsistent with the current reality. The current restrictions have been in place for many years and do not reflect the speed and reliability of links among global securities markets. Given the ease of transfer of securities between different countries in the contemporary securities markets, there is no reason why the holders of a listed company's securities outside of North America cannot be active real time participants in the trading market in the United States and that foreign holders should be viewed as less valuable as a source of liquidity in that market.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁵ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of

trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change furthers the objectives of Section 6(b)(5) in that it will promote competition for the listing of non-U.S. companies by ensuring that the listing rules of the major listing exchanges will function the same in their consideration of shareholders and trading volume outside of North America for purposes of initial listing requirements. In addition to these competitive benefits, the Exchange believes that the current rule reflects an understanding of how the trading market for non-U.S. companies functions that is inconsistent with the current reality. The current restrictions have been in place for many years and do not reflect the speed and reliability of links among global securities markets. Given the ease of transfer of securities between different countries in the contemporary securities markets, there is no reason why the holders of a listed company's securities outside of North America cannot be active real time participants in the trading market in the United States and that foreign holders should be viewed as less valuable as a source of liquidity in that market. As such, the Exchange believes that the proposal is consistent with the protection of investors as it reflects appropriately the role played by shareholders and trading activity in a company's home market in the development of a liquid trading market in the United States in the securities of non-U.S. listed companies.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.⁶

The Exchange believes that the proposal will not impose a burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change is designed to increase the competition for listing of

non-U.S. companies by enabling the Exchange to compete more effectively with Nasdaq for the listing of those companies, by conforming the Exchange's treatment of shareholders and trading volume outside North America with their treatment under Nasdaq listing rules.

The Exchange does not believe that the proposed rule change imposes a burden on intra-market competition because the provisions will be applied in the same manner to all listing applicants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2024-47 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-NYSE-2024-47. 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

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78f(b)(8).

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-NYSE-2024-47 and should be submitted on or before October 1, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20321 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-139, OMB Control No. 3235-0128]

Proposed Collection; Comment Request; Reinstatement With Change: Rule 12f-1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 12f-1 (17 CFR 240.12f-1), under the Securities Exchange Act of 1934 ("Act") (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 reinstatement and approval.

Rule 12f-1 ("Rule"), originally adopted in 1979 pursuant to Sections 12(f) and 23(a) of the Act, and as further modified in 1995 and 2005, sets forth the requirements for filing an exchange application to reinstate unlisted trading privileges ("UTP") in a security in which UTP has been suspended by the Commission pursuant to Section 12(f)(2)(A) of the Act. Under Rule 12f-1, an exchange must submit one copy of an application for reinstatement of UTP to the Commission that contains specified information, as set forth in the Rule. The application for reinstatement, pursuant to the Rule, must provide the name of the issuer, the title of the security, the name of each national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether transaction information concerning the security is reported pursuant to an effective transaction reporting plan contemplated by Rule 601 of Regulation NMS, the date of the Commission's suspension of unlisted trading privileges in the security on the exchange, and any other pertinent information related to whether the reinstatement of UTP in the subject security is consistent with the maintenance of fair and orderly markets and the protection of investors. Rule 12f-1 further requires a national securities exchange seeking to reinstate its ability to extend unlisted trading privileges in a security to indicate that it has provided a copy of such application to the issuer of the security, as well as to any other national securities exchange on which the security is listed or admitted to unlisted trading privileges.

The information required by Rule 12f-1 enables the Commission to make the necessary findings under the Act prior to granting applications to reinstate unlisted trading privileges. This information is also made available to members of the public who may wish to comment upon the applications. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

This information collection requirement was previously approved by OMB, but the approval expired on May 31, 2024. Accordingly, the Commission will request a reinstatement of OMB's approval.

There are currently 25 national securities exchanges subject to Rule 12f-1. The burden of complying with

Rule 12f-1 arises when a potential respondent seeks to reinstate its ability to extend unlisted trading privileges to any security for which unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. The staff estimates that each application would require approximately one hour to complete. Thus, each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as 25 responses annually for an aggregate annual hour burden for all respondents of approximately 25 hours (25 responses × 1 hour per response). Each respondent's related internal cost of compliance for Rule 12f-1 would be approximately \$242.00 (the cost of one hour of professional work of a paralegal needed to complete the application). The total annual cost of compliance for all potential respondents, therefore, is approximately \$6,050 (25 responses × \$242.00 per response).

Compliance with Rule 12f-1 is mandatory. Rule 12f-1 does not have a record retention requirement *per se*. However, responses made pursuant to Rule 12f-1 are subject to the recordkeeping requirements of Rules 17a-3 and 17a-4 of the Act. Information received in response to Rule 12f-1 shall not be kept confidential; the information collected is public information.

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 12, 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_Maailbox@sec.gov.

⁷ 17 CFR 200.30-3(a)(12).

Dated: September 5, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–20366 Filed 9–9–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100930; File No. SR–OCC–2024–011]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change, as Modified by Partial Amendment No. 1, by The Options Clearing Corporation Concerning Its Stock Loan Programs

September 4, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on August 22, 2024, The Options Clearing Corporation (“OCC” or “Corporation”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. On September 3, 2024, OCC filed a partial amendment (“Partial Amendment No. 1”) to the proposed rule change.³ The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Partial Amendment No. 1 (hereafter “the proposed rule change”), from interested persons.

I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would address limitations in the structure of OCC’s Stock Loan/Hedge (“Hedge”) Program and Market Loan Program (together, the “Stock Loan Programs”) by creating the framework for a single, enhanced program designed to support current and future needs. The proposed enhancements would, among other things, (i) combine into the Market Loan Program favorable aspects of both Stock Loan Programs, including the submission of bilaterally negotiated transactions; (ii) conform the terms of stock loans submitted under the Market Loan Program (“Market Loans”) more

closely to the provisions most commonly included in stock loan transactions executed under standard loan market documents; (iii) provide a uniform guaranty of terms across Market Loans, regardless of how those Market Loans are initiated under the enhanced program; (iv) support transactions under both Stock Loan Programs through OCC’s new clearance and settlement system; and (v) reorganize, restate, and consolidate provisions of OCC’s By-Laws and Rules governing the Stock Loan Programs.

The proposed amendments to OCC’s Rules and By-Laws can be found in Exhibit 5A and Exhibit 5B to File No. SR–OCC–2024–011, respectively. Proposed conforming changes to OCC’s internal Margin Policy and Recovery and Wind-Down (“RWD”) Plan, which can be found in confidential Exhibits 5C and 5D to File No. SR–OCC–2024–011, respectively. Material proposed to be added is marked by underlining and material proposed to be deleted is marked with strikethrough text. For ease of presentation and to distinguish between changes to rule text versus relocation of existing rule text, Exhibits 5A and 5B to File No. OCC–2024–011 contain bracketed text to indicate when existing text has been relocated from the By-Laws to the Rules with changes as marked. That bracketed text describes changes that would be performed upon implementation of File No. SR–OCC–2024–011, but it is not intended to be rule text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the By-Laws and Rules.⁴

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its capacity as a central counterparty registered with the Commission, OCC currently operates two programs through which it clears

stock loan transactions: the Hedge Program and the Market Loan Program. Under both Stock Loan Programs, OCC becomes the lender to the borrower and the borrower to the lender, thereby guaranteeing the return of the full value of cash collateral to the Borrowing Clearing Member and the return of the Loaned Stock (or value of that Loaned Stock) to the Lending Clearing Member. Under the Market Loan Program, OCC also offers certain additional guarantees, discussed in more detail below, with respect to other payment obligations arising from the stock loan transactions (e.g., dividend equivalent payments and rebate payments). As a result of OCC’s novation of cleared stock loan transactions, the rights and obligations of the Borrowing and Lending Clearing Members are thereafter governed by OCC’s By-Laws and Rules.⁵ OCC’s By-Laws and Rules also provide for, among other things, how Clearing Members initiate Stock Loans at OCC, how those Stock Loans are recorded in OCC’s books and records, how returns and recalls are processed, and risk management procedures specific to Stock Loans in the event that OCC suspends one of the Clearing Member counterparties.

As announced in 2022, OCC intends to replace its current clearance and settlement system (ENCORE) with a streamlined operational framework for clearance and settlement (Ovation).⁶ The move to Ovation gives OCC the opportunity to address limitations in the structure of OCC’s Stock Loan Programs and enhance OCC’s stock loan services to support current and future needs.⁷ OCC proposes a number of amendments to its By-Laws and Rules designed to,

⁵ Terms provided under a Master Stock Lending Agreement (“MSLA”) between the parties to a Stock Loan may remain in effect as between the parties to the extent they are not inconsistent with the By-Laws and Rules, but do not impose any obligation on OCC. See OCC Rule 2202(b).

⁶ See OCC Announces New Platform Name and Launches Enhanced Transformation website (May 10, 2022), <https://www.theocc.com/newsroom/views/2022/05-10-occ-announces-new-platform-name-and-launches-enhanced-transformation-website>.

⁷ As discussed in more detail below, OCC’s current programs are limited by certain inefficient legacy practices including, for example: (1) position-based recordkeeping that does not align with the contract-level accounting that is common throughout the stock loan industry, which adds complexity to the process of ensuring that all parties are in alignment on the state of their stock loans; (2) workflows that involve settlement of delivery versus payment obligations at the Depository prior to clearance or settlement at OCC, which adds further complexity to the reconciliation process and can lead to position breaks; and (3) payment flows common to stock loans that are not guaranteed under OCC’s Hedge Loan program and must currently be settled as between the parties away from OCC.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ In Partial Amendment No. 1, OCC corrected an error in Exhibit 5A to SR–OCC–2024–011 without changing the substance of the proposed rule change. Partial Amendment No. 1 does not materially alter the substance of the proposed rule change or raise any novel regulatory issues.

⁴ OCC’s By-Laws and Rules can be found on OCC’s public website: <https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules>.

among other things, (i) combine into the Market Loan Program favorable aspects of both Stock Loan Programs, including the submission of bilaterally negotiated transactions; (ii) conform the terms of Market Loans cleared by OCC more closely to the provisions most commonly included in stock loan transactions executed under standard loan market documents; (iii) provide a uniform guaranty of terms across Market Loans, regardless of how those Market Loans are initiated under the enhanced program; (iv) support transactions under both Stock Loan Programs through OCC's new clearance and settlement system; and (v) reorganize, restate, and consolidate provisions of OCC's By-Laws and Rules governing the Stock Loan Programs.

OCC believes these changes will address certain pain points that OCC's members have raised and enhance the overall process. In particular, the proposed changes would allow members who currently participate in the Hedge Loan Program to submit transactions through an improved workflow to the Market Loan Program, under which the counterparties will benefit from OCC's enhanced guaranty and the efficiency of allowing OCC's systems to handle certain post-trade transactions that Hedge Loan Program participants must currently address bilaterally with each of their counterparties, away from OCC. In addition, the proposed changes would align how OCC records stock loan transactions in its books and records with an industry-standard, contract-level approach, which is expected to alleviate operational burdens on members that must currently reconcile their internal records with OCC's position-based records on a daily basis.

These enhancements would also serve as a foundation for consolidating OCC's Hedge Loan and Market Loan Programs. As discussed more fully below, OCC intends to eventually decommission the Hedge Program, after which the Market Loan Program would become OCC's single Stock Loan Program. OCC would take a phased approach to decommissioning the Hedge Program and would commence its Hedge Program phase-out plan only after conferring with Clearing Members that they are prepared for the transition.

(1) Purpose

Background

Stock Loan Initiation

In the Hedge Program, OCC acts as the principal counterparty for stock loans that are executed bilaterally between Clearing Members and sent to OCC for

clearance and settlement. Prospective Lending and Borrowing Clearing Members identify each other (independent of OCC), agree to bilaterally negotiated terms of the Hedge Loan, and then send the details of the stock loan to the Depository, the Depository Trust Company ("DTC"), with a certain "reason code,"⁸ which designates the stock loan as a Hedge Loan for guaranty and clearance at OCC. The Lending Clearing Member then instructs DTC to transfer a specified number of shares of Eligible Stock to the account of the Borrowing Clearing Member versus transfer of the appropriate amount of cash collateral to the account of the Lending Clearing Member. This current process, in which settlement at DTC occurs before clearance at OCC, adds complexity to balancing and reconciliation under the current Hedge Program.

In the Market Loan Program, stock loans are initiated through the matching of bids and offers that are agreed upon by the Market Loan Clearing Members or otherwise matched through a Loan Market. A Loan Market is an electronic platform that supports securities lending and borrowing transactions in the Market Loan Program by matching lenders and borrowers based on loan terms that each party is willing to accept.⁹ In order to initiate a Market Loan, the Loan Market sends a matched transaction to OCC, which in turn sends two separate but linked settlement instructions to DTC to effect the movement of Eligible Stock and cash collateral between the accounts of the Market Loan Clearing Members through OCC's account at DTC.

Scope of OCC's Guaranty

Regardless of whether a transaction is initiated under the Hedge Program or Market Loan Program, OCC novates the transaction and becomes the lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member.¹⁰ As the principal counterparty to the Borrowing and Lending Clearing Members, OCC guarantees the return of the full value of cash collateral to a Borrowing Clearing Member and guarantees the return of the Loaned Stock (or value of that Loaned Stock) to the Lending Clearing Member. Under the Market Loan Program, OCC

also provides a limited guaranty of substitute dividend¹¹ and rebate payments,¹² in each case limited to the amount OCC has collected in margins from the responsible Market Loan Clearing Member based upon instructions received by the Loan Market prior to the payment date. Under the Hedge Program, OCC does not currently offer a guaranty of dividends or distributions, which must be resolved bilaterally between the Borrowing and Lending Clearing Members.

Mark-to-Market Payments

After novation, as part of the guaranty, OCC processes mark-to-market payments for all cleared stock loans on a daily basis to collateralize all loans to the negotiated levels. Mark-to-market payments are based on the value of the loaned securities and made between Clearing Members using OCC's cash settlement system. In the Hedge Program, the percentage of the value of the loaned securities, either 100% or 102%, and the preferred mark-to-market rounding are dependent upon the terms of the Master Securities Loan Agreement ("MSLA") between the two Clearing Member parties to the transaction. Currently, members may select between several default rates to which the mark price would be rounded to the nearest interval (1.00, .05, 0.25, 0.10, 0.05, and 0.01). In the Market Loan Program, all Market Loans are collateralized based on the rate and rounding convention established by the Loan Market—currently 102% with rounding to the nearest dollar.

In both Stock Loan Programs, daily mark-to-market of cash collateral typically are settled in the firm lien account or combined Market-Makers' account of the Clearing Member.¹³ Settlements generally are combined and netted against other OCC settlement obligations in a Clearing Member's account, including trade premiums and margin deficits. Clearing Member open positions in the Stock Loan Programs are factored into the Clearing Member's

¹¹ The terms "substitute dividend" or "dividend equivalent payment" in respect of a stock loan transaction means a payment made by the Borrowing Clearing Member to the Lending Clearing Member to reflect any cash dividend or distribution made with respect to the Loaned Stock during the term of the stock loan.

¹² In respect of a stock loan transaction, a rebate is typically a fee payable from the Lending Clearing Member to the Borrowing Clearing Member, expressed as a rate based on the amount of cash Collateral held by the Lending Clearing Member ("Positive Rebate"). However, if the rebate rate is negative ("Negative Rebate"), the fee is payable from the Borrowing Clearing Member to the Lending Clearing Member.

¹³ See OCC Rule 2201(a)(iii); Rule 2201A(a)(iii).

⁸ Unique reason codes were created by DTC for Clearing Members to designate stock loan transactions intended to be sent to OCC for novation and guarantee.

⁹ Currently, one Loan Market operates within OCC's Market Loan Program—Automated Equity Finance Markets, Inc. ("AQF"), a subsidiary of Equilend Holdings LLC ("Equilend").

¹⁰ See OCC Rules 2202(b) and 2202A(b).

overall margin¹⁴ and Clearing Fund contribution requirements.¹⁵

Position Aggregation

OCC aggregates all stock loan positions and stock borrow positions of a Clearing Member relating to the same Eligible Stock for reporting and margin calculation purposes. OCC separately identifies stock loan and stock borrow positions resulting from each of the Stock Loan Programs, and such positions are not fungible with positions resulting from the other program. Position aggregation in both Stock Loan Programs is a legacy practice and does not follow industry-standard book-keeping practices. Because of position aggregation, certain industry standard post-trade activity must be performed bilaterally away from OCC, such as re-rate transactions that change the rebate rate on an individual loan.

Dividends and Distributions

Dividend equivalent payments for the Market Loan Program are ordinarily effected through DTC's Dividend Service. If a Loan Market has advised OCC that the dividend or distribution for such Market Loan is not tracked by DTC's Dividend Service, or if OCC determines, in its discretion, to remove a Market Loan from the Dividend Service, OCC Rule 2206A(a)(ii) currently provides that dividend equivalent payments are effected through OCC's cash settlement system the day following the expected dividend or distribution payment date. OCC Rule 2206A(a)(ii) further provides that the calculation of the margin in respect of dividend equivalent payments shall be solely based on calculations provided by the Loan Market, and OCC shall have no responsibility to verify the accuracy of the Loan Market's calculation. In addition, OCC Rule 2206A(a)(iii) provides that with respect to non-cash dividends and distributions, a Loan Market may determine in its discretion to fix a cash settlement value for which the Loan Market may instruct OCC to effect collection and payment. In the event of a Borrowing Clearing Member's default, OCC guarantees dividend equivalent payments to the extent that OCC has collected margin equal to such dividend equivalent according to the instructions provided by the Loan Market.

Termination of Stock Loans

Hedge Loans are typically terminated when either (i) a Borrowing Clearing Member instructs DTC to transfer a

specified quantity of the Loaned Stock to the Lending Clearing Member against payment of the settlement price by the Lending Clearing Member to the Borrowing Clearing Member, after which DTC notifies OCC of the transaction with special codes after the transaction has settled; or (ii) the Lending Clearing Member gives notice to the Borrowing Clearing Member that the Lending Clearing Member is terminating the Stock Loan, or a portion thereof and specifies the number of shares of the Loaned Stock in respect of which the Lending Clearing Member is terminating the Stock Loan.¹⁶ The current process of initiating return transactions for the Hedge Program through DTC can lead to position breaks if the return transactions are not properly coded. Market Loans are typically terminated by a Market Loan Clearing Member giving notice to the relevant Loan Market calling for the recall or return of a specified quantity of the Loaned Stock.¹⁷ The Loan Market then sends details of the matched return/recall transaction to OCC, which validates the transaction and sends a pair of delivery orders to DTC in connection with the recall/return.

However, in certain circumstances when a Clearing Member under either Stock Loan Program fails to return the specified quantity of Loaned Stock or to pay the applicable settlement price for a Loaned Stock, the counterparty Clearing Member may choose to execute a "buy-in" or "sell-out" of the Loaned Stock on its own.¹⁸ The Clearing Member executing a buy-in or sell-out is then required to provide notice to OCC and its counterparty, in the case of a Hedge Loan,¹⁹ or the Loan Market, in the case of a Market Loan,²⁰ of the buy-in or sell-out after execution is complete. Termination is not complete until the records of OCC, which are the official record of open and closed stock loan transactions, reflect the termination of the Stock Loan, and Clearing Members remain liable for all obligations related to open stock loan positions as reflected in the records of OCC.

Offset and Re-Matching of Matched-Book Positions

A portion of the activity in OCC's Hedge Program relates to what is often referred to as matched-book activity, when a Hedge Clearing Member maintains in an account a stock loan

position for a specified number of shares of an Eligible Stock reflecting a stock lending transaction with one Hedge Clearing Member (the Borrowing Clearing Member) and also maintains in that same account a stock borrow position for the same number, or lesser number, of shares of the same Eligible Stock with another Hedge Clearing Member (the Lending Clearing Member) (such positions being "Matched-Book Positions"). In the event of a Clearing Member suspension, OCC has authority to re-match Matched-Book Positions of the defaulting Clearing Member in the Hedge Loan Program.²¹ Such re-matching in suspension eliminates risk associated with price dislocation if OCC were required to instruct the surviving lender to buy-in and the surviving borrower to sell-out the same quantity of Loaned Stock in order to unwind the Matched-Book Positions.

Canadian Clearing Members

OCC expanded the Hedge Program to accommodate Canadian Hedge Clearing Members in 2013.²² To be eligible for the Hedge Program, a Canadian Clearing Member must appoint CDS Clearing and Depository Services Inc. ("CDS"), Canada's national securities depository, to act as its agent through CDS's arrangements with DTC and the National Securities Clearing Corporation ("NSCC") to provide cross-border service to clear and settle trades with U.S. counterparties.²³ Currently, Canadian Clearing Members are not eligible for the Market Loan Program.

Canadian Clearing Members are also subject to additional requirements intended to allow OCC to perform its clearance and settlement services free from tax withholding obligations with respect to payments to such members. Specifically, OCC has established rules to address the application of Section 871(m) of the Internal Revenue Code of 1986, as amended ("I.R.C.")²⁴ to listed options transactions effective on January 1, 2017.²⁵ Section 871(m) imposes a 30% withholding tax on "dividend equivalent" payments that are made or

²¹ See OCC Rule 2212.

²² See Exchange Act Release No. 69534 (May 8, 2013), 78 FR 28267 (May 14, 2013) (File No. SR-OCC-2013-03).

²³ See OCC Rule 302(e), (f)(1).

²⁴ 26 U.S.C. 871(m).

²⁵ In September 2015, the Treasury Department adopted final regulations based on a proposal issued in December 2013 expanding the types of derivatives to which Section 871(m) applies to include certain listed options transactions with an effective date of January 1, 2017. See T.D. 9734, 80 FR 56866 (Sept. 18, 2015). The Treasury Department adopted final regulations providing additional guidance on section 871(m) in January 2017. See T.D. 9815, 82 FR 8144 (Jan. 24, 2017).

¹⁶ See OCC Rule 2209(a).

¹⁷ See OCC Rule 2209A(a).

¹⁸ See OCC Rule 2209(b), (f); Rules 2209A(b), (c).

¹⁹ See OCC Rule 2209A(b), (f).

²⁰ See OCC Rule 2209A(b)(1), (c)(1).

¹⁴ See OCC Rules 601, 2203 & 2203A.

¹⁵ See OCC Rule 1001.

deemed to be made to non-U.S. persons with respect to certain derivatives that reference equity of a U.S. issuer. OCC Rule 202 provides that Clearing Members that are non-U.S. entities for U.S. federal tax purposes ("FFI Clearing Members") must establish to the OCC's satisfaction that the member's conduct of transactions or activities with or through OCC will not result in the imposition of taxes or withholding or reporting obligations with respect to amounts paid or received by OCC (other than U.S. federal and State income taxes imposed on OCC's net income).²⁶ When taxes or obligations would be imposed but for the qualification of a member for a special U.S. or foreign tax status, ongoing membership of such members is conditioned on the member to qualify for, maintain, and document such status to OCC's satisfaction.²⁷ In addition, an FFI Clearing Member is prohibited from conducting transactions with or through OCC that would result in the imposition of taxes or withholding or reporting obligations with respect to amounts paid or received by OCC (other than U.S. federal and State income taxes imposed on OCC's net income).²⁸ Notwithstanding these requirements, which OCC implemented to facilitate the clearance and settlement of listed options transactions, OCC has no current tax withholding or reporting obligations for Canadian Hedge Clearing Members' transactions under the Hedge Program because substitute dividend payments are handled bilaterally between Hedge Clearing Members, away from OCC.

Proposed Changes

OCC is proposing a number of amendments to enhance the structure and operation of the Stock Loan Programs discussed above and provide

a framework for combining those programs into a single Stock Loan Program. First, OCC proposes to make several changes to the rules governing its Market Loan Program. Specifically, the proposed rule change would enhance OCC's Market Loan Program by:

(a) expanding the Market Loan Program to include bilaterally negotiated stock loans submitted by Clearing Members directly to OCC, for which the original counterparties shall remain paired in OCC's system for purposes of post-trade activity, including modifications, recalls, and returns;

(b) allowing for and recognizing supplementary or additional terms under an MSLA between the counterparties to such bilaterally negotiated transactions submitted under the Market Loan Program, as OCC's Rules currently recognize under the Hedge Loan Program;

(c) fixing cash collateral delivered and returned versus a bilaterally negotiated Market Loan submitted directly to OCC at 102%, as is the current practice for Market Loans submitted through a Loan Market, and allowing Clearing Members to select a default rate at which mark-to-market payments would be rounded to the nearest level for Market Loans submitted directly to OCC, as is the current practice for Hedge Loans;

(d) allowing for Clearing Members to cancel pending transactions by sending instructions directly to OCC as opposed to through a Loan Market;

(e) establishing rules for affirmation of Market Loan transactions submitted by Clearing Members directly to OCC, as opposed to through a Loan Market;

(f) allowing OCC's clearance and settlement system to calculate and handle cash distributions, including substitute dividends and rebates;

(g) allowing OCC's clearance and settlement system to accept and handle contract modifications agreed to by the parties to bilaterally negotiated contracts submitted through the Market Loan Program, including modifications to rebate rate, interest rate benchmark, and loan terms;

(h) implementing additional OCC controls over the buy-in process in the case of the Borrowing Clearing Member's failure to deliver the Loaned Stock following a recall by the Lending Clearing Member in situations other than the suspension of the Borrowing Clearing Member under Chapter XI of the Rules;

(i) supporting Canadian Clearing Members in the Market Loan Program while preventing certain transactions that could otherwise introduce tax withholding obligations; and

(j) providing that in lieu of being a participant at the Depository for purposes of delivering or receiving Eligible Stock in connection with the initiation and termination of Market Loans, an Appointing Clearing Member may appoint an Appointed Clearing Member who is a member of the Depository to deliver or receive Eligible Stock, in the same way as how the Rules currently allow for Appointed Clearing Members to deliver or receive underlying securities arising from the exercise or

maturity of an Appointing Clearing Member's physically-settled equity options or stock futures.

As discussed in more detail below, OCC intends that with these enhancements to the Market Loan Program, OCC would eventually decommission the Hedge Program, after which the Market Loan Program would become OCC's single stock loan program. In the interim, however, and in addition to enhancements (a) through (j) to the Market Loan Program, the proposed rule changes would apply amendments to both Stock Loan Programs for the transition to OCC's new clearance and settlement system by:

(k) replacing OCC's current practice of aggregating new stock loan positions and stock borrow positions for the same Clearing Member in the same Eligible Stock with contract-level accounting, consistent with industry-standard bookkeeping practices;

(l) aligning settlement of daily mark-to-market of cash collateral through the account in which the stock borrow or stock loan position sits, rather than requiring that mark-to-market settlement occur in a Clearing Member's firm lien account or combined Market-Makers' account;

(m) simplifying the mark-to-market calculation to focus on the change to the contract value of a Clearing Member's Stock Loans; and

(n) allowing for re-matching of Matched-Book Positions across OCC's Stock Loan Programs in the event of a Clearing Member default.

In conjunction with these changes to the Stock Loan Programs, OCC would also make certain other clarifying, conforming, and organizational changes to OCC's By-Laws and Rules, and rule-filed policies that reference those By-Laws or Rules. In particular, OCC would reorganize, restate, and consolidate provisions of OCC's By-Laws governing the Stock Loan Programs into Chapter XXII (Hedge Loan Program) and Chapter XXIIA (Market Loan Program) of OCC's Rules, as amended by this proposed rule change. As part of these changes, OCC would preserve the governance requirements concerning amendments to the stock loan-related By-Laws migrated to the Rules by amending Article XI, Section 2 of the OCC By-Laws.

Plan To Consolidate OCC's Stock Loan Programs

OCC plans to consolidate its Stock Loan Programs into a single, enhanced stock loan program. OCC intends to achieve this consolidation in three phases. The first phase, which is described in this proposed rule change, would enhance the Market Loan Program in a way that would allow that

²⁶ OCC Rule 202(a).

²⁷ See OCC Rule 202. FFI Clearing Members satisfy this requirement by (1) entering into a "qualified intermediary agreement" with the Internal Revenue Service ("IRS") under which the Clearing Member assumes primary withholding responsibility (such member being a "Qualified Intermediary Assuming Primary Withholding Responsibility") and qualifies under IRS procedures for exemption from withholding under the Foreign Account Tax Compliance Act ("FATCA"), 26 U.S.C. 1471–1474, such that OCC is not required to withhold any amount with respect to any payment or deemed payment to such FFI Clearing Member under FATCA or Chapter 3 of subtitle A of the I.R.C. ("Chapter 3"), 26 U.S.C. 1441–1446, for transactions in the FFI Clearing Member's customer accounts; and (2) entering into an agreement with the IRS that permits OCC to make dividend equivalent payments or deemed payments to such FFI Clearing Member free from U.S. withholding tax for transactions or activity in the FFI Clearing Member's capacity as principal through its firm account (such member being a "Qualified Derivatives Dealer").

²⁸ See OCC Rule 202(b)(1).

program to eventually become OCC's single, enhanced stock loan program. The first phase will also involve certain enhancements to both the Hedge and Market Loan Programs in connection with the implementation of OCC's new system for clearance and settlement. After OCC implements the enhancements and the new clearance and settlement system becomes OCC's system of record, OCC will begin authorizing and encouraging Hedge Clearing Members to begin submitting bilateral transactions through the enhanced Market Loan Program. While OCC would require Hedge Clearing Members to provide the appropriate documentation and certifications required of Market Loan Clearing Members and submit to certification testing prior to utilizing the enhanced program, OCC does not plan to require business expansions for Hedge Clearing Members migrating to the Market Loan Program because they are already approved for stock loan activity.²⁹ Currently, the business expansion for Market Loan Program participation serves mainly to ensure that the Clearing Member is properly subscribed through a Loan Market, which will no longer be necessary to participate in the Market Loan Program.

During the second phase, which also is covered by this proposed rule change, OCC would encourage Clearing Members to transition to the Market Loan Program and would monitor the movement of activity from the Hedge Program to the enhanced Market Loan Program. Based on interest expressed by Clearing Members,³⁰ OCC anticipates that Clearing Members will be motivated to migrate activity to the Market Loan Program because of OCC's expanded guarantee under that program and the operational enhancements under this proposed rule change. Once transition plans for each Clearing Member are understood, OCC would announce that on a future date, OCC

will no longer accept new loans through the Hedge Program, but would continue to support existing Hedge Loans. The decision to make this announcement will be made by OCC's Chief Executive Officer or Chief Operating Officer based upon factors including, but not limited to, the number of participants that are able to conduct business under the enhanced Market Loan Program, the amount of transactions flowing through the enhanced Market Loan Program, the proportion of loan balances between the two Stock Loan Programs, and feedback from members about when they expect to be ready to migrate fully to the enhanced Market Loan Program. OCC's goal is to transition all Hedge Program participants to the enhanced Market Loan Program within a year after implementing the enhanced program. Beginning on the announced date, existing Hedge Loans will naturally terminate through return or recall instructions until none are left. OCC does not expect that this period will last more than six months from the announced date given the average term for stock loans.

This second phase would be reflected in proposed Rule 2213(e)(2), which would address the termination of the Hedge Loan Program. Section 2(c) of OCC By-Law Article XXI, which would become OCC Rule 2213(e)(1) as part of the reorganization of the Stock Loan By-Laws and Rules, already provides OCC authority, upon two business days' notice to Clearing Members, to terminate the outstanding Hedge Loans relating to one or more particular Eligible Stock at its sole discretion for certain enumerated reasons, including the impending termination of that business on the part of OCC. OCC Rule 2213(e)(2) would allow OCC to take a phased approach to terminating the Hedge Loan Program by first, upon approval by the Chief Executive Officer or Chief Operating Officer, announcing that OCC will cease to accept the initiation of new Hedge Loans. OCC Rule 2213(e)(2) also would provide that the determination to terminate the Hedge Loan Program will be made based upon factors including, but not limited to, the number of participants that are able to conduct business under the Market Loan Program, the amount of transactions flowing through the Market Loan Program, the proportion of loan balances between the two Stock Loan/Hedge Programs and the Market Loan Program, and feedback from members about when they expect to be ready to migrate fully to the Market Loan Program. During this phasing out, Clearing Members would be allowed to

maintain open positions in Hedge Loans until termination of those positions through returns and recalls initiated by the Clearing Members.

The third phase, which is not covered by this proposed rule change, would be the ultimate decommission of the Hedge Program Rules. Once all Hedge Loans terminate through return or recall, OCC intends to file another proposed rule change that would remove the Hedge Program from OCC's By-Laws and Rules. Thereafter, the Market Loan Program would then become OCC's single "Stock Loan Program." Until then, OCC is proposing to amend its Rules to avoid ambiguity by using "Hedge Loan" instead of "Stock Loan" when referring to Stock Loans under the Hedge Program unless in reference to Stock Loans under either of the Stock Loan Programs, consistent with the current definition of that term in Article I of the By-Laws.

Market Loan Program Enhancements

OCC proposes enhancements to the Market Loan Program that would (a) expand the Market Loan Program to allow for submission of Market Loans bilaterally negotiated by Clearing Members; (b) recognize MSLAs under the Market Loan Program; (c) fix the value of cash collateral delivered and returned versus the Loaned Stock at 102% of the value of the Loaned Stock, as Market Loans are currently collateralized, and allow for flexible pricing, as under the current Hedge Loan Program; (d) provide for the cancellation of pending transactions that have not yet been accepted by OCC; (e) establish rules for affirmation of Market Loan transactions submitted by Clearing Members directly to OCC; (f) facilitate the calculation and processing of cash distributions, including substitute dividends and rebate payments, by OCC's new clearance and settlement system, rather than by a Loan Market; (g) provide for modification of Market Loan terms agreed to by Market Loan Clearing Members; (h) implement additional OCC controls over the buy-in process in the case of a Borrowing Clearing Member's failure to deliver after the Lending Clearing Member initiated a recall, as well as to prepare those controls and OCC's other Market Loan and Hedge Loan Rules for the shortening of the standard settlement cycle for securities transactions; (i) support Canadian Clearing Members in the Market Loan Program while preventing certain transactions that could introduce tax withholding obligations; and (j) provide a framework for allow an Appointing Clearing Member to settle its Market Loan

²⁹ Currently, a Clearing Member that participates in the Hedge Loan Program that desires to expand its participation into the Market Loan Program is subject to a business expansion review under OCC's Third-Party Risk Management Framework. See Third-Party Risk Management Framework, available at <https://www.theocc.com/risk-management/risk-management-framework> (providing for assessments for Clearing Member onboarding, including with respect to expanded relationships).

³⁰ OCC has provided results of a survey and other informal discussions with Clearing Members concerning the enhancements to the OCC's Stock Loan Programs in confidential Exhibit 3B to SR-OCC-2024-011. Members have expressed interest in the enhancements such as having the rebate amounts calculated, settled, and guaranteed by OCC. The migration from Hedge to the Market Loan Program is necessary for such expansion to OCC's services.

activity through an Appointed Clearing Member in lieu of maintaining membership at a Depository.

(a) Bilaterally Negotiated Market Loans

OCC is proposing to expand the Market Loan Program to include bilaterally negotiated Market Loans submitted directly by Clearing Members. Under the Market Loan Program, OCC currently accepts electronic messages from the Loan Market for new loans and returns. OCC would expand the Market Loan Program to accept submissions directly from Clearing Members (or their third-party service providers). Following the affirmation of a new loan or return, OCC would instruct DTC to settle the transaction using the account of the lender, the borrower, or the Appointed Clearing Members, or using OCC's DTC account. While there would be two separate avenues for submitting loans (*i.e.*, through a Loan Market or direct submission of bilaterally negotiated Loans to OCC), the scope of OCC's guaranty and post-trade processing for all transactions would be uniform. By allowing for automated submission of transactions to OCC prior to DTC settlement and by controlling the settlement process, the enhanced program would help reduce the burden and risks associated with the balancing and reconciliation under the current Hedge Program.³¹ As under the current Hedge Program, counterparties to bilaterally negotiated contracts submitted through the Market Loan Program would remain paired in OCC's system for purposes of recalls, returns, and contract modifications.

Because certain proposed Rules would apply differently to Loans matched anonymously through a Loan Market and those that would be initiated bilaterally, whether through a Loan Market or with OCC directly, OCC would add definitions of "Anonymous Market Loan" and "Disclosed Market Loan" to OCC Rule 101. Anonymous Market Loans would be defined as those initiated through a Loan Market and for which the identities of the Lending Clearing Member and Borrowing Clearing Member are not disclosed to each other. Disclosed Market Loans would be defined to include either those Market Loans (i) initiated through a

Loan Market and for which the identities of the Lending Clearing Member and Borrowing Clearing Member are disclosed to each other, or (ii) initiated directly between the Lending Clearing Member and Borrowing Clearing Member away from a Loan Market such that the identities of the Lending Clearing Member and Borrowing Clearing Member are disclosed to each other. Paragraph (h) to proposed OCC Rule 2202A (Initiation of Market Loans) would provide that a Market Loan may be either an Anonymous Market Loan or a Disclosed Market Loan. Paragraph (a) to proposed OCC Rule 2206A (Maintaining Stock Loan and Stock Borrow Positions in Accounts) would provide that the identities of the Lending Clearing Member and Borrowing Clearing Member would be elements identified for stock loan positions and stock borrow positions resulting from Disclosed Market Loans.

To expand the Market Loan Program to bilateral transactions, OCC would amend OCC Rule 2202A. Specifically, the proposed rule change would amend current OCC Rule 2202A(a)(i), which would be renumbered to OCC Rule 2202A(a)(1) as part of the restatement of the Stock Loan Program rules, to add that, in addition to initiation through a Loan Market, a Market Loan may be initiated when a Lending Clearing Member and Borrowing Clearing Member send details of a stock loan between the two Clearing Members directly to OCC. To ensure that the original counterparties to such a Disclosed Market Loan remain paired in OCC system, notwithstanding OCC's novation, OCC would also amend current Article XXIA, Section 5 of OCC's By-Laws (Maintaining Stock Loan and Stock Borrow Positions in Accounts), which would become OCC Rule 2206A, by adding a new sentence to the beginning of that provision that introduces the concept of "matched pairs," consistent with the OCC By-Law's definition of Hedge Loans.³²

In addition to providing for the initiation of bilateral Market Loans, OCC would also amend its Rules to accommodate direct submission of other types of post-trade transactions for which the Rules currently rely on actions taken by a Loan Market. Specifically, OCC would amend the first paragraph of current OCC Rule 2209A(a) (Termination of Market Loans), which would be numbered as OCC Rule 2216A(a) as part of the broader reorganization of the Market Loan Program Rules, and new OCC Rule

2214A (Modifications) by providing that termination or modification of a Market Loan, respectively, may be initiated either through a Loan Market or OCC, depending on the way in which the Loan was initiated. Such instructions would be made through the Loan Market for Anonymous Market Loans; through OCC for Disclosed Market Loans initiated through OCC directly; and through either the Loan Market or OCC for Disclosed Market Loans initiated through a Loan Market. OCC would similarly amend the definitions of "Recall" and "Return," as migrated from the By-Laws to OCC Rule 101, to reflect the separate channels for initiating such a transaction. OCC would also make other conforming changes to the text of the Rules to reflect submission of bilaterally negotiated loans directly to OCC:

- Throughout the rules governing the Market Loan Program, OCC would also remove references to "matching" or "matched" transactions (*i.e.*, matched through a Loan Market) to reflect that Market Loan transactions could also be initiated bilaterally, either through a Loan Market or directly with OCC.³³

- The definition of "Market Loan Program," as migrated from Section 1 of Article I of the OCC By-Laws to OCC Rule 101, would be amended to recognize that Market Loans may be initiated either through a Loan Market or through direct submission of bilaterally negotiated Loans to OCC.

(b) Recognizing MSLAs

Parties to a bilaterally negotiated stock loan transaction typically execute an MSLA. Under current OCC Rule 2202(b), Hedge Clearing Members are permitted to establish and maintain additional terms under the MSLA that are not extinguished through OCC's novation provided that the additional terms are not inconsistent with anything in OCC's By-Laws or Rules. Examples of such additional or supplementary terms include a term structure or fees for buy-in transactions. The proposed rule change would add the same provision to the Market Loan Program in proposed OCC Rule 2202A(b)(2)(E). As described below, the recognition of MSLAs within the Market Loan Program would also

³¹ Surveys of stock loan industry participants indicate most firms have a significant spend for stock loan post-trade and reconciliation processing. Based on this industry feedback, OCC believes that a service that can provide operational efficiencies and further reduce manual processing and operational risk would be well received. OCC's review of this feedback is provided in confidential Exhibit 3B to SR-OCC-2024-011.

³² See By-Law Art. I, § 1.H.(2).

³³ See OCC By-Law Art. I, § 1.L.(5) (defining "Loan Market" as "an electronic platform . . . that supports securities lending and borrowing transactions by lenders and borrowers based on loan terms that each party is willing to accept"); OCC Rules 2202A(a)(i) ("If the matched transaction passes [OCC's] validation process . . ."); 2202A(a)(ii) ("previously reported matched transaction" and "related matched transaction"); 2202A(b) ("the matched stock loan transaction submitted by the Loan Market"); 2209A(a)(1) ("matched return/recall transaction").

facilitate the re-matching of Matched Book Positions in suspension because OCC would give priority to re-matching counterparties with existing MSLAs, both when re-matching within and across the Stock Loan Programs.

(c) Collateral and Mark-to-Market Pricing

To accommodate the submission of bilaterally negotiated Market Loans directly to OCC, OCC proposes to establish rules that would fix the collateral for Market Loans at 102%—the same rate at which Market Loans submitted through a Loan Market are collateralized today. Specifically, OCC would amend current OCC Rule 2204A (Mark-to-Market Payments), which would become proposed OCC Rule 2209A per the reorganization discussed below, to provide in proposed paragraph (b) (Market-to-Market Payment Amount) that the collateralization rate for all Market Loans would be 102%, regardless of whether initiated through a Loan Market or submitted directly to OCC. Accordingly, OCC would delete the current text in Rule 2204A and the definition of the term “Collateral” in Article XXIA of the OCC By-Laws, as migrated to OCC Rule 101, that provides that the collateralization rate shall be set by the relevant Loan Market. OCC believes that fixing collateral at 102% would help to preserve the compatibility of OCC’s cleared offering with standard practices for over-the-counter (“OTC”), uncleared stock loans while minimizing complexity in OCC’s risk management processes.

OCC previously considered standardizing collateralization at 100% because in a cleared transaction, OCC’s guaranty replaces the additional collateral in protecting Lenders from market risk in the event of a counterparty default. In a survey OCC submitted to all Clearing Members who participate in OCC’s Stock Loan Programs, the vast majority of respondents objected to a proposal to standardize collateralization at 100%.³⁴ The most common reasons cited for this objection were (i) desire to align the collateral amount and mark-to-market cashflows for members who commonly have uncleared positions at the OTC-standard 102% and a matching position within clearing; and (ii) loss of the additional 2% in collateral would materially reduce what the income lenders earn by investing the cash collateral, which is one of the reasons lenders choose to lend their shares. In

response to this feedback, OCC now proposes to fix collateral at 102%, which would align OCC’s offering with standard OTC practices and with OCC’s current practice within the Market Loan Program. Fixing the collateral at a single rate—as under the current Market Loan Program—would also minimize complexity in OCC’s risk management of stock loan positions by establishing a single rate across all Market Loans.

OCC also proposes to establish rules that would allow Clearing Members submitting Market Loans directly to OCC to select the default rate at which mark-to-market payments would be rounded up to the nearest level, which is the current practice for Hedge Loans. Specifically, OCC would amend OCC Rule 2201A (Instructions to the Corporation), which would become proposed OCC Rule 2207A, to reflect that the default rate is one of the standing instructions that Market Loan Clearing Members must submit with respect to Market Loans submitted directly to OCC. Rounding rates for Market Loans submitted through a Loan Market would not change. If the default rate differs between a Borrowing Clearing Member and a Lending Clearing Member, the Lending Clearing Member’s default rate would govern the Market Loan. When surveyed, Clearing Members cited the same reasons for supporting flexibility in pricing as they did in objecting to fixing collateral at 100%.³⁵ OCC currently offers this flexibility in the Hedge Program today. OCC believes that offering the same flexibility with respect to bilaterally negotiated Market Loans submitted to OCC directly will aid Clearing Members in aligning cash flows between cleared and OTC stock loan transactions.

(d) Cancellation of Pending Transactions

To facilitate the acceptance of bilaterally negotiated contracts in the Market Loan Program, OCC is proposing to modify its Rules that concern the cancellation of pending transactions to accommodate the submission of cancellation instructions by Clearing Members, in addition to a Loan Market. Under current OCC Rule 2202A(a)(ii), a Loan Market may instruct OCC to disregard a previously reported matched transaction that is pending settlement at DTC, after which OCC instructs DTC to cancel the previously issued delivery order. Upon confirmation that DTC has processed such cancellation instructions, the related matched transaction is deemed null and void and

given no effect. OCC has no obligation to any Market Loan Clearing Member in acting pursuant to a Loan Market’s instruction to disregard a previously reported transaction. The proposed rule change would amend OCC Rule 2202A(a)(ii), which would be renumbered as proposed OCC Rule 2202A(a)(2), to recognize the ability of a Market Loan Clearing Member to submit an instruction to cancel a pending transaction directly to OCC for bilaterally negotiated transactions submitted under the Market Loan Program.

The proposed changes would also add a new OCC Rule 2215A (Cancellation of Pending Instructions) to address the cancellation of pending post-trade instructions other than cancellation of loan initiation under Rule 2202A. For example, under OCC’s current OCC Rule 2202A, Hedge Clearing Members currently have the capability to cancel return instructions or recall instructions pending with DTC. Similarly, Market Loan Clearing Members currently may cancel pending transactions by issuing a cancellation instruction to the Loan Market, which may then instruct OCC to disregard a previously reported transaction under current OCC Rule 2202A(a)(ii). This new OCC Rule 2215A would preserve that ability under the enhanced program by allowing members that submit bilaterally negotiated Market Loans to issue cancellation instructions directly to OCC, as they do now to DTC and the Loan Market.

(e) Transaction Affirmation

Currently, Market Loan Program transactions are presumed matched when sent to OCC by a Loan Market. OCC would establish a transaction affirmation process for loans submitted directly to OCC, rather than through a Loan Market:

- **New Loans:** Counterparties to a new loan would be required to affirm the transaction details prior to OCC submitting the new loan to DTC for settlement. New loans that are not affirmed by the time that OCC stops accepting instructions for the day would be rejected. This affirmation process would be reflected in proposed OCC Rule 2202A(a)(1), which would provide that a Market Loan is initiated when (i) the Loan Market sends details of a stock loan transaction to OCC or (ii) a Lending Clearing Member and Borrowing Clearing Member send details to OCC of a stock loan transaction between them and such details, as applicable, are either matched by OCC or affirmed by the Clearing Members.

- **Returns:** Provided that the Borrowing Clearing Member initiated a

³⁴ OCC has included a copy of the survey results in confidential Exhibit 3B to SR-OCC-2024-011.

³⁵ OCC has included a copy of the survey results in confidential Exhibit 3B to SR-OCC-2024-011.

return within OCC's timeframe for submitting such instruction on a stock loan business day, the Lending Clearing Member would have the opportunity to affirm or reject the initiation of a return by a cut-off time on the same business day.³⁶ Any returns pending after that cut-off time would be deemed affirmed and submitted to DTC for processing. This auto-affirmation would be reflected in proposed OCC Rule 2216A(a)(2). Based on conversations with Clearing Members, OCC believes this affirmation process balances Lending Clearing Members' desire to have the opportunity to affirm or reject return instructions, while also addressing Borrowing Clearing Members' concerns that delay in affirmation or allowing the transaction to pend indefinitely could have regulatory consequences for the Borrowing Clearing Member.³⁷

- **Recalls:** Recalls would not need to be affirmed. Per standard MSLA terms, a Borrowing Clearing Member will be deemed to have affirmed the initiation of a recall provided that the Lending Clearing Member requested the return of the specific quantity of Loaned Stock no earlier than the standard settlement date that would apply to a purchase or sale of the Loaned Stock in the principal market of such Loaned Stock.³⁸ This understanding would be added to proposed OCC Rule 2216A(a)(3).

- **Contract Modifications:** Contract modifications to the rebate rate, interest rate benchmark, or loan term submitted by either a Borrowing Clearing Member or Lending Clearing Member, the proposed Rule amendments for which are discussed below, would not become effective until affirmed by both parties. This affirmation requirement would be added to new OCC Rule 2214A(a).

³⁶ OCC anticipates that upon implementation of these proposed changes, the cut-off for rejections will be 30 minutes prior to DTC's standard settlement submission deadline.

³⁷ OCC's settlement procedures for Stock Loan termination are intended to facilitate its Clearing Member's compliance with requirements under applicable rules of the Commission and self-regulatory organizations, including the requirements imposed by Regulation SHO. See Exchange Act Release No. 59294 (Jan. 23, 2009), 74 FR 5958 (Feb. 3, 2009) (SR-OCC-2008-20). However, the ultimate responsibility for compliance with Regulation SHO rests with the Clearing Member, and OCC has no liability for any Clearing Member's failure to comply with its obligations. See, e.g., OCC Rules 2209A(g) ("[OCC] shall not be held liability for any Clearing Member's failure to comply with its responsibilities and obligations under the federal and state securities laws, including, but not limited to, Regulation SHO, or any applicable rules of the relevant Loan Market or any exchange or self-regulatory organization.").

³⁸ The standard settlement cycle currently corresponds with the one stock loan business day after submission of the recall. See OCC Rule 2209A(a)(3).

- **Buy-Ins & Sell-Outs:** For Market Loans submitted directly through the Corporation, the Borrowing Clearing Member and Lending Clearing will be given the opportunity to affirm or reject a buy-in or sell-out, respectively, by a cut-off time specified by OCC on the stock loan business day the buy-in or sell-out transaction is received by OCC. If the Clearing Member does not affirm or reject the buy-in or sell-out by that time, OCC would deem the buy-in or sell-out to be complete if OCC determines that the Buy-In or Sell-Out Costs for the Loaned Stock initiated is more than the lowest market price and less than the highest market price for the Loaned Stock on the stock loan business day the buy-in or sell-out is submitted to OCC.³⁹ Otherwise, the buy-in or sell-out would be rejected. As with buy-ins and sell-outs under the Hedge Program today,⁴⁰ any objection that the contraparty has with respect to the timeliness of the buy-in or sell-out or the reasonableness of the Buy-In or Sell-Out Costs are matters that must be resolved between the Lending Clearing Member and the Borrowing Clearing Member, away from OCC. These understandings and processes would be reflected in paragraphs (b)(2)(B) and (c)(2) of proposed OCC Rule 2216A.

To support Clearing Members in making the affirmations required under these rules, OCC's new stock loan system would support automatic affirmation based on system settings that could be selected by the Clearing Member.⁴¹ Through OCC's new clearance and settlement system, Clearing Members will be able to create and manage standing instructions for affirmation of their Market Loans based on variables including the type of transaction, the counterparty, the amount, or the rebate rate. For example, a member would be able to set instructions to: (i) affirm every transaction; (ii) limit affirmation to a certain set of counterparties; (iii) establish more granular rules, such as affirming any transaction with a rebate rate less than 250 basis points; or (iv) combine one or more of the above

³⁹ OCC would evaluate the price per share paid or received against market prices on that stock loan business day, consistent with the Clearing Member's obligation to immediately give OCC written notice of the buy-in or sell-out. In making its determination, OCC would account for transaction costs, fees or interest paid or incurred in connection with the buy-in and sell-out that may be included in the Buy-In and Sell-Out Costs provided by the Clearing Member executing the buy-in or sell-out.

⁴⁰ See OCC Rule 2209(b), (f).

⁴¹ Buy-ins and sell-outs under OCC Rule 2216A would require manual affirmation, subject to automatic affirmation following a cut-off time discussed above.

instructions. When new loans are received, the system would check whether there is a standing instruction that applies to the new loan. If no instruction is found, then the new loan would be pended for affirmation, subject to the above referenced Rules. If a standing instruction applies, then OCC would follow that instruction as satisfaction of the affirmation requirement. Authority to permit such standing instructions currently exists under current OCC Rule 2201A (Instructions to the Corporation), the applicable provision of which would be renumbered OCC Rule 2207A(a)(2).

(f) Cash Distributions

The proposed changes would allow OCC to calculate and effect cash entitlements through its new clearance and settlement system, including dividends, distributions and rebates. OCC proposes to revise paragraphs (a)(ii) and (a)(iii) of current OCC Rule 2206A (Dividends and Distributions; Rebates), renumbered as proposed OCC Rule 2211A(b) and (c), to reflect that under OCC's new clearance and settlement system, OCC shall assume responsibility for calculating the margin add-on collected with respect to dividend equivalent payments. While OCC shall continue to effect dividend equivalent payments primarily through the facilities of DTC using its dividend tracking service, OCC would effect the payments through OCC's new clearance and settlement system if OCC determines that the dividend or distribution for a Market Loan is not tracked through DTC's dividend tracking service or if OCC has determined to remove a Market Loan from the dividend tracking service, as under OCC's current Rules. In addition, OCC would continue to add non-cash dividends and distributions to the Loaned Stock if OCC determines that such dividends and distributions are legally transferable and the transfer can be effected through DTC. The determination to fix a cash value for non-cash dividends and distributions not added to the Loaned Stock would be OCC's under the proposed changes, rather than the Loan Market. Because OCC will no longer be reliant on the Loan Market for OCC's margin add-on process and settlement of dividend equivalent payments, OCC proposes to eliminate the limitations under the current Rule, including the current provision that OCC's guaranty is limited by the amount of margin OCC collected in reliance on the Loan Market's calculation. This change would not have any effect on OCC's margin methodology. OCC would continue to

collect a margin add-on for such cash distributions.

The proposed changes would also add paragraph (d) to proposed OCC Rule 2211A to address the rights of a Lending Clearing Member with respect to optional dividends (*i.e.*, a dividend the shareholder can elect to receive in cash, stock, or some combination of the two). Proposed OCC Rule 2211A(d) would provide that a Lending Clearing Member will have the right to elect an option only if it recalls the Loaned Stock in time to make such election. If the Lending Clearing Member does not recall the Loaned Stock, the Lending Clearing Member would be entitled to receive the default option set by the issuer of the Loaned Stock. OCC understands this proposed rule would match the Loan Market's current process for optional dividends. Because optional dividends on Market Loans are currently governed by the Loan Market's processes, OCC's rules do not currently address the rights of a Lending Clearing Member with respect to optional dividends.

OCC would also amend its rules to facilitate calculation, collection, and payment of rebates under the new clearance and settlement system. OCC Rule 2206A(b) currently provides that OCC generally will collect and pay rebate payments on a monthly basis as instructed by the Loan Market. As with dividend equivalent payments, the Loan Market is currently responsible for calculation of the rebate payments. OCC would amend OCC Rule 2206A(b), which would be renumbered OCC Rule 2211A(e), to reflect that OCC shall assume responsibility for calculating rebate payments under its new clearance and settlement system. OCC also proposes to amend the Rule so that OCC will be prepared if and when the stock loan industry transitions to daily, rather than monthly, collection of rebate payments. Because OCC anticipates that upon implementation of the new system, OCC will continue to calculate and collect rebate on a monthly basis, proposed OCC Rule 2211A(e) would provide that the calculation and collection of rebate payments could also be made on such other basis, not to exceed monthly.

(g) Market Loan Modifications

OCC is proposing to add a new rule to support contract modifications to the Market Loan Program made possible by the change to contract-level recordkeeping, discussed below. Modifications agreed to by the Market Loan Clearing Members over the life of a Market Loan would be accepted by OCC and handled by OCC's new

clearance and settlement system. Specifically, modifications would be permitted regarding the (a) rebate rate; (b) interest rate benchmark; and (c) loan term. Any modifications would be maintained in OCC's books and records at the contract level. OCC's new clearance and settlement system would allow, but not require, submission of these terms.⁴² The channel through which modification requests would be processed would be determined by the manner in which the loan was initiated. Clearing Members would be required to submit post-trade transactions for Anonymous Market Loans through the Loan Market on which the transaction was initiated, consistent with current practice. Clearing Members may submit post-trade transactions for Disclosed Market Loans to OCC directly or, if the Disclosed Market Loan was submitted through a Loan Market, Clearing Members would have the option of submitting the post-trade transaction through the Loan Market.

The proposed change would add a new rule, which would be numbered OCC Rule 2214A as part of the broader proposed reorganization of Chapter XXIIA. In addition to specifying the terms subject to modification, proposed OCC Rule 2214A would provide that OCC shall update the relevant terms in its books and records if, as applicable, (1) the Loan Market notifies OCC that the parties agreed to the modification, or, (2) with respect to Market Loans initiated directly through OCC, the parties provided OCC with matching or affirmed instructions, as discussed above. OCC would provide notice of the modified terms in the daily reports that OCC is required to make available to Market Loan Clearing Members under proposed OCC Rule 2210A.

(h) Buy-In Controls and Settlement Cycle

The proposed changes would also provide OCC with additional controls over the buy-in process for the recall of a Market Loan initiated by a Lending Clearing Member if the Borrowing Clearing Member fails to return the Loaned Stock in situations other than suspension of the Borrowing Clearing Member.⁴³ Under current OCC Rule 2209A, a Lending Clearing Member is entitled to initiate a buy-in if a recall transaction fails to settle by the

Settlement Time on the first stock loan business day after submitting the recall.⁴⁴ Under OCC's current rules, the Borrowing Clearing Member may return the Loaned Stock up until the time that the Lending Clearing Member that initiated the return or recall provides written notice to the Loan Market that it has executed the buy-in or sell-out. This process can lead to situations in which the Borrowing Clearing Member may return the Loaned Stock during the period between when buy-in becomes permissible, but before the Lending Clearing Member executes the transaction and provides written notice.

OCC proposes to provide for enhanced controls over the buy-in process by amending current OCC Rule 2209A(b), which would be renumbered OCC Rule 2216A(b) as part of the reorganization of Chapter XXIIA of OCC's Rules. Proposed OCC Rule 2216A(b) would be amended to provide that upon timely notice from the Lending Clearing Member that it intends to execute a buy-in after a Borrowing Clearing Member fails to return the Loan Stock following a recall transaction, OCC would prevent the Borrowing Clearing Member from returning the Loaned Stock while the Lending Clearing Member executes the buy-in. Until such time as the Lending Clearing Member provides such notice, OCC would recognize the Borrowing Clearing Member's return of the Loaned Stock. The stock loan and stock borrow positions would remain open until such time as the Lending Clearing Member provides notice that the buy-in is complete.

(i) Supporting Canadian Clearing Members

As described above, Canadian Clearing Members are currently limited to participation in OCC's Hedge Program. The proposed changes would support Canadian Clearing Members in the Market Loan Program while preventing certain transactions that could give rise to tax withholding obligations.

First, OCC would revise certain of OCC's current By-Laws and Rules to recognize Canadian Clearing Members as potential participants in the Market Loan Program and address certain unique operational capabilities that will be required to support that participation:

- OCC would revise paragraph (f) of OCC Rule 302 (Operational Capability) to include Canadian Clearing Members as among those members that qualify for participation in the Market Loan

⁴² See *infra* item (k) (Contract-Level Recordkeeping).

⁴³ As a practical matter, if the Borrowing Clearing Member initiates a return, it would have the shares in its possession to return. Accordingly, the proposed controls are limited to buy-ins following failure to deliver initiated by a recall by the Lending Clearing Member.

⁴⁴ See OCC Rule 2209A(a)(3).

Program, including by providing for such Canadian Clearing Members to settle transactions through a CDS sub-account at the Depository, as they do under the Hedge Program today.

- OCC would further revise and restate paragraph (f) to consolidate the subparagraphs specific to the operational requirements for participation in the Hedge Loan Program and the Market Loan Program. The current division can be attributed to the evolution of those programs, which led OCC to make approval for participation in the Hedge Loan Program—OCC's initial Stock Loan Program—a condition for participation in the Market Loan Program. The proposed changes would consolidate the provisions so that the present division does not serve as an impediment to the planned decommission of the Hedge Loan Program. Requirements specific to a particular program, or a particular means of initiating a Stock Loan through one of the Stock Loan Programs, would be amended to delineate the scope of applicability.

- OCC would revise OCC Rule 306A (Event-Based Reporting) to reflect that a Canadian Clearing Member's obligation to notify OCC if CDS has or likely will cease to act for that Canadian Clearing Member extends to such members that participate in both Stock Loan Programs.

- OCC would replicate OCC Rule 2201(c), which concerns a Canadian Clearing Member's appointment of CDS for purposes of settling Hedge Loan delivery-versus-payment transactions, as proposed OCC Rule 2207A(c). As such, the same requirements would apply to Canadian Clearing Members that participate in the Market Loan Program.

In making its determination to extend the Market Loan Program to Canadian Clearing Members, OCC has also considered OCC's ability to offer that program's expanded guaranty to Canadian Clearing Members without incurring tax or withholding obligations on the associated payment obligations. Under the expanded Market Loan Program, OCC would clear and settle the types of cash distributions, such as substitute dividend and rebate payments, that OCC does not guarantee under the Hedge Program and must be resolved bilaterally by Hedge Clearing Members, away from OCC. OCC believes its current Rules already provide the framework to allow Canadian Clearing Members to transact under the Market Loan Program without imposing tax withholding obligations on payments made or received by OCC. As discussed

above, OCC currently imposes obligations on Canadian Clearing Members intended to allow OCC to clear listed options transactions free from tax withholding obligations on dividend equivalent payments or deemed payments. Current OCC Rule 202 generally would also allow OCC to make substitute dividend payments to Canadian Clearing Members as Lending Clearing Members under the enhanced Market Loan Program without imposing tax or withholding obligations. While OCC understands that, subject to the conditions in OCC Rule 202, OCC's payments of substitute dividends to Canadian Clearing Members would not be subject to withholding, OCC would report substitute dividend payments to the IRS using information provided by the Canadian Clearing Members, as OCC currently does for dividend equivalent payments or deemed payments to Canadian Clearing Members in connection with listed options transactions. Pursuant to current OCC Rule 202(b)(5), the Canadian Clearing Member is required to indemnify OCC for any loss, liability or expense (including taxes and penalties) it may sustain as a result of the member's failure to comply with requirements of OCC Rule 202(b).

Current OCC Rule 202(b) also provides OCC with authority to prohibit or limit specific transactions with respect to non-U.S. members that may give rise to tax or withholding obligations. Pursuant to that authority, OCC expects to impose certain limitations on the Market Loan activity of Canadian Clearing Members to address specific situations in which tax withholding obligations might otherwise arise, including limitations on transactions involving (i) Canadian underlying securities, (ii) Positive Rebate, and (iii) Negative Rebate.

(i) Canadian Securities

Pursuant to OCC Rule 202(b), OCC would preclude Canadian Clearing Members from executing Market Loan transactions as a Borrowing Clearing Member, whether on behalf of a customer or for its own account, for which the Loaned Stock is issued by a Canadian issuer because of tax withholding obligations under Canadian law for substitute dividend payments that would be owed by the Canadian Clearing Member in its capacity as the lender. OCC understands that under Canadian law, the loan of a security issued by a Canadian company would be treated as a loan of the underlying shares for Canadian tax purposes. The substitute dividend paid by the Canadian Clearing Member as the

Borrowing Clearing Member to OCC, in its capacity as the lender, would be a payment made by the Canadian Clearing Member, as a corporation, to OCC of a dividend payable on the underlying securities under subparagraph 260(8)(a)(ii) of the Income Tax Act (Canada), and the payment would be subject to Canadian withholding tax under subsection 212(2) of that act. Accordingly, a Borrowing Clearing Member would be precluded from initiating a Market Loan in its capacity as a Borrowing Clearing Member because the Canadian Clearing Member could not fulfil its obligation under OCC's Rules to provide a substitute dividend payment free from tax and withholding obligations. OCC understands that no similar tax withholding obligation would exist for substitute dividend payments with respect to a Canadian underlying security made by OCC, in its capacity as the borrower, to a Canadian Clearing Member that was a Lending Clearing Member.⁴⁵

(ii) Positive Rebate

OCC believes that OCC Rule 202 also allows OCC to clear and settle Positive Rebate payments to Canadian Clearing Members in connection with Market Loans without introducing tax withholding obligations. While neither the I.R.C. or IRS regulations specifically provide for the treatment of rebate payments, OCC believes that Positive Rebate would be treated as interest for U.S. federal tax purposes because Positive Rebate compensates the Borrowing Clearing Member for the use of the cash collateral by the Lending Clearing Member,⁴⁶ and would therefore constitute U.S.-source "fixed or determinable annual or periodic income," or "FDAPI," under section 1442 of the I.R.C. While U.S.-source FDAPI generally is subject to a 30% U.S. withholding tax when paid to a foreign

⁴⁵ OCC understands that dividends on Eligible Stock of issuers that are not Canadian residents are exempt from taxation on dividends under subsection 212(2.1) of the Income Tax Act (Canada) when paid as part of a fully collateralized stock lending arrangement pursuant to 2021 amendments thereto.

⁴⁶ The U.S. Supreme Court has characterized interest as "compensation for the use or forbearance of money." See *Deputy v. du Pont*, 308 U.S. 488, 498 (1940). Positive Rebate is a payment from the Lending Clearing Member to the Borrowing Clearing Member equal to the amount of cash collateral posted by the Borrowing Clearing Member multiplied by a positive rebate rate. The Lending Clearing Member has the right to use the cash collateral during the term of the stock loan. Accordingly, Positive Rebate represents a payment by the Lending Clearing Member to the Borrowing Clearing Member for the right to use the cash collateral and therefore is properly characterized as interest.

corporation, exemptions from withholding apply to (i) payments to a Qualified Intermediary in its capacity as an intermediary that has accepted primary withholding responsibility, and (ii) interest paid to a Canadian Clearing Member that qualifies for an exemption from withholding on interest under Article XI of the Convention Between the United States of America and Canada with Respect to Taxes on Income, October 16, 1980, as amended by subsequent Protocols (the “Canada Treaty”).

A Qualified Intermediary that has accepted primary withholding responsibility is exempt from U.S. federal withholding on payments from a withholding agent, including U.S.-source interest, received in its capacity as an intermediary.⁴⁷ Accordingly, OCC understands that rebate payments (whether Positive Rebate or Negative Rebate) to a Canadian Clearing Member in its capacity as a Qualified Intermediary, may be made by OCC free from withholding, consistent with treatment of dividend equivalent payments in connection with listed options transactions. As discussed above,⁴⁸ Canadian Clearing Members are required to be Qualified Intermediaries as a condition of membership under OCC Rule 202. As with substitute dividends, OCC would add payment of rebates for transactions in a Canadian Clearing Member's capacity as a Qualified Intermediary to the current reporting OCC submits to the IRS for dividend equivalent payments on listed options, based on information to be received from the Canadian Clearing Member pursuant to current OCC Rule 202(b)(3).

With respect to Positive Rebate payments on Market Loans initiated by a Canadian Clearing Member in its capacity as principal, OCC would require Canadian Clearing Members to demonstrate, pursuant to OCC Rule 202, that such payments are subject to exemption from U.S. withholding obligations under the Canada Treaty. Article XI(1) of the Canada Treaty reduces the rate of withholding from 30% to zero for U.S.-source interest beneficially owned by a resident of Canada entitled to treaty benefits, provided that income is not attributable

to a permanent establishment, within the meaning of the Canada Treaty, or effectively connected with a trade or business conducted in the United States.⁴⁹ Under current OCC Rule 202(b)(2), an FFI Clearing Member must certify annually to OCC that the member satisfies the requirements of OCC Rule 202 by submitting appropriate tax documentation. A Canadian Clearing Member participating in the Market Loan Program may evidence its entitlement to the benefits of the Canada Treaty with respect to interest by providing OCC with a correct and complete IRS Form W-8 BEN-E. Under OCC's current Rules, a FFI Clearing Member must promptly inform OCC in writing if it undergoes a change in circumstances that would affect its compliance with Rule 202(b) or otherwise knows or has reason to know that it is not, or will not be, in compliance with OCC Rule 202(b), in each case, within two days of knowledge thereof.⁵⁰

(iii) Negative Rebate

Although exemptions for withholding requirements would apply to payment of Negative Rebate to a Canadian Clearing Member acting as a Qualified Intermediary with respect to customer transactions, OCC understands that there is a risk that no exemption from U.S. tax withholding would apply to the payment of Negative Rebate to a Canadian Clearing Member outside its capacity as a Qualified Intermediary. Therefore, pursuant to OCC Rule 202(b), OCC would limit Canadian Clearing Members from initiating Market Loans with a Negative Rebate as a Lending Clearing Member other than in its capacity as a Qualified Intermediary. In addition, OCC would limit Canadian Clearing Members' ability to modify the rebate on a Market Loan to a Negative Rebate as a Lending Clearing Member other than in its capacity as a Qualified Intermediary. OCC's new clearance and settlement system will prevent a Canadian Clearing Member from initiating or modifying a Market Loan to a Negative Rebate in its capacity as a Lending Clearing Member for its firm account.

(j) Provide for Appointed and Appointing Clearing Members

Currently, OCC Rule 302 requires that all participants in the Market Loan Program must be members of the Depository, DTC. As discussed above, OCC would also extend the Market Loan Program to Canadian Clearing Members

by allowing for such members to settle Market Loan transactions through a CDS sub-account maintained at DTC. However, OCC recently filed and the Commission approved a proposed rule change to allow OCC to expand its membership to other types of participants who may or may not be members of the Depository, including bank members and members of jurisdictions other than the U.S. and Canada.⁵¹

In order to build a framework for accommodating such new types of members in the Market Loan Program, OCC proposes to revise OCC Rules 101, 302 and proposed OCC Rules 2202A, 2207A and 2216A to allow a Clearing Member participating in the Market Loan Program (the Appointing Clearing Member) to appoint an Appointed Clearing Member to make settlement of obligations arising from the initiation or termination of Market Loans, in a similar manner to how OCC Rule 901 currently allows for Appointed and Appointing Clearing Members with respect to delivery or receipt of underlying securities arising from the exercise of equity options and maturity of stock futures, or how OCC Rule 2201 current allows Canadian Clearing Members to appoint CDS as its agent for purposes of effective delivery orders for stock loan and stock borrow transactions. In lieu of membership at the Depository, establishing a relationship with an Appointed Clearing Member would be a means by which Clearing Members could access the Market Loan Program. Specifically, OCC would revise the current definitions in OCC Rule 101 for “Appointed Clearing Member” and “Appointing Clearing Member” to reference the initiation and termination of Market Loans. The definitions would also refer to proposed Rule 2207A (Instructions to the Corporation), which like current OCC Rule 901(f) would contain a paragraph providing the mechanism for such appointments. Proposed OCC Rules 2202A and 2216A (Termination of Market Loans) would also provide for OCC to submit delivery orders to the Depository's account for the Appointed Clearing Member in connection with the initiation or termination of a Market Loan, respectively.

Enhancements To Facilitate OCC's New Clearance and Settlement System

In addition to the enhancements (a) through (j) above, which are specific to the Market Loan Program, except when

⁴⁷ See Treas. Reg. 1.1441-1(e)(5)(iv) (“If a withholding agent makes a payment of an amount subject to withholding under chapter 3, a reportable payment (as defined in section 3406(b)), or a withholdable payment to a qualified intermediary that represents to the withholding agent that it has assumed primary withholding responsibility for the payment, the withholding agent is not required to withhold on the payment.”).

⁴⁸ See *supra* note 27.

⁴⁹ See 26 U.S.C. 894; Canada Treaty, Art. XI(1).

⁵⁰ See OCC Rule 202(b)(4).

⁵¹ See Exchange Act Release No. 97439 (May 5, 2023), 88 FR 30373, 30373 (May 11, 2023) (SR-OCC-2023-002).

otherwise indicated, the proposed rule change would also implement enhancements to both Stock Loan Programs to support the implementation of OCC's new clearance and settlement system. Specifically, the proposed changes would (k) replace the legacy practice of position aggregation with contract-level recordkeeping; (l) align the settlement of daily mark-to-market of cash collateral to accounts; (m) simplify the mark-to-market calculation to focus on the change to the contract value of a Clearing Member's Stock Loan; and (n) allow for re-matching of Matched-Book Positions across both Stock Loan Programs in the event of a Clearing Member default and suspension.

(k) Contract-Level Recordkeeping

OCC proposes to eliminate the legacy practice of aggregating stock loan and stock borrow positions for the same Eligible Stock in favor of contract-level accounting, consistent with industry-standard bookkeeping practices. Under the new contract-based approach, each Stock Loan (*i.e.*, a stock loan position or stock borrow position) would be a distinct contract and no aggregation would be done when positions are recorded in accounts. Every new loan that is recorded will generate a new stock borrow position and stock loan position for the number of shares lent and borrowed. Contract-level recordkeeping would allow Clearing Members to see more precisely the contracts with shares lent by lender and borrower, which aligns to industry standard recordkeeping. By maintaining stock loan positions and stock borrow positions at the contract level, OCC would also be able to record additional terms, including but not limited to: (a) rebate rate; (b) whether the rebate rate is a fixed or a floating value (and if floating the interest rate benchmark); and (c) end date if it is a term loan. Clearing Member submission of these additional terms would not be mandatory, and OCC would assume that no such terms exist unless otherwise directed by its Clearing Members.⁵²

To implement contract-level recordkeeping, the proposed rule change would amend Article XXI, Sections 2 (Hedge Program) and Article XXIA, Section 5 (Market Loan Program) of OCC's By-Laws, retained portions of which would migrate to become OCC Rules 2203 and 2206A, respectively. Specifically, OCC would amend

proposed Rule 2203(c)(1)–(2) and 2206A(b)(1)–(2) to delete the text providing for the aggregation of positions, which OCC proposes to eliminate. In addition, OCC would delete the last sentence of Article XXI, Section 2(b) and Article XXIA, Section 5(b), as relocated to proposed OCC Rules 2203(d)(2)(B) and 2006A(a)(2), which provide that OCC shall identify stock loan and stock borrow positions resulting from Hedge Loans separately from positions resulting from Market Loans. Because OCC proposes to eliminate position aggregation altogether, this prohibition against aggregating positions across programs would no longer be relevant.

The proposed changes would also allow OCC to record additional terms at the contract level. The By-Laws currently provide that upon acceptance of a Hedge Loan or Market Loan, OCC creates a stock loan position and stock borrow position in the account designated by the Lending Clearing Member and Borrowing Clearing Member, respectively, that identifies the Eligible Stock, the number of shares loaned, the amount of Collateral received, and the identities of the Lending Clearing Member or the Borrowing Clearing Member, as applicable.⁵³ OCC proposes to amend proposed OCC Rules 2203(d)(2)(A) and 2206A(a)(1) to provide that in addition to those terms, which are required for OCC's acceptance of a Hedge Loan or Market Loan, OCC would record such additional terms that the Clearing Members may provide at the contract level. Such additional terms could include, but are not limited to, rebate rate, interest rate benchmark and loan term. Pursuant to proposed additions to proposed OCC Rules 2202(b)(2)(E) and 2202A(b)(2)(E), recording additional terms that are not associated with OCC's guaranty (*i.e.*, rebate rate and interest rate benchmark with respect to Hedge Loans, and loan term with respect to both Hedge Loans and Market Loans) would not impose any additional obligations on OCC. Rather, they would be additional terms as between the parties that survive OCC's novation and would be recorded in OCC's system for the Clearing Members' convenience.

In addition to the changes related to proposed OCC Rules 2203 and 2206A above, OCC would make conforming changes to other provisions to reflect the change from position-level to contract-level record keeping:

- Current Interpretation and Policy .01 to OCC Rules 2201 and 2201A (*i.e.*,

proposed OCC Rules 2206(b) and 2206A(d) per the reorganization discussed below), which concern the transfer of stock loan positions or stock borrow positions between Clearing Member accounts, would be amended to delete the phrase "all or any portion of" as it relates to stock loan or stock borrower positions, and the text "provided, that any such transfer will result in the transfer of all shares related to the relevant stock loan position or stock borrow position" would be added. These changes reflect that stock loan positions and stock borrow positions would be recorded at the contract level and would not be aggregated. Accordingly, any transfer of a stock loan position or stock borrow position (each representing an individual contract) would be for all shares that are the subject of the contract.

- Current Interpretation and Policy .02 to OCC Rule 2201 (*i.e.*, proposed OCC Rule 2206(c)(1) per the reorganization discussed below), which concerns how OCC would apply Hedge Loan return instructions received from DTC to a Clearing Member's default account, would be modified to eliminate functionality in ENCORE for Clearing Members to designate OCC accounts in DTC delivery orders that is not currently utilized by Clearing Members participating in the Hedge Loan Program and, accordingly, is not being built for the new clearance and settlement system. To account for the shift to contract-level recordkeeping, OCC would also add OCC Rule 2206(c)(2), which would provide that returns will decrease the number of shares borrowed beginning with the oldest Hedge Loan between the Borrowing Clearing Member and the Lending Clearing Member on OCC's books and records. If the return exhausts the oldest Hedge Loan, OCC would decrement the next oldest, and so on and so forth.

- Current Interpretation and Policy .02 to OCC Rule 2201A (*i.e.*, proposed OCC Rule 2206A(e) per the reorganization discussed below), which concerns how Market Loan return instructions would be applied to a Clearing Member's accounts, would be amended to reflect that if there are insufficient shares in the account designated by the delivery order submitted to OCC, or in the default account if the delivery order did not specify an account, OCC would reject the return instruction rather than fulfill the return to the extent of the shares in the designated or default account, as applicable. If an account was designated in the delivery order, OCC would fulfill the return based only on that account and would reject the return instruction

⁵² If these additional terms are not recorded on a Market Loan submitted to OCC, OCC would not make any assumptions and the fields would be left blank in OCC's system.

⁵³ See OCC By-Law Art. XXI, § 2(b); Art. XXIA, § 5(a).

if sufficient shares were not available in that account rather than applying shares in the default account to cover the excess.

- Current OCC Rule 2209A(a)(2) (*i.e.*, proposed OCC Rule 2216A(a)(5) per the reorganization discussed below), which concerns the termination of Market Loans upon receipt of end-of-day information from DTC concerning return or recall delivery orders, would be amended to delete the phrase “and reduce the respective Clearing Members’ open stock loan and stock borrow positions accordingly.” This phrase refers to adjustments required for aggregated stock loan and stock borrow positions, which would not be relevant under the contract-level recordkeeping proposal. OCC would also remove the phrase “the end of the day” with respect to the stock loan activity files it receives from DTC because OCC receives and processes such information from DTC throughout the business day.

(l) Aligning Mark-to-Market Settlement to Accounts

Under the proposed rules designed to facilitate OCC’s new clearance and settlement system, OCC would end the practice of limiting cash settlement of daily mark-to-market of cash collateral to the Clearing Member’s firm account or combined Market-Makers’ account. Instead, cash settlement will occur in the account in which the stock loan or stock borrow position is held. OCC implemented the current structure for settlement of mark-to-market payments in 1997 and 1998.⁵⁴ At that time, OCC believed that settlement through a firm’s lien account would prevent premiums by option writers (which constitute customer funds) from being netted against stock loan mark-to-market payments from a clearing member (which do not constitute customer funds). The assumption at the time appears to have been that stock loan transactions would be limited to loans initiated by a Clearing Member in its capacity as principal. However, fully paid for lending programs have developed over the last two decades that allow customers to earn returns on their portfolios by allowing their broker to lend their shares.

The proposed change would align mark-to-market cash settlements with positions by deleting current OCC Rules 2201(a)(iii) and 2201A(a)(iii), as relocated to proposed OCC Rules 2207(a)(1)(C) and 2207A(a)(1)(C), which

require Clearing Members to provide OCC with standing instructions identifying the Clearing Member’s firm accounts or combined Market-Makers’ accounts from which mark-to-market payments are to be made. No standing instruction would be needed because OCC will simply settle the mark-to-market payments in whichever account the stock loan or stock borrow position is held. In addition, OCC would amend current OCC Rules 2204(a) and 2204A(a), the relevant portions of which would be renumbered OCC Rules 2209(a) and 2209A(a), respectively, to provide that any mark-to-market payment shall be made in the account in which the Hedge Loan or Market Loan is held.

OCC would also delete the last clause to Interpretation and Policy .04 to Rule 1104, which concerns the use of a Liquidating Settlement Account to satisfy mark-to-market obligations arising from a suspended Clearing Member’s stock loan or borrow positions in customers’ accounts. That clause provides for use of the Liquidating Settlement Account notwithstanding that such mark-to-market payments may settle in another account under current Rules 2201(a) and 2201A(a). This clarifying clause would no longer be relevant because of the alignment of settlement with the accounts in which the positions are held.

(m) Simplifying Mark-to-Market Calculations

Because OCC proposes to end the practice of aggregating stock loan and stock borrow positions, OCC also proposes to simplify the mark-to-market calculation described in proposed OCC Rules 2209 and 2209A. Currently, the mark-to-market calculation focuses on the value of the loaned shares of stock.⁵⁵ Specifically, it takes the quantity of stock that is on loan each morning and marks it to a closing price each night. Quantities of stock that correspond to new loans put on during the day are also marked to the end-of-day closing price. As such, the calculation was designed with the practice of aggregating stock loan and stock borrow positions for the same Eligible Stock in mind. The proposed mark-to-market calculation will instead focus on the change to the contract value of a Clearing Member’s stock loans. Specifically, proposed OCC Rules 2209(b) and 2209A(b) would provide that the mark-to-market payment will be the amount necessary to cause the amount of Collateral to be equal to the

Collateral requirement applicable to the Stock Loan. For Hedge Loans, the Collateral requirement is either 100% or 102% of the mark-to-market value of the Loaned Stock, depending on which percentage the parties selected when initiating the Hedge Loan. For Market Loans, as discussed above, the Collateral requirement would be fixed at 102% of the value of the Loaned Stock, which is the collateralization for all Market Loans currently. While this proposed amendment would change the way OCC makes mark-to-market calculations, the change would have no impact on the results of the calculation.

(n) Re-Matching Matched Book Positions in Suspension Across Stock Loan Programs

The proposed changes would also extend OCC’s authority to close out and re-establish the Matched-Book Positions of a suspended Clearing Member to the Market Loan Program and would allow re-matching in suspension across the Hedge and Market Loan Programs. Under the current Hedge Program, OCC has authority to terminate Matched-Book Positions by offset and re-matching with other Clearing Members.⁵⁶ OCC’s authority to re-match Matched-Book Positions in suspension facilitates the orderly and efficient termination and re-establishment of stock loans involving suspended Clearing Members, thereby mitigating operational and price dislocation risks that may arise for non-defaulting Clearing Members if OCC were required to unwind positions by recalling all borrowed securities from specific Borrowing Clearing Members and returning those securities to specific Lending Clearing Members. Extending such re-matching authority to the Market Loan Program and allowing re-matching across OCC’s two Stock Loan Programs would also align OCC’s close-out processes with how OCC already manages stock loan and borrow positions. Specifically, stock loan and borrow positions covering the same Eligible Stock in either program are treated under OCC’s margin methodology as fungible and are permitted to offset one another in calculating a Clearing Member’s margin requirement for the relevant account.

OCC would extend re-matching authority and allow for re-matching across programs by inserting a new OCC Rule 2219A to the Rules governing the Market Loan Program. The new rule would be similar in structure and content to current OCC Rule 2212, which concerns re-matching in

⁵⁴ See Exchange Act Release No. 40083 (June 11, 1998), 63 FR 33424–01 (Jun 18, 1998) (File No. SR–OCC–98–03); Exchange Act Release No. 39738 (Mar. 10, 1998), 63 FR 13082 (Mar. 17, 1998) (File No. SR–OCC–97–11).

⁵⁵ See OCC Rules 2204(a); 2204A(a).

⁵⁶ See OCC Rule 2212.

suspension for the Hedge Program. Proposed OCC Rule 2219A(a) would provide that, in the event that a suspended Clearing Member has Matched-Book Positions within the Hedge or Market Loan Programs, OCC will, upon notice to affected Clearing Members, close out the suspended Clearing Member's Matched-Book Positions to the greatest extent possible by (i) the termination by offset of stock loan and stock borrow positions that are Matched-Book Positions in the suspended Clearing Member's account(s) and (ii) OCC's re-matching in the order of priority in paragraph (c) of stock borrow positions for the same number of shares in the same Eligible Stock maintained in a designated account of a Matched-Book Borrowing Clearing Member against a stock lending position for the same number of shares in the same Eligible Stock maintained in a designated account of a Matched-Book Lending Clearing Member.

Under proposed OCC Rule 2219A(b), as under current OCC Rule 2212(b), the Matched-Book Borrowing Clearing Member and Matched-Book Lending Clearing Member would not be required to issue instructions to DTC to terminate the relevant stock loan and stock borrow positions or to initiate new stock loan transactions to reestablish such positions, as the affected positions would be re-matched without requiring the transfer of securities against the payment of settlement prices.

Proposed OCC Rule 2219A(c), as under current OCC Rule 2212(c), would provide that OCC shall make reasonable efforts to re-match Matched-Book Borrowing Clearing Members with Matched-Book Lending Clearing Members that maintain MSLAs executed between them, based upon information provided by Clearing Members to OCC on an ongoing basis. OCC would be entitled to rely on, and would have no responsibility to verify, the MSLA records provided by Clearing Members and on record as of the time of re-matching. As under current OCC Rule 2212(d), proposed Rule OCC 2219A(c)(1) through (13) would require the termination by offset and re-matching be done using a matching algorithm in which the Matched-Book Positions of the suspended Clearing Member are first terminated by offset and then affected Matched-Book Borrowing Clearing Members and Matched-Book Lending Clearing Members are re-matched in order of priority based first upon whether the re-matched Clearing Members have an existing MSLA between them or, in the case of Anonymous Market Loans, can be kept anonymous by re-matching with

a Matched-Book Position that is another Anonymous Market Loan initiated through the same Loan Market. OCC believes prioritizing the re-matching of Disclosed Market Loans between parties that have MSLAs and re-matching that results in maintaining Anonymous Market Loans will limit the number of returns that may be initiated for re-matching that results in Disclosed Market Loans between parties who have not executed an MSLA.

Specifically, under the re-matching algorithm, OCC would select the largest stock loan or stock borrow position in a given Eligible Stock from the suspended Clearing Member's Matched-Book Positions within the Hedge Program. The selected positions would then be re-matched with the largest available stock borrow or stock loan positions within the Hedge Program, as applicable, for the selected Eligible Stock for which a MSLA exists between a Matched-Book Borrowing Clearing Member and a Matched-Book Lending Clearing Member. OCC would repeat this process until all potential re-matching between Matched-Book Borrowing Clearing Members and Matched-Book Lending Clearing Members with MSLAs is completed for positions within the Hedge Program. Simultaneously, OCC would perform the same re-matching process within the Market Loan Program for (i) Matched-Book Positions that are Disclosed Market Loans for which a MSLA exists between a Matched-Book Borrowing Clearing Member and a Matched-Book Lending Clearing Member, and (ii) Matched-Book Positions that are Anonymous Market Loans initiated through the same Loan Market. After re-matching to the extent possible within the Market Loan Program based on manner of initiation and trade source, OCC would proceed to re-match Matched-Book Positions within the Market Loan Program for which an MSLA exists between a Matched-Book Borrowing Clearing Member and a Matched-Book Lending Clearing Member, without regards to whether Matched-Book Position was part of a Disclosed Market Loan or Anonymous Market Loan.

After matching Matched-Book Positions to the extent possible between borrowers and lenders with existing MSLAs within both the Hedge Program and the Market Loan Program, OCC would then select the largest remaining stock loan or stock borrow positions for a given Eligible Stock regardless of whether the position is a Hedge Loan or a Market Loan and re-match it with the largest available stock borrow or stock loan position for the selected Eligible

Stock in the other Stock Loan Program for which an MSLA exists between the lenders and borrowers in the other Stock Loan Program, regardless of whether the Market Loan selected or matched is a Disclosed Market Loan or Anonymous Market Loan. OCC would repeat this process until it has rematched all Matched-Book Positions to the extent possible between parties to existing MSLAs between the two Stock Loan Programs.

After re-matching among lenders and borrowers with existing MSLAs, the process would then be repeated for all remaining Matched-Book Positions for which MSLAs do not exist between the lenders and borrowers. OCC would first complete such rematching to the extent possible within each program. The re-matching process would then be repeated for all remaining Matched-Book Positions across the Stock Loan Programs for which MSLAs do not exist between the lenders and borrowers. Remaining positions that are not able to be rematched either within or across programs would then be closed-out pursuant to the rules governing close-out of Hedge Loans or Market Loans, as applicable.

Under proposed OCC Rule 2219A(d), as under current OCC Rule 2212(e), in the event Borrowing and Lending Clearing Members are re-matched through this process, the re-matched positions would be governed by the pre-defined terms and instructions established by the Lending Clearing Member pursuant to renumbered OCC Rule 2207 (for Hedge Loans) or Rule 2207A (for Market Loans). For Matched-Book Positions re-matched across programs, the resulting re-matched loan would be a Hedge Loan. If the re-matched positions were Anonymous Market Loans, the resulting Loan would be an Anonymous Market Loan. However, if one of the positions was a Disclosed Market Loan or the positions were Anonymous Market Loans initiated through different Loan Markets, the resulting loan would be a Disclosed Market Loan. Going forward, such a Disclosed Market Loan would be deemed to have been initiated through OCC, which would facilitate re-matching within the Market Loan Program for parties who are not subscribers to a Loan Market. Pursuant to proposed OCC Rule 2219A(j), the re-matched Clearing Members may choose to execute an MSLA or close-out the re-matched positions in accordance with proposed OCC Rules 2213 or 2216A, as applicable.

Under proposed OCC Rule 2219A(e), which corresponds to the second sentence of current OCC Rule 2212(e),

any change in Collateral requirements arising from a change in the terms of stock loan or stock borrow positions between a Lending Clearing Member and Borrowing Clearing Member with re-matched positions would be included in the calculation of the mark-to-market payment obligations on the stock loan business day following the completion of the positions adjustments as set forth in proposed OCC Rule 2219A(f).

Under proposed OCC Rule 2219A(f), as under current OCC Rule 2212(f), the termination by offset and re-matching of positions would be complete upon OCC completing all position adjustments in the accounts of the suspended Clearing Member and the Borrowing Clearing Members and Lending Clearing Members with re-matched positions and the applicable systems reports are produced and provided to the Clearing Members reflecting the transactions.

Under proposed OCC Rules 2219A(g) through (i), from and after the time OCC has completed the position adjustments as set forth in proposed OCC Rule 2219A(f), the suspended Clearing Member would have no further obligations under the By-Laws and Rules with respect to such positions; however, a Borrowing Clearing Member with re-matched stock borrow positions would remain obligated as a Borrowing Clearing Member and a Lending Clearing Member with re-matched stock loan positions would remain obligated as a Lending Clearing Member as specified in the By-Laws and Rules applicable to the Stock Loan Programs. Furthermore, upon notification that OCC has completed the termination by offset and re-matching of stock loan and borrow positions, the suspended Clearing Member and Borrowing Clearing Members and Lending Clearing Members with re-matched positions would be required promptly to make any necessary bookkeeping entries at DTC to ensure the accuracy and efficacy of those stock loan terms not governed by OCC's By-Laws and Rules. Under proposed OCC Rule 2219A(j), as under current OCC Rule 2212(j), Borrowing Clearing Members and Lending Clearing Members that have been re-matched would be required to work in good faith to either (i) reestablish any terms, representations, warranties and covenants not covered by the By-Laws and Rules (e.g., establish an MSLA) or (ii) terminate the re-matched stock loan or borrow positions in the ordinary course pursuant to OCC Rules 2213 or 2216A, as applicable, as soon as reasonably practicable.

Because OCC has designed proposed OCC Rule 2219A to address the process for re-matching in suspension in both

Stock Loan Programs, OCC further proposes to delete current OCC Rule 2212, which concerns re-matching in suspension for the Hedge Program, and replace it, as renumbered to proposed OCC Rule 2217, with a cross-reference to proposed OCC Rule 2219A.

By-Laws and Rules Reorganization and Restatement

OCC would also make a number of other clarifying, conforming, and organizational changes to OCC's By-Laws and Rules, and rule-filed policies that reference the By-Law and Rules provisions governing the Stock Loan Programs.

(a) Reorganization

OCC proposes to reorganize the provisions of OCC's By-Laws and Rules relating to the Stock Loan Programs into newly revised Chapter XXII (Hedge Loan Program) and Chapter XXIIA (Market Loan Program). This consolidation of rules governing the Stock Loan Programs is similar to changes OCC made to migrate By-Laws governing OCC's Clearing Fund and membership standards to the Rules.⁵⁷ As part of these changes, OCC would preserve the governance requirements concerning amendments to the stock loan-related By-Laws migrated to the Rules by amending Article XI, Section 2 of the By-Laws.

The provisions governing the Stock Loan Programs are currently found in Articles XXI and XXIA of OCC's By-Laws and Chapters XXII and XXIIA of the OCC Rules. Because the proposed changes to the Stock Loan Programs would substantially amend the relevant By-Law and Rule provisions, OCC believes that this is an appropriate opportunity to consolidate the primary provisions that address the Stock Loan Programs into Chapters XXII and XXIIA of the Rules. As a result, the content of Articles XXI and XXIA of the By-Laws would be consolidated into Chapters XXII, XXIIA and, with respect to definitions, Chapter I of the OCC Rules, subject to the proposed amendments described in this rule filing. OCC would also migrate to the OCC Rules the definitions currently located in Article I of the By-Laws that are specific to the Stock Loan Programs.⁵⁸ To account for migrated definitions of terms that are

⁵⁷ See Exchange Act Release No. 97439, *supra* note 51, 88 FR at 30377 (membership standards); Exchange Act Release No. 83735 (July 27, 2018), 83 FR 37855, 36859 (File No. SR-OCC-2018-008) (Clearing Fund).

⁵⁸ See By-Law Art. I, § 1.B.(4), E.(3), H.(1), L.(2), L.(5), M.(3)–(4), M.(7)–(9), S. (19), (21)–(23). Rule 101 provides that terms in the Rules have the meanings defined in the By-Laws or as set forth in the Rules.

used elsewhere in the By-Laws, OCC would revise the By-Law definition to refer to the definition of that term in OCC Rule 101.⁵⁹ OCC believes that consolidating the provisions governing the Stock Loan Programs into one place would provide more clarity around, and enhance the readability of, OCC's rules governing the Stock Loan Programs. OCC has included a chart mapping the provisions moved from the By-Laws to the Rules, and the resulting renumbering of existing Rules, in Exhibit 3A to File No. SR-OCC-2024-011.

To preserve the governance requirements for amendments to the By-Law provisions that would be migrated to the Rules, OCC would also amend Article XI of the By-Laws. Specifically, OCC would amend Article XI, Section 2 of the By-Laws, which requires the affirmative vote of two-thirds of the directors then in office (but not less than a majority of the number of directors fixed by the By-Laws) to amend certain enumerated provisions. Specifically, OCC would add Rule 2201, Rule 2203, Rule 2204, Rule 2205, Rule 2206(a) and (d), Rule 2213(e)(1), Rule 2214(e)(1), Rule 2201A, Rule 2203A, Rule 2204A, Rule 2205A and Rule 2206A(a)–(c) and (f) to these enumerated provisions.

(b) Restatement

In addition to consolidating the By-Laws and Rules specific to the Stock Loan Programs within the Rules, OCC proposes to restate those provisions and make certain other changes for clarity and consistency. The changes would include (i) global changes across the By-Laws and Rules to add courtesy titles and standardize terms; (ii) integration of Interpretations and Policies within the Stock Loan Program rules into the body of the text of the Rules themselves; and (iii) certain other administrative or technical changes to the rule text.

(i) Global Changes

Global changes to be applied across the By-Laws and Rules concerning the Stock Loan Programs include:

- Adding courtesy titles to the beginning of paragraphs or other subdivisions, where appropriate, to aid the reader in locating provisions governing specific topics.
- Replacing references to “Stock Loan” that are specific to the Hedge Program with “Hedge Loan” in order to

⁵⁹ References to the definition of the terms “stock borrow position” and “stock loan position” in proposed Rule 101 would be retained in the By-Laws because these terms are referenced in certain other definitions in the By-Laws, as well as Article VI, Section 27 of the OCC By-Laws (Close-Out Netting).

better differentiate between Hedge Loans and Market Loans while the Hedge Program is still in place. Use of the defined term “stock loan” would be retained when referring to either a Hedge Loan or a Market Loan or both as the context requires.⁶⁰ Reference to the “Stock Loan/Hedge Program” would remain unchanged.

- Replacing references to “Hedge Clearing Member” or “Market Loan Clearing Member” with “Clearing Member,” “Borrowing Clearing Member,” or “Lending Clearing Member,” as applicable, to simplify OCC’s membership structure and reflect that Clearing Members may be authorized to transact in either program.⁶¹

(ii) Interpretations and Policies

OCC would also relocate current Interpretations and Policies (“I&P”) within Chapters XXI and XXIA of the Rules by moving those provisions within the body of the applicable Rules, subject to any further amendments discussed herein. The location of the text as reorganized within the Rules is included in Exhibit 3A to SR–OCC–2024–011 and noted in footnotes to the proposed rule text in Exhibit 5A to SR–OCC–2024–011.⁶² OCC believes that consolidating the I&Ps, which have no less legal effect than the text of the Rules themselves, would provide more clarity around, and further enhance the readability of, OCC’s Rules governing the Stock Loan Programs.

In certain instances, OCC is proposing to eliminate the existing Interpretations and Policies altogether:

- Interpretations and Policies .01 to current OCC Rules 2202 and 2202A, which concern the position information OCC provides to Clearing Members on an intraday basis, would be deleted because they concern a topic covered by and more properly addressed in proposed OCC Rules 2210 and 2210A (Daily Reports). The specific information referenced in those Interpretations and Policies—*i.e.*, new position, transfer positions, returns and

cancels—would be integrated into the proposed Rules.

- I&P .01 to current OCC Rule 2210 (Suspension of Hedge Clearing Members—Pending and Open Stock Loans) and OCC Rule 2210A (Suspension of Market Loan Clearing Members—Pending and Open Market Loans)—which refers the reader to Interpretation and Policy .02 of OCC Rule 1104 for a description of OCC’s private auction process—would be deleted. In its place, a cross-reference to that description would be added to paragraph (b) of that Rule, as renumbered to OCC Rule 2215 per the reorganization discussed above.

(iii) Administrative Changes

OCC would also improve the clarity and readability of certain Rules, including by:

- breaking certain lengthy Rule provisions into subparagraphs with additional convenience headings to aid the reader in navigating the requirements and obligations therein;
- numbering provisions with multiple paragraphs that are currently unnumbered, in whole or in part, or with lengthy provisions that can be split into multiple paragraphs, and adding convenience headings to paragraphs, where such convenience headings would be helpful to the reader.⁶³
- renumbering subdivisions in Chapters XXII and XXIII based on a consistent numbering convention for (a) paragraphs, (1) subparagraphs, and (A) items.⁶⁴
- updating cross-references found throughout the By-Laws and Rules based on the proposed reorganization and renumbering.
- improving consistency of the text between similar Hedge Program and Market Loan Program rules;⁶⁵
- deleting duplicative provisions of the Rules that merely refer the reader to substantive rights and obligations located elsewhere in the Rules;⁶⁶

⁶³ See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed OCC Rule 2202(b)(1)–(3); Rule 2203(b)(1)–(2), (c)(1)–(2), (d)(1)–(2); Rule 2204(a)–(b); Rule 2205(a)–(b); Rule 2207(a)(1)–(3); Rule 2213(b)(1)–(2); Rule 2214(b)(1)–(6), (c)(1)–(4); Rule 2216(a)–(d); Rule 2202A(b)(1)–(3); Rule 2206A(a)(1)–(2); Rule 2207A(a)(1)–(3); Rule 2216A (d)(1)–(2); Rule 2218A(a)–(d).

⁶⁴ See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed Rule 2202(b)(2)(A)–(E).

⁶⁵ See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed OCC Rule 101.C.(4), L.(2), M.(1), S.(2) (conforming language in definitions specific to Hedge Loans and Market Loans); Rule 2213 (modifying title to “Termination of Hedge Loans” based on a similar title for current Market Loan Rule 2209A); Rule 2202A(b)(2)(E) (amending the Rule for initiation of Market Loans to include novation provisions governing Hedge Loans).

⁶⁶ See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed OCC Rule 2202(d) & I&P .01 (deleting

OCC would also make conforming edits to OCC’s Margin Policy and the Recovery and Orderly Wind-Down Plan (“RWD Plan”). Specifically, OCC’s Margin Policy references OCC’s default management practices under current Rules 2211 and 2211A, which provide that OCC may instruct a non-defaulting Clearing Member to buy-in or sell-out of positions. The proposed rule change would renumber those references to Rules 2216 and 2218A, respectively. OCC would also amend the description of the margin add-on in the Margin Policy to capture the full range of factors that determine the margin add-on charge for stock loan activity (*i.e.*, collateral rate, mark-to-market pricing, dividends and distributions announced by an issuer, and rebate payments). Similarly, references in the RWD Plan to Section 2(c) of Article XXI of the By-Laws and Rule 2209A(d), which refer to OCC’s authority to terminate the Stock Loan Programs, would be renumbered to proposed Rules 2213(e) and 2216A(d)(2), respectively, and the excerpted text of those Rules appearing in the RWD Plan would be conformed with the text as amended by this proposed rule change.

Implementation Timeframe

OCC will implement the proposed changes at the time Ovation becomes OCC’s system of record, which is planned to launch no earlier than July of 2025.⁶⁷ OCC will announce the implementation date of the proposed change by Information Memorandum posted to its public website at least four weeks prior to implementation. OCC plans to launch Ovation and implement the proposed changes no later than December 31, 2025, and OCC will announce another intended implementation date by Information Memorandum posted to its public website if the changes will not be implemented by that date.

(2) Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Exchange Act and the rules and regulations thereunder. Section 17A(b)(3)(F) of the Exchange Act⁶⁸ requires, among other things, that the rules of a clearing agency (i) promote the prompt and accurate clearance and

duplicative Borrowing Clearing Member obligations located in proposed OCC Rules 2209 and 2211); Rule 2202A(e) (deleting duplicative Borrowing Clearing Member obligations located in proposed OCC Rules 2209A and 2211A).

⁶⁷ See <https://www.theocc.com/Participant-Resources> (linking to reference guides and timelines for the launch of Ovation).

⁶⁸ 15 U.S.C. 78q–1(b)(3)(F).

⁶⁰ See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed OCC Rule 101.S.(6), (7), (9), (10); Rules 2201–2206; Rules 2209–2216.

⁶¹ See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed OCC Rule 1006(h)(C); Rule 2202; Rules 2206–2210; Rules 2213–2214; Rule 2215–17; Rule 2202A; Rules 2207A–2212A; Rules 2216A–2219A.

⁶² See, e.g., Exhibit 5A to SR–OCC–2024–011, proposed OCC Rule 2206(b) (replacing Rule 2201, I&P .01); Rule 2206(c)(1) (replacing Rule 2201 I&P .02); Rule 2206(d) (replacing By-Law Art. XXI § 5, I&P .01); Rule 2214(e)(1) (replacing By-Law Art. XXI § 2, I&P.01); Rule 2206A(d) (replacing Rule 2201A, I&P .01); Rule 2206A(e) (replacing Rule 2201A, I&P .02); Rule 2206A(f) (replacing I&P By-Law Art. XXIA § 5, I&P .01).

settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions; (ii) assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible; (iii) in general, protect investors and the public interest; and (iv) are not designed to permit unfair discrimination among participants in the use of the clearing agency. OCC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of stock loan transactions, assure the safeguarding of securities and funds at OCC, protect investors and the public interest, and not unfairly discriminate among Clearing Members for the reasons below.

Enhancements To Facilitate OCC's New Clearance and Settlement System

As described above, the proposed changes would involve certain changes to accommodate OCC's new clearance and settlement system, including by transitioning away from the legacy practice of aggregating positions in the same Eligible Stock into stock loan and stock borrow positions to contract-level record keeping. Contract-level recordkeeping would allow Clearing Members to see more precisely the contracts with shares lent by lender and borrower, which aligns to the record keeping industry standard. Allowing for terms to be recorded at the contract level will allow OCC to record other terms at the contract level, including terms related to OCC's guaranty of substitute dividend and rebate payments. Eliminating position aggregation would also allow OCC to simplify the calculation for mark-to-market payments in OCC's Rules. And by aligning mark-to-market payments to the accounts in which a stock loan position is held, OCC would end the practice of requiring cash mark-to-market payments for stock loan or stock borrow positions to settle in a Clearing Member's firm lien account or combined Market-Makers' account. Aligning mark-to-market cash settlements with the accounts in which the position is held simplifies OCC's processes and reduces complexity. Accordingly, OCC believes that conforming its practices for maintaining stock loan and stock borrow positions to industry standards and simplifying its processes for marking those positions to market helps to promote the prompt and accurate clearance and settlement of stock loan transactions, and protect investors and the public interest by reducing operational complexity that

could cause delay and impose costs on market participants.

The proposed changes to allow for re-matching of Matched-Book Positions in suspension also promote the prompt and accurate clearance and settlement of securities and derivatives transactions, the safeguarding of securities and funds at OCC, and the protection of securities investors and the public interest in accordance with Section 17A(b)(3)(F) of the Exchange Act⁶⁹ and Rule 17Ad-22(e)(13)⁷⁰ and (e)(23)⁷¹ thereunder. Rule 17Ad-22(e)(13) requires covered clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to, in part, ensure the covered clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations in the event of a Clearing Member default.⁷² Rule 17Ad-22(e)(23) requires covered clearing agencies to maintain written policies and procedures reasonably designed to, among other things, provide for publicly disclosing all relevant rules and material procedures, including key aspects of its default rules and procedures.⁷³

As noted above, a significant portion of the activity in OCC's Hedge Program relates to matched-book activity. Under the current Hedge Program Rules, OCC has authority to perform an orderly close out of a suspended Hedge Clearing Member's Matched-Book Positions through the termination by offset and re-matching of such positions without requiring the transfer of securities against the payment of settlement prices as currently required under OCC Rule 2211. As a result, the Hedge Program rules minimize the potential for operational and execution risks and eliminate any risk resulting from potential price dislocation between recall and return transactions. Extending this authority to the Market Loan Program would provide the same benefits. In addition, by allowing re-matching across OCC's Stock Loan Programs, the proposed rule change would more closely align OCC's close-out process with the assumptions underlying OCC's margin methodology, STANS. Specifically, STANS assumes stock loan and borrow positions covering the same Eligible Stock in OCC's Stock Loan Programs are fungible and are permitted to offset one another

in calculating a Clearing Member's margin requirement for the relevant account. Allowing for re-matching across Stock Loan Programs is consistent with this assumption. OCC believes the proposed rule change will strengthen the risk management processes in place at OCC by mitigating the risks involved in the buy-in/sell-out of Matched-Book Positions as well as provide the overall marketplace with more stability with respect to the Stock Loan Programs. OCC therefore believes the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions, the safeguarding of securities and funds in the custody or control of OCC or for which it is responsible and, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Exchange Act,⁷⁴ and would establish default procedures for the Market Loan Program that ensure that OCC can take timely action to contain losses and liquidity pressures and continue meeting its obligations in the event of a participant default in accordance with Rule 17Ad-22(e)(13).⁷⁵

In addition, OCC would use a matching algorithm to re-match stock loan and stock borrow positions in order of priority based on the largest available stock borrow or stock loan positions, as applicable, for the selected Eligible Stock for which a MSLA exists between the Borrowing and Lending Clearing Members or for which both positions are Anonymous Market Loans. In the event parties to a resulting Disclosed Market Loan do not have existing securities lending relationships, those members may choose to either work in good faith to reestablish any terms, representations, warranties and covenants not governed by the By-Laws and Rules (e.g., MSLA) or to terminate the re-matched stock loan or borrow positions in the ordinary course pursuant to renumbered OCC Rules 2213 and 2216A, as soon as reasonably practicable. The proposed rule change therefore provides for an objective process for re-matching stock loan and borrow positions and ensures that members that initiated Anonymous Market Loans or that have existing securities lending relationships are re-matched to the greatest extent possible and would still allow for Clearing Members that are re-matched but that do not have existing securities lending relationships to terminate such positions in the ordinary course pursuant to renumbered OCC Rules

⁶⁹ 15 U.S.C. 78q-1(b)(3)(F).

⁷⁰ 17 CFR 240.17Ad-22(e)(13).

⁷¹ 17 CFR 240.17Ad-22(e)(23).

⁷² 17 CFR 240.17Ad-22(e)(13).

⁷³ 17 CFR 240.17Ad-22(e)(23).

⁷⁴ 15 U.S.C. 78q-1(b)(3)(F).

⁷⁵ 17 CFR 240.17Ad-22(e)(13).

2213 and 2216A. As a result, OCC believes that the proposed rule change is designed to not permit unfair discrimination among participants in the use of the clearing agency in accordance with Section 17A(b)(3)(F) of the Exchange Act.⁷⁶ Furthermore, the proposed rule change would make key aspects of OCC's default procedures with respect to the close out of Matched-Book Positions in suspension public by amending OCC's Rules, which are posted to OCC's website, consistent with Rule 17Ad-22(e)(23).⁷⁷

Market Loan Program Enhancements

The proposed enhancements specific to the Market Loan Program would also promote the prompt and accurate clearance and settlement of stock loan transactions and, in general, protect investors and the public interest. Allowing for bilaterally negotiated Stock Loans in the Market Loan Program would allow OCC to expand its guaranty of cash distributions, such as substitute dividend and rebate payments, to such loans, limiting existing counterparty risks that remain for Hedge Loans, in which such payments must be resolved by the counterparties away from OCC. Transitioning bilaterally negotiated transactions to the Market Loan Program would also reduce operational burden associated with the reconciliation process and risk associated with errors that currently occur under the Hedge Program because settlement at DTC currently occurs prior to OCC's validation and acceptance of the transaction. Under the enhanced Market Loan Program, such bilaterally negotiated transactions would be submitted directly to OCC, which would validate the trade before sending delivery instructions to DTC, thereby helping to identify and resolve any errors prior to settlement occurring. Accordingly, OCC believes that expanding the Market Loan Program to include direct submission of bilaterally negotiated stock loans would promote the prompt and accurate clearance and settlement of stock loan transactions and protect investors and the public interest.

Allowing for the submission of bilateral transactions through the Market Loan Program would also help simplify OCC's post-trade processing of stock loan transactions. For instance, allowing Borrowing Clearing Members to send return instructions directly to OCC for bilaterally initiated Market Loans would help eliminate errors in the Hedge Program that occur when

notices of returns initiated through DTC are not received by OCC with the correct reason codes, resulting in position breaks. The proposed changes would disclose OCC's process for affirming transactions related to bilaterally negotiated Market Loans submitted directly to OCC, which would give members opportunities to affirm or reject transactions within time-frames specified by OCC, after which OCC would either reject the transaction if not affirmed (*i.e.*, new loans) or would be deemed affirmed and processed accordingly (*i.e.*, returns, buy-ins, sell-outs), thereby avoiding transactions that would pend indefinitely. The proposed changes would also accommodate modifications to certain terms, such as the rebate rate, interest rate benchmark or the loan term, without the need for those loans to be returned. The proposed changes would also improve OCC's control over the buy-in process by giving OCC the authority to prevent situations in which a Borrowing Clearing Member that failed to deliver the Loaned Stock in response to a recall instruction then attempts to deliver the Loaned Stock after the Lending Clearing Member may initiate a buy-in.

OCC's new clearance and settlement system would also assume certain processes currently performed by a Loan Market, including calculation of payments with respect to cash distributions for substitute dividend and rebate payments. Consolidating such processing at OCC will help ensure consistency across Market Loans, regardless of whether initiated through a Loan Market or directly with OCC. Assuming the responsibility to calculate such payments would also allow OCC to eliminate Rules intended to limit OCC's guaranty for such payments to the margin OCC collected in reliance on the Loan Market's determinations. OCC would also modify the Market Loan rules concerning the collateralization rate and mark-to-market pricing, which are currently set by the Loan Market. Fixing collateral at the single rate of 102%, which is the Loan Market's rate, would minimize complexity in the evaluation of a member's Stock Loan portfolio for the purposes of liquidation in the event of a default. Accordingly, OCC believes that these post-trade processing enhancements to the Market Loan Program would promote the prompt and accurate clearance and settlement of stock loan transactions and protect investors and the public interest.

Finally, the proposed enhancements to support Canadian Clearing Members in the Market Loan Program would also promote the prompt and accurate

clearance and settlement of stock loan transactions, assure the safeguarding of securities and funds at OCC, and protect investors and the public interest. The introduction of withholding responsibilities would introduce new complications and risks into OCC's clearance and settlement process and could create uncertainty around the settlement of funds at OCC, as discussed in detail in connection with OCC's proposed rule change to address the implementation of I.R.C. Section 871(m) with respect to OCC's listed options transactions.⁷⁸ The proposed rule change would implement prudent, preventive measures to protect OCC against the obligation for any withholding (and any resulting liability) by (a) applying similar conditions for the payment of substitute dividends as those for dividend equivalent payments for listed options; (b) preventing a Canadian Clearing Member from executing Market Loans in its capacity as a Borrowing Clearing Member for Canadian Securities, which may give rise to withholding obligations under Canadian law; (c) clarifying Canadian Clearing Member membership requirements such that Positive Rebate transactions would be subject to exemptions from withholding under U.S. law; and (d) preventing a Canadian Clearing Member from executing Market Loans with Negative Rebate in its capacity as a Borrowing Clearing Member for its own account, which may give rise to withholding obligations under U.S. Law. OCC believes these steps are necessary to prevent tax withholding obligations that OCC is not currently able to identify or collect. Thus, OCC believes the proposed rule change is designed to promote the prompt and accurate clearance and

⁷⁸ See Exchange Act Release No. 79435 (Nov. 30, 2016), 81 FR 87984 (Dec. 6, 2016) (File No. SR-OCC-2016-014). As the Commission recognized, application of Section 871(m) to listed options transactions would "have significant implications for OCC and its Clearing Members"—especially with respect to Non-U.S. Clearing Members, for which OCC would be required "to develop and maintain systems (i) to identify transactions that are Section 871(m) Transactions, (ii) to determine the amount of any dividend equivalents, (iii) to effectuate withholding, and (iv) to remit the withheld tax to the IRS." *Id.* at 87986. Treasury has yet to release guidance on key aspects of Section 871(m) that would be needed to build such systems. See IRS Notice 2024-44, Extension of the Phase-in Period for the Enforcement and Administration of Section 871(m), available at <https://www.irs.gov/pub/irs-drop/n-24-44.pdf>. Like the changes implemented when Section 871(m) went into effect, this proposed change would transfer the costs and liability associated with tax withholding requirements to the Non-U.S. Clearing Members, thereby eliminating the potential uncertainty and risks in the daily settlement of funds at OCC that otherwise would be imposed if those withholding obligations rested with OCC.

⁷⁶ 15 U.S.C. 78q-1(b)(3)(F).

⁷⁷ 17 CFR 240.17Ad-22(e)(23).

settlement of securities and derivatives transactions, the safeguarding of securities and funds at OCC, and the protection of securities investors and the public interest in accordance with Section 17A(b)(3)(F) of the Exchange Act.⁷⁹

Furthermore, while the proposed rule change would impose additional requirements and restrictions on Canadian Clearing Members, the proposed rules are intended to address specific issues and potential risks to OCC arising from those Canadian Clearing Members whose membership and participation in the Market Loan Program creates potential withholding obligations for OCC. Because Canadian Clearing Members are already subject to similar requirements to accommodate dividend equivalent payments or deemed payments for listed options transactions without imposing withholding obligations under Section 871(m), OCC believes that the additional conditions and requirements with respect to participation in the Market Loan Program will not impose a significant burden. In addition, the limitations on certain transactions OCC proposes because of the heightened risk of withholding obligations are narrowly tailored to address the specific risks based on the Canadian Clearing Member's role in the transaction and whether it is transacting in its capacity as principal or on behalf of a customer. Therefore, OCC believes that the proposed rule change is not unfairly discriminatory among participants in the use of the clearing agency and is therefore consistent with Section 17A(b)(3)(F) of the Exchange Act.⁸⁰

By-Laws and Rules Reorganization and Restatement

OCC believes that the proposed reorganization and restatement of OCC's By-Laws and Rules specific to OCC's Stock Loan Programs is consistent with Section 17A(b)(3)(F) of the Exchange Act⁸¹ and Rule 17Ad-22(e)(1),⁸² which requires OCC to, among other things, maintain written policies and procedures reasonably designed to ensure a well-founded, clear, transparent, and enforceable legal basis for each aspect of OCC's activities. OCC believes that the proposed reorganization improves the clarity and transparency of its By-Laws and Rules by consolidating provisions governing the clearance and settlement of stock loan transactions in the Rules, rather

than split across OCC's By-Laws and Rules. Similarly, OCC believes that integrating Interpretations and Policies into the text of the Rules helps enhance clarity and transparency by placing those provisions closer to the text they interpret. In addition, the global changes and administrative changes discussed above would apply consistent terms and numbering conventions, improve consistency of the text between similar Hedge Program and Market Loan Program rules, and remove duplicative provisions. Accordingly, OCC believes the proposed changes help ensure OCC's By-Laws and Rules, which form the legal basis for OCC's clearance and settlement of stock loan transactions, are clear and transparent.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Exchange Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.⁸³ With the exception of the Rules specific to Canadian Clearing Members, addressed further below, the proposed changes are meant to enhance OCC's Stock Loan Programs, and would apply equally to all Clearing Members.

The transition to the Market Loan Program is not expected to impose a burden on competition or inhibit access for Clearing Members who currently transact exclusively through the Hedge Loan Program because the enhanced Market Loan Program would allow for the clearance of bilaterally negated transactions submitted to OCC for clearance, as the Hedge Loan Program does today. Accordingly, the changes do not require any participant in the Hedge Loan Program to transact through a Loan Market. In addition, OCC plans to authorize Clearing Members that currently participate in the Hedge Loan Program to transact through the Market Loan Program without requiring additional onboarding from a membership perspective, subject to providing the necessary authorizations required of all Market Loan Program participants, thereby reducing the administrative burden of the transition. All Clearing Members would be subject to training with respect to the new ways of submitting transactions through the Market Loan Program. In addition, the proposed changes would facilitate, rather than burden, competition with respect to Canadian Clearing Members by allowing them, for the first time, to participate in the Market Loan Program.

The proposed rule change could potentially impact or burden competition by imposing upon Canadian Clearing Members certain requirements and limitations with respect to participation in the Market Loan Program. For example, Canadian Clearing Members would be required to provide certain documentation to satisfy OCC that participation will not impose tax or withholding obligations arising from payments under the Market Loan Program, as well as to allow OCC to satisfy its own tax reporting obligations. However, OCC does not believe that conditioning Canadian Clearing Members' participation on compliance with OCC Rule 202 would impose a significant burden on competition. Canadian Clearing Members are already subject to ongoing certification and reporting provisions of Rule 202 for derivative equivalent payments made or deemed to be made to such members with respect to options. As a matter of standard practice, Clearing Members are required to inform OCC of material changes in, for example, their formal organization, ownership structure, or financial condition⁸⁴ and are subject to ongoing financial reporting requirements.⁸⁵ OCC believes the proposed rule change would impose reasonable reporting and notification requirements with respect to Canadian Clearing Members' tax compliance status similar to those rules referenced above.

The proposed restrictions on certain Market Loan transactions with Negative Rebate rates and transactions for which the Loaned Stock is a Canadian Security are also narrowly tailored. These restrictions address specific issues and potential risks to OCC arising from those firms whose membership creates potential withholding obligations for OCC. The proposed restriction on transactions with Negative Rebate for a Canadian Clearing Member's own account in its capacity as a Lending Clearing Member would eliminate the uncertainty in funds settlement that would arise if OCC were subject to withholding or tax obligations with respect to Negative Rebate payments owed to the Canadian Clearing Member. Canadian Clearing Members would not be restricted from entering into Market Loans with Negative Rebate as a Lending Clearing Member for its customer accounts, for which OCC could make Negative Rebate payments free from withholding obligations by virtue of the Canadian Clearing Member's status as a Qualified

⁷⁹ 15 U.S.C. 78q-1(b)(3)(F).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² 17 CFR 240.17Ad-22(e)(1).

⁸³ 15 U.S.C. 78q-1(b)(3)(I).

⁸⁴ See, e.g., OCC Rules 201 and 303.

⁸⁵ See OCC Rule 306.

Intermediary, or as a Borrowing Clearing Member, either for its own account or for its customer accounts.

The proposed restriction on transactions where the Loaned Stock is a Canadian Security when the Canadian Clearing Member is the Borrowing Clearing Member would similarly eliminate uncertainty in funds settlement that would arise if OCC or the Canadian Clearing Member were subject to tax withholding obligations with respect to substitute dividends on the Canadian Security. Canadian Clearing Members would not be restricted from executing Market Loan transactions on Canadian Securities as a Lending Clearing Member. As discussed further above, OCC believes that the proposed rule change is necessary to eliminate potential complications and risk to its clearance and settlement process that would be presented by OCC's potential withholding responsibilities (and which would be a direct consequence of providing its clearance and settlement services for these Canadian Clearing Members). OCC believes the proposed rule change is necessary to promote the prompt and accurate clearance and settlement of securities and derivatives transactions, to assure the safeguarding of securities and funds in the custody or control of OCC or for which it is responsible, and in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Exchange Act.⁸⁶ Accordingly, OCC believes any burden on competition that this proposed change could be regarded as imposing are necessary and appropriate to promote the prompt and accurate clearance and settlement of stock loan transactions as required by the Exchange Act. Furthermore, as stated above, all of OCC's current Canadian Clearing Members are already Qualified Intermediaries, FATCA Compliant, and Qualified Derivatives Dealers. Therefore, applying the same requirements as conditions to participate in the Market Loan Program would not impose any additional burden on those members.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Exchange Act applicable to registered clearing agencies, and would not impose a burden on competition that is unnecessary or inappropriate in furtherance of the purposes of the Exchange Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/regulations/self-regulatory-organization-rulemaking>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-OCC-2024-011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-OCC-2024-011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/regulations/self-regulatory-organization-rulemaking>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at <https://www.theocc.com/CompanyInformation/Documents-and-Archives/By-Laws-and-Rules>.

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-OCC-2024-011 and should be submitted on or before October 1, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸⁷

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024-20329 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100927; File No. SR-LTSE-2024-02]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; 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 4, 2024.

On January 2, 2024, Long-Term Stock Exchange, Inc. (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

⁸⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C.78s(b)(1).

² 17 CFR 240.19b-4.

⁸⁶ 15 U.S.C. 78q-1(b)(3)(F).

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 29, 2024, the Exchange withdrew the proposed rule change (SR-LTSE-2024-02).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-20326 Filed 9-9-24; 8:45 am]

BILLING CODE 8011-01-P

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. 99378 (January 17, 2024), 89 FR 10582 (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).

SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #20533 and #20534;
FLORIDA Disaster Number FL-20009]**

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: Small Business Administration.
ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA-4806-DR), dated 08/10/2024.

Incident: Hurricane Debby.

Incident Period: 08/01/2024 through 08/27/2024.

DATES: Issued on 08/30/2024.

Physical Loan Application Deadline Date: 10/09/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/12/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Florida, dated 08/10/2024, is hereby amended to update the incident period for this disaster as beginning 08/01/2024 and continuing through 08/27/2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024-20354 Filed 9-9-24; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #20591 and #20592;
FLORIDA Disaster Number FL-20011]**

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Florida

AGENCY: 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 Florida (FEMA-4806-DR), dated 08/28/2024.

Incident: Hurricane Debby.

Incident Period: 08/01/2024 through 08/27/2024.

DATES: Issued on 08/30/2024.

Physical Loan Application Deadline Date: 10/28/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 05/28/2025.

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 Florida, dated 08/28/2024 is hereby amended to update the incident period for this disaster as beginning 08/01/2024 and continuing through 08/27/2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024-20355 Filed 9-9-24; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 12516]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Tacita Dean: Blind Folly” 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 “Tacita Dean: Blind Folly” at The Menil Collection, Houston, Texas, 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. 2024–20305 Filed 9–9–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice:12526]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Wifredo Lam” 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 “Wifredo Lam” at The Museum of Modern 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.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–20383 Filed 9–9–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12518]

Certification Pursuant to Section 7008(b) of Department of State, Foreign Operations, and Related Program Appropriations Act, 2024 With Respect to Gabon

Pursuant to section 7008(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118–47) (FY 2024 SFOAA), I hereby certify that it is in the national security interest of the United States to waive the restriction under section 7008(a) of the FY 2024 SFOAA with respect to a maritime security assistance program for the government of Gabon and thereby waive the application of section 7008(a) with respect to such assistance.

This Certification and the accompanying Memorandum of Justification shall be promptly reported to the Congress. This Certification shall be published in the **Federal Register**.

Dated: August 07, 2024.

Kurt M. Campbell,

Deputy Secretary of State.

[FR Doc. 2024–20313 Filed 9–9–24; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 12525]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Manet: A Model Family” 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 “Manet: A Model Family” at the Isabella Stewart Gardner Museum, Boston, Massachusetts, 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.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–20382 Filed 9–9–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice:12521]

Notice of Determinations; Additional Culturally Significant Object Being Imported for Exhibition—Determinations: “Kingdom of David and Solomon Discovered” Exhibition

SUMMARY: On February 5, 2024, notice was published in the **Federal Register** of determinations pertaining to certain objects to be included in an exhibition entitled “Kingdom of David and Solomon Discovered.” Notice is hereby given of the following determinations: I hereby determine that a certain additional object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the aforesaid exhibition at the Armstrong Auditorium, Edmond, Oklahoma, by the Armstrong International Cultural Foundation, Edmond, Oklahoma; at The Jewish Museum, New York, New York; and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its 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. The notice of determinations published on February 5, 2024, appears at 89 FR 7767.

Scott D. Weinhold,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–20304 Filed 9–9–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice:12500]

Certification Pursuant to Section 7041(A)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024

By virtue of the authority vested in me as Secretary of State pursuant to section 7041(a)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118–47), I hereby certify that the Government of Egypt is sustaining the strategic relationship with the United States and meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: May 31, 2024.

Antony J. Blinken,
Secretary of State.

[FR Doc. 2024–20317 Filed 9–9–24; 8:45 am]

BILLING CODE 4710–315–P

SURFACE TRANSPORTATION BOARD

Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership

AGENCY: Surface Transportation Board.

ACTION: Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) membership.

Effective immediately, the memberships of the PRB and ERB are as follows:

Performance Review Board

Rachel Campbell, Chairman
Kristen Monaco, Member
Janie Sheng Lee, Member
Danielle Gosselin (Alternate Member)

Executive Resources Board

Danielle Gosselin, Chairman
Neil Moyer, Member
Mai Dinh, Member
Anika Cooper (Alternate Member)

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Jennifer Layne at jennifer.layne@stb.gov or 202–245–0340.

(Authority: 5 U.S.C. 4314(c)(4))

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2024–20374 Filed 9–9–24; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 670 (Sub-No. 1)]

Notice of Rail Energy Transportation Advisory Committee Meeting

AGENCY: Surface Transportation Board.

ACTION: Notice of Rail Energy Transportation Advisory Committee meeting.

SUMMARY: Notice is hereby given of a meeting of the Rail Energy Transportation Advisory Committee (RETAC), pursuant to the Federal Advisory Committee Act.

DATES: The meeting will be held on Wednesday, October 9, 2024, at 9:00 a.m. E.T.

ADDRESSES: The meeting will be held at the Surface Transportation Board headquarters at 395 E Street SW, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Elizabeth McGrath at (202) 748–4566 or elizabeth.mcgrath@stb.gov. If you require an accommodation under the Americans with Disabilities Act for this meeting, please call (202) 245–0245 by September 25, 2024.

SUPPLEMENTARY INFORMATION: RETAC was formed in 2007 to provide advice and guidance to the Surface Transportation Board (Board), and to serve as a forum for discussion of emerging issues related to the transportation of energy resources by rail. *Establishment of a Rail Energy Transp. Advisory Comm.*, EP 670 (STB served July 17, 2007). The purpose of this meeting is to facilitate discussions regarding issues including rail service, infrastructure planning and development, and effective coordination among suppliers, rail carriers, and users of energy resources. Potential agenda items for this meeting include a rail performance measures review, industry segment updates by RETAC members, and a roundtable discussion.

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR part 102–3; RETAC’s charter; and Board procedures. Further communications about this meeting may be announced through the Board’s website at www.stb.gov.

Written Comments: Members of the public may submit written comments to RETAC at any time. Comments should be addressed to RETAC, c/o Elizabeth McGrath, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001 or elizabeth.mcgrath@stb.gov. Please submit any comments for review at the October 9, 2024 meeting by October 7, 2024, if possible.

Authority: 49 U.S.C. 1321, 11101, and 11121.

Decided: September 4, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2024–20332 Filed 9–9–24; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2024–0005]

FHWA Adoption of Cyber Security Evaluation Tool

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: With this notice, FHWA announces that it is adopting the Cyber Security Evaluation Tool (CSET) as a voluntary tool transportation authorities

can use to assist in identifying, detecting, protecting against, responding to, and recovering from cyber incidents.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Jason Carnes, FHWA Transportation Security Coordinator (202) 366–5280, or via email at Jason.Carnes@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

This document may be viewed online under the docket number noted above through the Federal eRulemaking portal at: www.regulations.gov. Electronic submission and retrieval help and guidelines are available on the website. Please follow the online instructions.

An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at: www.FederalRegister.gov and the U.S. Government Publishing Office's website at: www.GovInfo.gov.

Background

Pursuant to section 11510(b) of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117–58), FHWA is required to develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. Safety is the top priority of DOT and FHWA. The FHWA routinely works closely and collaboratively with Federal and State agencies whose primary missions revolve around securing critical transportation infrastructure. The FHWA provides subject matter expertise to those agencies in identifying potential physical and cybersecurity threats and appropriate mitigation efforts. When presented with physical or cybersecurity questions, concerns or incidents from State, local, Tribal, and Territorial transportation authorities, or other stakeholders, FHWA routinely assists in connecting these entities to security-focused government agencies, including the Transportation Security Administration, the Cybersecurity and Infrastructure Security Agency (CISA), and the Federal Bureau of Investigation.

On March 5, 2024, FHWA published in the **Federal Register** (89 FR 15923) a notice and request for comments proposing to adopt CISA's CSET as a voluntary tool that transportation authorities can use to assist in

identifying, detecting, protecting against, responding to, and recovering from cyber incidents. The CISA's cybersecurity mission is to defend and secure cyberspace by leading national efforts to drive national cyber defense, resilience of national critical functions, and a robust technology ecosystem. The FHWA therefore thinks it is appropriate to leverage CISA's expertise instead of attempting to create a separate and potentially duplicative tool. The CSET, developed by CISA, is a comprehensive software tool designed to assist organizations in assessing their cybersecurity posture and developing structured improvement programs. The CSET helps organizations evaluate their cybersecurity practices, identify vulnerabilities, and prioritize mitigation efforts by providing a systematic approach to assess cybersecurity controls and processes. It offers a range of modules and questionnaires tailored to different critical infrastructure sectors, making it a valuable resource for organizations seeking to enhance their cybersecurity resilience through a well-structured assessment and development program. The CSET is available to the public for download at <https://www.cisa.gov/downloading-and-installing-cset>.

Discussion of Comments Received

Consistent with BIL, section 11510(b)(2)(E), FHWA requested comments on its notice proposing to adopt CSET. The FHWA received two comments, both of which supported FHWA's proposal to adopt CSET as a voluntary cybersecurity tool. The FHWA appreciates the comments.

Adoption of Cyber Security Evaluation Tool

In accordance with BIL, section 11510(b), and after reviewing the comments received, FHWA announces with this notice that FHWA adopts CISA's CSET as a voluntary tool transportation authorities can use to provide assistance regarding cyber incidents.

Authority: Sec. 11510, Pub. L. 117–58, 135 Stat. 592.

Shailen P. Bhatt,

Administrator, Federal Highway Administration.

[FR Doc. 2024–20331 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0272]

Commercial Driver's License Standards: Application for Exemption; State of Hawaii Department of Transportation

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; granting of application for exemption.

SUMMARY: FMCSA announces its decision to grant an exemption to the Hawaii Department of Transportation (HDOT) to allow commercial driver's license (CDL) holders with a passenger (P) endorsement to operate a school bus without holding a school bus (S) endorsement, provided an adult chaperone is present on the bus who is responsible for ensuring the safe loading and unloading of children. This exemption applies to drivers operating traditional school buses, *i.e.*, buses designed to be school buses, and to motorcoaches and vans not designed to be school buses. Drivers operating a traditional school bus must have an S endorsement commercial learner's permit (CLP) and obtain their full S endorsement within 90 days of the date they obtained the S endorsement CLP. Drivers operating motorcoaches or vans not designed to be a school bus must operate between designated central locations, such as parks or parking lots, and school or school-sponsored events.

DATES: The exemption is effective September 10, 2024 and expires September 10, 2029.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722. MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number “FMCSA–2023–0272” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket,

go to www.regulations.gov, insert the docket number “FMCSA–2023–0272” in the keyword box, click “Search,” and chose the document to review.

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, 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analyses. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision(s) from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reasons for the denial (49 CFR 381.315(c)(2)).

III. Current Regulatory Requirements

Current Regulation(s) Requirements

Under 49 CFR 383.5, a “school bus” is a commercial motor vehicle (CMV) used to transport pre-primary, primary, or secondary school students to/from school or related events. Under 49 CFR 383.93(b)(5) and 383.123, drivers for such buses must have CDLs and P and S endorsements¹ on their CDLs. Under 49 CFR 383.153(b)(2)(viii)(B), a CLP holder with a S endorsement is prohibited from operating a school bus carrying passengers other than Federal/State auditors and inspectors, test

examiners, other trainees, and the CDL holder accompanying the CLP holder as prescribed by 49 CFR 383.25(a)(1).

Applicant’s Request

HDOT, on behalf of the Hawaii Department of Education (DOE) and independent schools statewide, requested an exemption from the CDL and CLP regulations in 49 CFR part 383 for the following: to allow Class A or B CDL holders with a P endorsement to operate a school bus without holding an S endorsement CLP, and to allow the use of motorcoaches and vans to transport students to/from a central location to school on a daily basis. HDOT is working with DOE and independent schools statewide to provide alternative transportation solutions to increase the number of students who can attend school in person.

HDOT is requesting relief so that Class A and Class B CDL holders who have a P endorsement may operate traditional school buses without the required S endorsement. HDOT is also requesting the same relief for Class A and Class B CDL holders who operate motorcoaches or vans to transport students from a central location to school and from school to a central location on a daily basis. Hawaii currently has a severe shortage of school bus drivers, and as a result, DOE had to reduce services to public school students who do not have transportation to/from school. This reduction of services statewide has impacted the number of students who can attend school in person, especially in rural areas. The shortage has forced a suspension or partial suspension on the islands of Oahu and Kauai, and the route suspensions and partial suspensions were in place during the entire 2023–2024 school year.

IV. Method To Ensure an Equivalent or Greater Level of Safety

HDOT indicates that, with the exception of the S endorsement, all other Federal and State training requirements will be completed prior to the drivers starting motorcoach service. Drivers will be in the process of completing their S endorsements, and therefore HDOT anticipates that the remaining requirement will be met within a reasonable time frame. DOE will continue to accept responsibility for the initial screening and proficiency of all drivers allowed to provide bus service for students.

V. Public Comments

On April 15, 2024, FMCSA published notice of the HDOT application and

requested public comment (89 FR 26211). The Agency received two comments: one in support and the other in opposition.

In support of the request, DOE stated that its Student Transportation Services Branch faces a widely publicized and persistent school bus driver shortage, which it believes is reflective of a greater nationwide driver shortage, a trend the agency anticipates will increase over the coming years. Among its school bus contractors, regular education driver counts have declined from 288 in the 2022–2023 school year to 231 as of May 1, 2024. DOE struggles to attract qualified drivers with CDLs or those without CDLs who are interested in training. To address this concern, DOE and its contractors have implemented several actions, including offering financial incentives such as hiring bonuses, higher hourly pay rates, and daily differentials. Non-financial incentives such as subsidized CDL training and licensing were also offered. However, while successful in recruiting and retaining some drivers, these measures have not fully addressed the driver shortfall.

Included in the DOE comment is a copy of an emergency proclamation entitled, “Proclamation Relating to School Bus Services” originally issued on August 17, 2023, by the Governor of Hawaii, Josh Green. The proclamation was renewed for the fourth time on April 10, 2024, which is anticipated to be the last renewal. Under the proclamation, DOE was able to utilize school bus drivers without an S endorsement until June 8, 2024. The proclamation stated that DOE would provide “escorts” for students when using vehicles other than traditional school buses. According to DOE, the additional flexibility provided an excellent test case for more efficient student transportation operations, particularly in West Maui for Lahaina schools. Under the proclamation, the DOE’s bus contractors have had greater flexibility in hiring and allocating drivers, and in summary DOE states that FMCSA’s approval of the application for exemption “will continue to provide [DOE] with much-needed flexibility in recruiting more CDL drivers, utilizing alternative transportation options, and implementing strategies such as centralized pickups and drop-offs.”

AWM Associates, LLC (AWM) commented in opposition, noting that “The skills test for passenger and school bus operations are similar; however, not the same.” AWM expressed concern that the relief HDOT requests would expose children to transportation by individuals without adequate skills to

¹ Under 49 CFR 383.5, an endorsement is authorization to an individual’s CDL or CLP required to permit the individual to operate certain types of commercial motor vehicles.

do so and urged FMCSA to deny the request.

VI. FMCSA Decision

The Agency reviewed HDOT's application and the received comments and has concluded that HDOT may allow CDL holders with a P endorsement to operate a school bus, as defined in 49 CFR 385.3, without an S endorsement, as long as HDOT takes the additional measures described in this notice. These drivers have already demonstrated their abilities to safely operate a passenger CMV in the same commercial motor vehicle group as a traditional school bus (*i.e.*, Group B, as designated in 49 CFR 383.91) by obtaining the P endorsement.

As set forth in 49 CFR 383.123, the S endorsement is focused on ensuring the applicant is familiar with the safety features in a traditional school bus that relate to loading and unloading children in roadways, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by State or Federal law. For drivers operating a traditional school bus that was designed to be a school bus, the Agency permits Class A and B CDL drivers with a P endorsement and an S endorsement CLP to transport students from home to school, from school to home, and to and from school-sponsored events with the use of adult chaperones who are responsible for the safe loading and unloading of children. Drivers must pass the S endorsement skills test to obtain the full S endorsement within 90 days of the date they obtained the S endorsement CLP. These drivers have demonstrated their knowledge of the special features of the traditional school test by passing the S endorsement knowledge test. FMCSA believes these measures will likely achieve a level of safety equivalent to, or greater than, the level that would be obtained by complying with the regulation.

Regarding the use of school buses not designed to be school buses, such as motorcoaches and vans, the Agency permits Class B and C CDL drivers with a P endorsement, and no S endorsement CLP, to operate Group B motorcoaches and Group C passenger vans to transport students between designated, central locations, such as parks or parking lots, and school or school-sponsored events. Drivers must be accompanied by adult chaperones who are responsible for the safe loading and unloading of children on the vehicle. The Agency believes this approach will likely achieve a level of

safety equivalent to or greater than the level of safety obtained by complying with the regulations. Requiring these drivers to pass the S endorsement knowledge test to obtain a CLP is unnecessary because the knowledge test is focused on the specific features of a traditional school bus. Additionally, Class B and Class C CDL holders with the P endorsement have already demonstrated their abilities to safely operate these vehicles by passing the skills test requirements for Group B and Group C passenger CMVs. Requiring them to pass the S endorsement skills test in a Group B motorcoach or a Group C passenger vehicle, such as a van, is therefore unnecessary.

VII. Exemption Decision

A. Grant of Exemption

The FMCSA grants an exemption to HDOT from the requirements of 49 CFR 383.93(b)(5) and 383.153(b)(2)(viii)(B) for a period of five years subject to the terms and conditions of this decision.

B. Applicability

This exemption is restricted to Hawaii CDL holders with a P endorsement operating a school bus as defined in 49 CFR 383.5, meaning a CMV used to transport pre-primary, primary, or secondary school students from home to school, school to home or to and from school-sponsored events.

This exemption is limited strictly to the provisions of 49 CFR 383.93(b)(5) and 49 CFR 383.153(b)(2)(viii), and exempts the driver from the requirement to obtain an S endorsement on their CDL to operate a school bus, and the prohibition on a CLP holder with an S endorsement from operating a school bus with passengers other than Federal/State auditors and inspectors, test examiners, other trainees, and the CDL holder accompanying the CLP holder as prescribed by 49 CFR 383.25(a)(1).

C. Terms and Conditions

When operating under this exemption, the HDOT is subject to the following terms and conditions:

(1) HDOT must allow drivers to operate under this exemption only when accompanied by an adult chaperone who is responsible for ensuring the safe loading and unloading of children on and off the school bus.

(2) HDOT must allow drivers to operate a school bus that was not designed to be a school bus, such as a motorcoach or van, under this exemption only when operating between designated, central locations, such as parks or parking lots, and school or school-sponsored events.

(3) HDOT must allow drivers to operate a school bus that was designed to be a school bus under this exemption only if the driver holds a CLP with an S endorsement. Such drivers must pass the S endorsement skills test and obtain the full S endorsement within 90 days of the date they obtained the S endorsement CLP.

(4) Drivers must have a copy of this notice in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.

Notification to FMCSA

HDOT must notify FMCSA by email addressed to MCPSPD@DOT.GOV within 5 business days of any crash (as defined in 49 CFR 390.5T) that occurs while a driver is operating under the terms of this exemption. The notification must include:

- a. Identifier of the Exemption: "Hawaii Department of Transportation"
- b. Name of operating carrier and USDOT number,
- c. Date of the crash,
- d. City or town, and State, in which the accident occurred, or closest to the crash scene,
- e. Driver's name and license number,
- f. If any, co-driver's name and license number,
- g. Vehicle number and state license number,
- h. Number of individuals suffering physical injury,
- i. Number of fatalities,
- j. The police-reported cause of the crash,
- k. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- l. The total driving time and total on-duty time prior to the crash.

Termination

FMCSA believes that drivers operating under the terms of this exemption will likely maintain an equivalent level of safety. However, should deterioration in safety occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. FMCSA in its discretion may revoke the exemption immediately for failure to comply with its terms and conditions.

Vincent G. White,
Deputy Administrator.

[FR Doc. 2024-20303 Filed 9-9-24; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2023–0113]

Parts and Accessories Necessary for Safe Operation; Exemption for Great Lakes Timber Professionals Association

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant a limited 5-year exemption to the Great Lakes Timber Professionals Association (GLTPA) on behalf of motor carriers in Wisconsin to use cargo securement methods that do not comply with the Federal Motor Carrier Safety Regulations (FMCSRs) for securing shortwood logs transported lengthwise in crib-type vehicles that have been modified or manufactured without front structures, rear structures, or which have a center-mounted crane for loading and unloading. The Agency has determined that the use of the alternate cargo securement method will likely achieve a level of safety that is equivalent to, or greater than the level of safety achieved by the current regulation.

DATES: This exemption is effective September 10, 2024 through September 10, 2029, unless revoked earlier.

FOR FURTHER INFORMATION CONTACT: David Sutula, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–9209; MCPSV@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation; Viewing Comments and Documents**

To view comments, go to www.regulations.gov, insert the docket number “FMCSA–2023–0113” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number “FMCSA–2023–0113” in the box, click “Search,” and choose the document to review.

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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments submitted and determines whether granting the exemption would likely maintain a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305(a)). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background**A. Current Regulatory Requirements**

Section 393.116 of the FMCSRs, “What are the rules for securing logs?,” provides commodity specific cargo securement requirements for the transportation of logs on trucks and trailers and are in addition to the general cargo securement requirements specified in §§ 393.100–393.114 of the FMCSRs. Sections 393.116(b), “Components of a securement system,” and 393.116(c), “Use of securement system,” provide general requirements for the securement of logs.

Specifically with respect to the securement of shortwood logs loaded lengthwise on flatbed and frame vehicles, § 393.116(e) of the FMCSRs requires—in addition to meeting the requirements of § 393.116(b) and (c)—each stack to be cradled in a bunk unit or contained by stakes, and (1) secured to the vehicle by at least two tiedowns,

or (2) if all the logs in any stack are blocked in the front by a front-end structure strong enough to restrain the load, or by another stack of logs, and blocked in the rear by another stack of logs or vehicle end structure, the stack may be secured with one tiedown. If one tiedown is used, it must be positioned about midway between the stakes, or (3) be bound by at least two tiedown-type devices such as wire rope, used as wrappers that encircle the entire load at locations along the load that provide effective securement. If wrappers are being used to bundle the logs together, the wrappers are not required to be attached to the vehicle.

However, 49 CFR 393.116(b)(3)(i) notes that tiedowns are not required for logs transported in crib-type trailers, as defined in 49 CFR 393.5, provided that the logs are loaded in compliance with §§ 393.116(b)(2) and 393.116(c) of the FMCSRs.

B. Original Exemption

GLTPA seeks an exemption from 49 CFR 393.116(b)(3) and 393.116(e) to allow motor carriers in Wisconsin to use cargo securement methods that do not comply with the FMCSRs for securing shortwood logs transported lengthwise in crib-type vehicles that have been modified or manufactured without front structures, rear structures, or which have a center-mounted crane for loading and unloading.

In its exemption application, GLTPA states that questions have arisen between industry and enforcement regarding the proper securement of logs in crib-type trailers when modifications to those trailers have been made—including the lack of a front or rear structure (either because the vehicle was manufactured without front or rear structures, or because motor carriers have removed them) and the addition of a center-mounted crane for loading and unloading the logs. GLTPA states that “In these cases because the specific definition of a crib-type vehicle has not been met, enforcement has reverted to 49 CFR 393.116(e), which addresses logs loaded lengthwise on flatbed and frame vehicles. Here, logs that are contained by structures or another stack of logs require one tie down. Stacks that do not have this containment such as end stacks without front/rear structures or those adjacent to a center-mounted crane would require two tiedowns.”

In its exemption application, GLTPA references a “Cargo Securement Enforcement Policy” memorandum, dated December 31, 2003, from the FMCSA Assistant Administrator to its Field Administrators and Division Administrators.

Specifically, as it relates to the subject exemption application, the December 2003 memorandum stated “Also, industry has requested the section 393.116 be amended to allow one tiedown per bunk, spaced equally between the standards, when transporting short length logs loaded lengthwise between the first two standards and between the last two standards. They believe the current wording requiring the use of two tiedowns is unnecessary given the bunks and standards . . . With regard to allowing the use of one tiedown per bunk for shortwood logs loaded lengthwise between the first two standards and between the last two standards, FMCSA believes one tiedown is sufficient given the standards used to protect against lateral movement.”

The GLTPA states “This language suggests that end stacks not protected by front and rear structures, but contained by stakes, bunks, or standards, would require one tiedown. By extension, this would also suggest that a crib-type trailer without front and rear structures would require one tiedown on each of the end stacks. It is GLTPA’s position that the interior stacks, which are protected by adjacent stacks of logs, should not be required to have tiedowns, provided they are loaded in accordance with 49 CFR 393.116(b)(3). With the front and rear stacks secured, the configuration is essentially now acting as a crib-type vehicle.”

To ensure that this interpretation would not reduce safety, GLTPA and the Wisconsin State Patrol Motor Carrier Enforcement Section partnered to conduct cargo securement testing on stacks of shortwood logs in a crib-type vehicle using different tiedown configurations.

In considering the December 2003 FMCSA Cargo Securement Enforcement Policy memorandum, the cargo securement requirements for crib-type vehicles in the FMCSRs, and the testing described above, GLTPA requested an exemption from § 393.116 for the securement of shortwood loaded lengthwise.

In its request, GLTPA proposes specific tiedown requirements based on the structural configuration of the crib-type trailer. In instances where a crib-type trailer lacks a front structure, at least two tiedowns are required on the foremost stack, while other stacks are exempt if loaded in accordance with 49 CFR 393.116(b)(2) and 49 CFR 393.116(c). Similarly, if a crib-type trailer lacks a rear structure, a minimum of one tiedown is required on the rearmost stack, with the same exception for other stacks meeting FMCSR

requirements. For vehicles with an internal gap between stacks, potentially allowing logs to move without continual contact with stakes, bunks, bolsters, or standards, at least one tiedown is necessary on the respective stack. In cases where a single tiedown is used, proper positioning is emphasized—either midway between stakes or diagonally from front to rear, crossing over the stack at its midpoint.

GLTPA states that the alternative cargo securement methods for securing shortwood logs loaded lengthwise proposed in its application will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

IV. Public Comments

FMCSA published a notice of the application in the **Federal Register** on May 11, 2023, and asked for public comment (88 FR 30382). The Agency received a total of ten comments (www.regulations.gov; docket ID: FMCSA–2023–0113), all in support of the exemption. The common comment across all submissions was the established safety and efficiency of using crib-type trailers for transporting wood products. They emphasize the positive safety record, incident-free history, and the benefits of the crib-type trailer configuration for wood log securement.

V. Equivalent Level of Safety Analysis

GLTPA and the Wisconsin State Patrol Motor Carrier Enforcement Section tested the effectiveness of a single tiedown on a stack of logs contained in a crib-type configuration. GLTPA states that specifically, the load was subjected to various simulated longitudinal g forces. Although not directly applicable to the cargo-specific requirements for logs, the tiedown performance criteria outlined in 49 CFR 393.102 was used as guidance.

GLTPA states that the testing showed that a single tiedown, on average, was able to maintain a stack of low-friction logs under winter conditions to approximately 0.5 g. This average was increased to 0.63 g for high-friction hardwood logs. It is noted that 0.8 g was obtained through the use of two tiedowns. The results demonstrated that a single tiedown, on average, effectively secured a stack of shortwood loaded lengthwise in accordance with 49 CFR 393.102. Copies of the testing performed by GLTPA and the Wisconsin State Patrol Motor Carrier Enforcement Section are contained in the docket.

Although the GLTPA test and the 2003 Enforcement Policy recommend a

single tiedown on the foremost stack, feedback from GLTPA member carriers, following a review of GLTPA’s proposal and test results, has supported the use of two tiedowns for enhanced driver safety. According to the GLTPA members, two tiedowns provides 0.8g which exceeds heavy vehicle braking ability, and therefore provides an added element of safety in the event of a crash.

In evaluating the safety impact of the exemption request, FMCSA considered factors such as the type of bunk compared to a crib-type trailer, log size, log direction, surface condition of the logs (low and high friction logs), quantity and position of tiedowns, and the g-forces exerted on the tiedowns.

VI. FMCSA Decision

FMCSA appreciates the comments that the use of crib-type trailers for transporting wood products is the safest way to secure the load due to their safety record on the highways. Further, FMCSA believes that a vehicle manufactured as a crib-type log trailer as defined in § 393.5 will provide restraint of the shortwood logs in the lateral and longitudinal directions, even when the rear- or front-end structure are replaced with one or two tie downs, respectively.

Crib-type trailers use stakes, bunks, a front-end structure, and a rear structure to restrain logs on trailers. The stakes prevent movement of logs from side to side on the vehicle while the front-end and rear structures prevent movement of the logs from front to back on the vehicle. The intent of such systems is to enable motor carriers to transport logs without the use of wrapper chains or straps to secure the load, thereby expediting the loading and unloading process. The Agency believes that a single tiedown is adequate to secure stacks of shortwood logs in the longitudinal direction if the gates are removed, or when positioned immediately adjacent to a space between stacks such that a log could theoretically move in the forward or rearward direction and not be continually in contact with at least two stakes, such as that created by a center-mounted crane for loading and unloading logs.

The cargo securement test conducted by GLTPA in collaboration with the Wisconsin State Patrol Motor Carrier Enforcement Section demonstrated that the one-tiedown securement method meets the specified requirements in 49 CFR 393.102. This collaborative effort further strengthens the evidence supporting the effectiveness of using one tiedown for transporting shortwood logs loaded lengthwise in a crib-type

vehicles that have been manufactured or modified and no longer meet the crib-type trailer definition in § 393.5.

Accordingly, FMCSA concludes that the alternative cargo securement techniques proposed in GLTPA's application are likely to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

VII. Terms and Conditions for the Exemption

1. This exemption is limited to motor carriers within the state of Wisconsin engaged exclusively in the transportation of shortwood logs loaded lengthwise using crib-type vehicles that have been modified or manufactured without front structures, rear structures, or which have an internal gap such as that created by a center-mounted crane for loading and unloading. However, it does not apply to any other cargo type or other trailer configuration.

2. Logs transported in a crib or bunk type vehicle without a front structure will require at least two tiedowns on the foremost stack. All other stacks will not require tiedowns provided they are loaded in accordance with 49 CFR 393.116(b)(2) and 49 CFR 393.116(c).

3. Logs transported in a crib or bunk vehicle without a rear structure will require at least one tie down on the rearmost stack. All other stacks will not require tiedowns provided they are loaded in accordance with 49 CFR 393.116(b)(2) and 49 CFR 393.116(c).

4. Logs transported in a crib or bunk type vehicle having an internal gap between stacks such that a log could theoretically move in the forward or rearward direction and not be continually in contact with at least two stakes, bunks, bolsters or standards will require at least one tiedown on that stack.

5. When one tiedown is used, it must be positioned about midway between the stakes or cross diagonally from the front to the rear crossing midway over the stack.

6. Motor carriers and CMVs operating under this exemption must comply with all other applicable FMCSRs (49 CFR parts 350–399), unless specifically exempted from a requirement.

7. Motor carriers operating under this exemption involved in any crash during the transportation of shortwood logs must notify FMCSA within 7 business days of the crash by email at MCPSV@DOT.GOV, even if such crash is not a recordable crash as defined in § 390.5T.

A. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR

381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

B. Termination

The exemption will be valid for 5 years, unless revoked earlier by FMCSA. FMCSA does not believe that motor carriers and CMVs covered by the exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption without prior notice. The exemption may be immediately rescinded if: (1) motor carriers and/or CMVs fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) or 31315(b).

Interested parties possessing information that would demonstrate that this exemption or motor carriers operating under this exemption in the state of Wisconsin are not achieving the requisite statutory level of safety should immediately notify FMCSA by email at MCPSV@DOT.GOV. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with the goals and objectives of 49 U.S.C. 31136(e) or 31315(b), will take immediate steps to revoke the exemption or impose additional requirements as part of the exemption.

Vincent G. White,

Acting Administrator.

[FR Doc. 2024–20377 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0119]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: KHALEESI (MOTOR); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the

Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before October 10, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0119 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2024–0119 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0119, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel KHALEESI is:

Intended Commercial Use of Vessel: Requester intends to offer high end limited load passenger charters.

Geographic Region Including Base of Operations: California. Base of Operations: Long Beach, California.

Vessel Length and Type: 36' Power Catamaran.

The complete application is available for review identified in the DOT docket as MARAD-2024-0119 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2024-0119 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you

should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024-20360 Filed 9-9-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0120]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WEST WIND (MOTOR); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders

or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before October 10, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0120 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0120 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2024-0120, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Telephone: (202) 366-0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WEST WIND is:

Intended Commercial Use of Vessel: Requester intends to offer passenger sport fishing charters.

Geographic Region Including Base of Operations: Alaska. Base of Operations: Homer, Alaska.

Vessel Length and Type: 28' Monohull Ship-shape.

The complete application is available for review identified in the DOT docket

as MARAD 2024–0120 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD–2024–0120 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible,

please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–20359 Filed 9–9–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0118]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PIRATE CAT (SAIL); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before October 10, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number

MARAD–2024–0118 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search MARAD–2024–0118 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0118, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PIRATE CAT is:

Intended Commercial Use of Vessel: Requester intends to offer passenger tours on the Hudson River.

Geographic Region Including Base of Operations: Florida, New York. Base of Operations: Hastings on Hudson, New York.

Vessel Length and Type: 39.2' Sail Catamaran.

The complete application is available for review identified in the DOT docket as MARAD 2024–0118 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel

in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2024-0118 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you

claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2024-20361 Filed 9-9-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List ("SDN List") based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Lisa M. Palluconi, Acting Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

On September 4, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals:

1. GARASHCHENKO, Aleksey Alekseyevich, Moscow, Russia; DOB 03 Feb 1986; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249, 3 CFR, 2021 Comp., p. 542 (Apr. 15, 2021), as amended by Executive Order 14114 of December 22, 2023, "Taking Additional Steps With Respect to the Russian Federation's Harmful Activities," 88 FR 89271, 3 CFR, 2023 Comp., p. 271 ("E.O. 14024") for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

2. NEZHENTSEV, Aleksandr Vitalyevich, Russia; DOB 10 Nov 1992; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

3. YERMOSHKINA, Anastasiya Igorevna, Russia; DOB 27 Jul 1992; nationality Russia; Gender Female; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

4. ANISIMOV, Anton Sergeevich (Cyrillic: АНИСИМОВ, Антон Сергеевич), Garibaldi St., 3, Moscow 119313, Russia; DOB 19 Feb 1985; POB Syktyvkar, Komi Republic, Russia; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

5. BRODSKAIA, Elizaveta Yuryevna (Cyrillic: БРОДСКАЯ, Елизавета Юрьевна) (a.k.a. BRODSKAYA, Yelizaveta), Aviacionnaya 59-278, Moscow 123182, Russia; DOB 22 Apr 1979; POB Moscow, Russia; nationality Russia; Gender Female; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport 530870157 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

6. KIYASHKO, Andrey Vladimirovich (Cyrillic: КИЯШКО, Андрей Владимирович), Horoshevskoe Shosse 64-367, Moscow 117499, Russia; DOB 11 Dec 1988; POB Krasnodar, Russia; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

7. SIMONYAN, Margarita Simonovna (Cyrillic: СИМОНЬЯН, Маргарита Симоновна) (a.k.a. SIMONIYAN, Margarita Simonovna), Novokuznetskaya Street 35-37 1 14, Moscow, Russia; DOB 06 Apr 1980; POB Krasnodar, Russia; nationality Russia; citizen Russia; Gender Female; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport 531257733 (Russia); Tax ID No. 230810605961 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

8. ТАБАК, Vladimir Grigoryevich (Cyrillic: ТАБАК, Владимир Григорьевич), Moscow, Russia; DOB 02 Dec 1986; POB Moscow, Russia; nationality Russia; citizen Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport 754044849 (Russia); National ID No. 4516910944 (Russia); Tax ID No. 772589320839 (Russia) (individual) [RUSSIA-EO14024] (Linked To: AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG; Linked To: AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG REGIONS).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

Also designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being a leader, senior executive officer, or member of the board of directors, of AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG and AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG REGIONS, entities whose property and interests in property are blocked pursuant to E.O. 14024.

9. AFANASYEVA, Elena Mikhaylovna (Cyrillic: АФАНАСЬЕВА, Елена Михайловна) (a.k.a. PESTI, Victoria; a.k.a. SHUDRA, Helena), Moscow, Russia; DOB 22 Jun 1997; POB Saratov, Russia; nationality Russia; Gender Female; Secondary sanctions risk: See

Section 11 of Executive Order 14024.; Passport 752654183 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

10. KALASHNIKOV, Konstantin Sergeyevich (Cyrillic: КАЛАШНИКОВ, Константин Сергеевич) (a.k.a. KALASHNIKOV, Konstantyn (Cyrillic: КАЛАШНИКОВ, Константин)), Moscow, Russia; DOB 26 Jan 1993; POB Donetsk, Ukraine; nationality Ukraine; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport PU224040 (Ukraine) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

Entities:

1. AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG (Cyrillic: АВТОНОМНАЯ НЕКОММЕРЧЕСКАЯ ОРГАНИЗАЦИЯ ДИАЛОГ) (a.k.a. ANO DIALOG (Cyrillic: АНО ДИАЛОГ); a.k.a. AVTONOMNAYA NEKOMMERCHESKAYA ORGANIZATSIYA PO RAZVITIYU TSIFROVYKH PROEKTOV V SFERE OBSHCHESTVENNYKH SVYAZEI I KOMMUNIKATSII DIALOG; a.k.a. NON-PROFIT ORGANIZATION FOR THE DEVELOPMENT OF DIGITAL PROJECTS IN THE FIELD OF PUBLIC RELATIONS AND COMMUNICATIONS DIALOG (Cyrillic: АВТОНОМНАЯ НЕКОММЕРЧЕСКАЯ ОРГАНИЗАЦИЯ ПО РАЗВИТИЮ ЦИФРОВЫХ ПРОЕКТОВ В СФЕРЕ ОБЩЕСТВЕННЫХ СВЯЗЕЙ И КОММУНИКАЦИЙ ДИАЛОГ); a.k.a. "DIALOG" (Cyrillic: "ДИАЛОГ"); a.k.a. "DIALOGUE"), Ul. Timura Frunze, D. 11, Str. 1, Floor 1, Pomeshch. VI Kom. 14, Moscow 119021, Russia; Website www.anodialog.ru; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 13 Nov 2019; Tax ID No. 9709056472 (Russia); Business Registration Number 1197700016414 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

2. AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG REGIONS (Cyrillic: АВТОНОМНАЯ НЕКОММЕРЧЕСКАЯ ОРГАНИЗАЦИЯ ДИАЛОГ РЕГИОНЫ) (a.k.a. ANO DIALOG REGIONS (Cyrillic: АНО ДИАЛОГ РЕГИОНЫ); a.k.a. AUTONOMOUS NON-PROFIT ORGANIZATION FOR THE DEVELOPMENT OF DIGITAL PROJECTS IN THE FIELD OF PUBLIC RELATIONS AND COMMUNICATIONS DIALOG REGIONS (Cyrillic: АВТОНОМНАЯ НЕКОММЕРЧЕСКАЯ ОРГАНИЗАЦИЯ ПО РАЗВИТИЮ ЦИФРОВЫХ ПРОЕКТОВ В СФЕРЕ ОБЩЕСТВЕННЫХ СВЯЗЕЙ И КОММУНИКАЦИЙ ДИАЛОГ РЕГИОНЫ); a.k.a. AVTONOMNAYA NEKOMMERCHESKAYA ORGANIZATSIYA PO RAZVITIYU TSIFROVYKH PROEKTOV V SFERE OBSHCHESTEVENNYKH SVYAZEI I KOMMUNIKATSII DIALOG REGIONY; a.k.a. "DIALOG REGIONY"; a.k.a. "DIALOGUE"; a.k.a. "DIALOGUE REGIONS"),

Ul. Timura Frunze, D. 11, Str. 1, Floor 1, Pomeschch. I, Kom. 2, Moscow 119021, Russia; Website www.dialog.info; alt. Website www.dialog-regions.ru; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 21 Jul 2020; Tax ID No. 9709063550 (Russia); Business Registration Number 1207700248030 (Russia) [RUSSIA-EO14024] (Linked To: AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AUTONOMOUS NON-PROFIT ORGANIZATION DIALOG, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

Dated: September 4, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024-20280 Filed 9-9-24; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Trust and Estate Income Tax Returns and Related Forms

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA). The IRS is soliciting comments on Trust and Estate Income Tax Returns and Related Forms.

DATES: Written comments should be received on or before November 12, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email pra.comments@irs.gov. Include 1545-0092 or Trust and Estate Income Tax Returns and Related Forms in the subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Jason Schoonmaker at (801) 620-2128, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the

internet, at jason.m.schoonmaker@irs.gov.

SUPPLEMENTARY INFORMATION:

Change in PRA Approval of Forms Used by Trusts and Estates

Under the PRA, OMB assigns a control number to each “collection of information” that it reviews and approves for use by an agency. A single information collection may consist of one or more forms, recordkeeping requirements, and/or third-party disclosure requirements. Under the PRA and OMB regulations, agencies have the discretion to seek separate OMB approvals for forms, recordkeeping requirements, and third-party reporting requirements or to combine any number of forms, recordkeeping requirements, and/or third-party disclosure requirements (usually related in subject matter) under one OMB Control Number. Agency decisions on whether to group individual requirements under a single OMB Control Number or to disaggregate them and request separate OMB Control Numbers are based largely on considerations of administrative practicality.

The PRA also requires agencies to estimate the burden for each collection of information. Accordingly, each OMB Control Number has an associated burden estimate. The burden estimates for each control number are displayed in (1) the PRA notices that accompany collections of information, (2) **Federal Register** notices such as this one, and (3) in OMB’s database of approved information collections. If more than one form, recordkeeping requirement, and/or third-party disclosure requirement is approved under a single control number, then the burden estimate for that control number reflects the burden associated with all of the approved forms, recordkeeping requirements, and/or third-party disclosure requirements.

As described below under the heading “Updated Burden Estimate Methodology,” the IRS’s currently accepted burden estimate methodology, referred to as the IRS Taxpayer Burden Model, is based on taxpayers’ tax reporting experience taking into account, among other things, the forms and schedules used by those taxpayers and the recordkeeping and other activities needed to complete those forms. The transition of the trust and estate income tax reporting burden represents the IRS’s continued effort to improve the ability of IRS to measure the burden imposed on various groups of taxpayers by the federal tax system. While the improved methodology provides a more accurate and comprehensive description of the trust and estate income tax reporting burden, it will not provide burden estimates on a form-by-form basis, as has been done under the previous methodology. When the prior model, known as the legacy Arthur D. Little (ADL) model was developed in the mid-1980s, almost all tax returns were prepared manually, either by the taxpayer or a paid provider. In this context, it was determined that estimating burden on a form-by-form, line-by-line basis was an appropriate methodology. Trust and estate income tax returns are increasingly being prepared using software or with preparer assistance. In this current reporting environment, in which many taxpayers’ activities are no longer as directly associated with particular forms, estimating burden on a form-by-form basis is not an appropriate method of estimating taxpayer burden. The IRS Taxpayer Burden Model, which takes into account broader and more comprehensive taxpayer characteristics and activities, provides a much more accurate and useful estimate of taxpayer burden.

Currently, there are 152 forms and 27 regulations used by trust and estates pertaining to their income tax reporting

requirements. These include Forms 1041, 1041 A, 1041 ES, 1041 ES (OCR), 1041 N, 1041 QFT, 1041 SCH D, 1041 SCH I, 1041 SCH J, 1041 SCH K–1, 1041 T, 1041 V, 172, 461, 926, 965 A, 982, 1040 SCH C, 1040 SCH E, 1040 SCH F, 1040 SCH H, 1045, 1065 SCH D, 1065 SCH K–2, 1116, 1116 SCH B, 1116 SCH C, 2210, 2210 F, 2439, 3115, 3468, 3800, 4136, 4255, 4562, 4684, 4797, 4952, 4970, 4972, 5227, 5329, 5471, 5471 SCH E, 5471 SCH G1, 5471 SCH H, 5471 SCH I1, 5471 SCH J, 5471 SCH M, 5471 SCH O, 5471 SCH P, 5471 SCH Q, 5471 SCH R, 5713, 5713 SCH B, 5713 SCH C, 5884, 5884 A, 6198, 6252, 6478, 6765, 6781, 7205, 7207, 7210, 7211, 7213, 7217, 7218, 8082, 8275, 8275 R, 8453 FE, 8582, 8582 CR, 8586, 8594, 8609 A, 8611, 8621, 8697, 8801, 8820, 8824, 8825, 8826, 8829, 8830, 8833, 8835, 8844, 8845, 8846, 8855, 8858, 8858 SCH M, 8864, 8865, 8865 SCH G, 8865 SCH H, 8865 SCH K–1, 8865 SCH K–2, 8865 SCH K–3, 8865 SCH O, 8865 SCH P, 8866, 8873, 8879 F, 8881, 8882, 8886, 8896, 8903, 8904, 8908, 8910, 8911, 8911 SCH A, 8912, 8918, 8932, 8933, 8933 SCH A, 8933 SCH B, 8933 SCH C, 8933 SCH D, 8933 SCH E, 8933 SCH F, 8936, 8938, 8941, 8949, 8960, 8978, 8978 SCH A, 8990, 8992, 8992 SCH A, 8994, 8995, 8995 A, 8995 A SCH A, 8995 A SCH B, 8995 A SCH C, 8995 A SCH D, 8997, 8582–CR, 8609–A, T, and their schedules (see the Appendix to this notice). For most of these forms, IRS has in the past obtained separate OMB approvals under unique OMB Control Numbers and separate burden estimates.

The IRS Taxpayer Burden Model methodology estimates the aggregate burden imposed on trusts and estates, based upon their reporting-related characteristics and activities. IRS therefore will seek OMB approval of all 152 trust and estate income tax forms as a single “collection of information.” The aggregate burden of these tax forms will be accounted for under OMB Control Number 1545–0092, which is currently assigned to Form 1041. OMB Control Number 1545–0092 will be displayed on all trust and estate income tax forms and related information collections. As a result of this change, burden estimates for trust and estate income taxes will now be displayed differently in PRA Notices on tax forms and other information collections, and in **Federal Register** notices. This new way of displaying burden is presented below under the heading “Proposed PRA Submission to OMB.”

Updated Burden Estimate Methodology

The IRS Taxpayer Burden Model methodology revises the estimates of the levels of burden experienced by trusts

and estates when complying with their federal reporting requirements pertaining to income taxes. It replaces the legacy ADL model methodology developed in the mid-1980s. Since that time, improved technology and modeling sophistication have enabled the IRS to improve the burden estimates. The IRS Taxpayer Burden Model methodology provides taxpayers and the IRS with a more comprehensive understanding of the current levels of taxpayer burden. It reflects major changes over the past two decades in the way taxpayers prepare and file their returns. The IRS Taxpayer Burden Model methodology also represents a substantial step forward in the IRS’s ability to assess likely impacts of administrative and legislative changes on trusts and estates.

The IRS Taxpayer Burden Model methodology focuses on the characteristics and activities of trusts and estates rather than solely focusing on the forms they file. Key determinants of taxpayer burden in the model are the type of trust or estate, the number of beneficiaries, level of the trust or estate’s income, and the complexity of the trust or estate’s income generated from assets and investments. Indicators of tax law and administrative complexity, as reflected in the tax forms and instructions, are incorporated into the model. Tax compliance burden does not include a taxpayer’s tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs. The legacy ADL model methodology primarily focused on the number of line items of each tax form. The changes between the old and new burden estimates are due to the improved ability of the IRS Taxpayer Burden Model methodology to measure burden and the expanded scope of what is measured. These changes create a one-time shift in the estimate of imposed burden. It is important to note that the difference between the legacy ADL estimate and the IRS Taxpayer Burden Model estimate do not reflect any change in the actual burden imposed by taxpayers.

Methodology

Burden is defined as the time and out-of-pocket costs incurred by taxpayers to comply with their federal tax reporting responsibilities. As has been done for individual taxpayer burden since 2005, business entity burden since 2014, tax-exempt organization burden since 2018, and employer taxpayer burden since 2023, both the time expended and the out-of-pocket costs for trusts and estates are estimated. The IRS Taxpayer Burden

Model methodology relies on surveys that gather data about time and out-of-pocket costs that trusts and estates spend on pre-filing and filing activities. The methodology establishes econometric relationships between tax return characteristics and reported compliance costs. The methodology controls for the substitution of time and money by monetizing time and reporting total compliance costs in dollars. This methodology better reflects taxpayer compliance burden, because in a world of electronic tax preparation, time and out-of-pocket costs are governed by the information required rather than the form on which it is ultimately reported. Importantly, even where various trusts and estates complete the same tax form lines, the new methodology differentiates the cost incurred to complete those forms based on characteristics of those trusts and estates. Key characteristics that serve as coefficients in the trust and estates reporting burden model are:

- Type of trust or estate
- Level of income
- Complexity of income and deductions
- Number of beneficiaries

The IRS Taxpayer Burden Model methodology is based on survey data collected using the following stratification for trusts and estates:

FORM 1041 STRATA	
Fiduciary code	Income level
1 = Estate	<\$5
	5–999
	1,000–4,999
	5,000–24,999
	25,000–74,999
2 = Simple Trust	75,000–149,999
	>=150,000
	<5
	5–999
	1,000–4,999
3 = Complex Trust	5,000–24,999
	25,000–74,999
	75,000–149,999
	>=150,000
	<5
4 = Nontaxable Grantor Trust	5–999
	1,000–4,999
	5,000–24,999
	25,000–74,999
	75,000–149,999
5 = Bankruptcy Trust Ch. 7	>=150,000
	Any
	Any
	Any
	<5
6 = Bankruptcy Trust Ch. 11	>=5
	<5
	>=5
	<5
	>=5
7 = Qualified Dividend Trust	>=5
	<5
	>=5
	<5
	>=5
8 = Pooled Investment Funds	>=5
	<5
	>=5
	<5
	>=5

Source: IRS:RAAS:KDA (08–23–2024).

Proposed PRA Submission to OMB

Title: Trust and Estate Income Tax Returns and related Forms.
OMB Number: 1545–0092.
Form Numbers: 1041, 1041 A, 1041 ES, 1041 ES (OCR), 1041 N, 1041 QFT,

1041 SCH D, 1041 SCH I, 1041 SCH J, 1041 SCH K-1, 1041 T, 1041 V, 172, 461, 926, 965 A, 982, 1040 SCH C, 1040 SCH E, 1040 SCH F, 1040 SCH H, 1045, 1065 SCH D, 1065 SCH K-2, 1116, 1116 SCH B, 1116 SCH C, 2210, 2210 F, 2439, 3115, 3468, 3800, 4136, 4255, 4562, 4684, 4797, 4952, 4970, 4972, 5227, 5329, 5471, 5471 SCH E, 5471 SCH G1, 5471 SCH H, 5471 SCH I1, 5471 SCH J, 5471 SCH M, 5471 SCH O, 5471 SCH P, 5471 SCH Q, 5471 SCH R, 5713, 5713 SCH B, 5713 SCH C, 5884, 5884 A, 6198, 6252, 6478, 6765, 6781, 7205, 7207, 7210, 7211, 7213, 7217, 7218, 8082, 8275, 8275 R, 8453 FE, 8582, 8582 CR, 8586, 8594, 8609 A, 8611, 8621, 8697, 8801, 8820, 8824, 8825, 8826, 8829, 8830, 8833, 8835, 8844, 8845, 8846, 8855, 8858, 8858 SCH M, 8864, 8865, 8865 SCH G, 8865 SCH H, 8865 SCH K-1, 8865 SCH K-2, 8865 SCH K-3, 8865 SCH O, 8865 SCH P, 8866, 8873, 8879 F, 8881, 8882, 8886, 8896, 8903, 8904, 8908, 8910, 8911, 8911 SCH A, 8912, 8918, 8932, 8933, 8933 SCH A, 8933 SCH B, 8933 SCH C, 8933 SCH D,

8933 SCH E, 8933 SCH F, 8936, 8938, 8941, 8949, 8960, 8978, 8978 SCH A, 8990, 8992, 8992 SCH A, 8994, 8995, 8995 A, 8995 A SCH A, 8995 A SCH B, 8995 A SCH C, 8995 A SCH D, 8997, 8582-CR, 8609-A, T, and associated schedules.

Abstract: These forms are used by trusts and estates to comply with their income tax reporting requirement. The data is used to verify that the items reported on the forms are correct.

Current Actions: The burden estimation methodology for trust and estate tax is being transitioned from the legacy Arthur D. Little (ADL) methodology to the IRS Taxpayer Burden Model. The changes discussed above result in a burden hour estimate of 69,000,000 hours, a decrease in total estimated time burden of 327,470,339 hours. The newly reported total out-of-pocket costs is \$6,124,000,000 and total monetized burden is \$11,164,000,000. The change related to the transition of the burden estimate from the legacy adl model methodology to the IRS Taxpayer Burden Model, is a one-time change. In

addition, changes are being made to the forms to be current with enacted legislation.

Type of Review: Revision of currently approved collections.

Affected Public: Trusts and Estates.

Estimated Number of Respondents: 3,070,000.

Estimated Time per Respondent

(Hours): 22 hours, 29 minutes.

Estimated Total Annual Time (Hours): 69,000,000 hours.

Estimated Total Annual Monetized Time (\$): 5,040,000,000.

Estimated Annual Monetized Time per Respondent (\$): 1,642.

Estimated Total Out-of-Pocket Costs (\$): 6,124,000,000.

Estimated Out-of-Pocket Cost per Respondent (\$): 1,995.

Estimated Total Monetized Burden (\$): 11,164,000,000.

Estimated Monetized Burden per Respondent (\$): 3,637.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

FISCAL YEAR (FY) 2025 BURDEN TOTAL ESTIMATES FOR TRUST AND ESTATE INCOME TAX FORMS, SCHEDULES, AND REGULATIONS
[FY25]

	FY23 to 24	Program change due to adjustment	Program change due to new legislation	Program change due to agency	FY 25
Number of Respondents	* 19,120,534	(16,050,534)	0	0	** 3,070,000
Burden in Hours	396,470,339	(327,470,339)	0	0	69,000,000
Monetized time Burden	\$0	\$5,040,000,000	\$0	\$0	\$5,040,000,000
Out-of-Pocket Costs	\$0	\$6,124,000,000	\$0	\$0	\$6,124,000,000
Total Monetized Burden ***	\$0	\$11,164,000,000	\$0	\$0	\$11,164,000,000

Source: IRS:RAAS:KDA (07-08-2024).

* FY23 responses per year is a count of all forms and schedules filed under legacy ADL Model methodology.

** FY25 responses per year is a count of all taxpayers under the IRS Taxpayer Burden Model methodology. This approach is also used for OMB 1545-0074 (individuals), 1545-0123 (business entities), 1545-0029 (employment tax), and 1545-0047 (tax-exempt organizations).

*** Total monetized burden = Total Out-of-Pocket Costs + Total Annual Monetized Time Note: Reported time and cost burdens are national averages and do not necessarily reflect a "typical case." Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. Detail may not add due to rounding.

The following additional breakouts of average burden are provided for transparency in understanding the average estimated burden experienced by taxpayers. Table 1 shows the average burden by filers of Form 1041. Table 2 shows the average burden by total income. Table 3 shows the average burden by the number of K-1s attached to the Form 1041.

TABLE 1—FY2025 AVERAGE BURDEN PROJECTIONS BY ENTITY TYPE

Entity type	Percent of filed Form 1041 **	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Simple Trust	18	19	\$1,400	\$2,900
Complex Trust *	55	22	2,000	3,800
Decedent Estate	10	46	4,100	7,100
Grantor Trust	16	12	1,500	1,900
Qualified Disability Trust	1	19	800	1,900
Pooled Income Fund	<1	27	2,000	2,900

Source: IRS:RAAS:KDA (07-08-2024).

* The category of Complex Trusts includes Chapter 7 and Chapter 11 Bankruptcy Estates.

** Percentages based on Tax Year 2022 filings.

TABLE 2—FY2025 AVERAGE BURDEN PROJECTIONS BY TOTAL INCOME *

Total Income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Table 2A—Simple Trusts			
1. <\$1	19	\$800	\$1,700
2. \$1 to \$5,000	19	900	1,800
3. \$5,001 to \$10,000	18	1,100	2,300
4. \$10,001 to \$50,000	17	1,400	2,900
5. >\$50,000	25	2,700	5,600
Table 2B—Complex Trusts, Qualified Disability Trusts, Pooled Income Funds, Chapter 7 and 11 Bankruptcy Estates			
1. <\$1	19	900	1,700
2. \$1 to \$5,000	19	1,000	1,900
3. \$5,001 to \$10,000	18	1,300	2,500
4. \$10,001 to \$50,000	18	1,800	3,400
5. >\$50,000	40	5,200	10,000
Table 2C—Decedent Estates			
1. <\$1	38	2,800	4,800
2. \$1 to \$5,000	48	3,100	5,300
3. \$5,001 to \$10,000	52	3,900	6,800
4. \$10,001 to \$50,000	49	5,100	8,900
5. >\$50,000	52	8,100	14,100

Source: IRS:RAAS:KDA (07–08–2024).

* Grantor trusts are not reflected in this table because income from a grantor trust is generally reported on the grantor's tax return.

TABLE 3—FY2025 AVERAGE BURDEN PROJECTIONS BY NUMBER OF K-1s ATTACHED *

Number of K-1s	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Table 3A—Simple Trusts			
0	16	\$900	\$1,900
1–5	19	1,400	2,900
6–10	33	2,600	5,500
>10	47	5,000	10,400
Table 3B—Complex Trusts, Qualified Disability Trusts, Pooled Income Funds, Ch. 7 and 11 Bankruptcy Estates			
0	19	1,300	2,500
1–5	23	2,300	4,400
6–10	39	4,200	8,100
>10	60	7,700	14,600
Table 3C—Decedent Estates			
0	41	3,200	5,600
1–5	49	4,700	8,200
6–10	57	6,600	11,400
>10	68	9,000	15,700

Source: IRS:RAAS:KDA (07–08–2024).

* Grantor trusts are not reflected in this table because they do not use Schedule K-1s. See Instructions to Form 1041, <https://www.irs.gov/instructions/i1041>.**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 5, 2024.

Jason M. Schoonmaker,

Tax Analyst.

Appendix A

Form	Title/description	OMB No.
1041	U.S. Income Tax Return for Estates and Trusts	1545-0092
1041-A	U.S. Information Return Trust Accumulation of Charitable Amounts	1545-0094
1041-ES	Estimated Tax for Estates and Trusts	1545-0971
1041-ES (OCR)	Estimated Tax Vouchers Package 1041ES (OCR) 2017	1545-0971
1041-N	U.S. Income Tax Return for Electing Alaska Native Settlement	1545-1776
1041-QFT	U.S. Income Tax Return for Qualified Funeral Trusts	1545-1593
1041-SCH D	Capital Gains and Losses	1545-0092
1041 SCH I	Alternative Minimum Tax-Estates and Trusts	1545-0092
1041 SCH J	Accumulation Distribution for Certain Complex Trusts	1545-0092
1041 SCH K-1	Beneficiary's Share of Income, Deductions, Credits, etc	1545-0092
1041-T	Allocation of Estimated Tax Payments to Beneficiaries (Under Code section 643(g))	1545-1020
1041-V	Payment Voucher	1545-0092
5227	Split-Interest Trust Information Return	1545-0196
172	Net Operating Losses (NOLs) for Individuals, Estates, and Trusts	1545-0074
461	Limitation on Business Losses	1545-2283
926	Return by a U.S. Transferor of Property to a Foreign Corporation	1545-0026
965-A	Form 965-A, Individual Report of Net 965 Tax Liability	1545-0074
982	Reduction of Tax Attributes Due to Discharge of Indebtedness (And Section 1082 Basis Adjustment)	1545-0046
1040 SCH C	Profit or Loss from Business (Sole Proprietorship)	1545-0074
1040 SCH E	Supplemental Income and Loss	1545-0074
1040 SCH F	Profit or Loss from Farming	1545-0074
1040 SCH H	Household Employment Taxes	1545-0074
1045	Application for Tentative Refund	1545-0098
1065 SCH D	Capital Gains and Losses	1545-0123
1065 SCH K-2	Partners Distributive Share Items—International	1545-0123
1116	Foreign Tax Credit	1545-0121
1116 SCH B	Foreign Tax Credit	1545-0121
1116 SCH C	Foreign Tax Credit	1545-0121
2210	Underpayment of Estimated Tax by Individuals, Estates and Trusts	1545-0140
2210-F	Underpayment of Estimated Tax by Farmers and Fisherman	1545-0140
2439	Notice to Shareholder of Undistributed Long-Term Capital Gains	1545-0123
3115	Application for Change in Accounting Method	1545-2070
3468	Investment Credit	1545-0074
3800	General Business Credit	1545-0895
4136	Credit for Federal Tax Paid on Fuels	1545-0162
4255	Recapture of Investment Credit	1545-0166
4562	Depreciation and Amortization (Including Information on Listed Property)	1545-0172
4684	Casualties and Thefts	1545-0177
4797	Sales of Business Property	1545-0184
4952	Investment Interest Expense Deduction	1545-0191
4970	Tax on Accumulation Distribution of Trusts	1545-0192
4972	Tax on Lump-Sum Distributions	1545-0193
5227	Split-Interest Trust Information Return	1545-0196
5329	Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts	1545-0123
5471	Information Return of U.S. Persons With Respect to Certain Foreign Corporations	1545-0123
5471 SCH E	Income, War Profits, and Excess Profits Taxes Paid or Accrued	1545-0123
5471 SCH G1	Cost Sharing Arrangement	1545-0123
5471 SCH H	Current Earnings and Profits	1545-0123
5471 SCH I1	Information for Global Intangible Low-Taxed Income	1545-0123
5471 SCH J	Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation	1545-0123
5471 SCH M	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons	1545-0123
5471 SCH O	Organization or Reorganization of Foreign Corporation and Acquisitions and Dispositions of its Stock	1545-0123
5471 SCH P	Previously Taxed Earnings and Profits of U.S. Shareholder of Certain Foreign Corporations	1545-0123
5471 SCH Q	CFC Income by CFC Income Groups	1545-0123
5471 SCH R	Form 5471 Schedule R	1545-0123
5713	International Boycott Report	1545-0216
5713 SCH B	Specifically Attributable Taxes and Income (Section 999(c)(2))	1545-0216
5713 SCH C	Tax Effect of The International Boycott Provisions	1545-0216
5884	Work Opportunity Credit	1545-0219
5884-A	Employee Retention Credit for Employers Affected by Qualified Disasters	1545-1978
6198	At-Risk Limitations	1545-0712
6252	Installment Sale Income	1545-0228
6478	Biofuel Producer Credit	1545-0231
6765	Credit for Increasing Research Activities	1545-0619
6781	Gains and Losses from Section 1256 Contracts and Straddles	1545-0644
7205	Energy Efficient Commercial Buildings Deduction	1545-2004
7207	Advanced Manufacturing Production Credit	1545-2306
7210	Clean Hydrogen Production Credit	1545-2321
7211	Clean Electricity Production Credit	New Form
7213	Nuclear Power Production Credit	1545-0123
7217	Distributions From a Partnership of Property With Partner Basis Adjustments	New Form
7218	Clean Fuel Production Credit	New Form
8082	Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR)	1545-0074
8275	Disclosure Statement	1545-0889

Form	Title/description	OMB No.
8275-R	Regulation Disclosure Statement	1545-0889
8453-FE	U.S. Estate or Trust Income Tax Declaration and Signature for Electronic Filing	1545-0967
8582	Passive Activity Loss Limitations	1545-1008
8582-CR	Passive Activity Credit Limitations	1545-1034
8586	Low-Income Housing Credit	1545-0984
8594	Asset Acquisition Statement	1545-0074
8609-A	Annual Statement for Low-Income Housing Credit	1545-0988
8611	Recapture of Low-Income Housing Credit	1545-1035
8621	Return by a Shareholder of a Passive Foreign Investment Co. or Qualified Electing Fund	1545-1002
8697	Interest Computation Under the Look-Back Method for Completed Long-Term Contracts	1545-1031
8801	Credit For Prior Year Minimum Tax—Individuals, Estates, and Trusts	1545-1073
8820	Orphan Drug Credit	1545-1505
8824	Like-Kind Exchanges	1545-1190
8825	Rental Real Estate Income and Expenses of a Partnership or an S Corporation	1545-0123
8826	Disabled Access Credit	1545-1205
8829	Expenses for Business Use of Your Home	1545-0074
8830	Enhanced Oil Recovery Credit	1545-1292
8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)	1545-1354
8835	Renewable Electricity Production Credit	1545-1362
8844	Empowerment Zone Employment Credit	1545-1444
8845	Indian Employment Credit	1545-0123
8846	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips	1545-0123
8855	Election To Treat a Qualified Revocable Trust as Part of an Estate	1545-1881
8858	Information Return of U.S. Persons With Respect to Disregarded Entities (FDEs) and Foreign Branches (FBs)	1545-1910
8858 SCH M	Transactions Between Foreign Disregarded Entity (FDE) or Foreign Branch (FB) and the Filer or Other Related Entities.	1545-1910
8864	Biodiesel, Renewable Diesel, or Sustainable Aviation Fuels Credit	1545-1924
8865	Return of U.S. Persons With Respect to Certain Foreign Partnerships	1545-1668
8865 SCH G	Statement of Application for the Gain Deferral Method Under Section 721(c)	1545-1668
8865 SCH H	Acceleration Events and Exceptions Reporting Relating to Gain Deferral Method Under Section 721(c)	1545-1668
8865 SCH K-1	Partner's Share of Income, Deductions, Credits, etc. (Schedule K-1 (Form 8865))	1545-1668
8865 SCH K-2	Schedule K-2 (Form 8865), Partners' Distributive Share Items—International	1545-1668
8865 SCH K-3	Partner's Share of Income, Deductions, Credits, etc.—International	1545-1668
8865 SCH O	Transfer of Property to a Foreign Partnership	1545-1668
8865 SCH P	Acquisitions, Dispositions, and Changes of Interests in a Foreign Partnership	1545-1668
8866	Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.	1545-1622
8873	Extraterritorial Income Exclusion	1545-1722
8879-F	U.S. Estate or Trust Declaration for an IRS e-file Return	1545-0967
8881	Credit for Small Employer Pension Plan Startup Costs	1545-1810
8882	Credit for Employer-Provided Child Care Facilities and Services	1545-1809
8886	Reportable Transaction Disclosure Statement	1545-1800
8896	Low Sulfur Diesel Fuel Production Credit	1545-1914
8903	Domestic Production Activities Deduction	1545-1984
8904	Credit for Oil and Gas Production From Marginal Wells	1545-2278
8908	Energy Efficient Home Credit	1545-1979
8910	Alternative Motor Vehicle Credit	1545-1998
8911	Alternative Fuel Vehicle Refueling Property Credit	1545-0123
8911 SCH A	Alternative Fuel Vehicle Refueling Property Credit Amount	New Form
8912	Credit to Holders of Tax Credit Bonds	1545-2025
8918	Material Advisor Disclosure Statement	1545-0865
8932	Credit for Employer Differential Wage Payments	1545-2126
8933	Carbon Oxide Sequestration Credit	1545-2132
8933 SCH A	Disposal or Enhanced Oil Recovery Owner Certification	New Form
8933 SCH B	Disposal Operator Certification	New Form
8933 SCH C	Enhanced Oil Recovery Operator Certification	New Form
8933 SCH D	Recapture Certification	New Form
8933 SCH E	Election Certification	New Form
8933 SCH F	Utilization Certification	New Form
8936	Clean Vehicle Credits	1545-0074
8938	Statement of Specified Foreign Financial Assets	1545-2195
8941	Credit for Small Employer Health Insurance Premiums	1545-2198
8949	Sales and Other Dispositions of Capital Assets	1545-0074
8960	Net Investment Income Tax—Individuals, Estates, and Trusts	1545-2227
8978	Partner's Additional Reporting Year Tax	1545-0123
8978 SCH A	Partners Additional Reporting Year Tax	1545-0123
8990	Limitation on Business Interest Expense Under Section 163(j)	1545-0123
8992	U.S. Shareholder Calculation of Global Intangible Low-Taxed Income (GILTI)	1545-0123
8992 SCH A	Schedule A, for Global Intangible Low-Taxed Income (GILTI)	1545-0123
8994	Employer Credit for Paid Family and Medical Leave	1545-2282
8995	Qualified Business Income Deduction Simplified Computation	1545-2294
8995-A	Qualified Business Income Deduction	1545-2294
8995-A SCH A	Specified Service Trades or Businesses	1545-2294
8995-A SCH B	Aggregation of Business Operations	1545-2294

Form	Title/description	OMB No.
8995-A SCH C ...	Loss Netting and Carryforward	1545-2294
8995-A SCH D ...	Special Rules for Patrons of Agricultural or Horticultural Cooperatives	1545-2294
8997	Initial and Annual Statement of Qualified Opportunity Fund (QOF) Investments	1545-0123
8582-CR	Passive Activity Credit Limitations	1545-1034
8609-A	Annual Statement for Low-Income Housing Credit	1545-0988
T	Forest Activities	1545-0007

* 1545-0074 will not be discontinued it will be the number assigned to all Forms within the individual tax collection.

* 1545-0123 will not be discontinued. It is the business collection and 8922 will be included in both the Business collection and the Employment Tax collection.

* 1545-0029 will not be discontinued it will be the number assigned to all Forms within the employment tax collection.

* 1545-0092 will not be discontinued it will be the number assigned to all Forms within the trust and estate income tax collection.

Appendix B

Guidance title/description	OMB No.
Revenue Procedure 2009-20: Safe harbor treatment for taxpayers that experienced losses in certain investment arrangements discovered to be criminally fraudulent	1545-0092
Revenue Procedure 2009-26: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability	1545-0092
Revenue Procedure 2009-52: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability	1545-0092
Revenue Procedure 2019-38: Trade or Business	1545-0092
TD 9846: Regulations Regarding the Transition Tax Under Section 965 and Related Provisions	1545-2280
TD 9847: Qualified Business Income Deduction	1545-0092
TD 9902: Guidance Under Sections 951A and 954 Regarding Income Subject to a High Rate of Foreign Tax	1545-0092
TD 9918: Effect of Section 67(g) on Trusts and Estates	1545-0092
TD 9922: Guidance Related to the Allocation and Apportionment of Deductions and Foreign Taxes, Foreign Tax Redeterminations, Foreign Tax Credit Disallowance Under Section 965(g), Consolidated Groups, Hybrid Arrangements and Certain Payments Under Section 951A	1545-1056
TD 9936: Guidance on Passive Foreign Investment Companies	1545-0092
TD 9945: Guidance Under Section 1061	1545-0092
TD 9959: Guidance Related to the Foreign Tax Credit; Clarification of Foreign-Derived Intangible Income	1545-2296
TD 9998: Increased Amounts of Credit or Deduction for Satisfying Certain Prevailing Wage and Registered Apprenticeship Requirements	1545-2315

[FR Doc. 2024-20407 Filed 9-9-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0012]

Agency Information Collection Activity: Application for Cash Surrender or Policy Loan

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 12, 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, vacopaperworkreduct@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 Cash Surrender or Policy Loan (VA Form 29-1546), Application for Cash Surrender (VA Form 29-1546e).

OMB Control Number: 2900-0012. <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 Application for Cash Surrender or Policy Loan solicits information needed from Veterans to apply for cash surrender value or policy loan on his/her insurance. The VA Form 29-1546e has been added to this collection. This is an electronic version of the 29-1546 but is for cash surrender only. This form was created so Veterans can apply for a cash surrender of their policy online. This will not affect the number of respondents but will make it easier and reduce the time it takes for

Veterans to receive the cash value of their policy. The information on this form is required by law, 38 U.S.C. 1906 and 1944, 38 CFR 6.115, 6.116, 6.117, 8.27, 6.100, 6.101 and 8.28.

Affected Public: Individuals and households.

Estimated Annual Burden: 4,939 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Upon Request.

Estimated Number of Respondents: 29,636.

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. 2024–20316 Filed 9–9–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0890]

Agency Information Collection Activity: Industry Standard Forms for Completing an Appraisal Required by VA

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: Written comments and recommendations on the proposed collection of information should be received on or before November 12, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Program-Specific information: Nancy J. Kessinger, 202–632–8924, Nancy.Kessinger@va.gov.

VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must

obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Industry Standard Forms for Completing an Appraisal Required by VA (FNMA Forms 1004, 1004C, 1025, 2055 and 1075).

OMB Control Number: 2900–0890.

Type of Review: Extension of a currently approved collection.
Abstract: This information collection package seeks approval of VA's requirement that appraisers utilize certain industry-standard forms in completing an appraisal. 38 U.S.C. 3731 authorizes the VA Secretary to establish a panel of appraisers, prescribe qualifications for such appraisers, and determine reasonable value of a property, construction, repairs or alterations based on an appraisal report provided by a panel appraiser for the purpose of guaranteeing a loan.

VA is requesting approval to authorize collection of these forms because accurate and thorough appraisal reporting is critical to the accuracy of underwriting for the mortgage process. Additionally, VA is looking to expand the list of authorized forms for use due to ongoing needs related to the pandemic. This collection of information provides a more thorough and complete appraisal of prospective VA-guaranteed properties ensuring that mortgages are acceptable for VA guarantee and thereby protect the interest of VA, taxpayers, and the Veterans Housing Benefit Program Fund. Policies and procedures for governing the VA appraisal program are set forth in chapter 36, title 38 of the CFR.

Affected Public: Individuals or Households.

Estimated Annual Burden: 10,833.

Estimated Average Burden Per Respondent: 1 minute.

Frequency of Response: One time.
Estimated Number of Respondents: 650,000.
Authority: 44 U.S.C. 3501 *et seq.*

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–20320 Filed 9–9–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0060]

Agency Information Collection Activity: Claim for One Sum Payment Government Life Insurance, Claim for Monthly Payments Government Life Insurance, and Claim for One Sum Payment Government Life Insurance (DocuSign)

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 12, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–461–8900, 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:

VA Form 29–4125, Claim for One Sum Payment—Government Life Insurance

VA Form 29–4125e (DocuSign) Claim for One Sum Payment—Government Life Insurance

VA Form 29–4125a, Claim for Monthly Payments—National Service Life Insurance

OMB Control Number: 2900–0060.
<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: These forms are used by beneficiaries applying for proceeds of Government Life Insurance policies. The VA Form 29–4125e has been added to this collection. This is an electronic version of the 29–4125. This form was created so beneficiaries can apply for insurance proceeds electronically. This will not affect the number of respondents but will make it easier and reduce the time it takes for beneficiaries to receive their insurance proceeds. The information requested on the forms is required by law, 38 U.S.C. 1917 and 1952.

Affected Public: Individuals and households.

Estimated Annual Burden: 12,010 hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 120,100.

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. 2024–20356 Filed 9–9–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0092]

Agency Information Collection Activity Under OMB Review: Information for Veteran Readiness and Employment Entitlement Determination

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefit Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link <https://www.reginfo.gov/public/do/PRAMain>, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0092.”

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–632–8924, nancy.kessinger@va.gov.

VA PRA information: Maribel Aponte, 202–461–8900, vacpaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Title: VA Form 28–1902w, Information for Veteran Readiness and Employment Entitlement Determination.

OMB Control Number: 2900–0092
www.reginfo.gov/public/do/PRASearch.

Type of Review: Revision of a currently approved collection.

Abstract: The VA Form 28–1902w, Information for Veteran Readiness and Employment Entitlement Determination is used by the Vocational Rehabilitation Counselor (VRC) with the Veteran or Service member during the comprehensive initial evaluation after the VA receives an application for Veteran Readiness and Employment benefits and has determined the claimant is eligible to apply for chapter 31 under title 38 U.S.C. 3104(a) and 38 CFR 21.50. Use of the VA Form 28–1902w will allow the VA counselor to use the form to collect the information during the initial evaluation. The information is unique to each Veteran and must be collected to assist with making an entitlement determination during the initial evaluation or the counselor would not have enough information to properly evaluate the Veteran's circumstances. The information is collected only once. Information for Veteran Readiness and Employment Entitlement Determination takes approximately 45 minutes to complete.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 54962, July 2, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 48,097 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 64,129.

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. 2024–20302 Filed 9–9–24; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Species
Status for Black Creek Crayfish and Designation of Critical Habitat;
Proposed Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R4-ES-2024-0090;
FXES1111090FEDR-245-FF09E21000]

RIN 1018-BH96

**Endangered and Threatened Wildlife
and Plants; Endangered Species
Status for Black Creek Crayfish and
Designation of Critical Habitat**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Black Creek crayfish (*Procambarus pictus*), a crayfish species from Florida, as an endangered species under the Endangered Species Act of 1973, as amended (Act). We also propose to designate critical habitat for the Black Creek crayfish under the Act. In total, approximately 1,056 kilometers (656 miles) of streams in Clay, Duval, Putnam, and St. Johns Counties, Florida, fall within the boundaries of the proposed critical habitat designation. If we finalize this rule as proposed, it would extend the Act's protections to this species and its designated critical habitat. We also announce the availability of an economic analysis of the proposed critical habitat designation for the Black Creek crayfish.

DATES: We will accept comments received or postmarked on or before November 12, 2024. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 25, 2024.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-R4-ES-2024-0090, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment."

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R4-ES-2024-0090, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275

Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available at <https://www.regulations.gov> at Docket No. FWS-R4-ES-2024-0090.

FOR FURTHER INFORMATION CONTACT: Gian Basili, Deputy State Supervisor, Florida Ecological Services Office, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256-7517; telephone 904-731-3079. 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 see Docket No. FWS-R4-ES-2024-0090 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act (16 U.S.C. 1531 *et seq.*), a species warrants listing if it meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants listing, we must list the species promptly and designate the species' critical habitat to the maximum extent prudent and determinable. We have determined that the Black Creek crayfish meets the definition of an endangered species; therefore, we are proposing to list it as such and proposing a designation of its critical habitat. Both listing a species as an endangered or threatened species and making a critical habitat designation can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. We propose to list the Black Creek crayfish as an endangered species under the Act,

and we propose to designate critical habitat for the species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Black Creek crayfish is endangered primarily due to the invasion of the white tubercled crayfish (*Procambarus spiculifer*) through competition for food and shelter, and possibly through direct predation (Factors C and E).

Section 4(a)(3) of the Act requires that the Secretary of the Interior (Secretary), to the maximum extent prudent and determinable, designate critical habitat for the species concurrently with listing the species. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including

habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns and the locations of any additional populations of this species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Threats and conservation actions affecting the species, including:

(a) Factors that may be affecting the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors;

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species; and

(c) Existing regulations or conservation actions that may be addressing threats to this species.

(3) Additional information concerning the historical and current status of this species.

(4) Specific information on:

(a) The amount and distribution of Black Creek crayfish habitat;

(b) Any additional areas occurring within the range of the species in the Lower St. Johns River Basin in Clay, Duval, Putnam, and St. Johns Counties in northeastern Florida that should be included in the designation because they (i) are occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection, or (ii) are unoccupied at the time of listing and are essential for the conservation of the species;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(d) Whether areas not occupied at the time of listing qualify as habitat for the species and are essential for the conservation of the species.

(5) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(6) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding specific areas.

(7) Information on the extent to which the description of probable economic impacts in the economic analysis is a reasonable estimate of the likely economic impacts and any additional information regarding probable economic impacts that we should consider.

(8) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act. If you think we should exclude any additional areas, please provide information supporting a benefit of exclusion.

(9) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available, and section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific data available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determinations may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that the species is threatened instead of endangered, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. For critical habitat, our final designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, or may exclude some areas if we find the benefits of exclusion outweigh the benefits of inclusion and exclusion will not result in the extinction of the species. In our final rule, we will clearly explain our rationale and the basis for our final decisions, including why we made changes, if any, that differ from this proposal.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

For a detailed description of Federal actions concerning the Black Creek crayfish that occurred prior to September 2021, please refer to the document we published in the **Federal Register** on September 29, 2021 (86 FR 53933).

On November 20, 2023, the Center for Biological Diversity (Center) sent the Service a notice of intent to sue, alleging violations of the Act and Administrative Procedure Act by denying protections to the Black Creek crayfish. The Center

filed a complaint on February 16, 2024 (*Center v. Service*, No. 1:24-cv-00457 (D.D.C.)). In May 2024, the court granted a stay in the case through August 30, 2024, to allow the Service to consider new information on the Black Creek crayfish and issue a new status determination. However, we are effectively mooted the action by publishing this proposed rule, which proposes to list the Black Creek crayfish as an endangered species, and proposes to designate critical habitat for the species, under the Act.

Peer Review

A species status assessment (SSA) team prepared an SSA report for the Black Creek crayfish. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act, we solicited independent scientific review of the information contained in the Black Creek crayfish SSA report (version 2.0). We sent the SSA report to six independent peer reviewers and received four responses. Results of this structured peer review process can be found at <https://www.regulations.gov>. In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this proposed rule.

Summary of Peer Reviewer Comments

As discussed in Peer Review above, we received comments from four peer reviewers on the draft SSA report. We reviewed all comments received from the peer reviewers for substantive issues and new information regarding the contents of the SSA report. The peer reviewers generally concurred with our methods and conclusions, and provided additional information, clarifications, and suggestions, including clarifications in using terminology and other editorial suggestions. All comments regarding Black Creek crayfish survey records were further clarified in the SSA report. Otherwise, no substantive changes to our analysis and conclusions in the SSA report were deemed necessary, and peer reviewer comments are addressed in

version 2.0 of the SSA report (Service 2024, entire).

I. Proposed Listing Determination

Background

A thorough review of the taxonomy, life history, and ecology of the Black Creek crayfish is presented in the SSA report (version 2.0, Service 2024, pp. 9–16).

The Black Creek crayfish is endemic to the Lower St. Johns River Basin in four northeastern Florida counties (Clay, Duval, Putnam, and St. Johns). This small to medium-sized crayfish has dark claws and a dark carapace with a white or yellowish mid-dorsal stripe, white spots or streaks on its sides, and a rust-colored abdomen. The Black Creek crayfish lives for approximately 16 months and reproduces once during its life cycle. The Black Creek crayfish occurs in flowing, sand-bottomed, tannic-stained streams that contain cool, clean water, and maintain a constant flow of highly oxygenated water (greater than 5 parts per million). Within these streams, Black Creek crayfish require aquatic vegetation and debris for shelter, with alternating shaded and open canopy cover where they eat aquatic plants, dead plant and animal material, and detritus.

When version 1.0 of the SSA report was completed in 2019, the effects of the co-occurring white tubercled crayfish were uncertain, but it is now known that wherever white tubercled crayfish is found, it displaces Black Creek crayfish through competition or predation. Monitoring surveys in 2019–2023 documented expansion of the white tubercled crayfish, with 47 percent of the Black Creek crayfish's range facing inevitable extirpation due to white tubercled crayfish invasion, and 42 percent of the range at high risk of imminent invasion. The expansion of white tubercled crayfish and its apparent displacement of Black Creek crayfish led the Service to reassess the species in 2024. The Service updated the SSA report, resulting in version 2.0, and subjected the SSA report to peer review. As noted above, the Service considered peer review comments on the updated SSA report. The Service used the updated SSA report to make a new status determination for the Black Creek crayfish, resulting in this proposed rule.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for

determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species. On April 5, 2024, jointly with the National Marine Fisheries Service, we issued a final rule that revised the regulations in 50 CFR part 424 regarding how we add, remove, and reclassify endangered and threatened species and what criteria we apply when designating listed species' critical habitat (89 FR 24300). On the same day, we published a final rule revising our protections for endangered species and threatened species at 50 CFR part 17 (89 FR 23919). These final rules are now in effect and are incorporated into the current regulations.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the U.S. Fish and Wildlife Service and National Marine Fisheries Service (hereafter, the Services) can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat-projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess the Black Creek crayfish’s viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events); and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species’ ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species’ viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species’ life-history needs. The next stage involved an assessment of the historical and current condition of the species’ demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species’ responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from version 2.0 of the SSA report; the full SSA report

can be found at Docket No. FWS–R4–ES–2024–0090 on <https://www.regulations.gov>.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resource needs, and the threats that influence the species’ current and future condition, in order to assess the species’ overall viability.

At an individual level, Black Creek crayfish require aquatic vegetation, leaf litter, and tree roots or undercut banks for shelter, as well as aquatic plants, dead plant and animal material, and detritus for food. Additionally, individuals need clean and cool, highly oxygenated, flowing water to survive. For populations of Black Creek crayfish to persist, the needs of individuals (suitable shelter, food sources, mates) must be met at a larger scale. Connected areas of habitat must be large enough to support a reservoir of potential mates for breeding and to avoid inbreeding depression. For Black Creek crayfish, suitable habitat depends on the absence of competitors (e.g., white tubercled crayfish) and maintenance of sand-bottomed, highly oxygenated, tannic headwater streams.

Species viability requires adequate redundancy. Redundancy is sustained by resilient populations (natural or reintroduced) distributed across the species’ range, and connectivity allows nearby populations to expand their range, rescue and recolonize areas after catastrophic events, or both. Representation can be maintained through heterogeneity of occupied habitats and sustained resilient populations spread across the range of genetic and/or ecological diversity for the species. The Black Creek crayfish occupies similar habitat (primarily high-quality headwater streams) throughout its range. Long-term viability requires resilient populations to be sustained into the future. For this species, long-term viability means protecting and maintaining high-quality headwater streams and excluding or minimizing impacts from nonindigenous and invading competitors.

Influences on Black Creek crayfish viability vary by location, but the most imminent threat to the species is competition and potential predation from the nonindigenous and invading white tubercled crayfish (Factors C and E), which is now being regularly detected across the Black Creek crayfish’s range in addition to other crayfish competitors. Other threats include disease (Factor C), habitat degradation and water quality

impairment (Factor A), and a changing climate (Factor E) and are described in more detail in the SSA report (Service 2024, pp. 18–39).

White Tubercled Crayfish

The white tubercled crayfish, a crayfish from an adjacent watershed, was introduced to the Black Creek crayfish's range and is influencing Black Creek crayfish through competition for food and shelter and possibly through direct predation (Service 2024, pp. 18–25). The white tubercled crayfish is native to the United States and is broadly distributed across the Southeast. In Florida, white tubercled crayfish historically only occurred in the St. Mary's and Suwannee basins in the northern part of the State, as well as in panhandle basins (NatureServe 2023, unpaginated). The first detection of white tubercled crayfish in areas known to be historically occupied by Black Creek crayfish was in 2008 (Franz et al. 2008, p. 16). While it is unclear if the white tubercled crayfish expanded its range in Florida from the north and west, Trail Ridge, a sandy dune geologic feature running north to south from South Georgia through North Florida, was likely a barrier to white tubercled crayfish expansion (G. Warren 2020, pers. comm.; U.S. Geological Survey (USGS) 1989, entire).

Analysis of the pattern of white tubercled crayfish and Black Creek crayfish presence/absences suggests that the white tubercled crayfish was introduced into the Black Creek Basin rather than spreading naturally from the north (Fralick et al. 2021, p. 18). One explanation for introduction is through live bait release from fishing, which is one of the main methods for crayfish invasions (DiStefano et al. 2015, p. 404). Other mechanisms for introductions include personal aquarium releases, planting of infested aquatic plants, intentional stocking, and the potential release of crayfish for educational purposes (Nagy et al. 2022, unpaginated; Donahou et al. 2024, unpaginated). Commercial sales of white tubercled crayfish are legal in Florida. The first record of white tubercled crayfish in the Black Creek Basin was in an urbanized portion of Bull Creek in the Lower South Fork of Black Creek subwatershed that is located near the center of the Black Creek Basin (Franz et al. 2008, p. 17).

From 2012–2018, the white tubercled crayfish was detected at two sites in the Black Creek Basin. A 2021 basin-wide evaluation of the population status of Black Creek crayfish comparing 2018–2023 surveys with sites historically occupied by Black Creek Crayfish

between 1976–2016 indicated a substantial decline in Black Creek crayfish occurrences and a corresponding increase in the number of sites inhabited by white tubercled crayfish (Fralick et al. 2023, unpublished data). Surveys from 2018–2023 across 75 sites historically occupied by Black Creek crayfish documented 51 total sites (68 percent) occupied by white tubercled crayfish, 33 of which (44 percent) it has replaced Black Creek crayfish. Black Creek crayfish occurrence was reduced to only 36 (48 percent) of the 75 historical sites; however, white tubercled crayfish has been detected in 18 of these sites, leaving only 18 (24 percent) of the historical sites unoccupied by white tubercled crayfish. While we do not have a rate of extirpation calculated, the replacement of Black Creek crayfish by white tubercled crayfish has been dramatic since its initial detection in 2008. Given these recent trends, the 18 sites with both Black Creek crayfish and white tubercled crayfish present will likely transition to only white tubercled crayfish occupation in the future.

Some barriers, such as natural or artificial waterfalls, culverts, or salinity, seem to prevent or at least slow down the spread of white tubercled crayfish (Reisinger et al. 2023, p. 2). Within the Black Creek Basin, all the Black Creek crayfish sites where white tubercled crayfish have not been found are in the headwaters behind barriers or in Peter's Creek, a tributary near Black Creek's terminus where it meets the brackish St. Johns River. The remainder of the Black Creek crayfish sites with no white tubercled crayfish present are located outside of the Black Creek basin or are on the east side of the St. Johns River.

Preliminary data suggest that the white tubercled crayfish tolerates a wider range of stream temperatures than the Black Creek crayfish (Warren et al. 2019, pp. 8–9). Both crayfish species require high dissolved oxygen levels and generally overlap in many aspects of their resource needs. White tubercled crayfish reach a larger size than Black Creek crayfish, have a higher growth rate, and outcompete Black Creek crayfish when they have a size advantage (Reisinger et al. 2023, p. 12). White tubercled crayfish likely have a size advantage over Black Creek crayfish during much of the lifecycle due to higher growth rates and culmination in a larger overall maximum size (Reisinger et al. 2023, p. 11). In an enclosure experiment, there were no observed impacts of white tubercled crayfish on the growth or survival of Black Creek crayfish, but Black Creek crayfish used the shelter less frequently

in the presence of white tubercled crayfish (Reisinger et al. 2023, pp. 11–12). This suggests that competition for shelter may be a key mechanism by which the white tubercled crayfish is replacing the Black Creek crayfish (Reisinger et al. 2023, p. 12). Several other studies have found that introduced crayfish can outcompete native crayfish for shelter and lead to displacement (Hill and Lodge 1994, entire; Usio et al. 2001, entire; Chucholl et al. 2008, entire).

Additional research is needed to fully understand the life histories and resource needs for both species, the extent of their interspecific competition for resources, and their behavioral ecology. It is theorized that white tubercled crayfish may have an advantage over Black Creek crayfish because they have a longer lifespan and likely reproduce multiple times over a lifetime, whereas female Black Creek crayfish only reproduce once during their life cycle (Franz 1994, p. 212; Hightower and Bechler 2013, pp. 86–87). Although not yet documented for Black Creek crayfish and white tubercled crayfish interactions, reproductive interference is also a potential mechanism for species replacement (M. Ellis 2023, pers. comm.). In some systems, nonindigenous male crayfish have tried to mate with native females, producing no offspring, but effectively eliminating the female's reproductive capacity for the season (J. Cook 2023, pers. comm.; Butler and Stein 1985, p. 14; Ellis 1999, pp. 108–109). It is also possible that changing environmental factors are enhancing the white tubercled crayfish's ability to move into and dominate areas once occupied by Black Creek crayfish. There is anecdotal evidence that after a severe drought, white tubercled crayfish recolonized rehydrated streams more rapidly than Black Creek crayfish (Smith-Hicks 2020, p. 1).

Overall, the white tubercled crayfish can be considered both a stochastic threat, depending on the timing of invasion and interaction with the Black Creek crayfish, and a catastrophic threat, because of the likelihood of human-mediated introduction as well as their ability to outcompete and displace the Black Creek crayfish, thus making the entire Black Creek crayfish species vulnerable to extirpation throughout its range.

Other Influencing Factors

There are several influences that individually and synergistically impact Black Creek crayfish viability. These include other crayfish competitors,

disease, habitat degradation and water quality impairment, and climate change.

Other Crayfish Competitors

Other crayfish species, including both native and nonnative species, can pose a threat if they are aggressive, are resilient to more extreme conditions, or compete for food and cover, thus starving other crayfish species and forcing them out of refugia where other animals can more easily prey upon them. In addition to the nonindigenous and invading white tubercled crayfish (*Procambarus spiculifer*), Black Creek crayfish are occasionally found with other native crayfish species, including slough crayfish (*P. fallax*), peninsula crayfish (*P. paeninsulanus*), brushpalm crayfish (*P. pubischelae*), and Seminole crayfish (*P. seminolae*), which may compete with them for resources (Franz 1994, p. 212; Franz et al. 2008, pp. 14, 16; Nelson and Floyd 2011, pp. 5–6). While not known to occur within the range of the Black Creek crayfish, there is a small, introduced population of highly aggressive and invading red swamp crayfish (*P. clarkii*) in the Doctors Lake subwatershed, which borders the Black Creek Basin. This population is limited to a small retention pond and a few drainage ditches. Eradication efforts in 2022 were unsuccessful, as surveys in 2023 continued to find red swamp crayfish (Gestring 2023, pers. comm.).

Disease

Microsporidian diseases have been attributed to Black Creek crayfish declines (Reisinger et al. 2023, pp. 10–11; Service 2024, pp. 25–28). Microsporidia are spore-forming, obligate, intracellular parasites whose numerous hosts include crayfish. In crayfish, the disease usually causes the deterioration of muscle tissue, lethargy, and eventually death (Freeman et al. 2010, pp. 217–218), or can alter the habitat use or body condition and increase susceptibility to infection (Reisinger and Bolds 2022, p. 3). Visual signs of the disease are white streaks or white opaque abdominal tissue, lending to the name “porcelain disease” or “cotton tail,” that usually becomes more pronounced as the infection progresses. Black Creek crayfish with microsporidian disease have been reported in several studies (Franz et al. 2008, p. 13; Nelson and Floyd 2011, p. 6; Smith–Hicks 2020, p. 1; Reisinger et al. 2023, pp. 10–11).

Habitat Degradation and Water Quality Impairment

Within the range of the Black Creek crayfish, pollution from nonpoint

sources stemming from urbanization, mining, and other activities has been documented in the past (Brody 1990, p. 21; Franz and Franz 1990, p. 294; Florida Natural Areas Inventory (FNAI) 2001, p. 2; Franz et al. 2008, pp. 17–18; Nelson and Floyd 2011, pp. 6–7). Not only can these impacts cause direct mortality to crayfish, but they can also degrade habitat used for foraging, sheltering, and spawning. Sections 4.3 and 4.4 of the SSA report provide additional details about the effects of water withdrawals and other development-related, mining, and agricultural/silvicultural activities that affect water quality within the Black Creek Basin (Service 2024, pp. 29–33). Implementation of construction, agricultural, and silvicultural best management practices (BMPs) has alleviated many past threats associated with siltation and other water quality impacts in recent years and have improved overall habitat conditions within the Black Creek crayfish’s range (Service et al. 2017, p. 24; Florida Department of Agriculture and Consumer Services (FDACS) and Florida Fish and Wildlife Conservation Commission (FWC) 2018, p. 4;).

Climate Change

Effects of climate change, such as increasing temperatures, increased catastrophic storm and/or extreme drought events, and sea level rise, pose ongoing risks to habitat suitability for the Black Creek crayfish. The climate in the southeastern United States has warmed approximately 1 degree Celsius (°C) (approximately 2 degrees Fahrenheit (°F)) since the 1970s and is expected to continue to rise (Carter et al. 2014, pp. 398–399; Carter et al. 2018, pp. 749–750). Various emissions scenarios suggest that, by the end of the 21st century, average global temperatures are expected to increase 2 to >4 °C (3.6 to >7.2 °F) (Intergovernmental Panel on Climate Change (IPCC) 2022, entire). By the end of 2100, it is extremely likely that there will be more frequent hot and fewer cold temperature extremes over most land areas on daily and seasonal timescales, and it is very likely that heat waves and extreme precipitation events may occur with higher frequency and intensity (IPCC 2014, pp. 15–16; Carter et al. 2018, pp. 750–752).

Projections for future precipitation trends in the Southeast are less certain than those for temperature, but suggest that overall annual precipitation may decrease, and that tropical storms may occur less frequently, but with more force (more category 4 and 5 hurricanes)

than historical averages (Carter et al. 2014, p. 398). Projected warmer temperatures and decreased precipitation may increase water temperatures and concurrently decrease dissolved oxygen levels; change runoff regimes; and increase frequency, duration, and intensity of droughts in the southeastern United States (Carter et al. 2018, pp. 746, 773, 775). Droughts cause decreases in water flow and dissolved oxygen levels and increases in temperature in stream systems; droughts can also lead to increases in the concentration of pollutants. These issues may be exacerbated by increases in groundwater withdrawals that likely coincide with human population increases.

The restricted range of the Black Creek crayfish may indicate a narrow tolerance for temperature increases resulting from climate change in northeastern Florida. The direct influence of temperature changes to crayfish habitat depends on the species’ thermal range, geographical distribution, and general ability to acclimate (Carmona–Osalde et al. 2003, p. 306). Previous research indicates increased temperature can lead to decreased survival, growth rates, and reproduction (Carmona–Osalde et al. 2003, pp. 308–313), as well as behavioral modifications (Seals et al. 1997, pp. 136–137) in other *Procambarus* species. There are no direct studies to indicate the impact higher water temperatures would have on Black Creek crayfish populations; however, there are some early indications that Black Creek crayfish are disappearing from previously occupied streams, and congeners such as slough crayfish, peninsula crayfish, and Seminole crayfish are replacing them in streams above 31°C (88 °F) and with dissolved oxygen levels below 4 milligrams per liter (mg/L) (Fralick et al. 2021, p. 16).

Sea level rise may cause saltwater intrusion of groundwater within the range of the Black Creek crayfish, increasing salinity and decreasing oxygen levels, even in areas not directly impacted by higher tide levels and inundation. Prior to surface inundation, habitat may undergo vegetation shifts triggered by changes to hydrology (wetter), salinity (higher), and more frequent storm surge and king tide events (pulse events causing massive erosion and salinization of soils) (Saha et al. 2011, pp. 181–182).

Conservation Efforts and Regulatory Mechanisms

Habitat Protection and Management

In 2013, the Florida Natural Areas Inventory (FNAI) indicated that 40 percent of Black Creek crayfish habitat was protected (FNAI 2013, p. D–7). The range of the Black Creek crayfish largely overlaps public lands managed by the Florida Army National Guard (Camp Blanding Joint Training Center (Camp Blanding)), St. Johns River Water Management District, and the Florida Forest Service, specifically three State forests: Belmore, Jennings, and Etoniah Creek (Service 2024, p. 37). Resource management activities occur on these public lands. Additional Black Creek crayfish are known to occur on mitigation bank parcels. Land managers of public conservation lands do not necessarily manage stream habitat or the fauna that live in streams, although these areas likely benefit from management of adjacent uplands. Black Creek crayfish populations on public lands may receive some protection, but no rangewide conservation actions have yet been undertaken for the species.

Florida statutes require managers of lands that contain imperiled species to consider the habitat needs of these species during preparation of management plans and require that all land management plans include short-term and long-term goals to serve as the basis for land management activities; these goals include measurable objectives for imperiled species habitat maintenance, enhancement, restoration, or population restoration (Florida Statutes, title XVIII, section 253.034(5)).

As part of the implementation of the Sikes Improvement Act (1997; 16 U.S.C. 670 *et seq.*), the Secretaries of the military departments are required to prepare and implement an integrated natural resources management plan (INRMP) for each military installation in the United States. The INRMP must be prepared in cooperation with the Service and State fish and wildlife agencies and must reflect the mutual agreement of these parties concerning conservation, protection, and management of wildlife resources (16 U.S.C. 670a). The Department of Defense (DoD) must conserve and maintain native ecosystems, viable wildlife populations, Federal and State listed species, and habitats as vital elements of its natural resource management programs on military installations, to the extent that these requirements are consistent with the military mission (DoD Instruction 4715.3).

Camp Blanding, the property with the largest known occurrence of Black Creek crayfish, is owned by the State of Florida and managed by the Florida Army National Guard. In 2017, Camp Blanding entered into a 15-year candidate conservation agreement with assurances (CCAA) to protect Federal candidate and Florida Fish and Wildlife Conservation Commission (FWC) listed species, including Black Creek crayfish (Service et al. 2017, entire). Enrolled lands include 46,507 acres of the total 73,000-acre installation (Service et al. 2017, p. 2) and encompass 121 miles of streams, many of which are occupied by the Black Creek crayfish. Surveys have found white tubercled crayfish co-occurring with Black Creek crayfish in several locations; however, some headwaters are protected from white tubercled crayfish invasion by barriers. The objectives for the Camp Blanding CCAA are to: (1) maintain or enhance the quality of habitat for the covered species on the enrolled lands, (2) reduce or eliminate disease transmission to the covered species on the enrolled lands, and (3) reduce or eliminate exotic and invasive species on the enrolled lands. During the implementation of the CCAA, hydrologic measurements will be taken, and invasive (including nonindigenous and invading) species will be monitored in areas known to be occupied by Black Creek crayfish on Camp Blanding lands (Service et al. 2017, p. 24). Additionally, Black Creek crayfish will be surveyed at least once every 5 years to evaluate the success of conservation actions and implementation of BMPs for improved water quality, reduction and/or elimination of disease transmission, and control of exotic and invasive species (Service et al. 2017, p. 24). In addition to the CCAA and existing INRMP, Camp Blanding has an ongoing program to purchase lands within 3 miles of the installation to create a buffer for the localized effects of loud training exercises. These lands would not fall within the purview of the CCAA, and Black Creek crayfish habitat in streams surrounded by these lands would not be afforded the same protections as those that occur on the installation.

The Florida Department of Environmental Protection (DEP) coordinates development and implementation of basin management action plans (BMAPs) to assess, monitor, and improve the water quality of water bodies in the basin that are considered “impaired” by pollution. Total maximum daily loads (TMDLs) are water quality targets for specific pollutants (such as fecal coliforms) that

are established for impaired waterbodies that do not meet their designated uses based on Florida water quality standards (DEP 2008, p. 1). A BMAP prepared for tributaries to the lower St. Johns River (DEP 2008, entire) addresses water quality issues for some drainages in or near the range of the Black Creek crayfish. Two streams in urbanizing areas, Big Davis Creek and Durbin Creek, in southeastern Duval and northwestern St. Johns Counties are locations where TMDLs were established (DEP 2008, p. 87), and subsequently were met so that they are no longer considered impaired waters and could provide habitat for Black Creek crayfish (FDEP 2022, entire).

State Conservation Measures

The Black Creek crayfish was listed by the State of Florida as a State threatened species in 2018 (FWC 2018, p. 8) and is afforded protections under Florida Administrative Code section 68A–27.003(2)(a), which makes it illegal to take, possess, or sell Black Creek crayfish except as authorized by permit from FWC. Florida Administrative Code section 68A–27.001(4) defines the term “take” for the purpose of this prohibition. Subsequently, FWC has also drafted Species Conservation Measures and Permitting Guidelines for the Black Creek crayfish (see Florida Administrative Code section 68A–27.003(2)(b)3 and FWC 2019, entire). Intentional take permits authorizing the take of State-designated threatened species are issued for scientific or conservation purposes that will benefit the survival potential of the species, as described in Florida Administrative Code section 68A–27.007(2)(a). Incidental take permits are issued when there is a scientific or conservation benefit and only after showing that the permitted activity will not negatively impact the species, as described in Florida Administrative Code section 68A–27.007(2)(b).

The FWC has also drafted a Species Action Plan (SAP; FWC 2013, entire) to guide conservation actions for the benefit of the Black Creek crayfish across its range. The Black Creek crayfish SAP details the actions deemed necessary to improve the species’ conservation status, including: (1) working with land managers and landowners to protect, monitor, and enhance the habitat quality of known crayfish sites; (2) drafting and disseminating stream-centered habitat management recommendations to reduce threats and safeguard crayfish and riparian corridors; and (3) continuing to survey to determine the extent of occupied stream reaches and

to identify additional occupied drainages to extend the known range of the species, decentralize its vulnerability to threats, and reduce its overall risk of extinction.

Forestry and Agriculture BMPs

To avoid activities that could degrade or alter riparian zones adjacent to areas inhabited by the Black Creek crayfish, as well as to prevent upland erosion into streams and rivers, some actions require measures to avoid take of the species. These include following guidelines for activities that do not require FWC permits, including avoidance of degradation of Black Creek crayfish habitat through the State of Florida BMPs for stormwater runoff and the FDACS silviculture BMPs. Modern forestry operations in Florida have a (self-reported) compliance rate of 100 percent for following Wildlife Best Management Practices (WBMPs) for State-imperiled species, including the Black Creek crayfish. Forestry protection of special management zones (SMZs) may reduce contribution of nonpoint source pollution (FDACS and FWC 2018, p. 4). SMZs are meant to provide shade for temperature regulation, a natural vegetation strip,

intact ground cover, large and small woody debris, leaf litter, and a variety of tree species and age classes; most of these habitat components benefit Black Creek crayfish (FDACS 2014, p. 5). For the sites following WBMPs across the State of Florida in 2017, 19 percent were located on private nonindustrial forestlands, 64 percent on forest industry lands, and 17 percent on public lands (FDACS and FWC 2018, p. 4). According to Florida's BMPs for forestry, SMZs should be 35 ft wide (200 ft for Outstanding Florida Waters (OFWs)), but selective logging is permitted in this zone (FDACS 2008, p. 9).

Cumulative Effects

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the

factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

Current Condition

Black Creek crayfish analysis units were delineated using HUC 12 (12-digit hydrologic unit code) subwatersheds from the U.S. Geological Survey (USGS) Watershed Boundary Dataset (USGS 2024, unpaginated). There may be genetic separation of Black Creek crayfish on the east and west side of the St. Johns River based on limited samples (Breinholt and Crandall 2010, entire); therefore, we separated the Black Creek crayfish into two representation units: one on the east side of the St. Johns River and one on the west side of the St. Johns River. There are no meaningful ecological distinctions between these representation units. We identified 19 analysis units across the range of the Black Creek crayfish; three units are located in the eastern representation unit, and 16 units are located in the western representation unit (see figure 1, below).

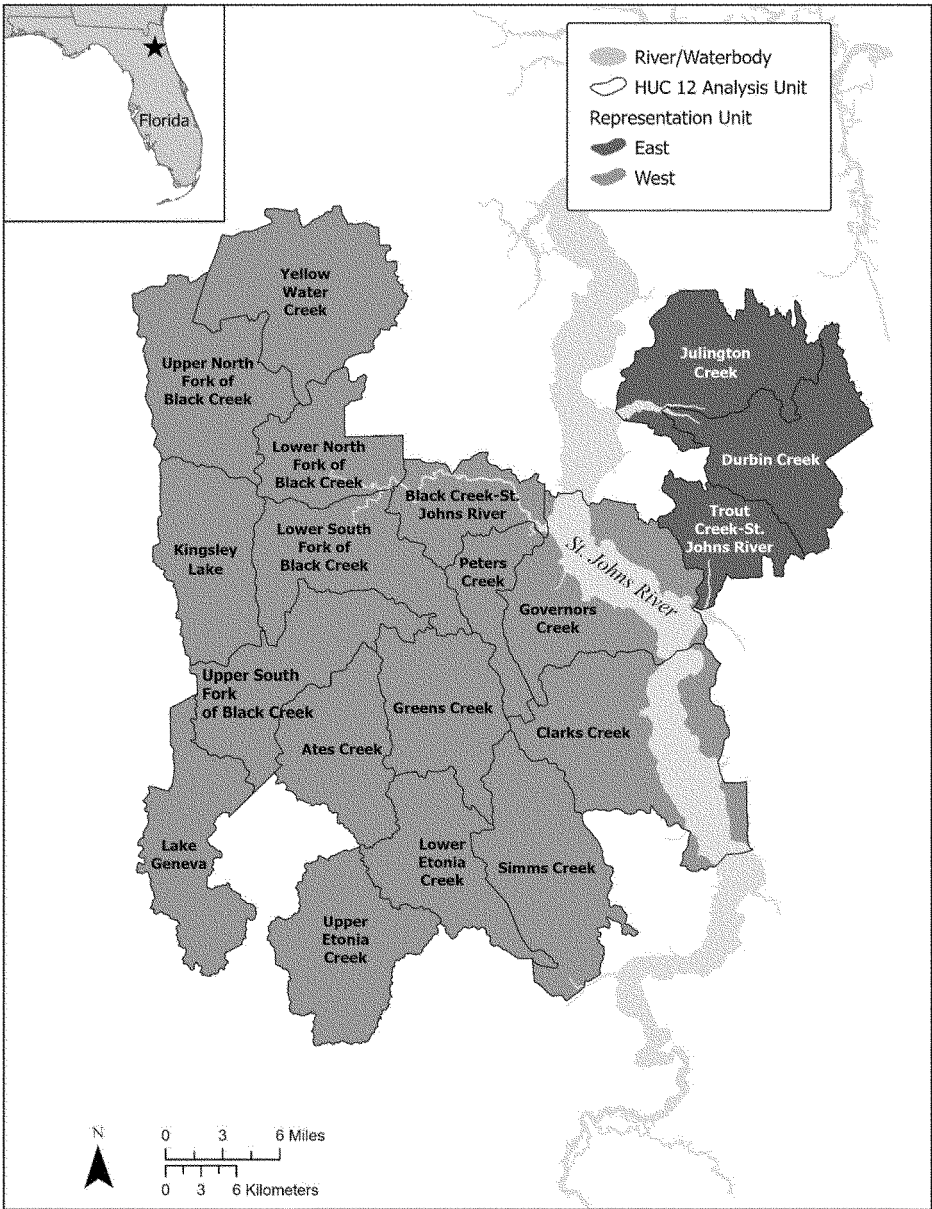


Figure 1. Black Creek crayfish analysis units, defined by HUC 12 hydrologic units.

We assessed resiliency at the analysis unit (HUC 12 subwatershed) scale. Due to the local impact of white tubercled crayfish on Black Creek crayfish occupancy, units with only white tubercled crayfish present were assigned no resiliency and not evaluated further, as Black Creek crayfish in these watersheds are considered at high risk of extirpation, given recent evidence of rapid community replacement as detailed above. “No resiliency” is an indication of functional extirpation, as Black Creek crayfish have been documented in each analysis unit in the past 12 years (Fralick 2023, entire), but the rapid replacement by white tubercled crayfish currently nullifies any ability for the Black Creek crayfish to persist.

TABLE 1—ANALYSIS UNIT STATUS BASED ON INITIAL SCREENING OF WHITE TUBERCLED CRAYFISH PRESENCE AND IMPACT	
Presence/absence white tubercled crayfish	Unit status
Presence of white tubercled crayfish with evidence of decline in occupancy of Black Creek crayfish.	Status = no resiliency. High risk of extirpation. No further evaluation of resiliency.
Absence of white tubercled crayfish	Status = extant. Evaluated for resiliency.

While Black Creek crayfish are still present, nine analysis units (47 percent)

in the western representation unit (*i.e.*, west of the St. Johns River) were

assigned no resiliency (or functionally extirpated) due to the presence of white

tubercled crayfish that we assume will imminently extirpate Black Creek crayfish. To assess resiliency in the remaining 10 analysis units without white tubercled crayfish presence, we evaluated three metrics to determine resiliency for each analysis unit: (1) the risk of white tubercled crayfish invasion, (2) the amount of suitable habitat available for Black Creek crayfish, and (3) riparian condition.

White Tubercled Crayfish Invasion Risk

Due to potential release and expansion through various mechanisms, the risk of white tubercled crayfish invasion is high across the range of the Black Creek crayfish. We did not explicitly measure the risk of invasion of newly introduced white tubercled crayfish; rather, we evaluated the risk that nonindigenous and invading

crayfish from currently occupied areas may spread to nearby locations (see table 2, below). Seven units (44 percent) located in the western representation unit are at high risk of white tubercled crayfish invasion due to proximity to areas with current white tubercled crayfish presence with no barriers to prevent white tubercled crayfish invasion. These units were assigned low resiliency and were not assessed further.

TABLE 2—ANALYSIS UNIT INVASION RISK OF WHITE TUBERCLED CRAYFISH BASED ON PROXIMITY TO AREAS CURRENTLY OCCUPIED BY WHITE TUBERCLED CRAYFISH

If:	Then:
Adjacent to unit with white tubercled crayfish present	High risk of white tubercled crayfish invasion.
Not adjacent to unit with white tubercled crayfish present	Low risk of white tubercled crayfish invasion.

The remaining three units, which are all located in the eastern representation unit, have lower risk of white tubercled crayfish invasion; therefore, we proceeded to evaluate the amount of suitable habitat and riparian condition to assess resiliency for those units. Note that low risk does not mean zero risk; the analysis units east of the St. Johns River are still at risk of white tubercled crayfish invasion.

Suitable Habitat

Suitable habitat was determined from an available habitat suitability model (HSM) (Appendix B of SSA report (Service 2024, pp. 72–80) that uses stream attributes (gradient and sinuosity), forest conditions, geology

type, and water quality to calculate potential habitat for the Black Creek crayfish (Service 2020, pp. 53, 55). To conservatively estimate suitable Black Creek crayfish habitat, potential habitat was limited to stretches in the HSM as having “Fair–Good” or better habitat index values (greater than or equal to ≥ 4). Only including habitat indices of ≥ 4 limits predictions to the 10–percentile threshold, which generally provides a good cutoff for indicating potential habitat. There are currently no data indicating how much habitat is needed within the range of a population to maintain sufficient resiliency levels. However, it can be inferred that, in the absence of other limiting factors (*e.g.*,

stochastic events, unknown alterations to water quality, interspecific competitors), the greater the amount of suitable linear habitat within an analysis unit, the greater the likelihood of both occurrence and high abundance of the species. Therefore, we used the amount of habitat available within a unit to determine a suitable habitat ranking for the Black Creek crayfish. We considered analysis units with greater than 50 kilometers (km) (31 miles (mi)) of available suitable habitat as high, 20–50 km (12–31 mi) of available suitable habitat as moderate, and less than 20 km (12 mi) of available suitable habitat as low (see table 3, below; Service 2020, pp. 54–55).

TABLE 3—HABITAT RANKING CATEGORIES ASSIGNED BASED ON AMOUNT OF SUITABLE HABITAT

Habitat ranking	Amount of suitable habitat
Low	Less than 20 km suitable habitat available.
Moderate	20–50 km suitable habitat available.
High	More than 50 km suitable habitat available.

Riparian Condition

Intact, undisturbed riparian areas are needed to sustain habitat features to meet the life history needs of the Black

Creek crayfish. To assess whether these conditions are currently sufficient to sustain the species, we analyzed current riparian condition for each analysis unit by combining percentage of urban

development within 100 meters (m) (328 feet (ft)) of streams (Kawula and Redner 2018, entire) and total riparian disturbance (see table 4, below; Service 2024, pp. 46–48).

TABLE 4—OVERALL RIPARIAN CONDITION ASSIGNED TO EACH ANALYSIS UNIT BASED ON COMBINATION OF LAND COVER PERCENTAGES OF DEVELOPED LAND COVER AND TOTAL RIPARIAN DISTURBANCE

	Total riparian disturbance		
	<15%	15–28%	>28%
Developed Land Cover:			
<6%	High	High	Moderate.
6–12%	Moderate	Moderate	Low.
>12%	Low	Low	Low.

Current Condition Summary
For analysis units with low risk of white tubercled crayfish invasion risk, resiliency was determined by a combination of suitable habitat and riparian condition (see table 5, below).

TABLE 5—OVERALL RESILIENCY CONDITION CALCULATION METHODOLOGY FOR ANALYSIS UNITS WITHOUT WHITE TUBERCLED CRAYFISH OCCUPANCY BASED ON A COMBINATION OF WHITE TUBERCLED CRAYFISH INVASION RISK, AMOUNT OF SUITABLE HABITAT, AND RIPARIAN CONDITION

White tubercled crayfish invasion risk	Combination of suitable habitat and riparian condition		Current resiliency
High	Not assessed	Not assessed	Low.
Low	High	High	High.
Low	High	Moderate	High.
Low	High	Low	Moderate.
Low	Moderate	Moderate	Moderate.
Low	Moderate	Low	Low.
Low	Low	Low	Low.

The Black creek crayfish has a total of 19 analysis units across its narrow range. Nine units (47 percent) have no resiliency, or are considered functionally extirpated, eight units (42 percent) have low resiliency, one unit (5 percent) has moderate resiliency, and one unit (5 percent) has high resiliency (see table 6, below). White tubercled crayfish have been detected in nine analysis units (47 percent of range), all located in the western representation unit. These nine units are considered at high risk of extirpation due to the risk of community replacement by the white tubercled crayfish and are considered as having no resiliency or functionally

extirpated. Overall, eight units (42 percent of range) have low resiliency. The seven units in the western representation unit on the west side of the St. Johns River that are not currently occupied by the white tubercled crayfish are considered low resiliency due to the high risk of invasion of the white tubercled crayfish. The Julington Creek unit in the eastern representation unit on the east side of the St. Johns River ranked low resiliency due to the combination of a moderate amount of suitable habitat and poor riparian condition. The Durbin Creek unit has high resiliency, while the Trout Creek-St. Johns River unit has moderate

resiliency. Both moderate and high units (10 percent of range) are located in the eastern representation unit on the east side of the St. Johns River and have a low risk of invasion of white tubercled crayfish due to the St. Johns River acting as a barrier to dispersal into these units. These two units, despite having suitable instream and riparian habitat condition to sustain the species and a large barrier (St. Johns River) to natural white tubercled crayfish movement, are still susceptible to white tubercled crayfish invasion through various mechanisms, including bait bucket introduction, which is a plausible risk to the species.

TABLE 6—CURRENT CONDITION PARAMETERS AND OVERALL RESILIENCY RESULTS FOR ALL ANALYSIS UNITS

Analysis unit	Presence of white tubercled crayfish	White tubercled crayfish invasion risk	Suitable habitat	Riparian condition	Current resiliency
Western Representation Unit					
Ates Creek	Yes	NA	NA	NA	None.
Black Creek-St. Johns River	Yes	NA	NA	NA	None.
Clarkes Creek	No	High Risk	NA	NA	Low.
Governors Creek	No	High Risk	NA	NA	Low.
Greens Creek	Yes	NA	NA	NA	None.
Kingsley Lake	Yes	NA	NA	NA	None.
Lake Geneva	No	High Risk	NA	NA	Low.
Lower Etonia Creek	No	High Risk	NA	NA	Low.
Lower North Fork-Black Creek	Yes	NA	NA	NA	None.
Lower South Fork-Black Creek	Yes	NA	NA	NA	None.
Peters Creek	No	High Risk	NA	NA	Low.
Simms Creek	No	High Risk	NA	NA	Low.
Upper Etonia Creek	No	High Risk	NA	NA	Low.
Upper North Fork-Black Creek	Yes	NA	NA	NA	None.
Upper South Fork-Black Creek	Yes	NA	NA	NA	None.
Yellow Water Creek	Yes	NA	NA	NA	None.
Eastern Representation Unit					
Durbin Creek	No	Low Risk	Moderate	High	High.
Julington Creek	No	Low Risk	Moderate	Low	Low.

TABLE 6—CURRENT CONDITION PARAMETERS AND OVERALL RESILIENCY RESULTS FOR ALL ANALYSIS UNITS—Continued

Analysis unit	Presence of white tubercled crayfish	White tubercled crayfish invasion risk	Suitable habitat	Riparian condition	Current resiliency
Trout Creek-St. Johns River	No	Low Risk	Low	High	Moderate.

The value of 'NA' in a column means "Not Assessed," either because the white tubercled crayfish is present in that analysis unit or because the risk of white tubercled crayfish invading that unit is high and, therefore, we did not further evaluate the unit.

For the Black Creek crayfish, redundancy was assessed by mapping the number and distribution of high and moderate resiliency analysis units across the species' range in order to describe how the species will respond to catastrophic events. Of the 19 analysis units, only two have moderate or high resiliency (Durbin Creek and Trout Creek-St. Johns River), and both units are located in the eastern representation unit on the east side of the St. Johns River. In the past 5 years, Black Creek crayfish redundancy has been greatly reduced on the west side of the St. Johns River due to the catastrophic invasion of white tubercled crayfish, and the remaining low resiliency units make the species vulnerable to additional stochastic and catastrophic events, such as catastrophic storm and/or extreme drought events (Service 2020, entire; Service 2024, entire). Overall, the Black Creek crayfish has low redundancy with only two analysis units with moderate to high resiliency located in one part of the species' range, thus leaving the species extremely vulnerable to any catastrophic event, especially catastrophic storm and/or extreme drought events.

As described earlier, we identified representation units based on measured genetic separation between samples on the eastern and western sides of the St. Johns River (Breinholt and Crandall 2010, entire). For the Black Creek crayfish, current representation is best understood as the remaining adaptive capacity within the high and moderate resiliency analysis units that represent remaining genetic diversity across the species' range. Representation for the species is naturally limited due to the narrow range, but the entire western representation unit is on the verge of extirpation and is not considered to contribute to species' viability. Further, the remaining populations in the eastern representation unit will not be able to naturally disperse or colonize areas in the western representation unit, thus indicative of the reduced adaptive capacity of the species. Overall, the Black Creek crayfish currently has

extremely limited representation, with moderate to high resiliency currently being restricted to the eastern representation unit, and therefore all genetic representation for the species is confined to one small area of the former species' range. With all of the species' representation confined to one small part of the historical range, the Black Creek crayfish is not likely to adapt and track suitable habitat and climate over time.

As part of the SSA, we also developed future-condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Black Creek crayfish. Our scenarios examined two urbanization futures and three sea level rise futures out to 2070. Because we determined that the current condition of the Black Creek crayfish is consistent with that of an endangered species (see Determination of Black Creek Crayfish's Status, below), we are not presenting the results of the future scenarios in this proposed rule. Please refer to the SSA report (Service 2024, pp. 52–55) for the full analysis of future scenarios.

Determination of Black Creek Crayfish's Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an "endangered species" as a species in danger of extinction throughout all or a significant portion of its range, and a "threatened species" as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or

manmade factors affecting its continued existence.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we have determined the Black Creek crayfish to be an endangered species throughout all of its range. Our review of the best available information indicates that there are currently 19 populations (analysis units) occurring in a narrow range of northeastern Florida. Since 2019, there has been documentation of decline of the Black Creek Crayfish, with 16 populations (84 percent) in the western part of the range having low to no resiliency, the latter being considered functionally extirpated given the presences of white tubercled crayfish. Of the three populations in the eastern part of the range, one has low resiliency, one has moderate resiliency, and one has high resiliency. Therefore, 17 populations (89 percent) of Black Creek crayfish are currently at high risk of extirpation. The Black Creek crayfish exhibits low redundancy given its narrow range, and given the imminent risk of extirpation across the majority of populations, the species' redundancy will be further reduced.

While influences on the Black Creek crayfish's viability vary by location, the most imminent threat to the species is competition and possible predation from the nonindigenous and invading white tubercled crayfish (Factors C and E), which has been detected across the western part of the Black Creek crayfish's range and could easily be introduced into the eastern part of the Black Creek crayfish's range. The white tubercled crayfish is a larger crayfish, is a strong competitor and potential predator, and tends to expand its range. This larger crayfish has been attributed to declines of the Black Creek crayfish. It has been documented that once white tubercled crayfish is established at a site, it will outcompete or displace Black Creek crayfish. This catastrophic threat is currently impacting the Black Creek crayfish to such a degree that the species is currently at high risk of

extirpation across the majority of its range. Additional threats of competition from other crayfishes (Factor E), disease (Factor C), habitat degradation and water quality impairment (Factor A), and climate change (Factor E) act together to further reduce the Black Creek crayfish's ability to withstand stochastic events. In addition, given the current low resiliency and high risk of extirpation of all but two populations in the eastern part of the species' range, the species is also at risk of extirpation due to potential catastrophic climatic events such as storm and/or extreme drought events. While the moderate to high resiliency populations are limited to just two watersheds in the eastern part of the species' range, all threats listed above (competition from other crayfishes, disease, habitat degradation and water quality impairment, climate change) are currently influencing the viability of the species in these areas as well.

Thus, we have determined that the Black Creek crayfish is currently in danger of extinction throughout all of its range. A threatened species status is not appropriate because the species is currently at high risk of extirpation due to the imminent impacts of white tubercled crayfish invasion combined with the impacts of other threats as described above.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. We have determined that the Black Creek crayfish is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Black Creek crayfish warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of their range.

Determination of Status

Our review of the best available scientific and commercial information indicates that the Black Creek crayfish meets the Act's definition of an endangered species. Therefore, we propose to list the Black Creek crayfish as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

The recovery planning process begins with development of a recovery outline made available to the public soon after a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions while a recovery plan is being developed. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) may be established to develop and implement recovery plans. The recovery planning process involves the identification of actions that are necessary to halt and reverse the species' decline by addressing the threats to its survival and recovery. The recovery plan identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened ("downlisting") or removal from protected status ("delisting"), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Revisions of the plan may be done to address continuing or new threats to the species, as new

substantive information becomes available. The recovery outline, draft recovery plan, final recovery plan, and any revisions will be available on our website as they are completed (<https://www.fws.gov/program/endangered-species>), or from our Florida Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of Florida would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Black Creek crayfish. Information on our grant programs that are available to aid species recovery can be found at: <https://www.fws.gov/service/financial-assistance>.

Although the Black Creek crayfish is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7 of the Act is titled, "Interagency Cooperation," and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action

they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the Federal action is likely to result in jeopardy or adverse modification.

In contrast, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. Although the conference procedures are required only when an action is likely to result in jeopardy or adverse modification, action agencies may voluntarily confer with the Service on actions that may affect species proposed for listing or critical habitat proposed to be designated. In the event that the subject species is listed or the relevant critical habitat is designated, a conference opinion may be adopted as a biological opinion and serve as compliance with section 7(a)(2) of the Act.

Examples of discretionary actions for the Black Creek crayfish that may be subject to conference and consultation procedures under section 7 are land management or other landscape-altering activities on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Federal agencies should coordinate with the Florida Ecological Services Field Office (see **FOR FURTHER**

INFORMATION CONTACT) with any specific questions on section 7 consultation and conference requirements.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, and the Service's implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. Certain exceptions to these prohibitions apply to employees or agents of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued: for scientific purposes, for enhancing the propagation or survival of the species, or for take incidental to otherwise lawful activities. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

II. Critical Habitat Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that each Federal action agency ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Rather, designation requires that, where a landowner requests Federal agency funding or authorization for an action that may affect an area designated as critical habitat, the Federal agency consult with the Service under section 7(a)(2) of the Act. If the action may affect the listed species itself (such as for occupied critical habitat), the Federal agency would have already been required to consult with the Service

even absent the designation because of the requirement to ensure that the action is not likely to jeopardize the continued existence of the species. Even if the Service were to conclude after consultation that the proposed activity is likely to result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement “reasonable and prudent alternatives” to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act’s definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act’s definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information compiled in

the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts’ opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best scientific data available at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and which

may require special management considerations or protection. The regulations at 50 CFR 424.02 define “physical or biological features essential to the conservation of the species” as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or absence of a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

The SSA report (Service 2024, p. 18) lists the Black Creek crayfish’s individual, species, and population needs as: (1) streams with aquatic vegetation, leaf litter, tree roots, or undercut banks for shelter; (2) aquatic plants, dead plant and animal material, and detritus for food; (3) clean and cool, highly oxygenated, flowing water for all life-history functions; (4) sand-

bottomed, tannic-stained headwater streams for habitat; (5) absence of white tubercled crayfish; and (6) connected suitable streams.

Black Creek crayfish rely on cool, flowing, sand-bottomed, and tannic-stained streams that are highly oxygenated (Franz and Franz 1979, p. 14; Franz 1994, p. 212). These high-quality streams typically originate in Sandhills and may flow through swampy terrain (Franz and Franz 1979, p. 14; Brody 1990, pp. 8–11; FNAI 2001, p. 102; Nelson and Floyd 2011, p. 1). Preliminary data suggest that Black Creek crayfish have not been found in water with temperatures over 30 °C (86 °F; Warren et al. 2019, unpublished data). Locations that fulfill the species' habitat requirements are typically headwater sections of streams that maintain a constant flow; however, Black Creek crayfish are found in small and large tributary streams that fulfill other habitat criteria (e.g., high oxygen levels, sandy bottom) (Franz and Franz 1979, p. 14). Within these streams, Black Creek crayfish require aquatic vegetation and debris for shelter with alternation of shaded and open canopy cover. In forested sections of habitat, surrounding riparian areas provide bank stability and shade, which cools the air and water temperature and provides woody detritus that serves as refuge and a food source (Franz et al. 2008, p. 16; FWC 2013, pp. 2, 19). In open stretches of habitat, Black Creek crayfish rely on aquatic vegetation for cover.

Overall, the primary habitat characteristics that are important to the Black Creek crayfish include water quantity and flow, water quality, substrate, forested streambanks, and instream plant and animal material that allow for normal feeding, breeding, and sheltering in an area with no white tubercled crayfish.

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of the Black Creek crayfish from studies of the species' habitat, ecology, and life history as described below. Additional information can be found in the SSA report (Service 2024, entire; available on <https://www.regulations.gov> under Docket No. FWS-R4-ES-2024-0090). We have determined that the following physical or biological features are essential to the conservation of Black Creek crayfish:

(1) Small to medium flowing streams with sandy bottom substrate and with sufficient water quantity and velocity to support normal behavior, growth, and viability of all life stages.

(2) Moderate amounts of instream aquatic cover, such as woody debris, overhanging terrestrial vegetation, and aquatic plants, for refugia, prey, and temperature moderation.

(3) Stream banks with intact riparian cover to maintain stream morphology and reduce erosion.

(4) Water quality characterized by seasonally moderated water temperatures (maximum of 30 °C (86 °F)) and physical and chemical parameters (e.g., dissolved oxygen $\geq$ 4 mg/L) sufficient for the normal behavior, growth, reproduction, and viability of all life stages.

(5) Adequate food base, indicated by a healthy aquatic community structure including native benthic macroinvertebrates and plant matter (e.g., leaf litter, algae, detritus).

(6) An interconnected network of streams and rivers that have the physical or biological features described in 1 through 5, above, that allow for movement of individual crayfish in response to environmental, physiological, or behavioral drivers.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of the Black Creek crayfish may require special management considerations or protection to reduce the effects from the following threats: (1) Impacts from nonindigenous and invading species, including the white tubercled crayfish; (2) impacts from disease; (3) nutrient pollution from agricultural activities that impact water quantity and quality; (4) significant alteration of water quantity, including water withdrawals; and (5) other watershed and floodplain disturbances, such as development and extractive land uses that release sediments or nutrients into the water.

Management activities that could ameliorate these threats include, but are not limited to: control and removal of introduced and invading species; use of BMPs designed to reduce sedimentation, erosion, and bank side destruction; protection of riparian corridors and retention of sufficient canopy cover along banks; moderation of surface and ground water withdrawals to maintain natural flow regimes; and reduction of other watershed and floodplain disturbances

that release sediments, pollutants, or nutrients into the water.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not currently proposing to designate any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat. The occupied areas identified encompass the habitat needed and provide sufficient habitat to allow for maintaining the populations.

We consider the areas occupied at the time of listing to include all suitable streams within occupied subwatersheds (HUC 12). Occupied subwatersheds have a documented occurrence through recent surveys. While many sites within the Black Creek crayfish's range are considered extirpated, all critical habitat units have occupied sites within them. We identified suitable streams using a habitat suitability model (HSM) developed by the Florida Fish and Wildlife Research Institute that includes variables related to stream gradient and sinuosity, geology, forest condition (e.g., canopy cover), and water quality (see appendix B of the SSA report (Service 2024, pp. 73–81)).

Sources of data for this critical habitat designation include the SSA report (Service 2024, entire); records maintained by the Florida Fish and Wildlife Conservation Commission (FWC); university and museum collections; gray papers by researchers involved in wildlife biology and conservation activities; peer-reviewed articles on this species, its relatives, or both; State agency reports; and regional Geographic Information Systems (GIS) coverages. GIS sources include the USGS National Hydrography Dataset, Fish and Wildlife Research Institute HSM, and ESRI ArcPro basemaps.

For areas within the geographic area occupied by the Black Creek crayfish at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) We identified subwatersheds within the geographical area occupied at

the time of listing (*i.e.*, with Black Creek crayfish occurrence records from 2008 to 2023).

(2) We then selected those streams categorized as suitable by the 2018 Fish and Wildlife Research Institute HSM (*e.g.*, good, good–best, or best).

(3) We delineated end points of stream units by evaluating the presence or absence of suitable habitat.

(4) We also considered stream segments between suitable streams to provide migratory corridors.

(5) We refined these areas to eliminate any unsuitable or less suitable areas that are unlikely to contain the physical and biological features essential to the conservation of the species based on the Black Creek crayfish's biology (*e.g.*, stream length or size) and aerial imagery.

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack the physical or biological features necessary for the Black Creek crayfish. The scale of the maps we prepared under the parameters for publication within the

Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat.

Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

Units are proposed for designation based on one or more of the physical or biological features being present to support the Black Creek crayfish's life-history needs. All units contain all of the identified physical or biological features to support Black Creek crayfish life-history processes.

The proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation.

Proposed Critical Habitat Designation

We are proposing to designate approximately 1,056 kilometers (km) (656 miles (mi)) in 15 units as critical habitat for the Black Creek crayfish. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the Black Creek crayfish. The 15 areas we propose as critical habitat are: (1) Julington Creek, (2) Durbin Creek, (3) Trout Creek, (4) Governors Creek, (5) Clarks Creek, (6) Black Creek, (7) Peters Creek, (8) Yellow Water Creek, (9) North Fork of Black Creek, (10) South Fork of Black Creek, (11) Greens Creek, (12) Simms Creek, (13) Kingsley Lake, (14) Ates Creek, and (15) Etonia Creek. Table 7 shows the proposed critical habitat units and the approximate area of each unit; please note, however, that the table does not include streams that flow through Camp Blanding, as these areas are exempted under section 4(a)(3)(B)(i) of the Act. While many units may have very few remaining Black Creek crayfish present, all proposed units are considered occupied.

TABLE 7—PROPOSED CRITICAL HABITAT UNITS FOR THE BLACK CREEK CRAYFISH
[Stream segment estimates reflect all waters at bankfull within critical habitat unit boundaries]

Unit	Land ownership adjacent to streams					Total length * km [mi]
	State km [mi]	State & private km [mi]	Local km [mi]	Local & private km [mi]	Private km [mi]	
1. Julington Creek	4.4 [2.7]	.....	1.9 [1.2]	1.2 [0.7]	34.2 [21.3]	41.7 [25.9]
2. Durbin Creek	5.6 [3.5]	6.1 [3.7]	0.3 [0.2]	.....	11.9 [7.4]	23.9 [14.8]
3. Trout Creek .....	.....	.....	.....	.....	13.7 [8.5]	13.7 [8.5]
4. Governors Creek	2.5 [1.5]	0.2 [0.1]	.....	.....	45.8 [28.5]	48.5 [30.1]
5. Clarks Creek	18.2 [11.3]	.....	.....	.....	55.9 [34.8]	74.1 [46.1]
6. Black Creek .....	.....	.....	.....	.....	23.7 [14.7]	23.7 [14.7]
7. Peters Creek .....	.....	.....	.....	.....	35.1 [21.8]	35.1 [21.8]
8. Yellow Water Creek	33.3 [20.7]	.....	25.0 [15.5]	1.6 [1.0]	32.6 [20.3]	92.5 [57.5]
9. North Fork of Black Creek	89.0 [55.3]	.....	2.6 [1.6]	.....	125.0 [77.7]	216.6 [134.6]
10. South Fork of Black Creek	21.0 [13.0]	.....	.....	.....	119.0 [74.0]	140.0 [87.0]
11. Greens Creek .....	.....	.....	.....	.....	91.8 [57.0]	91.8 [57.0]
12. Simms Creek .....	.....	.....	.....	.....	58.1 [36.1]	58.1 [36.1]
13. Kingsley Lake	8.4 [5.2]	.....	.....	.....	15.9 [9.9]	24.3 [15.1]
14. Ates Creek	25.6 [15.9]	1.7 [1.1]	.....	.....	47.5 [29.5]	74.8 [46.5]
15. Etonia Creek	21.4 [13.3]	.....	.....	.....	76.7 [47.7]	98.1 [61.0]
Total	229.4 [142.4]	8.0 [4.9]	29.8 [18.5]	2.8 [1.7]	786.9 [489.2]	1,056.9 [656.7]

* Note: Total lengths may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the Black Creek crayfish, below.

Unit 1: Julington Creek

Unit 1 includes 41.7 km (25.9 mi) of stream/river habitat in portions of Julington Creek, Oldfield Creek, Flora Branch, and Cormorant Branch and their tributaries and other unnamed streams that contain all of the physical or biological features essential to the

conservation of the Black Creek crayfish within the Julington Creek (HUC 12: 030801031302) subwatershed in Duval and St. Johns Counties, Florida. This unit is considered occupied. Riparian lands that border the unit are in State, local government, and private ownership. Approximately 11 percent (4.4 km (2.7 mi)) are State lands: the Julington-Durbin Preserve, managed by the St. Johns Water Management District; and the Freedom Commerce Center, managed by the City of

Jacksonville. The Lower St. Johns Mitigation Bank (8 percent; 3.5 km (2.2 mi)) is a privately owned conservation area adjacent to the Freedom Commerce Center.

The physical and biological features in this unit may require special management considerations or protection to address threats from climate change, development, extractive land use (*e.g.*, mining, gravel pits, rock quarries), and agricultural and silvicultural activities.

Unit 2: Durbin Creek

Unit 2 includes 23.9 km (14.8 mi) of stream/river habitat in portions of Durbin Creek and its tributaries that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Durbin Creek (HUC 12: 030801031301) subwatershed in Duval and St. Johns Counties, Florida. This unit is considered occupied. Riparian lands that border the unit are in State, local government, and private ownership. Approximately 49 percent (11.7 km (7.2 mi)) are State lands managed by the St. Johns River Water Management District as the Twelve-mile Swamp Conservation Area, Gourd Island Conservation Area, and Julington-Durbin Preserve.

The physical or biological features in this unit may require special management considerations or protection to address threats from climate change, development, and agricultural and silvicultural activities.

Unit 3: Trout Creek

Unit 3 includes 13.7 km (8.5 mi) of stream/river habitat in portions of Trout Creek and its tributaries and Molasses Branch that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Trout Creek-St. Johns River (HUC 12: 030801031202) subwatershed in St. Johns County, Florida. This unit is considered occupied, and adjacent riparian lands are in private ownership.

The physical or biological features in this unit may require special management considerations or protection to address threats from climate change, development, and agricultural and silvicultural activities.

Unit 4: Governors Creek

Unit 4 includes 48.5 km (30.1 mi) of stream/river habitat in portions of Governors Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Governors Creek (HUC 12: 030801031204) subwatershed in Clay County, Florida. This unit is considered occupied. Riparian lands that border the unit are in State and private ownership. Approximately 6 percent (2.7 km (1.6 mi)) are State lands managed by the St. Johns River Water Management District as the Bayard Conservation Area.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish,

climate change, development, extractive land use (e.g., mining, gravel pits, or rock quarries), and agricultural and silvicultural activities.

Unit 5: Clarks Creek

Unit 5 includes 74.1 km (46.1 mi) of stream/river habitat in portions of Clarks Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Clarks Creek (HUC 12: 030801030804) subwatershed in Clay and Putnam Counties, Florida. This unit is considered occupied. Riparian lands that border the unit are in State and private ownership. Approximately 25 percent (18.2 km (11.3 mi)) are State lands managed by the St. Johns River Water Management District as the Bayard Conservation Area. A portion of this unit (4 percent; 3.2 km (2.0 mi)) is in private conservation as the Sundew Mitigation Bank.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, extractive land use (e.g., mining, gravel pits, or rock quarries), and agricultural and silvicultural activities.

Unit 6: Black Creek

Unit 6 includes 23.7 km (14.7 mi) stream/river habitat in portions of Pecks Branch, Mill Log Creek, Bradley Creek, and their tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Black Creek-St. Johns River (HUC 12: 030801031103) subwatershed in Clay County, Florida. This unit is considered occupied, and adjacent riparian lands are in private ownership.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Unit 7: Peters Creek

Unit 7 includes 35.1 km (21.8 mi) of stream/river habitat in portions of Peters Creek and its tributaries that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Peters Creek (HUC 12: 030801031102) subwatershed in Clay County, Florida. This unit is considered occupied, and adjacent riparian lands are in private ownership.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Unit 8: Yellow Water Creek

Unit 8 includes 92.5 km (57.5 mi) of stream/river habitat in portions of Yellow Water Creek and its tributaries that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Yellow Water Creek (HUC 12: 030801031003) subwatershed in Clay and Duval Counties, Florida. This unit is considered occupied. Riparian lands that border the unit are in State, local government, and private ownership. Jennings State Forest, managed by the FDACS, encompasses approximately 36 percent (33.3 km (20.7 mi)) of adjacent lands. Approximately 33 percent (30.8 km (19.2 mi)) are in local government or private conservation. The Cecil Field Conservation Corridor, Loblolly Mitigation Preserve, Loblolly Park, Sal Taylor Creek Preserve, and Yellow Water Branch Trail Head are co-owned by Duval County and the City of Jacksonville (25.0 km (15.5 mi)). Private conservation lands include the Peterson Tract (3.8 km (2.4 mi)), managed by the Jacksonville Electric Authority, and the Normandy Mitigation Bank. A portion of the Moore Branch (1.6 km (1.0 mi)) forms the border between the Normandy Mitigation Bank and the Loblolly Mitigation Preserve.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Unit 9: North Fork of Black Creek

Unit 9 includes 216.6 km (134.6 mi) of stream/river habitat in portions of the North Fork Black Creek, Dillaberry Branch, Grog Branch, and their tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Upper North Fork of Black Creek (HUC 12: 030801031002) and Lower North Fork of Black Creek (HUC 12: 030801031004) subwatersheds in Clay and Duval Counties, Florida. This unit is considered occupied. Riparian lands that border the unit are in State, local government, and private ownership. Approximately 40 percent of adjacent lands (88.2 km (54.8 mi)) are

within the Jennings State Forest managed by the Florida Department of Agriculture and Consumer Services. Private conservation lands (0.4 percent; 0.9 km (0.6 mi)) include the Trail Ridge and Rideout Point Preserves managed by the North Florida Land Trust.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, extractive land use (e.g., mining, gravel pits, or rock quarries), and agricultural and silvicultural activities.

Unit 10: South Fork of Black Creek

Unit 10 includes 140.0 km (87.0 mi) of stream/river habitat in portions of the South Fork Black Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Upper South Fork of Black Creek (HUC 12: 030801030903) and Lower South Fork of Black Creek (HUC 12: 030801030904) subwatersheds in Clay County, Florida. This unit is considered occupied. Riparian lands that border the unit are in State and private ownership. Approximately 15 percent (21 km (13 mi)) are State lands within the Belmore State Forest, managed by the Florida Department of Agriculture and Consumer Services. Approximately 7 percent (9.7 km (6 mi)) are within three private conservation easements managed by the St. Johns River Water Management District: Longbranch Crossing Conservation Easement, Halloran Conservation Area, and Arahatchee Conservation Easement. Due to the Florida Army National Guard's Camp Blanding Joint Training Center (FLARNG-CBJTC) INRMP (see *Exemptions*, below), 98.9 km (61.4 mi) of this unit are exempted from the critical habitat designation.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, extractive land use (e.g., mining, gravel pits, or rock quarries), and agricultural and silvicultural activities.

Unit 11: Greens Creek

Unit 11 includes 91.8 km (57.0 mi) of stream/river habitat in portions of Greens Creek and its tributaries that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Greens Creek (HUC 12: 030801030902) subwatershed in Clay County, Florida.

This unit is considered occupied, and adjacent lands are in private ownership.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Unit 12: Simms Creek

Unit 12 includes 58.1 km (36.1 mi) of stream/river habitat in portions of Simms Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Simms Creek (HUC 12: 030801030603) subwatershed in Clay and Putnam Counties, Florida. This unit is considered occupied, and adjacent lands are in private ownership.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Unit 13: Kingsley Lake

Unit 13 includes 24.3 km (15.1 mi) of stream/river habitat in portions of the North Fork Black Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Kingsley Lake (HUC 12: 030801031001) subwatershed in Clay County, Florida. This unit is considered occupied. Riparian lands that border the unit are in State and private ownership. Approximately 34 percent (8.4 km (5.2 mi)) are State lands within the Jennings State Forest, managed by the Florida Department of Agriculture and Consumer Services. Private conservation lands (44 percent; 10.8 km (6.7 mi)) include the Trail Ridge Preserve, managed by the North Florida Land Trust, and the Highlands Ranch Mitigation Bank. Due to the FLARNG-CBJTC INRMP (see *Exemptions*, below), 60.5 km (37.6 mi) of this unit are exempted from the critical habitat designation.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, extractive land use (e.g., mining, gravel pits, or rock quarries), and agricultural and silvicultural activities.

Unit 14: Ates Creek

Unit 14 includes 74.8 km (46.5 mi) of stream/river habitat in portions of the Ates Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Ates Creek (HUC 12: 030801030901) subwatershed in Clay County, Florida. This unit is considered occupied. Riparian lands that border the unit are in State and private ownership. Approximately 34 percent (25.6 km (15.9 mi)) are State lands within the Belmore State Forest, managed by the Florida Department of Agriculture and Consumer Services. Approximately 20 percent (15.3 km (9.5 mi)) of lands adjacent to Ates Creek are within three private conservation easements: the Longbranch Crossing Conservation Easement managed by the St. Johns River Water Management District and the McArthur Trust; and two Bear Bay conservation easements managed by the North Florida Land Trust. Due to the FLARNG-CBJTC INRMP (see *Exemptions*, below), 16.1 km (10 mi) of this unit are exempted from the critical habitat designation.

The physical or biological features in this unit may require special management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Unit 15: Etonia Creek

Unit 15 includes 98.1 km (61.0 mi) of stream/river habitat in portions of the Etonia Creek and its tributaries and other unnamed streams that contain all of the physical or biological features essential to the conservation of the Black Creek crayfish within the Lower Etonia Creek (HUC 12: 030801030601) and Upper Etonia Creek (HUC 12: 030801030504) subwatersheds in Clay and Putnam Counties, Florida. This unit is considered occupied. Riparian lands that border the unit are in State and private ownership. Approximately 22 percent (21.4 km (13.3 mi)) are State lands within the Etoniah State Forest, managed by the Florida Department of Agriculture and Consumer Services, and the Palatka to Lake Butler State Trail, managed by the Florida Department of Environmental Protection. Private conservation lands (8 percent; 7.6 km (4.7 mi)) include the Highbrighton Conservation Easement, managed by the St. Johns River Water Management District, and the Nochaway Mitigation Bank.

The physical or biological features in this unit may require special

management considerations or protection to address threats from nonindigenous and invading crayfish, climate change, development, and agricultural and silvicultural activities.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species (50 CFR 402.02).

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

- (1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or
- (2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define “reasonable and prudent alternatives” (at 50 CFR 402.02) as alternative actions identified during formal consultation that:

- (1) Can be implemented in a manner consistent with the intended purpose of the action,
- (2) Can be implemented consistent with the scope of the Federal agency’s legal authority and jurisdiction,
- (3) Are economically and technologically feasible, and
- (4) Would, in the Service Director’s opinion, avoid the likelihood of jeopardizing the continued existence of the listed species or avoid the likelihood

of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinstate consultation. Reinitiation of consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (1) if the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action. As provided in 50 CFR 402.16, the requirement to reinstate consultations for new species listings or critical habitat designation does not apply to certain agency actions (*e.g.*, land management plans issued by the Bureau of Land Management in certain circumstances).

Destruction or Adverse Modification of Critical Habitat

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires that our **Federal Register** notices “shall, to the maximum extent practicable also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify [critical] habitat, or may be affected by such designation.” Activities that may be affected by designation of critical habitat for the Black Creek crayfish include those that

may affect the physical or biological features essential to the conservation of the Black Creek crayfish in the subject areas (see Physical or Biological Features Essential to the Conservation of the Species, above).

Exemptions

Application of Section 4(a)(3) of the Act

The Sikes Act Improvement Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete an integrated natural resources management plan (INRMP) by November 17, 2001. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Each INRMP includes:

- (1) An assessment of the ecological needs on the installation, including the need to provide for the conservation of listed species;
- (2) A statement of goals and priorities;
- (3) A detailed description of management actions to be implemented to provide for these ecological needs; and
- (4) A monitoring and adaptive management plan.

Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) amended the Act to limit areas eligible for designation as critical habitat. Specifically, section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an INRMP prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.

We consult with the military on the development and implementation of INRMPs for installations with listed species. We analyzed INRMPs developed by military installations located within the range of the proposed critical habitat designation for Black Creek crayfish to determine if they meet the criteria for exemption from critical

habitat under section 4(a)(3) of the Act. The following areas are Department of Defense (DoD) lands with completed, Service-approved INRMPS within the proposed critical habitat designation.

Approved INRMPS

Florida Army National Guard's Camp Blanding Joint Training Center (FLARNG-CBJTC) (Lake Geneva subwatershed, and areas within Unit 10 (South Fork of Black Creek), Unit 13 (Kingsley Lake), Unit 14 (Ates Creek), and), 186 km (116 mi))

As described in *Conservation Efforts and Regulatory Mechanisms*, above, Camp Blanding, the property with the largest known population of the Black Creek crayfish, is owned by the State of Florida and managed by the Florida Army National Guard. The FLARNG-CBJTC INRMP explains that the management of Camp Blanding must be conducted in a way that provides for sustainable, healthy ecosystems; complies with applicable environmental laws and regulations; and provides for support of the military mission of the installation, including goals to manage rare species using an ecosystem approach. The 2021 update to the 2014 FLARNG-CBJTC INRMP incorporates updated natural resources data (CBJTC 2021, p. ES-1). The INRMP is a living document, and the majority of the tasks discussed are short-term (less than 5 years) and medium-term (6 to 10 years) natural resources management tasks. Goals, objectives, and tasks will be revised over time to reflect evolving environmental conditions, adaptive management, and the completion of tasks as the INRMP is implemented (CBJTC 2021, p. 117).

Objective TE7 is to maintain populations of the Black Creek crayfish and other rare species by protecting riparian and wetland habitats (CBJTC 2021, p. 93). The INRMP also details goals for water resource management (CBJTC 2021, pp. 66–72), as well as soil conservation and sediment management (CBJTC 2021, pp. 63–66) that will benefit Black Creek crayfish habitats.

During the implementation of the INRMP and the CCAA (see *Consideration of Other Relevant Impacts*, below), hydrologic measurements will be taken, and invasive (including nonindigenous and invading) species monitored, in areas known to be occupied by Black Creek crayfish on Camp Blanding lands (Service et al. 2017, p. 24). Additionally, Black Creek crayfish will be surveyed at least once every 5 years to evaluate the success of conservation actions and implementation of best management

practices (BMPs; Service et al. 2017, p. 24).

Based on the above considerations, and in accordance with section 4(a)(3)(B)(i) of the Act, we have determined that the identified lands are subject to the Camp Blanding Joint Training Center INRMP and that conservation efforts identified in the INRMP are being implemented and will provide a benefit to Black Creek crayfish. Therefore, lands within this installation are exempt from critical habitat designation under section 4(a)(3) of the Act. We are not including approximately 186 km (116 mi) of stream habitat in this proposed critical habitat designation because of this exemption.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. Exclusion decisions are governed by the regulations at 50 CFR 424.19 and the Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (hereafter, the “2016 Policy”; 81 FR 7226, February 11, 2016), both of which were developed jointly with the National Marine Fisheries Service (NMFS). We also refer to a 2008 Department of the Interior Solicitor's opinion entitled, “The Secretary's Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act” (M–37016).

In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. In our final rules, we explain any

decision to exclude areas, as well as decisions not to exclude, to make clear the rational basis for our decision. We describe below the process that we use for taking into consideration each category of impacts and any initial analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both “with critical habitat” and “without critical habitat.”

The “without critical habitat” scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (e.g., under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.*, conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The “with critical habitat” scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary section 4(b)(2) exclusion analysis.

Executive Order (E.O.) 14094 amends and reaffirms E.O. 12866 and E.O. 13563 and directs Federal agencies to assess

the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. Section 3(f) of E.O. 12866 identifies four criteria when a regulation is considered a “significant regulatory action” and requires additional analysis, review, and approval if met. The criterion relevant here is whether the designation of critical habitat may have an economic effect of \$200 million or more in any given year (section 3(f)(1) of E.O. 12866, as amended by E.O. 14094). Therefore, our consideration of economic impacts uses a screening analysis to assess whether a designation of critical habitat for the Black Creek crayfish is likely to exceed the economically significant threshold.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Black Creek crayfish (IEc 2024, entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out particular geographical areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.*, absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may already be subject to conservation plans, land management plans, BMPs, or regulations that protect the habitat area as a result of the Federal listing status of the species. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. The presence of the listed species in occupied areas of critical habitat means that any

destruction or adverse modification of those areas is also likely to jeopardize the continued existence of the species. Therefore, designating occupied areas as critical habitat typically causes little if any incremental impacts above and beyond the impacts of listing the species. As a result, we generally focus the screening analysis on areas of unoccupied critical habitat (unoccupied units or unoccupied areas within occupied units). Overall, the screening analysis assesses whether designation of critical habitat is likely to result in any additional management or conservation efforts that may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM constitute what we consider to be our economic analysis of the proposed critical habitat designation for the Black Creek crayfish and is summarized in the narrative below.

As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Black Creek crayfish, first we identified, in the IEM dated March 4, 2024, probable incremental economic impacts associated with the following categories of activities: (1) bridge maintenance/repair (U.S. Department of Transportation, U.S. Army Corps of Engineers); (2) dam maintenance (U.S. Army Corps of Engineers); (3) wastewater permit applications or renewals (U.S. Environmental Protection Agency); (4) Clean Water Act quality standards of review (U.S. Environmental Protection Agency); and (5) road widening/construction/repair (U.S. Department of Transportation). We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. If we list the species, in areas where the Black Creek crayfish is present, Federal agencies would be required to consult with the Service under section 7 of the Act on activities they authorize, fund, or carry out that may affect the species. If, when we list the species, we also finalize this proposed critical habitat designation, Federal agencies would be required to

consider the effects of their actions on the designated habitat, and if the Federal action may affect critical habitat, our consultations would include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that would result from the species being listed and those attributable to the critical habitat designation (*i.e.*, difference between the jeopardy and adverse modification standards) for the Black Creek crayfish's critical habitat. Because the designation of critical habitat for the Black Creek crayfish is being proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would likely adversely affect the essential physical or biological features of occupied critical habitat are also likely to adversely affect the Black Creek crayfish itself. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Black Creek crayfish totals approximately 1,056 km (656 mi), of which 100 percent is currently occupied by the species. In these areas, any actions that may affect the species or its habitat would also affect designated critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the Black Creek crayfish. Therefore, only administrative costs are expected in the proposed critical habitat designation. While this additional analysis will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State agencies or municipalities. Activities we expect would be subject to consultations that may involve private entities as third parties are residential and commercial development that may occur on private lands. However, based on coordination efforts with State and local agencies, the cost to private entities within these sectors is expected to be relatively minor (administrative costs of \$2,700 to \$5,700 per consultation, depending on type (IEc 2024, p. 20)); therefore, they would not be significant.

The probable incremental economic impacts of the Black Creek crayfish critical habitat designation are expected to be limited to additional administrative effort. This limitation is due to:

(1) All of the proposed critical habitat designation is considered occupied by the Black Creek crayfish. In occupied habitat areas, regardless of whether critical habitat is designated, all projects with a Federal nexus would be subject to section 7 requirements.

(2) In these occupied habitat areas, conservation efforts requested to avoid jeopardizing the continued existence of the species are likely to be substantially similar to those that would be recommended to avoid adverse modification; thus, no additional conservation efforts are anticipated to be necessary to address the adverse modification standard over and above those that would be recommended to avoid jeopardizing the continued existence of the Black Creek crayfish.

(3) In addition, in some areas proposed as critical habitat for the Black Creek crayfish, conservation efforts for other listed species with ranges and/or proposed critical habitat areas that overlap the proposed designation are likely to provide protections to the Black Creek crayfish even absent critical habitat designation.

Our analysis anticipates approximately fewer than one new formal consultation and nine informal consultations each year in the proposed critical habitat areas will consider the Black Creek crayfish. The anticipated average annual administrative costs for these efforts are approximately \$29,800 per year for all units. The designation is unlikely to trigger additional requirements under State or local regulations. Thus, the annual administrative burden is relatively low.

We are soliciting data and comments from the public on the economic analysis discussed above. During the

development of a final designation, we will consider the information presented in the economic analysis and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under the authority of section 4(b)(2) of the Act, our implementing regulations at 50 CFR 424.19, and the 2016 Policy. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (e.g., a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), then national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of “critical habitat.” However, we must still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i) because section 4(b)(2) of the Act requires us to consider those impacts whenever we designate critical habitat. Accordingly, if DoD, Department of Homeland Security (DHS), or another Federal agency has requested exclusion based on an assertion of national-security or homeland-security concerns, or we have otherwise identified national-security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a

result of compliance with section 7(a)(2) of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

Under section 4(b)(2) of the Act, we also consider whether a national security or homeland security impact might exist on lands owned or managed by DoD or DHS. In preparing this proposal, we have determined that, other than the land exempted under section 4(a)(3)(B)(i) of the Act based upon the existence of an approved INRMP (see Exemptions, above), the lands within the proposed designation of critical habitat for the Black Creek crayfish are not owned or managed by DoD or DHS. Therefore, we anticipate no impact on national security or homeland security.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are permitted conservation plans covering the species in the area—such as safe harbor agreements (SHAs), or CCAAs or “conservation benefit agreements” or “conservation agreements” (CBAs) (CBAs are a new type of agreement replacing SHAs and CCAAs in use after April 2024 (89 FR 26070; April 12, 2024)) or HCPs—or whether there are non-permitted conservation agreements and partnerships that would be encouraged by designation of, or

exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, social, or other impacts that might occur because of the designation.

Summary of Exclusions Considered Under 4(b)(2) of the Act

In preparing this proposal, we have determined that no HCPs or other management plans for Black Creek crayfish currently exist, and the proposed designation does not include any Tribal lands or trust resources or any lands for which designation would have any economic or national security impacts. Therefore, we anticipate no impact on Tribal lands, partnerships, or HCPs from this proposed critical habitat designation and thus, as described above, we are not considering excluding any particular areas on the basis of the presence of conservation agreements or impacts to trust resources.

However, if through the public comment period we receive information that we determine indicates that there are potential economic, national security, or other relevant impacts from designating particular areas as critical habitat, then as part of developing the final designation of critical habitat, we will evaluate that information and may conduct a discretionary exclusion analysis to determine whether to exclude those areas under authority of section 4(b)(2) and our implementing regulations at 50 CFR 424.19. If we receive a request for exclusion of a particular area and after evaluation of supporting information we do not exclude, we will fully describe our decision in the final rule for this action.

Required Determinations

Clarity of the Rule

We are required by E.O.s 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To

better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866, 13563 and 14094)

Executive Order (E.O.) 14094 amends and reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O. 12866, and E.O. 13563. Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Executive Order 12866, as reaffirmed by E.O. 13563 and 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. OIRA has determined that this proposed rule is not significant.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term “significant economic impact” is meant to apply to a typical small business firm’s business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, the proposed critical habitat designation will not have a significant

economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects “to the extent permitted by law” when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a “significant energy action” as an action that (i) is a significant regulatory action under E.O. 12866 or any successor order; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. This rule is not a significant regulatory action under E.O. 12866 or E.O. 14094 (88 FR 21879; April 11, 2023). Therefore, this action is not a significant energy action, and there is no requirement to prepare a statement of energy effects for this action.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both “Federal intergovernmental mandates” and “Federal private sector mandates.” These terms are defined in 2 U.S.C. 658(5)–(7). “Federal intergovernmental mandate” includes a regulation that “would impose an enforceable duty upon State, local, or Tribal governments” with two exceptions. It excludes “a condition of Federal assistance.” It also excludes “a duty arising from participation in a voluntary Federal program,” unless the regulation “relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under

entitlement authority,” if the provision would “increase the stringency of conditions of assistance” or “place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding,” and the State, local, or Tribal governments “lack authority” to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. “Federal private sector mandate” includes a regulation that “would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.”

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions are not likely to destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule would significantly or uniquely affect small governments because it will not produce a Federal mandate of \$100 million or more (adjusted annually for inflation) in any year, that is, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act. Further, only stream habitats owned in the public trust by the State of Florida are involved in the proposed designation. Therefore, a small government agency plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private

Property Rights), we have analyzed the potential takings implications of designating critical habitat for the Black Creek crayfish in a takings implications assessment. The Act does not authorize the Services to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for the Black Creek crayfish, and it concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the Federal government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and

what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with E.O. 12988 (Civil Justice Reform), the Office of the Solicitor has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) is not required. We may not conduct or sponsor and you are not required to respond to a

collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

Regulations adopted pursuant to section 4(a) of the Act are exempt from the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) and do not require an environmental analysis under NEPA. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations. In a line of cases starting with *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), the courts have upheld this position.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), the President's memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations (ANCs) on a government-to-government basis. In accordance with Secretary's Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and

to make information available to Tribes. We have determined that no Tribal lands fall within the boundaries of the proposed critical habitat for the Black Creek crayfish, so no Tribal lands would be affected by the proposed designation.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Florida Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Florida Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, we propose to revise part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, to read as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by adding an entry for “Crayfish, Black Creek” in alphabetical order under CRUSTACEANS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
CRUSTACEANS				
*	*	*	*	*
Crayfish, Black Creek	<i>Procambarus pictus</i>	Wherever found	E	[Federal Register citation when published as a final rule]; 50 CFR 17.95(h). ^{CH}
*	*	*	*	*

■ 3. In § 17.95, amend paragraph (h) by adding an entry for “Black Creek Crayfish (*Procambarus pictus*)” following the entry for “Big Sandy Crayfish (*Cambarus callainus*)” to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(h) *Crustaceans.*

* * * * *

Black Creek Crayfish (*Procambarus pictus*)

(1) Critical habitat units are depicted for Clay, Duval, Putnam, and St. Johns Counties, Florida, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of Black Creek crayfish consist of the following components:

(i) Small to medium flowing streams with sandy bottom substrate and with sufficient water quantity and velocity to support normal behavior, growth, and viability of all life stages.

(ii) Moderate amounts of instream aquatic cover, such as woody debris, overhanging terrestrial vegetation, and aquatic plants, for refugia, prey, and temperature moderation.

(iii) Stream banks with intact riparian cover to maintain stream morphology and reduce erosion.

(iv) Water quality characterized by seasonally moderated water temperatures (maximum of 30 degrees Celsius (86 degrees Fahrenheit)) and physical and chemical parameters (*e.g.*, dissolved oxygen greater than or equal to 4 milligrams per liter (mg/L)) sufficient for the normal behavior, growth, reproduction, and viability of all life stages.

(v) Adequate food base, indicated by a healthy aquatic community structure including native benthic macroinvertebrates and plant matter (*e.g.*, leaf litter, algae, detritus).

(vi) An interconnected network of streams and rivers that have the physical or biological features described in paragraphs (2)(i) through (v) of this entry that allow for movement of individual crayfish in response to environmental, physiological, or behavioral drivers.

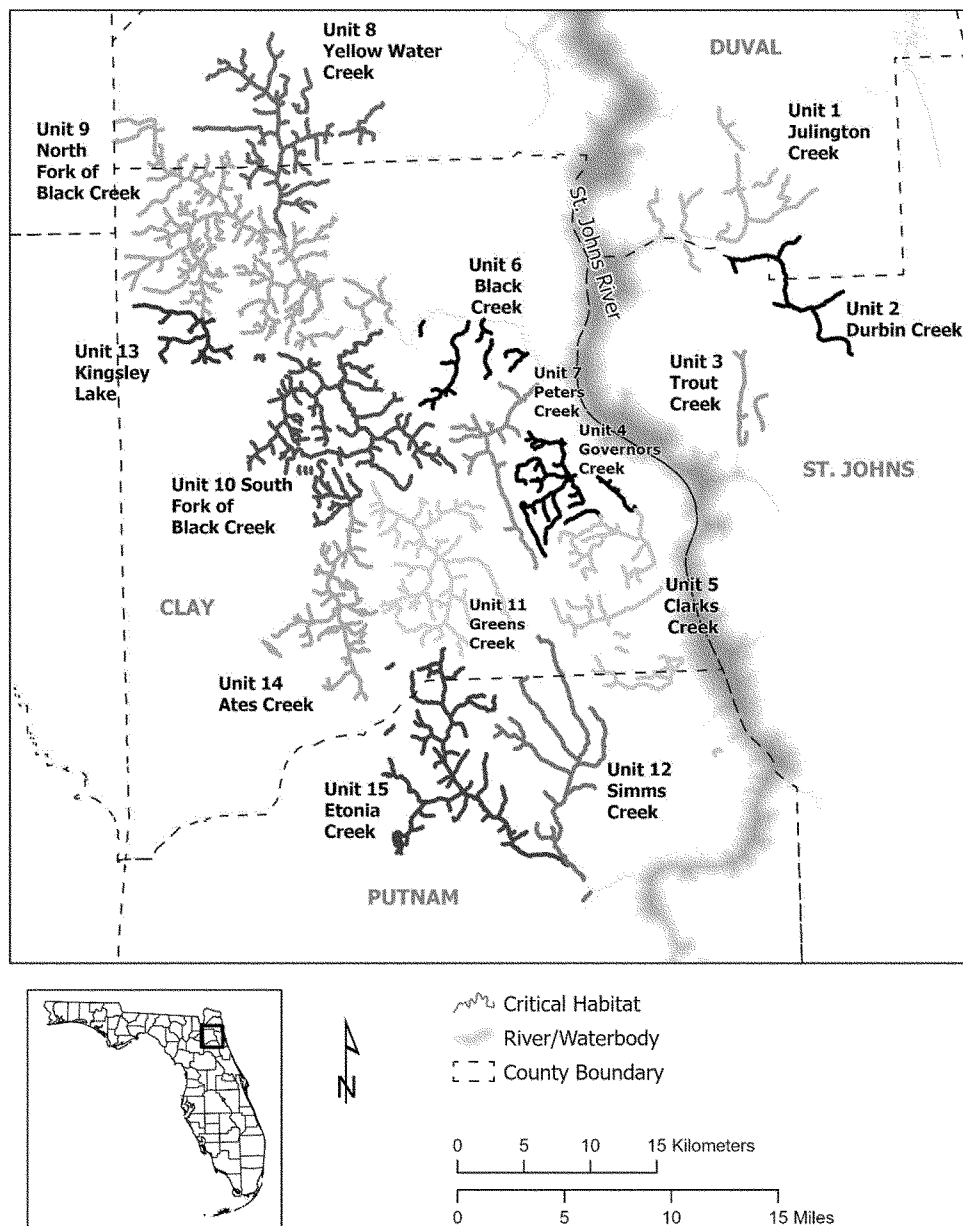
(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on [EFFECTIVE DATE OF THE FINAL RULE].

(4) Data layers defining map units were created using Esri ArcGIS Pro mapping software, version 3.1.4, with U.S. Geological Survey’s National Hydrography Dataset flowline data and Watershed Boundary Dataset watershed data, on a base map of county boundaries from the University of Florida GeoPlan Center. Critical habitat units were mapped using the Geodetic coordinate system for North America projection and North American 1983 (NAD83) datum. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service’s internet site at <https://www.fws.gov/office/florida-ecological-services>, at <https://www.regulations.gov> at Docket No. FWS–R4–ES–2024–0090, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Black Creek Crayfish (*Procambarus pictus*); paragraph (5)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Index Map



(6) Unit 1: Julington Creek; Duval and St. Johns Counties, Florida.

(i) Unit 1 includes 41.7 km (25.9 mi) of stream/river habitat in portions of Julington Creek, Oldfield Creek, Flora Branch, and Cormorant Branch and

their tributaries and other unnamed streams within the Julington Creek (12-digit hydrologic unit code (HUC 12): 030801031302) subwatershed in Duval and St. Johns Counties, Florida. Riparian lands that border the unit are

in State, local government, and private ownership.

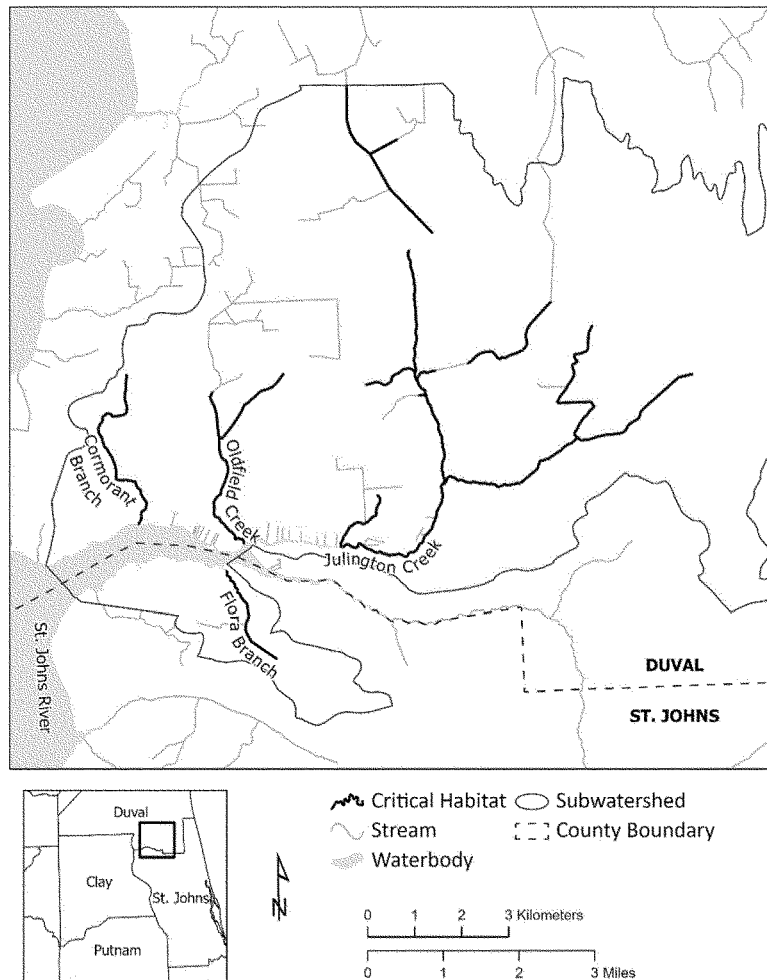
(ii) Map of Unit 1 follows:

Figure 2 to Black Creek Crayfish (*Procambarus pictus*) paragraph (6)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)

Unit 1: Julington Creek

Duval and St. Johns Counties, Florida



(7) Unit 2: Durbin Creek; Duval and St. Johns Counties, Florida.

(i) Unit 2 includes 23.9 km (14.8 mi) of stream/river habitat in portions of Durbin Creek and its tributaries within

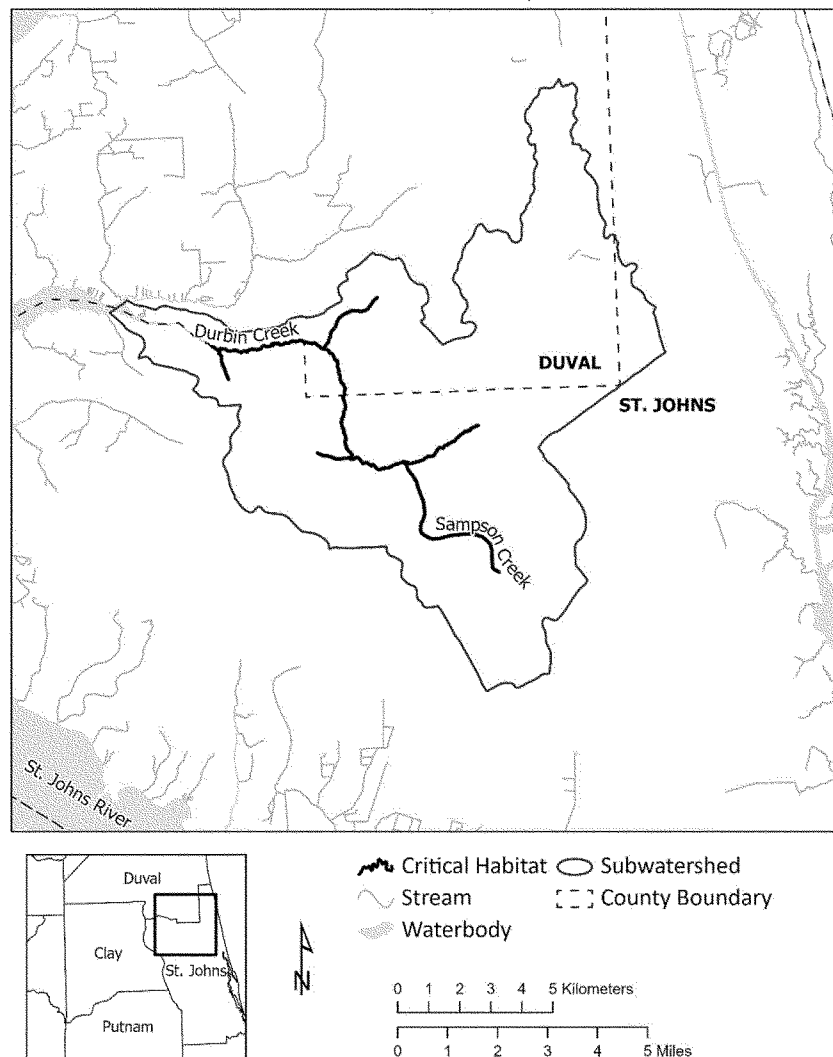
the Durbin Creek (HUC 12: 030801031301) subwatershed in Duval and St. Johns Counties, Florida. Riparian lands that border the unit are

in State, local government, and private ownership.

(ii) Map of Unit 2 follows:

Figure 3 to Black Creek Crayfish (*Procambarus pictus*) paragraph (7)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
 Unit 2: Durbin Creek
 Duval and St. Johns Counties, Florida



(8) Unit 3: Trout Creek; St. Johns County, Florida.

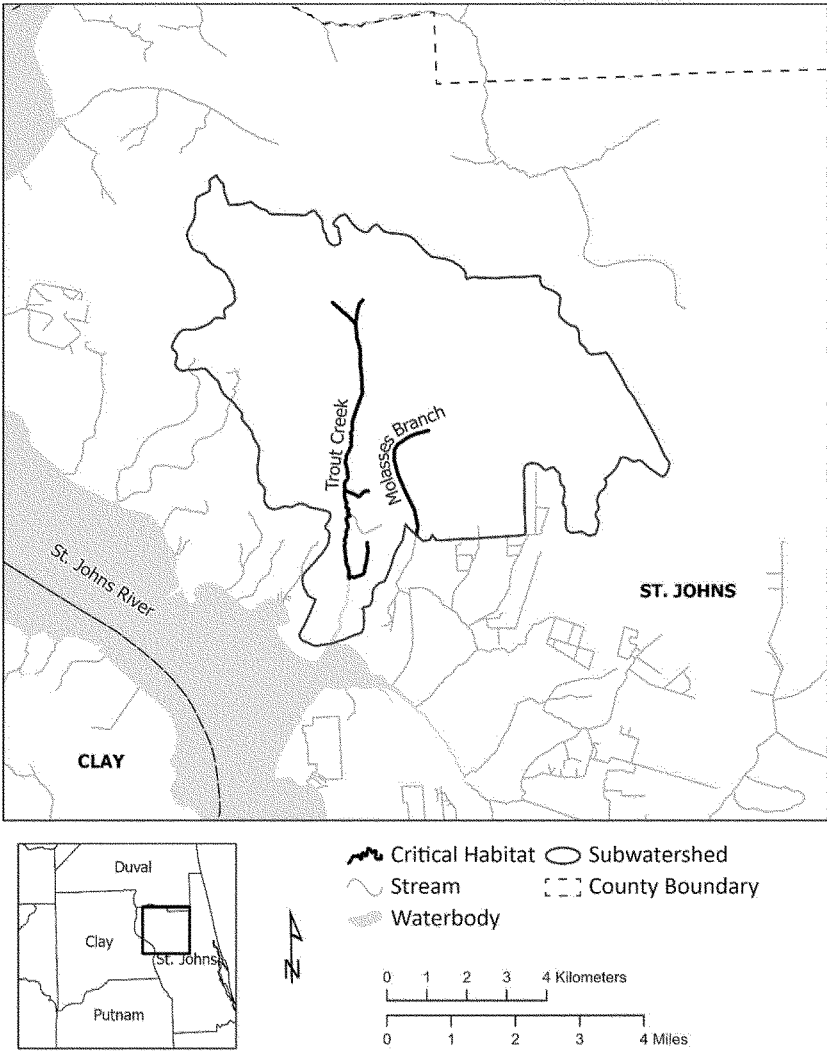
(i) Unit 3 includes 13.7 km (8.5 mi) of stream/river habitat in portions of Trout Creek and its tributaries and

Molasses Branch within the Trout Creek—St. Johns River (HUC 12: 030801031202) subwatershed in St. Johns County, Florida. Riparian lands

that border the unit are in private ownership.

(ii) Map of Unit 3 follows:
 Figure 4 to Black Creek Crayfish (*Procambarus pictus*) paragraph (8)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Unit 3: Trout Creek
St. Johns County, Florida



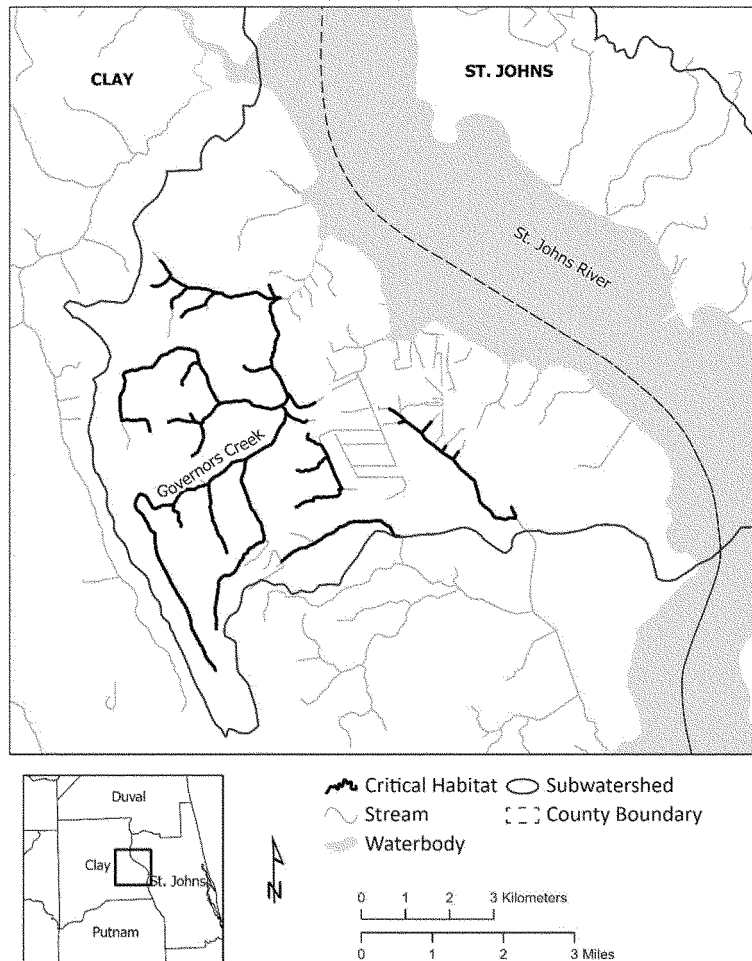
(9) Unit 4: Governors Creek; Clay County, Florida.
(i) Unit 4 includes 48.5 km (30.1 mi) of stream/river habitat in portions of Governors Creek and its tributaries and

other unnamed streams within the Governors Creek (HUC 12: 030801031204) subwatershed in Clay County, Florida. Riparian lands that

border the unit are in State and private ownership.

(ii) Map of Unit 4 follows:
Figure 5 to Black Creek Crayfish (*Procambarus pictus*) paragraph (9)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
 Unit 4: Governors Creek
 Clay County, Florida



(10) Unit 5: Clarks Creek; Clay and Putnam Counties, Florida.

(i) Unit 5 includes 74.1 km (46.1 mi) of stream/river habitat in portions of Clarks Creek and its tributaries and other unnamed streams within the

Clarks Creek (HUC12: 030801030804) subwatershed in Clay and Putnam Counties, Florida. Riparian lands that border the unit are in State and private ownership.

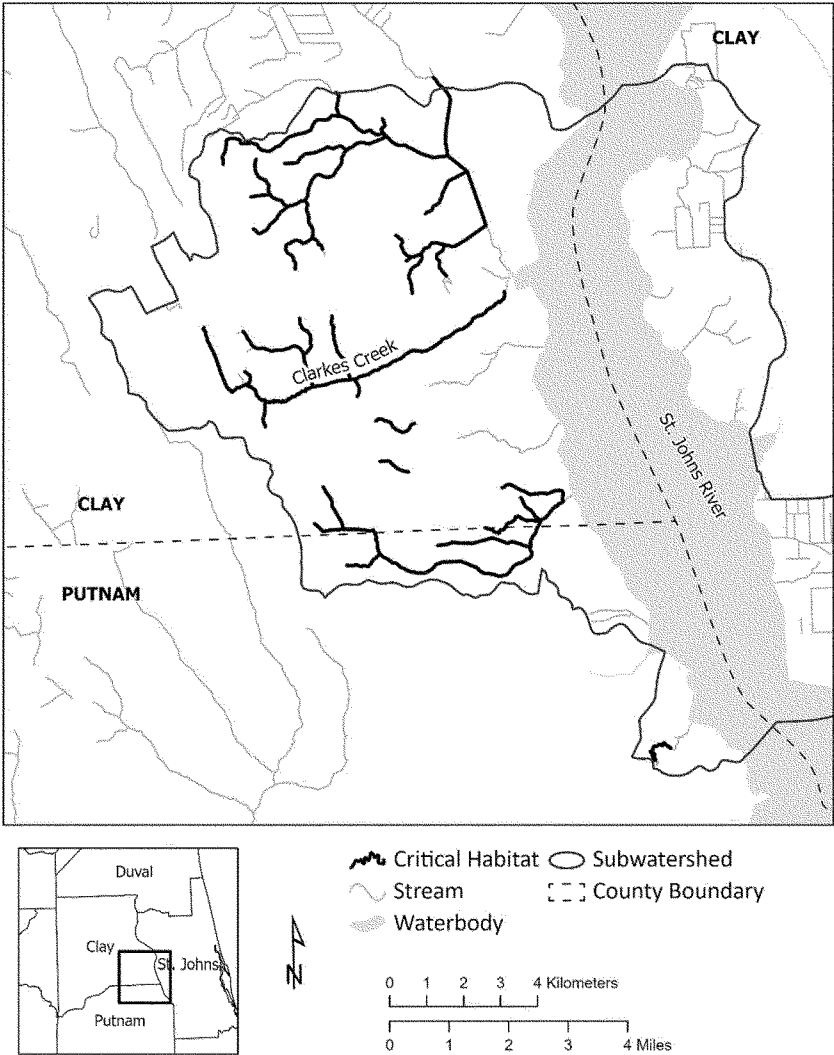
(ii) Map of Unit 5 follows:

Figure 6 to Black Creek Crayfish (*Procambarus pictus*) paragraph (10)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)

Unit 5: Clarks Creek

Clay and Putnam Counties, Florida



(11) Unit 6: Black Creek; Clay County, Florida.

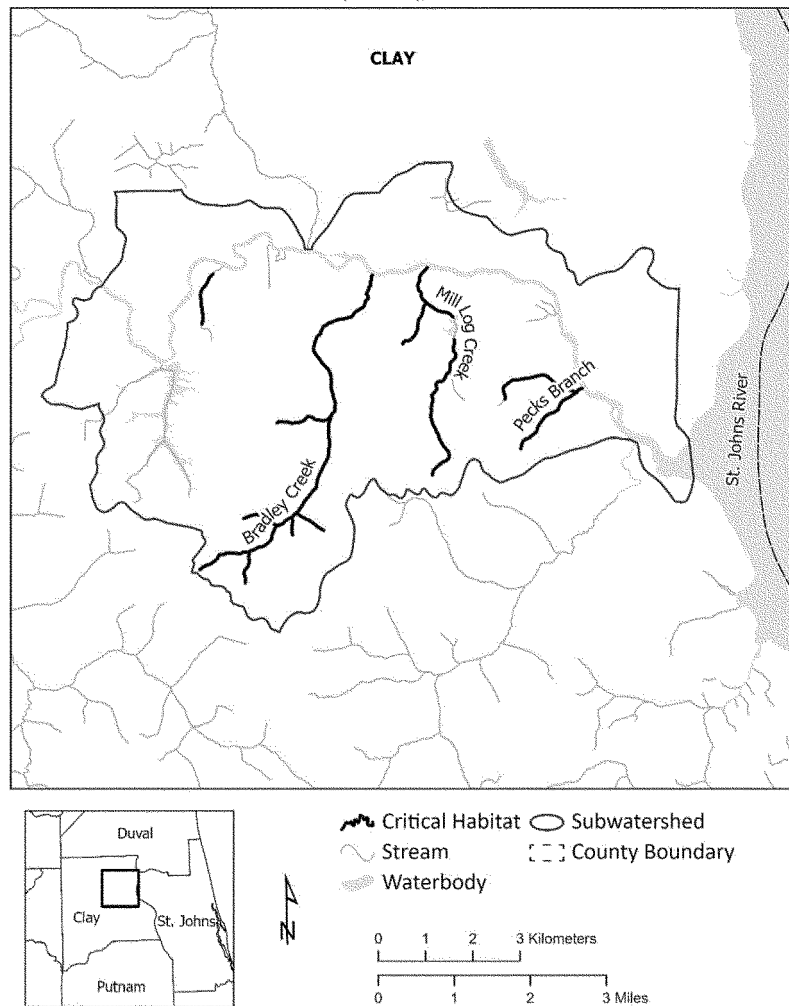
(i) Unit 6 includes 23.7 km (14.7 mi) stream/river habitat in portions of Pecks Branch, Mill Log Creek, Bradley Creek, and their tributaries and other unnamed

streams within the Black Creek—St. Johns River (HUC 12: 030801031103) subwatershed in Clay County, Florida. Riparian lands that border this unit are in private ownership.

(ii) Map of Unit 6 follows:

Figure 7 to Black Creek Crayfish (*Procambarus pictus*) paragraph (11)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Unit 6: Black Creek
Clay County, Florida



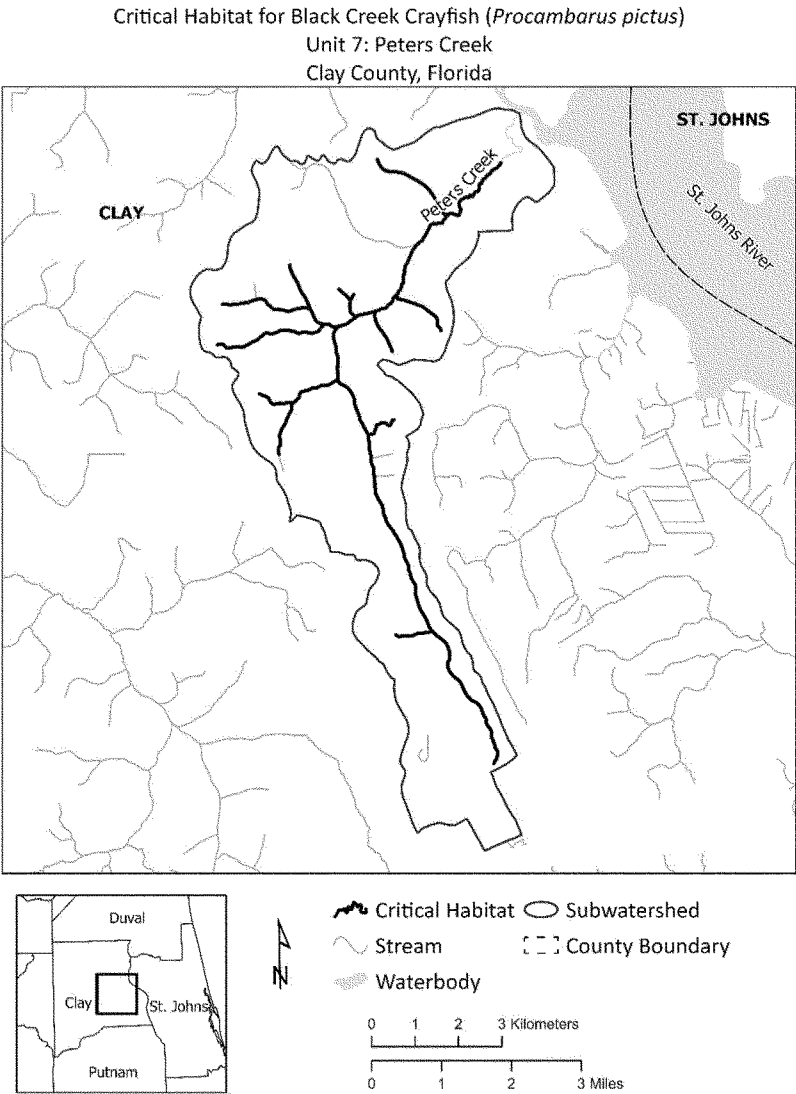
(12) Unit 7: Peters Creek; Clay County, Florida.

(i) Unit 7 includes 35.1 km (21.8 mi) of stream/river habitat in portions of Peters Creek and its tributaries within

the Peters Creek (HUC 12: 030801031102) subwatershed in Clay County, Florida. Riparian lands that border this unit are in private ownership.

(ii) Map of Unit 7 follows:

Figure 8 to Black Creek Crayfish (*Procambarus pictus*) paragraph (12)(ii)



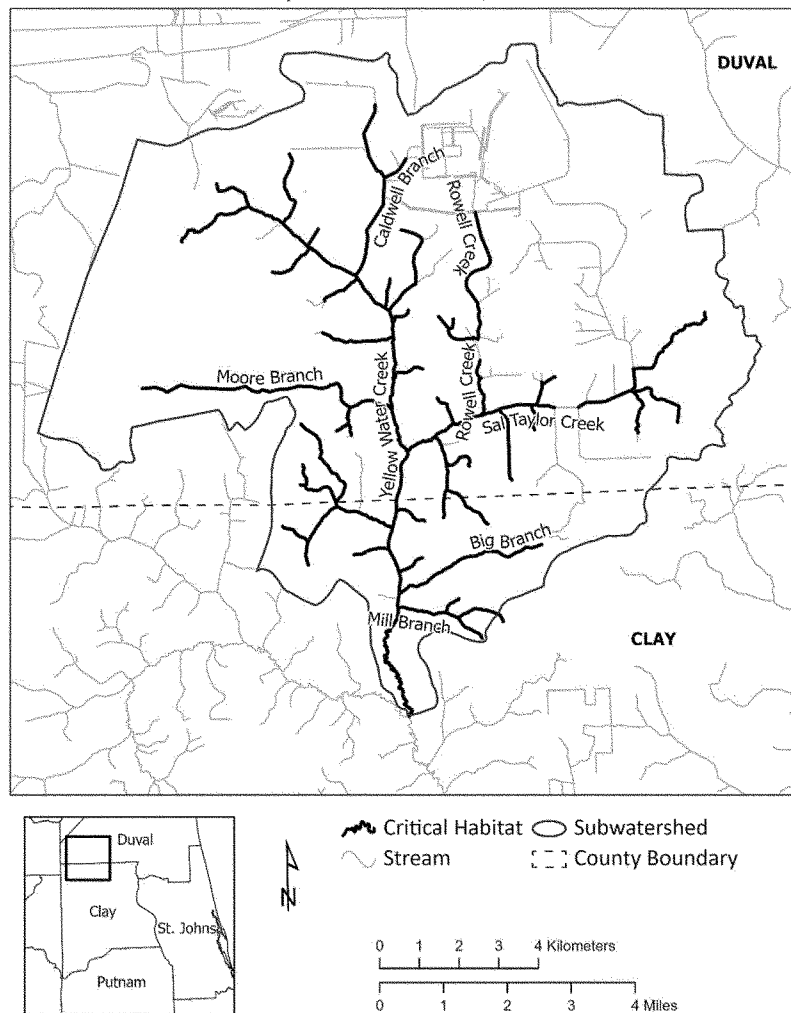
(13) Unit 8: Yellow Water Creek; Clay and Duval Counties, Florida.

(i) Unit 8 includes 92.5 km (57.5 mi) of stream/river habitat in portions of Yellow Water Creek and its tributaries within the Yellow Water Creek (HUC 12: 030801031003) subwatershed in Clay and Duval Counties, Florida. Riparian lands that border the unit are in State, local government, and private ownership.

(ii) Map of Unit 8 follows:

Figure 9 to Black Creek Crayfish (*Procambarus pictus*) paragraph (13)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Unit 8: Yellow Water Creek
Clay and Duval Counties, Florida



(14) Unit 9: North Fork of Black Creek; Clay and Duval Counties, Florida.

(i) Unit 9 includes 216.6 km (134.6 mi) of stream/river habitat in portions of the North Fork Black Creek, Dillaberry Branch, Grog Branch, and their

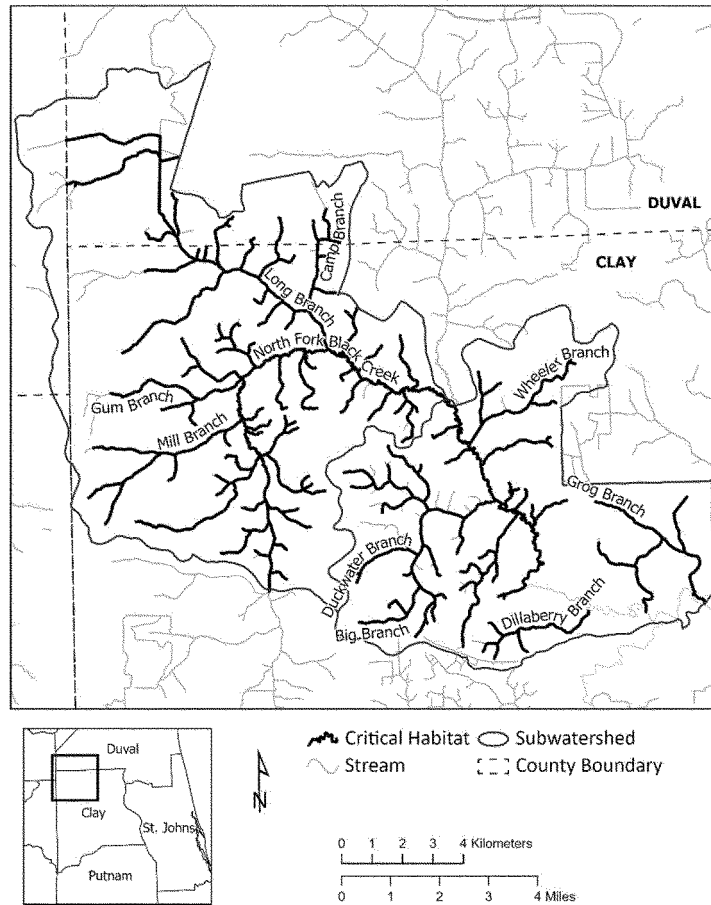
tributaries and other unnamed streams within the Upper North Fork of Black Creek (HUC 12: 030801031002) and Lower North Fork of Black Creek (HUC 12: 030801031004) subwatersheds in Clay and Duval Counties, Florida. Riparian lands that border the unit are

in State, local government, and private ownership.

(ii) Map of Unit 9 follows:

Figure 10 to Black Creek Crayfish (*Procambarus pictus*) paragraph (14)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
 Unit 9: North Fork of Black Creek
 Clay and Duval Counties, Florida



(15) Unit 10: South Fork of Black Creek; Clay County, Florida.

(i) Unit 10 includes 140.0 km (87.0 mi) of stream/river habitat in portions of the South Fork Black Creek and its tributaries and other unnamed streams

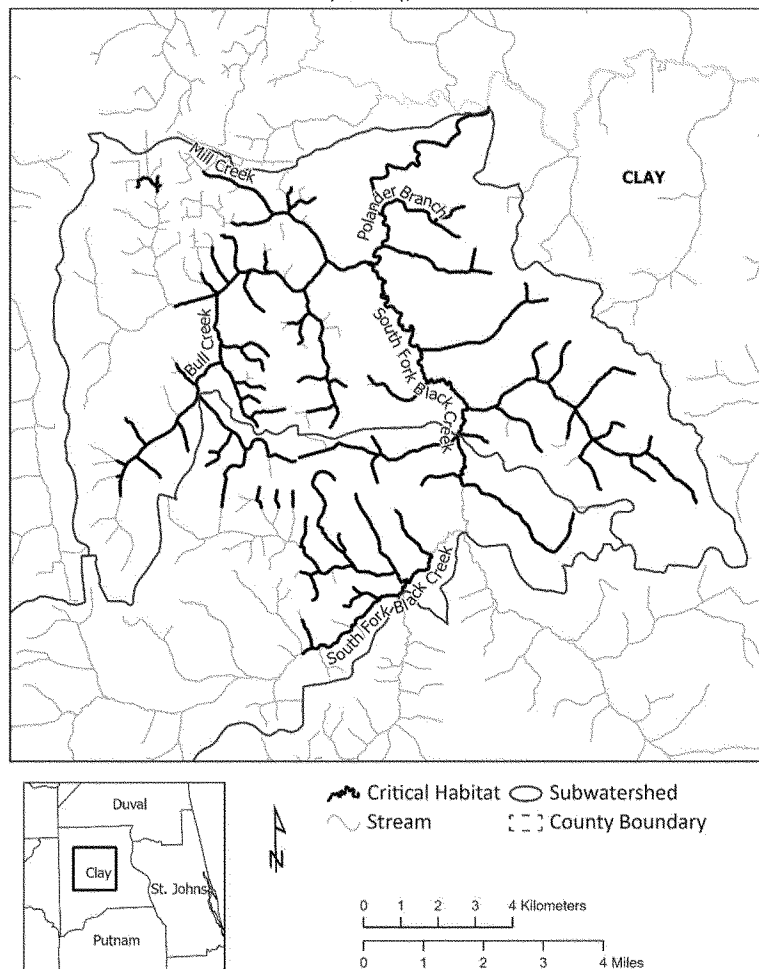
within the Upper South Fork of Black Creek (HUC 12: 030801030903) and Lower South Fork of Black Creek (HUC 12: 030801030904) subwatersheds in Clay County, Florida. Riparian lands

that border the unit are in State and private ownership.

(ii) Map of Unit 10 follows:

Figure 11 to Black Creek Crayfish (*Procambarus pictus*) paragraph (15)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
 Unit 10: South Fork of Black Creek
 Clay County, Florida



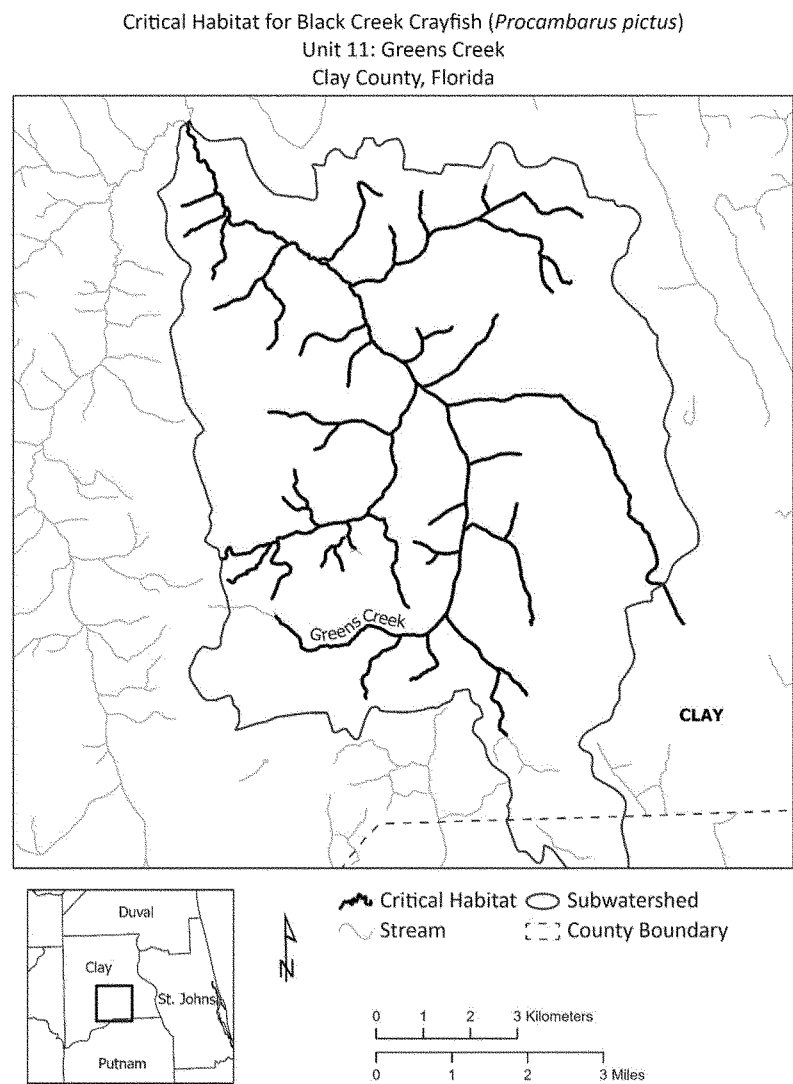
(16) Unit 11: Greens Creek; Clay County, Florida.

(i) Unit 11 includes 91.8 km (57.0 mi) of stream/river habitat in portions of Greens Creek and its tributaries within

the Greens Creek (HUC 12: 030801030902) subwatershed in Clay County, Florida. Riparian lands that border this unit are in private ownership.

(ii) Map of Unit 11 follows:

Figure 12 to Black Creek Crayfish (*Procambarus pictus*) paragraph (16)(ii)



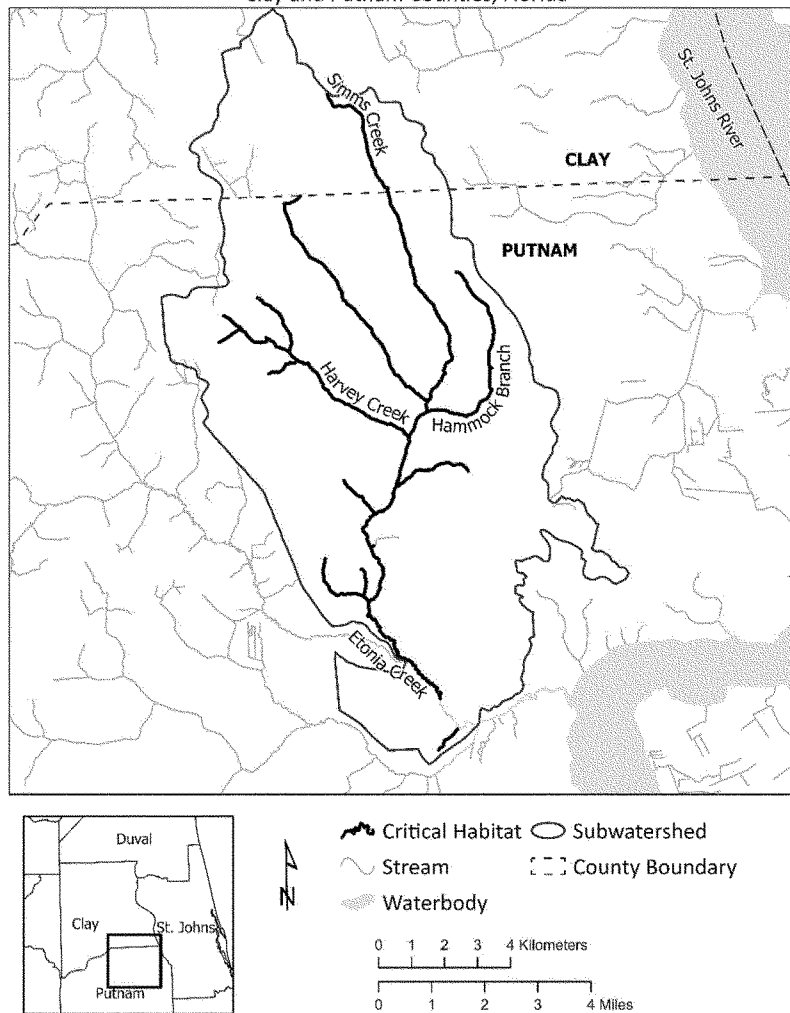
(17) Unit 12: Simms Creek; Clay and Putnam Counties, Florida.

(i) Unit 12 includes 58.1 km (36.1 mi) of stream/river habitat in portions of Simms Creek and its tributaries and other unnamed streams within the Simms Creek (HUC 12: 030801030603) subwatershed in Clay and Putnam Counties, Florida. Riparian lands that border this unit are in private ownership.

(ii) Map of Unit 12 follows:

Figure 13 to Black Creek Crayfish (*Procambarus pictus*) paragraph (17)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
 Unit 12: Simms Creek
 Clay and Putnam Counties, Florida



(18) Unit 13: Kingsley Lake; Clay County, Florida.

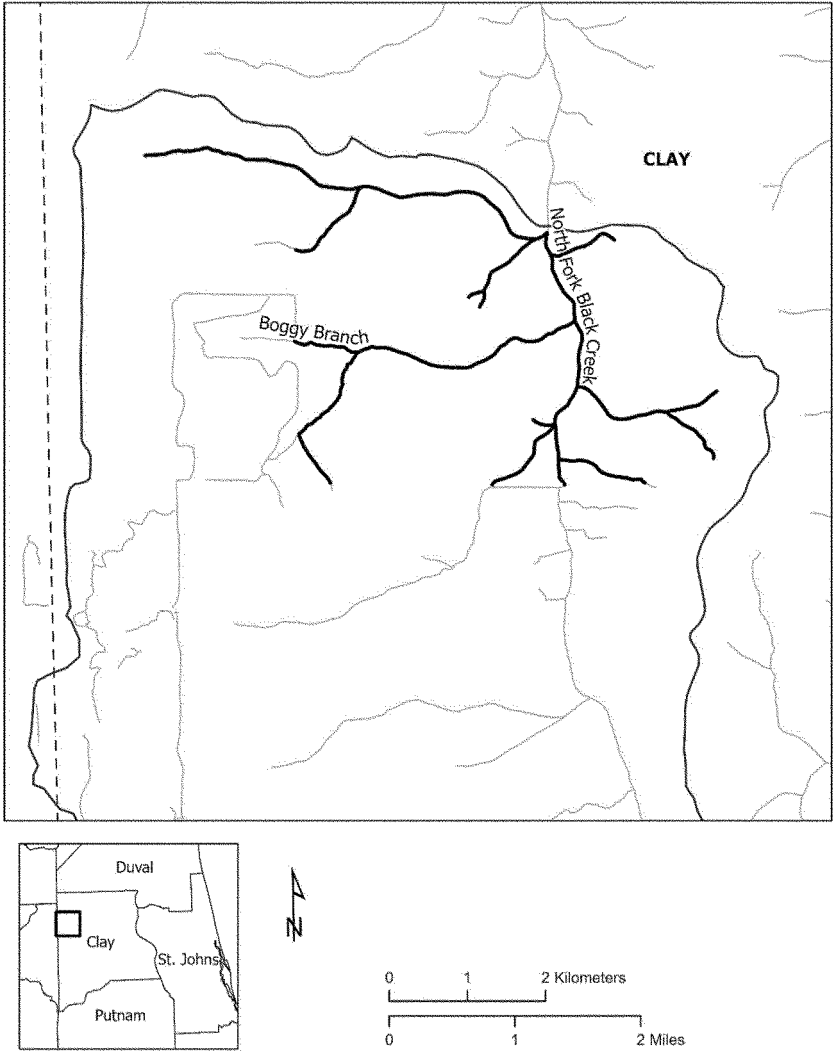
(i) Unit 13 includes 24.3 km (15.1 mi) of stream/river habitat in portions of the North Fork Black Creek and its tributaries and other unnamed streams

within the Kingsley Lake (HUC 12: 030801031001) subwatershed in Clay County, Florida. Riparian lands that border the unit are in State and private ownership.

(ii) Map of Unit 13 follows:

Figure 14 to Black Creek Crayfish (*Procambarus pictus*) paragraph (18)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Unit 13: Kingsley Lake
Clay County, Florida

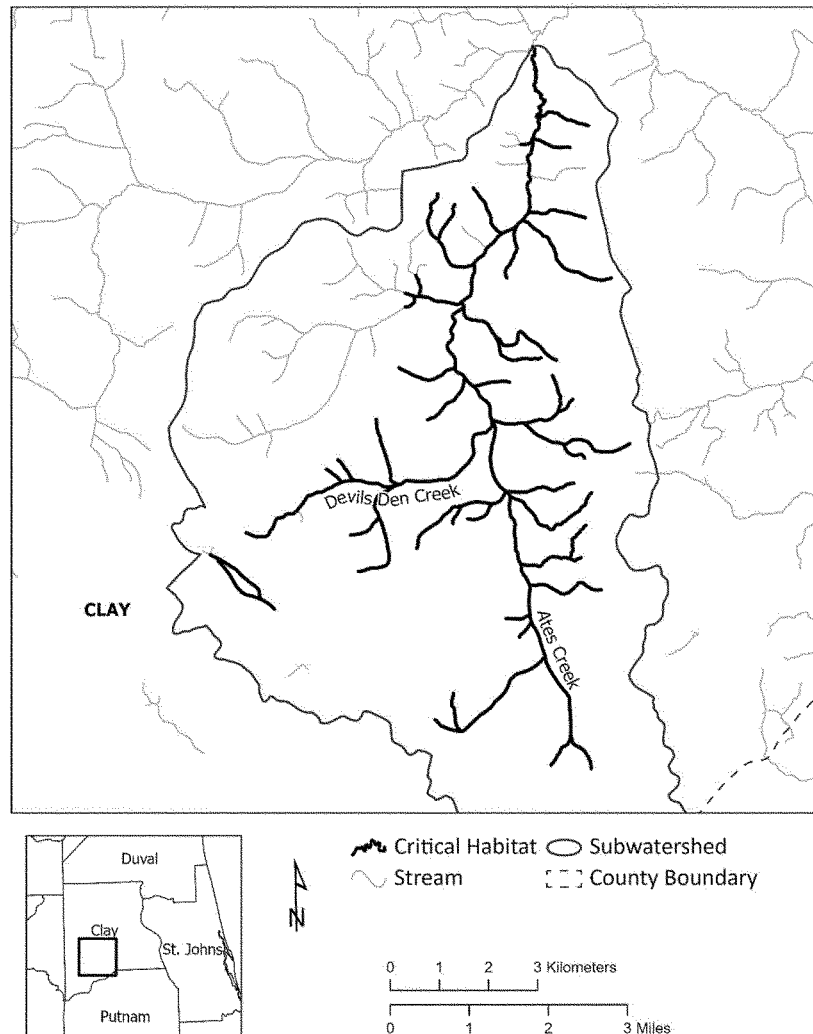


(19) Unit 14: Ates Creek; Clay County, Florida.
(i) Unit 14 includes 74.8 km (46.5 mi) of stream/river habitat in portions of the Ates Creek and its tributaries and other

unnamed streams within the Ates Creek (HUC 12: 030801030901) subwatershed in Clay County, Florida. Riparian lands that border the unit are in State and private ownership.

(ii) Map of Unit 14 follows:
Figure 15 to Black Creek Crayfish (*Procambarus pictus*) paragraph (19)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Unit 14: Ates Creek
Clay County, Florida



(20) Unit 15: Etonia Creek; Clay and Putnam Counties, Florida.

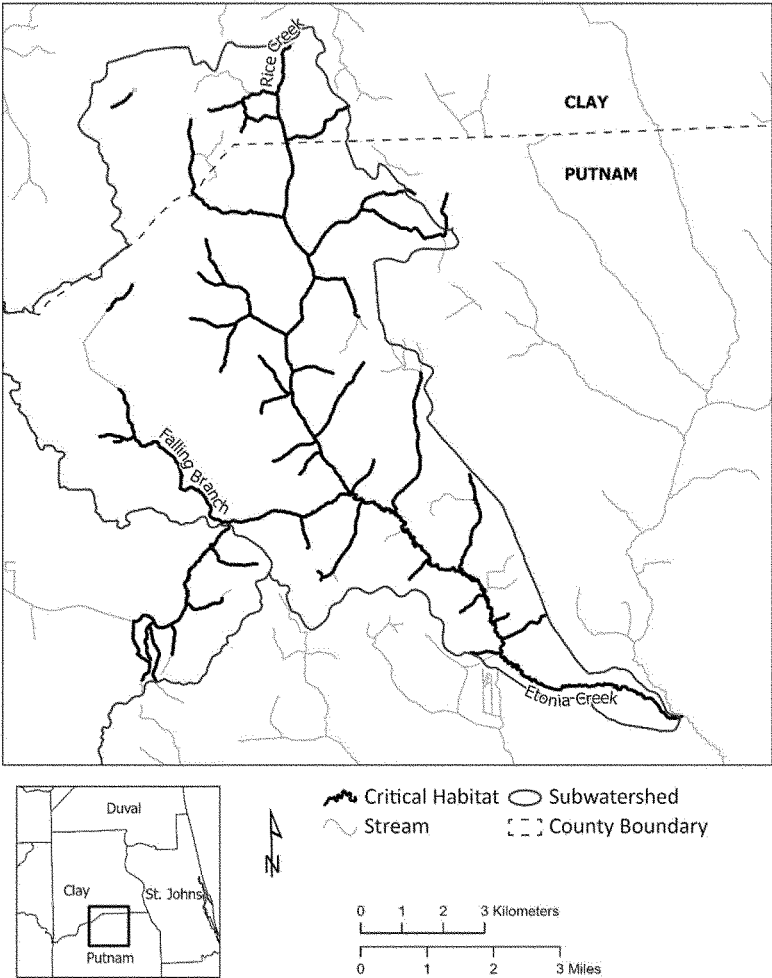
(i) Unit 15 includes 98.1 km (61.0 mi) of stream/river habitat in portions of the Etonia Creek and its tributaries and other unnamed streams within the

Lower Etonia Creek (HUC 12: 030801030601) and Upper Etonia Creek (HUC 12: 030801030504) subwatersheds in Clay and Putnam Counties, Florida. Riparian lands that border the unit are in State and private ownership.

(ii) Map of Unit 15 follows:

Figure 16 to Black Creek Crayfish (*Procambarus pictus*) paragraph (20)(ii)

Critical Habitat for Black Creek Crayfish (*Procambarus pictus*)
Unit 15: Etonia Creek
Clay and Putnam Counties, Florida



* * * * *

Martha Williams,
Director, U.S. Fish and Wildlife Service.
[FR Doc. 2024-20106 Filed 9-9-24; 8:45 am]
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Tuesday, September 10, 2024

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